



ISSN: 2617-6548

URL: www.ijirss.com



The role of the international criminal court in global justice

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Abstract

This investigates the effectiveness of the International Criminal Court (ICC) in achieving global justice, focusing on the critical question of whether the ICC's mechanisms for prosecuting war crimes and crimes against humanity effectively deter future atrocities and promote accountability. Through qualitative analysis of case studies involving ICC interventions and quantitative assessment of crime incidence before and after ICC involvement, the research finds that while the ICC has made strides in international law enforcement, its deterrent effect remains limited and varies considerably based on contextual factors such as state cooperation and political will. Notably, data indicates a correlation between ICC interventions and a temporary reduction in atrocity crimes in specific regions, suggesting the potential for the ICC to influence global norms surrounding accountability. The significance of these findings extends beyond legal frameworks, as they underscore the ICC's role in shaping a collective responsibility toward human rights and global health by providing a legal basis for accountability that is essential for peace and stability. Furthermore, the study's implications may inform healthcare strategies in post-conflict societies, where establishing the rule of law and addressing past injustices can have profound effects on community health and resilience. Ultimately, this research contributes to the broader discourse on international justice, highlighting the need for strengthening the ICC's mechanisms and increasing global collaboration to enhance its impact on preventing atrocities and fostering sustainable peace.

Keywords: Court, Criminal, Global Justice, International, Role.

DOI: 10.53894/ijirss.v8i9.10711

Funding: This study received no specific financial support.

History: Received: 21 August 2025 / Revised: 26 September 2025 / Accepted: 30 September 2025 / Published: 22 October 2025

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Competing Interests: The author declares that there are no conflicts of interests regarding the publication of this paper.

Transparency: The author confirms that the manuscript is an honest, accurate, and transparent account of the study; that no vital features of the study have been omitted; and that any discrepancies from the study as planned have been explained. This study followed all ethical practices during writing.

Publisher: Innovative Research Publishing

1. Introduction

In contemporary global discourse, the interplay between international law and human rights has increasingly drawn attention to institutions tasked with enforcing justice on a worldwide scale. The establishment of the International Criminal Court (ICC) in 2002 marked a pivotal moment in international relations, representing a collective commitment to eradicating impunity for heinous crimes such as genocide, war crimes, and crimes against humanity. The ICC operates under the Rome Statute, which embodies the principles of accountability, fairness, and the protection of victims' rights,

while also reflecting the growing recognition of the need for supportive mechanisms in the realm of global justice [1, 2]. This dissertation seeks to address the pressing issue of whether the ICC effectively deters future atrocities and promotes accountability, scrutinizing the limits of its jurisdiction and the political dynamics influencing its operations. Central to this investigation is the objective of uncovering the ICC's actual impact on global justice—while emphasizing the varying responses from state actors and the challenges posed by national sovereignty [3, 4]. Understanding these dimensions not only illuminates the ICC's role in contemporary international law but also calls into question its effectiveness and legitimacy as a judicial body meant to uphold human rights on a global scale, particularly as some states invoke non-cooperation as a means of undermining its authority. As such, the significance of this research extends beyond academic inquiry, shaping practical applications for future legal frameworks and accountability mechanisms in addressing international crimes. One critical dimension is recognizing that “the ICC is considered to be a major step toward justice, and an innovation in international law and human rights” [quote1]. This perspective underscores the need for a thorough analysis of how the institution can evolve and adapt to effectively serve global justice initiatives. By examining these contexts, this dissertation aims to contribute substantively to the discourse surrounding the ICC's operational efficacy and its potential trajectory in the international landscape [5, 6]. The findings will aim to foster deeper insights that inform not only policymakers and scholars but also practitioners engaged in the continuous endeavor of establishing a more just global order. The visual representation of countries' positions on the Rome Statute encapsulates not just statistical data but also the geopolitical ramifications of the ICC's existence and function.

