

Impunity in International Criminal Justice

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ABSTRACT

This article discusses impunity in the framework of international criminal justice. In this respect, impunity is protection from accountability for perpetrators of atrocities- war crimes, crimes against humanity, and genocide . History stands witness to how any absence of accountability does anything other than undermine justice, with the cycle of violence remaining unabated. The paper, therefore, will attempt to underline the dimensions of impunity by adopting a qualitative approach, the review of mechanisms developed with a view to addressing it, and finally mention certain case studies such as Rwandan, Yugoslavia War, Syria and Myanmar as illustrations of the challenges faced by international justice systems in ensuring accountability. Major themes of discussion will revolve around the role of international legal frameworks, influence of state sovereignty, and geopolitical interests. It concludes with ways to enhance accountability, pointing out that civil society is important for the concerns of victims' rights and reparations. Thus, essentially, full stop to impunity can only be attained when sustainable peace and justice turn out to be a reality in the international community. Also In order for accountability to be strengthened, it will be important that international cooperation and the support mechanisms for civil society are stepped up to monitor human rights violations and advocate for justice.

1. Introduction

Impunity is among those serious barriers that hamper the realization of justice and accountability in favor of victims of grave international crimes. It has been defined as an act of not investigating and prosecuting perpetrators and bringing them to account before the law. In various forms and dimensions, impunity spreads from individual victims to larger structures of society. Impunity erodes the rule of law, promotes a culture of violence, and perpetuates human rights violations during and in the aftermath of conflicts. The complexity of impunity therefore demands profound understanding in devising strategies against impunity, in view of the fact that international mechanisms of criminal justice address such heinous acts as war crimes, crimes against humanity and genocide,.

Impunity is multilayered, having legal, social, and political frameworks. Impunity may be theoretically understood either as an exemption of prosecution for the perpetrators of grave crimes due to inefficiencies in national legal systems, or as impunity in cases where the international mechanisms cannot intervene effectively (Haldemann & Unger, 2021, p. 223). Impunity can socially reify the conditions rendering victims helpless and voiceless, with the result of perpetuating a culture of silence in regard to human rights violations. This dynamic, in a politically relevant relation to state sovereignty and political will, may be the most determining factor in whether offenders are held accountable, insofar as powerful states protect their friends from prosecution or often subjugate justice to geopolitical interests (Engle et al., 2016, pp. 15).

A number of legal regimes underpin international criminal justice, and most prominently, the Statute of Rome. The latter created the International Criminal Court (ICC) as a permanent body tasked with trying natural persons for the most serious international crimes. Complementarity in the Rome Statute defers to national judiciaries being in the lead, intervening only when the states are unable or unwilling to prosecute offenders themselves (Schabas, 2010, p. 112). Other ad hoc tribunals have also contributed in important ways to deal with issues of impunity, such as the International Criminal Tribunal for the former Yugoslavia (ICTY) and the

International Criminal Tribunal for Rwanda (ICTR). This just goes to show that each conflict will vary and requires different approaches.

Despite these mechanisms being created, a number of issues, which prevent the pursuit of international criminal justice in many cases substantially, remain. These include but are not limited to lack of political will, collection of evidence as well as protection of witnesses-all factors that may considerably impede prosecutions. The powerful state and geopolitical interest also often interferes with individual accountability efforts (Baker et al., 2020, p. 605). Furthermore, effectiveness and legitimacy of these mechanisms depend on the view of international justice that comes from the media representation of it, as well as societal perceptions.

The paper consequently looks into the following research question: To what extent, and how, do international mechanisms of criminal justice overcome impunity, and what are the factors that circumscribe their success? It is intended as a critical evaluation of how well the mechanisms can meet the goal of accountability in international crimes and point to challenges that still persist. This research adopts a qualitative approach of an extensive literature review complemented by detailed case studies on both successful and unsuccessful efforts against impunity. The study shall, therefore, provide ways and strategies in which the international legal frameworks can be strengthened.

2. The Concept of Impunity

Impunity, as a definition stemming from the Latin "impunitas," presupposes an absence of responsibility and punishment for elements considered contrary to legal constraints, above all in the realms of human rights and international law. It is one of the most sensitive challenges facing humanity today and involves not just a number of criminals, perpetrators of serious crimes, getting away from justice but also fosters a climate of violence in which the rule of law and confidence in such institutions by society are systematically undermined (Robertson, 2005, p. 649).

