

THE ROLE OF INTERNATIONAL CRIMINAL COURT IN MAINTAINING A GLOBAL PEACE CLIMATE¹

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ABSTRACT: *An approach to the meaning of Peace and Justice as seen from the perspective of the International Criminal Court. Once the International Criminal Court has started to operate in 2002, we have seen a remarkable reconciliation amongst peace and security and global justice.*

As the I.C.C. is an autonomous and legal establishment, we cannot talk at first sight about the interests of peace, which is the order of different organizations, for example, the United Nations Security Council.

The problematic of discussion about peace versus equity or peace over equity is an evidently false decision. Peace and equity are two sides of a similar coin. The way to peace ought to be viewed as running by means of equity, and in this manner peace and equity can be pursued after at the same time.

The International Criminal Court comes a bit nearer to examining war crimes in Afghanistan. The Prosecutor of the International Criminal Court (ICC), Fatou Bensouda, declared on November 3, 2017 that she has chosen to ask for approval to examine violations perpetrated regarding the armed conflict in Afghanistan. What does this mean in terms of choosing global peace ?

KEYWORDS: *Peace; justice; International Criminal Court; Afghanistan investigation.*

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1. INTERNATIONAL JUSTICE AND DIPLOMACY

In contemporary utilization, diplomacy alludes to all types of communications, interconnections, and negotiations in worldwide relations to progress the interests of a given state, as well as the desires of its subjects. In formal multilateral settings and stages, diplomacy looks to join states around shared qualities and interests, and utilize standards, intervening procedures, and structures to guard for contending intrigues prompting violence. (Jonsson, 2002, pp. 54-60)

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In the 21st century, the borders of state diplomacy are clear. With such huge numbers of the drivers of conflict being transnational in beginning and effect, and taking up arms and directing diplomacy no longer the sole protect of states, different adjustments to conventional diplomacy have risen.

From a diplomacy for peace point of view, working back peace after conflict, peace-building is imagined as a procedure of distinguishing, reestablishing, and reinforcing a general society's ability to resolve conflict in peaceful ways.(Fernandez, 2018, pp. 20-31)

Even with emergencies including mass crimes, the European Union and its partners are carried out both to ending violence and to considering answerable those most in charge of war crimes. By and by, particularly given the constrained capacity and readiness of outside forces to connect with the profound underlying foundations of inside conflicts in third nations, strains between the destinations of peace and justice frequently emerge. In the meantime, the International Criminal Court (ICC) is attempting to combine its remaining despite conflicting state co-task, and the reason for worldwide equity is under assault.(Dworkin, 2014, pp. 9-13)

It is fundamental that the EU and its partners build up a way to deal with the utilization of equity components in the reaction to severe conflict that expands the conveyance of peace and responsibility and gives the best establishment to the future improvement of worldwide peace.(Martucci, 2017, pp. 76-89) This report proposes a few rules for future approach in light of a methodical investigation of past encounters of seeking after peace during active conflicts. (Perkins, 1998, pp. 24-34)

Numerous supporters of worldwide justice trust that it ought to be judged not as indicated by its effect on current conflicts but instead on its commitment to the more drawn out term target of advancing the rule of law. Be that as it may, the objective of a world where the individuals who submit crimes can dependably hope to be conveyed to justice is a removed one. The United Nations Security Council (UNSC) is influenced by political contemplations in alluding circumstances to the ICC, and state bolster for global courts has been conflicting. States may wish to work towards the objective of exemption, yet they cannot avoid from defying the complexities of justice and peace for the time being. All conflict circumstances are different and one must be wary in making direct correlations between them. All things considered, some expansive conclusions rise up out of the contextual investigations inspected in this task. There is little motivation to feel that the presentation of worldwide courts amid conflict bears instrumental benefits, for example, preventing further crimes or minimizing lawbreakers, particularly when those responsible for atrocities hold leading positions in decision administrations or non-state armed groups. Peace understandings have been finished up in circumstances where courts have ward.(Dworkin, 2014, pp. 15-18)

In different cases, there is some proof that the association of courts has been an obstruction to an arranged end to conflict. However, similarly regularly, outside states manage the strains they see amongst peace and justice by neglecting to offer courts the help they look for. States utilize non-collaboration as a sort of wellbeing valve when different interests and goals are in question. As Western states have lost their sense of duty regarding – and confidence in – long haul helpful mediation, they progressively hope to arrangements in which the requests of equity are not given need. As opposed to a paired strain amongst peace and equity, there is frequently a triangular condition between peace, equity, and the borders of international commitment.