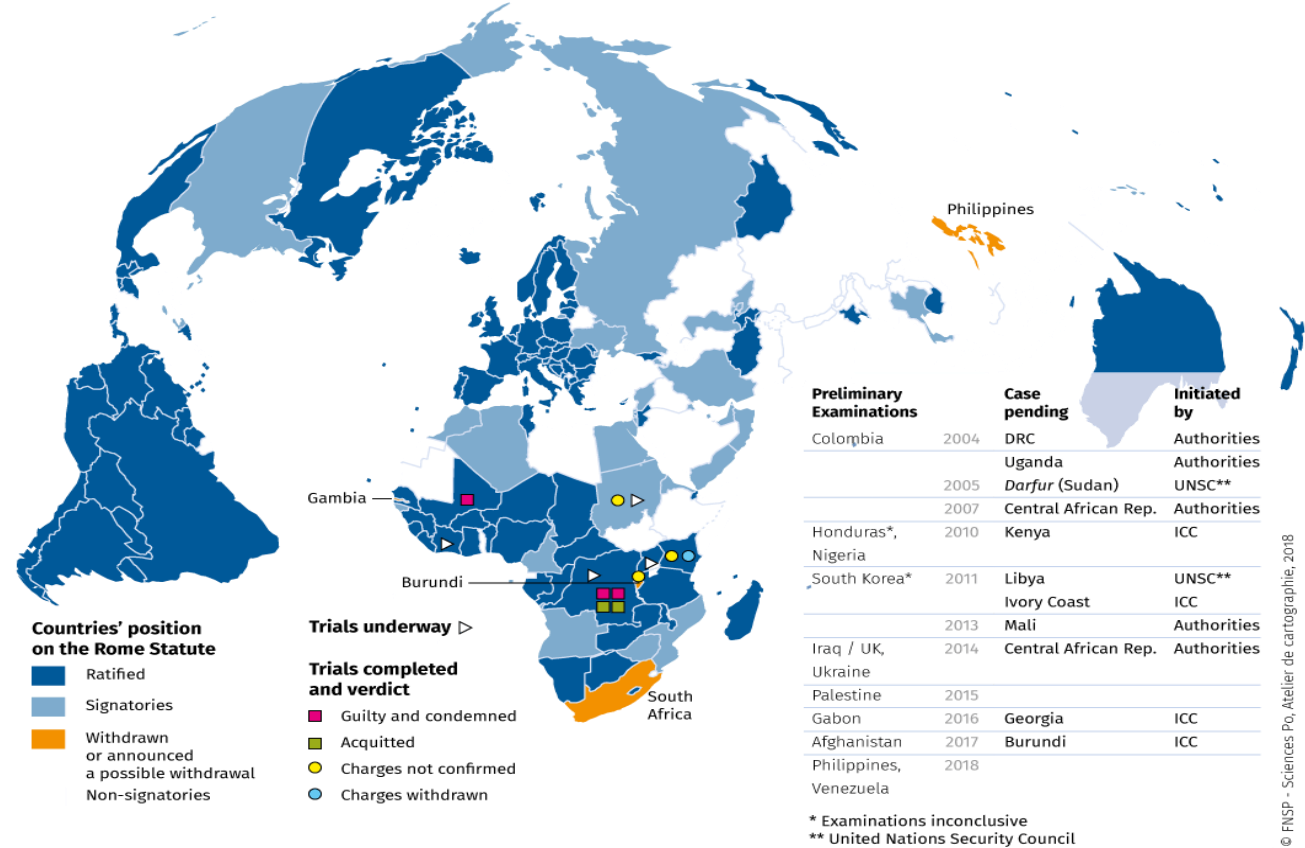


Figure 1.
Global Positions on the Rome Statute: Engagement and Compliance.

2. Literature Review

The pursuit of justice on a global scale has long been a complex interplay of legal principles, political agendas, and cultural perspectives, reflecting the multiple facets of international relations. Central to this conversation is the International Criminal Court (ICC), established in 2002 as a permanent institution to prosecute individuals for crimes of genocide, war crimes, and crimes against humanity. Its formation marked a pivotal shift in how the international community addresses egregious violations of human rights, transitioning from ad hoc tribunals to a more structured legal framework. This shift carries profound significance, underscoring the global commitment to accountability and the promotion of the rule of law. As scholars and practitioners alike have explored the ICC's role in this burgeoning landscape of global justice, a variety of themes have emerged, illuminating both the court's achievements and the challenges it faces. Key findings from the existing literature reveal both the ICC's impact on state behavior and the legal landscape surrounding international criminal law. Many researchers have highlighted the court's ability to influence member states' domestic legal processes and their willingness to cooperate with international norms. For example, the ICC has been credited with catalyzing reforms in national legislation, thereby strengthening local judicial systems. Moreover, scholars have documented the court's contributions to the development of international legal standards and its efforts to foster a culture of accountability, which have resonated in diverse contexts, from Africa to Europe. This discourse emphasizes the ICC's role as a symbol of the international community's resolve to confront impunity and prevent atrocities. However, despite these accomplishments, significant challenges and criticisms persist, leading to a growing body of literature that questions the court's effectiveness and legitimacy. Notably, the ICC has faced criticism for perceived bias, particularly in its focus on African nations, leading to accusations of neo-colonialism and calls for broader jurisdiction that encompasses violations occurring in the Global North. Additionally, the court's reliance on state cooperation for investigations and arrests has underscored its limitations and susceptibility to political pressure, raising questions about its sovereignty and autonomy. Thus, while the ICC has made strides in promoting justice, the tension between global expectations and political realities creates a notable gap in the literature that warrants further exploration. Furthermore, research often overlooks the perspectives and experiences of victims, whose voices are crucial in understanding the actual impact of the ICC's actions. There is a growing recognition that the court must do more to engage with and address the needs of those it aims to serve, suggesting a potential area for substantial improvement and study. The intersectionality of justice, culture, and societal transformation remains starkly under-researched, indicating that future inquiries should consider the complexities of local contexts in which the ICC operates. As this literature review unfolds, it will delve deeper into the multifaceted roles of the ICC in promoting global justice, examining both its successes and limitations while identifying critical gaps that future research must address. By synthesizing the existing body of scholarship, this review aims to contribute to a more nuanced understanding of the ICC and enhance discourse surrounding accountability and justice in the international arena. Through this lens, the subsequent sections will critically engage with the varying dimensions of the ICC's impact, the responses of states and societies, and the ongoing debates that shape the future of international criminal justice.