Impunity can be understood from many dimensions, including the legal, the social, and the political. Legally, it means impunity accorded to perpetrators of heinous crimes, such as war crimes, crimes against humanity, and genocide . Legal impunity

emanates either from a lack of proper legislative frameworks or corruption in judicial mechanisms, or even political pressures that impede justice application (Bassiouni, 2014, p.78). Where states are unwilling or unable to prosecute offenders themselves, it sends an implicit message that international law can be violated with impunity.

The result is a kind of social environment characterized by silence and fear. Victims and witnesses may be deterred from coming forward about crimes committed against them because of threats from perpetrators of retaliation or stigma in society. In cases where impunity dominates, individuals may lose all faith in the rule of law and legal institutions, normalizing violence and human rights abuses (Khawwaja & Adhikari, 2024, p. 222). This social dimension brings to the forefront how impunity may have far-reaching consequences for the confidence of the public in and engagement with civic life.

Politically, impunity emanates from a power relationship where those powerful and influential men in society tend to use their positions to get away with crimes. For instance, in most authoritarian regimes, the leaders may commit systematic human rights abuses and escape punishment since they have in control of the state machinery (Ruggiero, 2021, p. 3). The geopolitical interests that juxtapose lack of political will in pursuing justice cements impunity further. Powerful states would invoke immunity to protect their allies from accountability as a more vital interest than political or economic alliances.

Impunity has often been associated with heinous international crimes, such as war crimes, crimes against humanity, and genocide. War crimes consist of serious violations of the laws and customs of war, such as intentionally attacking the civilian population or using prohibited weapons. It is under international treaties, such as the Geneva Conventions, that these are defined (International Committee of the Red Cross, 1949).

Crimes against humanity are defined as those widespread or systematic attacks against the civilian population where crimes can include enslavement, extermination, and torture. What is different from war crimes is that these acts may happen outside of armed conflict, and a minimum number are invested with a systematic nature (Gerhard & Florian, 2020, p. 373). The continuing conflict in Syria

painfully exemplifies the commission of crimes against humanity, as widespread killings and torture on the part of state and non-state actors alike continue to be documented amidst an overall sense of complete impunity on the part of violators.

Under the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, the crime of genocide was defined as an act committed with intent to destroy, in whole or in part, a national, ethnic, racial, or religious group (United Nations, 1948). A good case is the Rwandan Genocide in 1994, in which it was estimated that as many as 800,000 Tutsis and moderate Hutus were killed, and the majority of these perpetrators remain unpunished (Mamdani, 2001, p. 42).

Understanding impunity indeed calls for an interdisciplinary approach, underpinning the legal, social, and political frameworks. Legally, impunity tests the efficiency of international law and the machinery developed to bring accountability. Scholars argue that the selective application of justice with a lack of mechanisms of enforcement contributes to sustaining impunity (Crawford, 2017, p. 110).

Theories such as the social contract theory explain that from the social perspective, impunity undermines confidence in state institutions and governance. When people feel that the state has not defended their rights or punished those who committed violations, then the perceived legitimacy of the social contract is undermined; persons become disenchanted with and eventually disengage from the civic process (Sørensen, 2020, pp. 75).

Theoretically, analyses at a political level underline how impunity flourishes in particular political contexts, especially in those situations that typify environments of weak governance and where corruption occurs. The interaction between global politics and attempts to promote domestic accountability underlines how powerful states can facilitate or hinder justice processes in other countries at the expense of geopolitical interests over human rights (Rothe & Maggard, 2012, p. 193).

3. Mechanisms of International Criminal Justice in Ending Impunity

International mechanisms of criminal justice have thus played a critical role in responding to heinous crimes across national borders, such as genocide, war crimes, and crimes against humanity. They are designed to serve the dual purpose of

punishing individuals for their misdeeds on one hand and deterring similar atrocities from happening in the future on the other, fitting into the broader context of putting an end to impunity. Central to these efforts are the international legal frameworks, especially the Statute of Rome and the creation of the ICC, which create a basis for such prosecutions.

