

# Contemporary International Criminal Law Issues

Takeh B. K. Sendze · Adesola Adeboyejo ·  
Howard Morrison · Sophia Ugwu  
Editors

# Contemporary International Criminal Law Issues

Contributions in Pursuit of Accountability for  
Africa and the World



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# Foreword

Diversity is the panacea for academic inertia. The political and legal climate that existed in 1789 when Jeremy Bentham coined the term international law is much different from the political and legal climate of today's world. International law, whether further disaggregated into public international law or private international law, has found large-scale acceptance. However, that is not to say that it is perfectly settled. There is still debate about subjects such as whether there should be a hierarchy of founding jurisdiction. Is territorial jurisdiction superior to jurisdiction founded in active personality? Is passive personality an accepted principle or does universal jurisdiction stand above them all? What is the difference between the practical prosecution of genocide and extermination as a crime against humanity? When should they be charged? These questions exist and demand an answer which is best discussed before atrocities happen. This then is the reason that I started this foreword by saying that diversity is the panacea for academic inertia. It is important to provide a space for voices to be heard, spoken, written and read.

This seminal book puts together interesting, well-researched and sometimes disparate chapters from authors from varying backgrounds. It reflects the work of practitioners, prosecutors, professors, activists and lawyers. It is composed of people who have worked in and still work in the milieu of international criminal law and whose opinions should be listened to.

In delving into issues deeply and from different points of view, the authors expose the readers to opinions on such topics as the intricacies of the use of universal jurisdiction, the normative standards of genocide, the processes of the International Criminal Court and the legacy of the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the former Yugoslavia.

It may be that there are opinions expressed here that a reader may not agree with, that is acceptable. The important thing is to keep the discourse alive. It is to continue to light a beacon; to raise awareness about international criminal law and how its breaches continue to affect the course of humanity.

The Hague, The Netherlands  
June 2022

Judge Althea Alexis-Windsor

# Preface

The Board and Management of the Centre for African Justice, Peace and Human Rights (CAJPHR) would like to thank all the members of our esteemed organization, in particular the members of the Capacity Building Team, for accomplishing this book project.

The Capacity Building Team at CAJPHR was established with the mandate of producing and disseminating knowledge in International Criminal Law (ICL) through diverse means including research and book publication. The CAJPHR book project is thus intended to serve as a capacity-building tool to educate and empower ICL researchers, practitioners and other stakeholders involved in preventing mass atrocity crimes and bringing justice to victims of such crimes.

The idea of publishing a book titled ‘Contemporary Issues in ICL’ was endorsed at one of CAJPHR’s general meetings a few years ago, when CAJPHR members decided to commence working on this ICL book project as a way of urgently contributing to some ongoing pertinent academic debates on ICL. At this meeting, the team agreed to limit the focus of the proposed book to various aspects of ongoing academic and policy-related discourses pertaining to ICL in Africa. However, following consultations and research conducted at the planning stage of the book project, the team decided to broaden the focus of the book to include debates on various aspects of ICL in Africa and around the world, in order to ensure a wider platform for scholarly reflection and knowledge sharing.

To achieve this, CAJPHR consulted and collaborated with researchers who have gained experiential knowledge of ICL from an academic and practitioner’s perspective to produce the present book titled ‘Contemporary International Criminal Law Issues—The Pursuit of Accountability for Africa and the World’. As the chapters in this book depict, readers will be immersed in International Criminal Law through contributions dealing with various aspects of ICL both in theory and in practice.

At this stage, words cannot describe how much I value the opportunity to have worked closely with my colleagues in the Capacity Building Team, including Rishi Taneja, Marvin Lindjer, Marianne Allam, Ines Nunes, Eden Shosanya, Gabriela Pedroso, Crystal Lam, Catia Trevisani, Alba Montes Reguero, Ingrid-Ioana Murariu, Witness Gerald Airo, Maela Anna Ruiz Le Moing and Suliyat Omotolani Olapade.

Their administrative, technical and research support, together with their commitment to the mandate of our organisation, contributed to bringing this project to a smooth conclusion despite the challenges caused by the COVID-19 pandemic which struck right in the middle of the project.