2. ADDRESSING PEACE AND JUSTICE

Once the International Criminal Court has started to operate in 2002, we have seen a remarkable reconciliation amongst peace and security and global justice.

The I.C.C. Office of the Prosecutor is examining and indicting cases in eight circumstances - Uganda, Democratic Republic of Congo, Central African Republic, Darfur, Kenya, Libya, Ivory Coast and Mali. The Office has likewise made a generous commitment to worldwide peace and security by proactively gathering data and observing circumstances under preparatory examination, incorporating those in Guinea, Georgia, Colombia, Honduras, Korea, Nigeria and Afghanistan.

However in spite of this, we reliably hear voices addressing whether culprits of wrongdoings against mankind, atrocities and genocide ought to dependably be prosecuted. The following question has for some time been asked: "Peace or Justice?" Might we make progress toward peace no matter what, giving up equity in transit, or should we warrior on in the interest for equity to end impunity? (Fernandez, 2018, pp. 290-314)

Past arrangements have done recently that: peace instead of justice. However history has shown us that the peace accomplished by overlooking justice has for the most part been fleeting, and the cycle of violence has proceeded unabated.

As the I.C.C. is an autonomous and legal establishment, we cannot talk at first sight about the interests of peace, which is the order of different organizations, for example, the United Nations Security Council.

Be that as it may, justice can positively affect peace and security: this is the thing that the U.N. secretary general, Ban Ki-moon, calls the "Shadow of the Court" - its safeguard part, and its ability to diffuse possibly tense circumstances that could prompt viciousness by setting an unmistakable line of responsibility. History will judge how the shadow of the I.C.C. may have added to quiet decisions in Kenya. Different voices say the I.C.C. is an impediment to peace. This is limited and childish. Despite what might be expected, on the off chance that anything, the "Shadow of the Court" has disconnected people needed by the I.C.C., or to begin arrangements. (Schuerch, 2017, pp. 67-75)

Blackmail or brilliant outcasts are never again the approaches to accomplish maintainable peace. In the event that the worldwide group is to move in the direction of enduring peace, critics must inquiry why peace had demonstrated subtle in a nation, for example, Uganda some time before these warrants were issued.

The part of the I.C.C. has never blocked or put a conclusion to any peace procedure. While we ought not to assume that warlords are judicious performing artists, and that each circumstance will be the same, the Court's effect on peace as of not long ago has been noted, and has ended up being a spur to activity. The lesson learned from history is that responsibility and the control of law have been perceived as essential preconditions to give the structure to shield people and countries from massive atrocities, to promote peace and universal security, and to manage crises. Not exclusively was prosecuting violations seen as fulfilling originations of essential equity, yet in addition as a way to keep their execution. (Jennings, 1986, pp. 43-48)

The problematic of discussion about peace versus equity or peace over equity is an evidently false decision. Peace and equity are two sides of a similar coin. The way to peace ought to be viewed as running by means of equity, and in this manner peace and equity can be pursued after at the same time.

The pursuit of justice, regardless of whether it be through national or global prosecutions, and the pursuit for peace, whether it be through truth and peace arrangements, can, and should, cooperate. They ought not be viewed as oppositional, not choices, but rather correlative.

All performing artists associated with circumstances where mass crimes have assumed or are taking position - whether they are legal establishments, middle people, peace moderators, political leaders, common society - have a significant part to play, refining their techniques, adjusting to the legal limits, and organizing their endeavors to guarantee a far reaching and dependable peace. (Law, 1933, pp. 21-34)

The Prosecutor Office of International Criminal Court will keep on working hard to guarantee equity for the victims and responsibility for the perpetrators, and to add to the prevention of future violations.

3. JUSTICE AND ITS IMPORTANT ROLE IN KEEPING UNIVERSAL PEACE AND SECURITYThe actions taken of the International Criminal Court (ICC) in progressing and dynamic conflicts have situated this organization to the level of a player in worldwide legislative issues. In any case, since the entry into power of the Rome Statute in 2002, the quest for responsibility for international crimes has been involving heated arguments. Two issues have moved toward becoming interlaced since the 2000s: from one viewpoint, the formation of specialized international tribunals and later the ICC and the resulting advancements in international criminal justice; on the other, the way that in a similar period most armed conflicts have been finalized through arranged procedures. (Schuerch, 2017, pp. 13-18)