The Rome Statute-adopted in 1998 and entered into force in 2002-is the ICC's founding treaty, under which that court is authorized to prosecute individuals for the most serious crimes of concern to the international community (International Criminal Court, 2002). It provides, as finally accepted, the Statute for the court's jurisdiction and defines those particular crimes the court can prosecute, namely genocide, crimes against humanity, and war crimes. The *modus operandi* of ICC is thus one of complementarity whereby ICC intervenes only when national jurisdictions are unwilling or unable to mount proper investigation and prosecution of the concerned crimes (Kleffner, 2008, p. 310). This principle is intended to guarantee that the states are able to make good on their promise of being afforded an opportunity to investigate and prosecute offenders nationally, reinforcing the reality of the principle that pursuits of justice are best left in the hands of national legal systems.

Apart from the ICC, ad hoc Tribunals have been a very big part of international criminal justice. Specific examples that came into prominence in the 1990s were the (ICTY) and (ICTR) (Bassiouni, 2014, p. 112). The (ICTY) was established to try war crimes committed during the Yugoslav Wars, while the (ICTR) focused on the Rwandan Genocide. In that respect, both tribunals have contributed significantly to giving some degree of certainty to the definition of various crimes and have developed jurisprudence of importance in the development of international law (Kerr & Mobekk, 2007, p. 34).

The establishment of such ad hoc tribunals testifies to the continued commitment on the part of members of the international community to justice in the wake of large-scale gross violations of human rights. Except in the accountability through judicial mechanisms, they have played an important role in the documentation of atrocities and also in promoting truth-telling, the necessary ingredient for reconciliation in post-conflict societies. Trials by these tribunals emphatically

marked that individual accountability and the need for justice are sacrosanct redress mechanisms to heal the wounds of victims and communities which suffered violence. However, despite the positives of this mechanism, it faces difficulties in its formation because it was established by a Security Council resolution that requires the approval of (9) out of (15) members, including the votes of the permanent members of the Security Council, a difficult procedure that weakens the role of this mechanism in combating impunity (Asada, 2019, PP1-21).

While international mechanisms play an important role in trying international crimes, the dynamics between national and international prosecutions are not without challenges. National prosecution can be more culturally relevant and efficient, reflecting the legal norms of concerned communities. This empowers local jurisdictions and gives a greater sense of ownership toward the processes of justice (Trapani, 2013, p. 233). On the other hand, national systems face a number of pitfalls, among them being corruption, political interference, and resource shortages, which are contributing factors to impunity for perpetrators of grave crimes (Mamdani, 2001, p. 45).

4. challenges in the area of international criminal justice

4.1 Lack of cooperation

International prosecutions, in turn, guarantee impartiality, and international legal standards are applied. The ICC and the ad hoc tribunals proceed under a system emphasizing the rule of law and preventing further atrocities. However, in practice, most international mechanisms are in one way or the other based on state cooperation during the process of arrest and transferring the indicted to their premises. So, there is immense accountability gap once the political interests get in the way of compliance (Tiemessen, 2014b, p. 444)). This further puts a question whether international justice can really be an effective means through which impunity can be curtailed, which it precisely is supposed to do.

However, despite these achievements, there are a set of outstanding challenges in the area of international criminal justice. The first big challenge remains the unresolved political will of states to actually cooperate with international bodies.

Most countries would not want to carry out arrest warrants issued by either the ICC or other tribunals because of the loss of authority and reach that comes along with international justice (Brewster, 2020, p. 95). The lack of cooperation may also lead to or contribute to a culture of impunity since perpetrators may not be prosecuted for political or diplomatic immunity reasons.

4.2 Victors Justice

The second but related concern is that international justice may be selective. Indeed, commentators argue that mechanisms of international criminal justice often have a disproportionate Catch-22 on suspects from the most powerless states, while violations by the most powerful states or non-state actors are mostly ignored. This selectivity consolidates the illegitimacy and unfairness of the purview of international justice (Davis, 2020, p. 90). Moreover, very often in international legal procedures, length and complication embolden the victims and witnesses, delaying delivery of the justice and reducing accountability (Kpanya, 2023, p. 13).

Concisely, the mechanism of international criminal justice plays an important role regarding impunity for grave crimes. Whereas through the Rome Statute, and ad hoc-created tribunals, steps toward accountability of individuals and justice for victims of heinous acts have been made, it is still faced with obstacles regarding political will, resource constraints, and perceived selectivity. It is, therefore, an imperative that efforts to improve these mechanisms should be multifaceted. Enhancement of international legal frameworks, actual cooperation among states, and integration of the local perspective into justice processes will all be necessary parts of the process in pursuing the ideals of international criminal justice.

