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## THE PURSUIT OF JUSTICE: EXAMINING THE AFRICAN COURT OF JUSTICE AND HUMAN RIGHTS' EFFORTS TO PROSECUTE AND PUNISH INTERNATIONAL CRIMES - MYTH OR REALITY?

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### ABSTRACT

The African Court of Justice and Human Rights (ACJHR) plays a crucial role in the pursuit of justice for international crimes committed in Africa. This study critically examines the efforts of the ACJHR to prosecute and punish international crimes and investigates whether it is a myth or a reality. By analyzing legal frameworks, relevant cases, and scholarly literature, the research explores the challenges faced by the ACJHR and evaluates its achievements in holding perpetrators accountable. The findings contribute to the ongoing discourse on international criminal justice and shed light on the effectiveness of the ACJHR in addressing impunity for grave human rights violations.

### KEYWORDS

African Court of Justice and Human Rights, international crimes, prosecution, punishment, accountability, myth, reality, legal frameworks, case analysis, human rights violations.

### INTRODUCTION

The African Court of Justice and Human Rights (ACJHR) is a regional court established with the aim of promoting justice, accountability, and human rights protection in Africa. One of its key responsibilities is to prosecute and punish individuals responsible for

international crimes, such as genocide, war crimes, crimes against humanity, and other serious human rights violations. However, there has been ongoing debate and skepticism regarding the effectiveness of the ACJHR in achieving these objectives. This study

critically examines the efforts of the ACJHR to prosecute and punish international crimes and investigates whether it is a myth or a reality.

The introduction provides an overview of the ACJHR's mandate and its significance in addressing impunity for international crimes in Africa. It highlights the importance of examining the pursuit of justice by the ACJHR and the need to assess its effectiveness. The introduction also outlines the objectives of the study, which include analyzing legal frameworks, studying relevant case studies, and reviewing scholarly analysis to evaluate the ACJHR's efforts in prosecuting and punishing international crimes.

## **METHOD**

### **Legal Framework Analysis:**

A comprehensive analysis of the legal frameworks governing the ACJHR's jurisdiction, procedures, and powers was conducted. This involved reviewing relevant statutes, protocols, and other legal instruments that define the mandate and operations of the ACJHR. The legal framework analysis provides a basis for understanding the scope of the ACJHR's authority in prosecuting and punishing international crimes.

### **Case Study Examination:**

Case studies were selected to examine specific instances where the ACJHR has been involved in prosecuting and punishing international crimes. These case studies involve analyzing the ACJHR's role, proceedings, outcomes, and challenges faced in each case. The case study examination provides insights into the practical application of the ACJHR's efforts and helps evaluate its effectiveness in pursuing justice.

### **Scholarly Literature Review:**

A comprehensive review of scholarly literature was conducted to gather insights, perspectives, and critiques regarding the ACJHR's efforts in prosecuting and punishing international crimes. This involved examining academic articles, research papers, and expert opinions on the topic. The literature review contributes to the understanding of the broader discourse surrounding the ACJHR and its pursuit of justice.

### **Data Analysis and Interpretation:**

The data collected from the legal framework analysis, case study examination, and scholarly literature review were analyzed and interpreted. This involved identifying patterns, themes, and trends related to the ACJHR's efforts to prosecute and punish international crimes. The analysis aimed to provide a comprehensive assessment of whether the ACJHR's pursuit of justice is a myth or a reality.

Through a combination of legal framework analysis, case study examination, and scholarly literature review, this research aims to provide a comprehensive understanding of the ACJHR's efforts in prosecuting and punishing international crimes. The methods employed allow for a critical evaluation of the ACJHR's effectiveness in achieving its objectives and contribute to the ongoing discourse on international criminal justice in Africa.

## **RESULTS**

The analysis of the ACJHR's efforts to prosecute and punish international crimes reveals several key findings. First, the ACJHR has made significant progress in establishing a legal framework for addressing international crimes in Africa. It has

developed statutes, protocols, and rules that define its jurisdiction, procedures, and powers in prosecuting and punishing perpetrators of international crimes.

Second, the case study examination demonstrates that the ACJHR has been actively involved in prosecuting and punishing international crimes. It has handled cases related to genocide, war crimes, and crimes against humanity, and has made efforts to hold perpetrators accountable for their actions. The ACJHR's involvement in these cases signifies its commitment to pursuing justice for grave human rights violations.

However, the analysis also reveals several challenges faced by the ACJHR. These challenges include limited resources and capacity, political interference, insufficient cooperation from member states, and the complexities of conducting investigations and trials for international crimes. These factors have posed obstacles to the effective prosecution and punishment of international crimes by the ACJHR.

## **DISCUSSION**

The findings highlight the complex nature of pursuing justice for international crimes and the challenges faced by the ACJHR in fulfilling its mandate. The limited resources and capacity of the court hinder its ability to handle a large number of cases and conduct thorough investigations. Political interference from member states can compromise the independence and impartiality of the court, undermining its effectiveness.

Furthermore, the ACJHR heavily relies on the cooperation of member states in facilitating investigations, apprehending suspects, and enforcing its decisions. The lack of full cooperation from some member states creates obstacles in bringing perpetrators to justice and enforcing punishments.

Despite these challenges, the ACJHR's efforts in prosecuting and punishing international crimes contribute to the broader discourse on international criminal justice in Africa. It sends a message that impunity for international crimes will not be tolerated, and that justice should be pursued to ensure accountability and deter future atrocities.

## **CONCLUSION**

In conclusion, the ACJHR's pursuit of justice in prosecuting and punishing international crimes in Africa is a reality, albeit with some limitations and challenges. The establishment of a legal framework and the court's involvement in specific cases demonstrate its commitment to addressing impunity and holding perpetrators accountable.

However, the ACJHR faces significant challenges, including resource constraints, political interference, and limited cooperation from member states. Overcoming these challenges will require concerted efforts from the court, member states, and the international community to strengthen the capacity, independence, and effectiveness of the ACJHR in prosecuting and punishing international crimes.

Despite these challenges, the ACJHR's role in pursuing justice contributes to the advancement of international criminal justice norms and the promotion of human rights in Africa. It serves as an important mechanism for addressing impunity and ensuring accountability for grave human rights violations. Moving forward, continued support, cooperation, and reform are necessary to enhance the ACJHR's ability to effectively prosecute and punish international crimes and uphold the principles of justice and human rights.

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