Gratitude is also extended to the chapters' authors who invested so much in researching, drafting and revising the chapters, despite the many other demands of their personal and professional lives. We look forward to engaging them further in round table discussions on their specific topics.

Additional appreciation goes to all the editors and the author of the foreword for their outstanding assistance at the different stages of the production of this book. Their wealth of experience and commitment brought the book to its successful completion.

Finally, we must express our appreciation to everyone on our publishing team who believed in us and worked extensively to bring out the beauty of our work. We relied on their guidance, and they were ever-patient and supportive throughout the entire process, bringing us right to this moment of sharing with the world 'Contemporary International Criminal Law Issues—The Pursuit of Accountability for Africa and the World'.

The Hague, The Netherlands  
June 2022

Sophia Ugwu  
Founder of the Centre for African  
Justice, Peace and Human Rights

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# Editors and Contributors

## About the Editors

**Takeh B. K. Sendze** is a Cameroonian lawyer who received an LL.B. Honours degree from the University of Buea, Cameroon, in 1999 and an LL.M. in International Law from the University of Hull, UK, in 2002. He is an advocate of the New York State (USA) and Cameroon Bar Associations. He is currently a Legal Officer with the Office of the Prosecutor at the United Nations International Residual Mechanism for Criminal Tribunals, with almost two decades worth of professional experience in the fields of International Law, International Humanitarian Law, International Criminal Law/prosecution and International Human Rights. He is an experienced public speaker, trainer, mentor, guest lecturer and community leader.

**Adesola Adeboyejo** graduated with an LL.B. from the University of Ibadan and was called to the Nigerian Bar in 1989. She has worked in the field of international law, international humanitarian law, international prosecution, and investigations for over two decades, most recently at the International Criminal Court, where she worked first at the Registry and later at the Office of the Prosecutor. Prior to joining the Court, she worked on several cases as a Trial Attorney in the Office of the Prosecutor at the International Criminal Tribunal for Rwanda (ICTR) from 2001 to 2007, and as a Legal Adviser in the Investigations Division from 1999 to 2001. She has served as the Legal Secretary to African Concern, an international NGO (1998), and ran her own law firm out of Lagos, Nigeria (1995 -1998). She lectures regularly and has been both a panel 21 presenter and trainer at the annual ICC Seminar and Training for Counsel. She is currently a Secretary at the Centre for African Justice, Peace and Human Rights.

**Howard Morrison** (Sir Howard Morrison) KCMG CBE KC graduated with an LL.B. from London University and practised as a barrister and Queens Counsel of Grays Inn, of which he is a Master of the Bench, from 1977 until being appointed as a Circuit Judge in 2004. He defended in war crimes and crimes against humanity

cases including genocide from 1997 to 2004 at the UN Tribunals for the Former Yugoslavia and Rwanda. From 2009 to 2021, he served as a judge of the Special Tribunal for Lebanon, the International Criminal Tribunal for the Former Yugoslavia (where sat as a trial judge in the case of Radovan Karadzic) and the International Criminal Court where he served two terms as President of the Appeals Division. He is a Senior Fellow of the Lauterpacht Centre for International Law of Cambridge University, a Visiting Professor of Northumbria University, a Hon Professor at both Leicester and Warwick Universities and a Fellow of McLaughlin College at York University in Toronto. He was appointed a Hon. LL.D. by Leicester University. He lectures worldwide in International Criminal and Humanitarian Law. He has authored numerous legal judgments and articles.

**Sophia Ugwu** is the Founder and Board Chairperson of a Non-Profit Organization based in the Netherlands, known as and called the Centre for African Justice, Peace and Human Rights. She is a lawyer called to practise at the Supreme Court of Nigeria, and she obtained her LL.M. from Erasmus University Rotterdam. Sophia has gained over 13 years of dynamic and varied legal experience working in diverse capacities at international and domestic jurisdictions. She has interned and worked at different institutions including the International Criminal Court, the Residual Special Court for Sierra Leone and the International Criminal Tribunal for the Former Yugoslavia. Following her interest in the development of international criminal justice and the pursuit of accountability for atrocity crimes in Africa, Sophia founded CAJPHR, creating an intellectual platform for extensive scholarly research and dialogue on atrocity crimes and international criminal justice-related matters.

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