5. Case Studies of Impunity

Impunity is an inextricable part of international justice and has most often led to a cycle of violence and violations of human rights. Such is observed in the cases of the Rwandan Genocide, the Yugoslav Wars, and at present, Syrian and Myanmar conflicts. Each of the case studies presents a differing context and profile of

impunity, together with the consequences and challenges toward justice and accountability.

5.1 The Rwandan Genocide of 1994

this is most serious case of impunity in the history of humanity, where an estimated 800,000 people from the Tutsi and moderate Hutu population were brutally murdered in just 100 days. This is one of those reasons, among others, that has been credited for the magnitude of the atrocities, since the international community failed to intervene and thereby bring a halt to the genocide (Mamdani, 2001, p. 15). The establishment of the (ICTR) is an attempt to provide justice to the victims and to penalize the perpetrators of the genocide. Many challenges beset the work of the tribunal: firstly, its meager resources; secondly, its work was interfered with by political interests; and thirdly, evidentiary problems hampered its efficiency (Juma, 2022, p. 14). The case of Rwanda underlines how much timelier an international response needs to be, and the establishment of effective accountability mechanisms is essential to forestall atrocities in the future.

5.2 The Yugoslav Wars (1991-2001)

This is also further exemplify impunity in large-scale violence and ethnic cleansing. The creation of the (ICTY) has aimed at prosecutions for war crimes and crimes against humanity committed during the conflict. Although the (ICTY) managed to indict some high-ranking individuals, including former leaders such as Slobodan Milošević, it also received widespread criticism for what many saw as selectivity in its indictments and the slow pace of proceedings (Armatta, 2011, p. 48). The reliance of the Tribunal on state cooperation with regard to the arrest of fugitives further complicated the process of ensuring justice through this court. The case of the Yugoslavian Wars exemplifies complexities in the prosecution of international crimes, considering such instances where political motives and national interests have interfered with the course of justice.

5.3 The civil war in Syria 2011

The reality of impunity is also starkly reflected in active conflicts, such as those in Syria and Myanmar. The civil war in Syria, starting in 2011, has caused many atrocities: from gas attacks to extrajudicial killings and systematic torture, at the hands of several parties, including the Syrian government, ISIS, and other rebel groups (Üngör, 2023, p. 355). There have been repeated calls for accountability from a number of quarters over the years; however, this has not amounted to a particularly robust, international united front, and as a result, the majority of the perpetrators have not faced justice but have continued with their culture of impunity.

5.4 Rohingya crisis in Myanmar

Likewise, in the case of the Rohingya crisis in Myanmar, there have been accusations of genocide and crimes against humanity against the military, but political dynamics and the deeply entrenched military have precluded accountability (Simpson & Farrelly, 2020, p. 486)). These sets of conflicts, among others, represent the dire need for international mechanisms on impunity and accountability for violations of human rights.

5.5 Lessons learned

Critical lessons that emerge from the results of case studies point out the following in fighting impunity. First, timely intervention by the international community is critical in preventing mass atrocities. Events in Rwanda and Syria are constant reminders that delay in heeding emerging crises can lead to disastrous outcomes. Second, besides being important in themselves, the establishment of international tribunals is not a panacea. These mechanisms are effective only when there is political will, enough resources, and cooperation by states in the enforcement of indictments and the participation of witnesses (Krylova, 2017, p. 95).

Another important lesson learned is that supplementation of local justice mechanisms is paramount in complementing international mechanisms. In Rwanda, for instance, local approaches at the community level were employed through what was called Gacaca courts, aimed at reconciliation and addressing the huge caseloads

brought about by the genocide (White, 2007, p. 471). Although the local tools have been criticized, they illustrate possibilities of incorporating traditional practices within more formal justice processes to provide a sense of ownership and self-agency in affected communities. In regard to the case of Myanmar, this process would empower local civil society with victims in pursuit of accountability and healing for the community.

Besides, selectivity in the mechanisms of international justice is a serious blow to legitimacy. A feeling that the powerful states or their friends are never scrutinized, while less powerful states are being prosecuted, would undermine confidence in the international legal system (Christiano, 2021, p. 471). It is now time that these international bodies take up the task of combating such perceptions through transparency and fairness in their proceedings, as also by expanding the scope to include all violators irrespective of their political or military status.

