

Abstract

Approach of African states towards International Criminal Court

This diploma thesis aims to depict in the most exhaustive manner the approach of the African states towards the institution of the International Criminal Court (hereinafter as “the Court”). To offer a better understanding of this complicated bond, in the first chapter, I intend to describe the basic characteristics of the Court - the process of its creation along with all the necessary historical background of such efforts, its purpose or mission, financing, the composition and administration of the Court as well as detailed analysis of the proceedings before the Court and its decision making.

The second chapter deals with brief introduction to other international criminal tribunals with jurisdiction in Africa and remarks on African Union, the most recognized international integration on the African continent.

Third chapter starts to explain the nature and development of the approach of the African states towards the Court which is marked mainly by the initial support to the idea of its creation and followed by a slow aggravation of the stance and loss of most of the support and co-operation primarily due to alleged narrow focus of the prosecution almost exclusively towards African nationals. There were certain attempts to reestablish the trust between the Court and the African states (often jointly represented by the African Union) although without any major progress.

Chapter four consists of a summary, including present status information, with regard to every case that has been tried before the Court or every investigation that has been held by the prosecutor of the Court so far.

Chapter number five outlines the main contentious points between the Court and the African states – i.e. prohibition of consideration of a public office, lack of co-operation of the African states with the Court, ad hoc tribunals better reflect local specifics, infringement upon judicial power of a sovereign state, politicized Court and financing of the Court.

The sixth chapter concludes with a future insight and reveals possible ways to restore trust and a functioning collaboration between African states and the Court.