Is it conceivable to seek for justice at the same time as for peace? Does this mean to make a compromise? Should justice hold up until the point when peace is consolidated? These debates catch the meaning of the "peace versus justice". In this civil argument, positions have frequently been arranged at the extremes. For a few, peace isn't conceivable without equity, both can be pursued at the same time and those in charge of international crimes must be considered responsible for their acts. For others, ventures to have justice can put peace in question by arranging the individuals at the negotiating table - justice must be overlooked or put off until the point when peace is steady. (Perkins, 1998, pp. 19-25)

4. INTERNATIONAL CRIMINAL COURT EXAMINATION IN AFGHANISTAN AND ITS MEANINGThe International Criminal Court comes a bit nearer to examining war crimes in Afghanistan. The Prosecutor of the International Criminal Court (ICC), Fatou Bensouda, declared on November 3, 2017 that she has chosen to ask for approval to examine violations perpetrated regarding the armed conflict in Afghanistan.

The Afghanistan circumstance has been under preliminary examination by the Office of the Prosecutor of the ICC since 2006. In her demand for the Pre-Trial Chamber to approve an examination, the prosecutor said that there is a "sensible premise" to think crimes against humanity and war crimes have been perpetrated by the Taliban and Haqqani Network, while atrocities of torture and abuse have been submitted by Afghan government forces and the U.S. military forces sent to Afghanistan. (AAN Team, 2017)

In its most recent report of preparatory examination exercises, distributed in November 2016, the Office of the Prosecutor inferred that it would soon ask for the Pre-Trial Chamber to initiate its examination concerning the circumstance in Afghanistan. Following the arrival of the report, the Afghan government contended that the demand to open an ICC examination would derail the continuous peace talks with Hezb-I-Islami. Kabul proposed the demand be deferred for no less than one year so the peace arrangement could be finished up, and demonstrated Afghanistan would then be set up to coordinate completely with the Court. After a year, now that the prosecutor has asked for approval to open an examination and a Pre-Trial Chamber of the Court has been appointed to settle on the issue, the presumable implications for peace in Afghanistan need to be tended to.

Afghanistan consented to the ICC statute on February 10, 2003, and the Court has jurisdiction over war crimes, violations against humanity, and the crime of genocide submitted in the region of Afghanistan or by its nationals since May 1, 2003. The Afghan government, when it proposed a postponement in asking for the opening of an examination, introduced the view that peace should come first, and that an examination will block peace negotiations. Then, the Office of the Prosecutor, in its 2016 cover preparatory examination exercises, expressed that opening an examination is in light of a legitimate concern for justice.

Analysts are separated over the implications of the ICC examinations for peace in Afghanistan. What is clear is that if the fear of possible indictment by the ICC is approaching, the leaders of armed groups will delay to sign a peace bargain. In this manner, in the event that we characterize peace as the end of violence (negative peace), the ICC examination can possibly draw out a conflict. In any case, on the off chance that we consider peace as a reasonable condition of peacefulness and equity for everybody (positive peace), the ICC examination will be a positive development, as it will add to completion exemption, which is basic for a maintainable peace and guaranteeing justice. (Schuerch, 2017, pp. 89-123)

Should the Pre-Trial Chamber approve the prosecutor to open an examination in Afghanistan, the examination will affect the peace endeavors with the Taliban, as they have, as indicated by the Office of the Prosecutor, perpetrated crimes against humanity and atrocities. At first look, obviously the Taliban leaders who will be summoned by the Court would be hesitant to arrange and sign a peace deal as they will fear being captured and removed to the Court. However, in the event that we watch farther, the positive effects that accompany an examination are far enduring and effectively exceed the likelihood of some Taliban leaders' additional hesitance toward negotiation.

An ICC examination and arrest warrants could delegitimize the Taliban leadership, which from one perspective may deny them of public support, and, then again, would make it difficult for third states to keep harboring and supporting them. Moreover, an examination will have a deterrent impact, pushing those leaders who are not summoned to fear the results of their acts as they will understand that there is a body considering them responsible. That could bring about these leaders denying violence and going to the negotiation table. At last, the ICC examination will add to ending the culture of exemption and giving justice to victims, which are fundamental to the foundation of a fair society and supporting peace in the nation. (AAN Team, 2017, pp. 11-18)

CONCLUSIONS

The implications of the International Criminal Court (ICC) in progressing and active conflicts have lifted this organization to the level of a player in worldwide legislative issues. Inquiries which catch the interest of the "peace versus equity" discuss are: Is it possible to seek after justice and peace at the same time? Justice should wait until peace is secured? The quest for justice, regardless of whether it be through national or worldwide prosecutions, and the quest for peace, whether it be through truth and peace negotiations, can, and should, cooperate. They should not be viewed as oppositional, not options, but rather integral.

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