In all, the Rwandan case studies, in addition to the Yugoslavian Wars and on-going ones in Syria and Myanmar, have tried to dramatize a complex interaction of political dynamics, international law, and the pursuit of justice. These examples undertake to underline the fact that, although much progress has been made in identifying and trying international crimes, impunity remains one of the key problems. These case studies form the basis of lessons that should be used in the forming of future action by the international community, policy actors, and civil society in striving toward combating impunity and ensuring accountability for grave human rights violations.

6. Challenges to Ending Impunity

Impunity for serious international crimes is a rather elusive goal-a path beset with quite a few challenges. From political will at the state level, detailed state sovereignty issues, issues of evidence collection and protection of witnesses, powerful states, and geopolitical interests to public perception based on media coverage, there exist so many obstacles that every factor plays a very critical role in either facilitating or hindering justice.

It is the lack of political will and issues of state sovereignty that remain the biggest stumbling block in the fight against impunity. States are unwilling to cooperate with international justice mechanisms because they do not want surrender their sovereignty and independence from outside intervention into their internal affairs. Such reluctance is manifested in refusing to surrender persons indicted by international tribunals and refusal to allow access to evidence and witnesses (Dushimimana, 2013, pp. 71–78). Prone to the principle of sovereignty, states often put their national interests ahead of their international commitments, turning themselves into safe havens for perpetrators of atrocities. In certain situations, for instance, countries may shield leaders from prosecution to maintain political stability or save economic interests, further entrenching this culture of impunity (Kidari, 2023b, pp. 1–10).

The gathering of evidence and protection of witnesses pose yet another significant challenge. Evidence collection for a strong prosecution case in courts of international crimes takes a hard route in areas predominantly marked by violence and instability. As a consequence, many witnesses fear retaliation, and this seriously hinders gathering testimonies from them, which become crucial to successful prosecutions (De Brouwer, 2015, p. 700). This is again linked to witness protection, as those who would testify run the risk of serious safety compromise from both state actors and non-state groups involved in the conflict. In cases where the mechanisms for witness protection are not provided, people might balk at participating in judicial processes—a development that could be deleterious to the quest for justice.

The dominance of powerful states and geopolitical interests further complicates efforts toward the prohibition of impunity. Strong states often get their way with the international mechanisms of justice and, more often than not, are selective in support for prosecution based on strategic rather than justice interests (Rodman, 2006, p. 25). For instance, when the vested interests of major powers are at stake in a region, diplomatic relations may be privileged over accountability, and perpetrators avoid justice. Such selectivity in the application of international law may foster perceptions of partiality and undermine the legitimacy of institutions of international justice. The conflicts in Syria and Myanmar, for instance, represent an

example of how geopolitics can thwart accountability, with the powerful states deciding to support regimes implicated in atrocities for strategic reasons.

Public perception and influence of media also play significant functions in shaping attitudes toward international justice. While the media might amplify calls for accountability, on the other hand, it also feeds into misinformation or sensationalism, distorting the public view of complex international legal processes (Boda & Szabó, 2011, p. 329). Sometimes these broader systemic issues of impunity get hidden behind high-profile trials or cases that capture a great deal of media attention. Besides this, disinterest or apathy within the public can sometimes mean that there is not enough pressure placed on the governments to take action against perpetrators, thus still enabling impunity to prevail. While social media has been important to underpin the human rights abuses, it has also helped polarization and misinformation make the unified call for justice difficult to handle.

Then there is the problem of the interaction between national and international legal systems, a challenging aspect of such a crime. It is in such areas of lack of infrastructure and capacity to investigate and prosecute international crimes effectively that many countries have to depend on international mechanisms like the ICC. Equally, however, the ICC often stands accused of being a court of last resort-interjecting when national systems fail or are unwilling to act (Nakhjavani, 2015, pp. 247–257). This limit creates the perceived reality that international justice is something imposed from the outside, rather than a joint effort, thereby possibly further complicating state relationships with international institutions. Strengthening national legal frameworks and reinforcement through capacity-building are urgently needed in order for states to fulfill their obligations vis-à-vis prosecutions for grave crimes.

In addition, complexity of the law at an international level itself can stand in the way of efforts towards putting an end to impunity. The definition of war crimes, crimes against humanity, and genocide many times comes with legally technical interpretations that often make such proceedings long and complicated. In that situation, delay to justice may lead to disillusioned victims and communities who are seeking accountability (Rothe & Collins, 2013, p. 191). Besides, non-uniform application of international law in different jurisdictions can give way to unequal

treatment before the law: trials for perpetrators happen in some cases, while others go away with it because of some legal loopholes or on grounds of jurisdiction.

Consequently, it is impossible to underestimate the role that civil society and grassroots movements play in efforts directed against impunity. It was and still is very common to notice civil society organizations' acting role as critical agents in advocating for victims' rights and accountability. They often also face serious obstacles, such as repression by state actors, minimal financing, and threats to their safety (Gallagher, 2017, p. 1670). In many of the conflict or post-conflict settings, local civil society actors become marginalized or attacked while doing critical work in documenting abuses and advocating justice. Furthermore, their work often depends upon the political climate of one's country, which at times dramatically changes in response to changes in government or external pressures. In this sense, the resilience and determination of these groups are really so crucial in raising awareness, mobilizing communities, and leveraging pressure on governments to act against impunity. Without protection or support, however, their crucial work in keeping the pursuit of justice can be hampered a lot.

Finally, the challenges toward ending impunity are multifaceted and have to be attended to with a comprehensive approach: one that includes political will, evidence collection, geopolitical influences, public perception, and the role of civil society. The international community and individual states can overcome these challenges as a priority only through commitment to accountability and justice. This calls for reinforcement of the international legal mechanisms, better state cooperation, and access to and equity in justice for all victims of such atrocities. Only such a coordinative, multi-pronged strategy may ever snap the impunity cycle once and for all, so that lasting justice and reconciliation become a reality.

7. Strategies for Ending Impunity

Impunity for international serious crimes is layered: from enhancing legal frameworks to improving cooperation between jurisdictions to empowering civil society and the development of victim rights. All are of equal standing, important in

and of themselves toward creating accountability and ensuring justice for victims of human rights abuses.

Strengthening international legal frameworks will, therefore, be creating an appropriate system in which impunity issues can be suitably addressed. In some instances, the wording of such treaties and statutes would need to be changed so as to make them strong, flexible, and responsive to changing contexts. For instance, the Rome Statute of the ICC can be modified in order to provide for a more specific definition of the crimes and also give ways and means of prosecution (Orentlicher, 2007, p. 10). Expanding the jurisdiction to encompass more numbers of crimes and ability to intervene at all instances when national systems fail is another important direction of establishment of international courts. Such consultations with the states about the international treaties on human rights would advance the legal regime and bring about more accountability, namely universal ratification (Ferdinandusse, 2014).

Other functional ways to deal with impunity are strengthening cooperation between national and international jurisdictions. To the extent possible, this will give clear routes through which sharing of information, gathering evidence, and combined investigations on suspected persons likely to be produced in successful prosecutions (Kerr & Mobekk, 2007, p. 78). Hybrid tribunals, for example, can combine national and international elements for the purpose of providing a local process supported by international expertise. The national judicial systems will also require technical assistance and training by international organizations to build their capacity to deal with the prosecution of serious crimes. Such an approach would be collaborative and confidence-building towards national jurisdictions and hence more palatable for states to assume responsibility and ownership of their obligations in pursuing accountability.

The role that civil society and grassroots movements play in the fight against impunity is fundamental. Generally, these organizations act as watchdogs, best described by their tendencies to document abuses, promote policy changes, and raise awareness about human rights abuses (Gallagher, 2017, p. 1666). It will be a conviction that is truly empowering when civil society is considered sufficiently resourced and protected, with the ability to function freely without any threats of

retribution. This would entail a process through which grassroots movements can magnify the voices of victims and communities to have an inclusive conversation on justice and accountability. Second, partnership-building among civil society organizations and international institutions can make advocacy work reach a wider audience and trigger action from others in the name of impunity.

Victim rights and reparations lie at the heart of any form of advocacy toward the end of impunity. Victims of human rights violations need to be brought into the core of justice processes with their needs and views acted upon with dignity (Moffett, 2015, p. 281). Mechanisms of victim participation in judicial procedures may allow individuals and communities to actively participate in the pursuit of justice. In addition, the elaboration of reparation policies would provide financial, social, and psychological support as part of coping mechanisms for the long-term consequences of violence and as a way to contribute to the reconciliation process. Equally important is the guarantee of access to justice and reparation for victims due, but one of the very important elements in any effort to break this vicious circle of impunity.

The second aspect is the enabling environment through international advocacy and awareness. It also undertakes education, public campaigns, and strategic partnerships to demonstrate the worth of international justice and the need to end impunity (Lake, 2014, p. 1). These can include social media and other digital action tools, which, when applied, galvanize public opinion into pressing governments for concrete action and raising injustice awareness. In this process, a feeling of urgency besides collective responsibility will be created. Such campaigns on advocacy may shape the actions of policy makers as well as place accountability mechanisms at the center of public interest in that country's legal framework. Conclusion Efforts at ending impunity must be comprehensive and collated and should place under one umbrella the legal, social and aspects of advocacy concerning such strategies.

Besides, the international community can ensure accountability through the strengthening of international legal frameworks, increased cooperation between jurisdictions, creating an enabling environment for civil society to hold actors accountable, and active advocacy in place of victim rights and reparations. This would not only provide remedies for past injustices but also contribute to

preventing future atrocities, promote a culture of respect for human rights, and foster the development of the rule of law.

8. Conclusions

Impunity in international criminal justice is a multidimensional phenomenon that severely challenges the pursuit of accountability for serious crimes of an international dimension-such as war crimes, genocide, and crimes against humanity. Thus, impunity represents a legal, social, and political construct, all adding up to a world in which impunity remains the rule for perpetrators. The complexity of impunity at multiple levels makes the integration of different theoretical frameworks relevant to the comprehension of how and why individuals or groups avoid accountability for their actions. It will be better understood what the cause of impunity is to inform us on how to approach the systemic impediments to accountability.

In fact, the mechanisms of international criminal justice, such as the Rome Statute , along with ad hoc tribunals like the ICTY and ICTR, were established in efforts to combat impunity. However, they easily have their work hampered by the lack of political will, issues of state sovereignty, and even powerful states with unjust influence. These challenges have made it difficult to prosecute offenders and call into question the validity of mechanisms under international law. This gap in national and international jurisdictions makes the process of pursuing justice even more complex, where, on the one hand, local jurisdictions might not be capable or willing to prosecute serious crimes, leaving victims with no avenue of recourse.

Specific case studies, such as the Rwandan Genocide, the Yugoslav Wars, and continuous conflicts in Syria and Myanmar, show how impunity impacts societies and individuals. These case studies bring to the fore not only the failures of the international mechanisms in preventing such conflicts but also the pressing need for comprehensive strategies to deal with systemic impunity. Experiences that will add to the lessons learned from those experiences for future attempts towards accountability and assurance that such heinous acts do not go unpunished. The

tragedies brought into sharp focus lessons learned for the National Commission: the crucial need to conserve collective memory of past atrocity acts for non-recurrence. While there has been some advancement in the area of international criminal justice over these years, there are still many challenges to deal with. Political will is scarce, given that in many cases, the matter is viewed as one that threatens state sovereignty. Difficulties in gathering evidence, as well as protecting witnesses, provide other reasons how investigations are done without much safety for victims who may feel unsafe coming forward. Besides that, public perception and media portrayals concerning international justice do sometimes influence political conceptions of how best to deal with these cases, many times seeking expediency over accountability. These challenges require sustained efforts and commitments by the broad range of stakeholders, governments, international organizations, and civil society.

Through this article, I have so far suggested a number of strategies aimed at strengthening international legal frameworks and enhancing cooperation between national and international jurisdictions in the fight against impunity. The cooperation of all actors playing roles in the quest for justice, including grassroots movements and civil society organizations, should be enhanced. These entities are of great importance as they advocate for victim rights, raise awareness, and press for reforms that are needed both nationally and internationally. In essence, civil society can make the voices of these groups loud enough and demands for accountability loud enough so that governments and international bodies become more responsible for their commitments to justice.

Finally, fighting impunity is a moral obligation that extends beyond the field of legislation. It requires a collective commitment to human rights and to ensuring that justice, and not merely an ideal but a tangible reality, is accorded to all victims of heinous crimes. Impunity can never be allowed to stand in the way of ending the suffering of individuals and communities; neither will it allow rebuilding of trust in the very institutions that should protect human dignity. From now on, all parties must rise to the challenge and collaborate, drawing lessons learned from past failures toward the creation of a way leading them to a more just and accountable global society based on the rule of law and without impunity.

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List of Abbreviations

Abbreviations	Detailed Name
UN	United Nations
ICC	International Criminal Court
ICTY	International Criminal Tribunal for The Former Yugoslavia
ICTR	International Criminal Tribunal for Rwanda

بئ سزایی له دادپهروهی تاوانکاری نیودهوله تیدا

پوخته:

ئهم توێژینه وهیه بباس له بئ سزایی دهکات له چوارچێوهی دادپهروهی تاوانکاری نیودهوله تیدا. له م روهوه، بئ سزایی بریتیه له پاراستن له لێپرسینهوه له ئه نجامدهرانی درنده بیهکان- تاوانهکانی جهنگ، تاوانهکانی دژی مرؤفایهتی، و پاکتاوی پهگهزی. میژوو شایهت حالی ئه وهیه که چون نه بوونی هیچ لێپرسینه وهیه که جگه له تیکدانی دادپهروهی هیچ شتیکی تر ناکات، له گه ل سووپی توندوتیژیدا که بئ وهستان ده مینیتنه وه. بۆیه توێژینه وه که هه ولدهات په هه ندهکانی بئ سزایی هیلکاری بکات به گرتنه بهری پێاژیکی چۆنایهتی، پێداچوونه وه بهو میکانیزمانه ی که په ره ی پێدراوه به ئامانجی چاره سه رکردنی، و له کۆتاییدا باس له هه ندیک توێژینه وه ی که یسی وه ک پواندا، جهنگی یوگۆسلافیا، سوریا و میانمار وه ک ویناکردنی... ئه و ئالێنگاریانه ی که روه به رووی سیسته می دادوهی نیوده وه له ده بیته وه له دلنیا بوون له لێپرسینه وه. ته وه ره سه ره کییهکانی گفتوگۆ له ده وری پۆلی چوارچێوه یاساییه نیوده وه له تیه بیهکان و کاریگه ری سه ره وری ده ولت و به رژه وه ندیه جیۆپۆلیتیکیه بیهکان ده سوپینه وه. له کۆتاییدا به پێگاکانی به زرکردنه وه ی لێپرسینه وه، ئاماژه به وه دهکات که کۆمه لگه ی مه ده نی گرنه بۆ نیگه رانییهکانی ماف و قه ره بوو کردنه وه ی قوربانییهکان. به م شیوهیه، له بنه رته دا، وێستگه ی ته وا و بۆ بئ سزایی ته نیا کاتیک ده توانیته به ده ست به یئیریته که ناشتی و دادپهروهی به رده وام له کۆمه لگه ی نیوده وه له تیدا هه بیته. هه ره ها بۆ ئه وه ی لێپرسینه وه به هیزتر بیته، گرنه ده بیته هاوکاری نیوده وه له تی و میکانیزمهکانی پشتیوانی بۆ کۆمه لگه ی مه ده نی هه نگاو بنین بۆ چاودێرکردنی پێشیلکارییهکانی مافی مرؤف و داکوکیکردن له دادپهروهی.

الإفلات من العقاب في العدالة الجنائية الدولية

الملخص:

تناقش المقالة التالية الإفلات من العقاب في إطار العدالة الجنائية الدولية. وفي هذا الصدد، فإن الإفلات من العقاب هو الحماية من المساءلة لمرتكبي الفظائع - جرائم الحرب والجرائم ضد الإنسانية والإبادة الجماعية. ويشهد التاريخ على كيف أن أي غياب للمساءلة لا يفعل شيئاً سوى تقويض العدالة، مع استمرار دورة العنف دون هوادة. لذلك، ستحاول الورقة التأكيد على أبعاد الإفلات من العقاب من خلال تبني نهج نوعي، ومراجعة الآليات التي تم تطويرها بهدف معالجتها، وأخيراً ذكر دراسات حالة معينة مثل رواندا ويوغوسلافيا وسوريا وميانمار كأمثلة على التحديات التي تواجهها أنظمة العدالة الدولية في ضمان المساءلة. ستدور الموضوعات الرئيسية للمناقشة حول دور الأطر القانونية الدولية، وتأثير سيادة الدولة، والمصالح الجيوسياسية. وتختتم بالتطرق إلى سبل تعزيز المساءلة، مشيرة إلى أن المجتمع المدني مهم فيما يتعلق بحقوق الضحايا وتعويضاتهم. وبالتالي، فإن القضاء التام على الإفلات من العقاب لن يتسنى إلا عندما يتحول السلام المستدام والعدالة إلى واقع ملموس في المجتمع الدولي. ومن أجل تعزيز المساءلة، سيكون من المهم تكثيف التعاون الدولي وآليات دعم المجتمع المدني لرصد انتهاكات حقوق الإنسان والدعوة إلى تحقيق العدالة.