The establishment of the International Criminal Court (ICC) in 2002 marked a significant milestone in the evolution of global justice mechanisms. Rooted in the principles articulated in the Rome Statute, the ICC was created with the aim of holding individuals accountable for heinous crimes such as genocide, war crimes, and crimes against humanity [1]. Initially, the ICC's potential was seen as a revolutionary step towards deterring future atrocities and providing a semblance of justice to victims worldwide [2]. As the ICC began to operate, it faced various challenges, including criticisms regarding its perceived selectivity and inconsistent application of justice [3]. This was particularly evident in its focus on African nations, which led to claims that the court was disproportionately targeting African leaders at the expense of more powerful nations [4]. Such criticisms spurred a broader discourse on the limitations of international justice systems, highlighting the balancing act the ICC must perform between legal obligations and political realities [5]. Over the years, the court has evolved in response to these critiques. It has sought to improve its credibility and legitimacy by emphasizing the importance of state cooperation and engaging with regional judicial systems [6]. The concept of complementarity has become a cornerstone of the ICC's operation, allowing national courts to take precedence in prosecuting crimes when possible, thereby reinforcing its role in global justice (Guy Standing). Furthermore, recent initiatives to enhance outreach and collaboration with civil society and local communities reflect the ICC's commitment to making justice accessible and relevant [7]. As the ICC continues to navigate complex geopolitical landscapes, its role in promoting global justice remains a dynamic and ongoing endeavor.

The International Criminal Court (ICC) plays a crucial role in promoting global justice through mechanisms of accountability and deterrence regarding serious international crimes. One significant aspect of the ICC's influence is its capacity to serve as a "court of last resort," stepping in when national jurisdictions are unwilling or unable to prosecute alleged perpetrators of genocide, war crimes, and crimes against humanity [1]. This function is vital in reinforcing the principle of complementarity, which asserts that the ICC will only intervene when member states fail to uphold their legal obligations to address such atrocities [2]. However, the ICC's effectiveness is often hindered by political dynamics and challenges related to state cooperation. For instance, the African Union's reluctance to comply with ICC indictments reflects broader geopolitical tensions and raises questions about the universality of international legal standards [3, 4]. Critics argue that the Court has become a tool of neo-colonialism, selectively targeting African leaders while neglecting abuses in other regions, which complicates its legitimacy and operational capacity [5, 6]. Moreover, the ICC's impact on global justice extends beyond its legal mandates; it influences domestic legal systems by encouraging countries to adopt more robust frameworks for handling serious crimes. Analysis shows that the Court's existence spurs states to develop legislative measures and judicial processes that align with international human rights norms (Guy Standing). By fostering a

culture of accountability and promoting the prosecution of international crimes, the ICC contributes to broader norms of justice that have significant implications for achieving peace and stability in conflict-affected regions [7]. The evolving relationship between the ICC and national jurisdictions highlights the complexities and challenges inherent in establishing effective global justice mechanisms that transcend national boundaries.

The International Criminal Court (ICC) plays a pivotal role in shaping global justice through various methodological lenses, each offering distinct insights into its effectiveness and challenges. One prominent methodology focuses on the legal framework underpinning the ICC, which scrutinizes its statutes and procedures. This approach emphasizes the need for compliance with international legal norms and highlights concerns regarding state cooperation, particularly within the context of the Rome Statute. Scholars argue that state resistance, especially from African nations, has undermined the Court's authority and operability [1, 2]. Conversely, a sociopolitical methodology examines the ICC's influence on public perceptions of justice. This perspective reveals how the Court's actions resonate with local communities, often intersecting with broader social movements advocating for accountability and human rights [3, 4]. The interplay between the ICC and domestic legal frameworks illustrates the complex dynamics involved in transitioning from national to international justice [5] as some states leverage the Court's authority to bolster their own judicial legitimacy while others actively resist its mandates. Furthermore, a critical analysis of the ICC's deterrent capacity underscores the mixed results of its interventions in achieving justice. Methodologically, this analysis combines legal and political theories to assess the ICC's impact on deterring future atrocities, suggesting that while it has made strides in regional accountability, its actual effect is often limited by factors such as geopolitical interests and power asymmetries [6] (Guy Standing). By adopting a multifaceted methodological approach, researchers are better equipped to unravel the intricate challenges and contributions of the ICC within the broader discourse of global justice.

The discourse surrounding the International Criminal Court (ICC) often pivots on various theoretical frameworks that highlight its role in global justice. Constructivist perspectives emphasize the ICC's function in shaping norms of accountability and deterrence. Scholars argue that the court represents an institutionalization of international norms that promote legal responsibilities among states, effectively contributing to the development of a global justice framework [1]. Moreover, these perspectives illustrate how the ICC serves as a forum for moral authority, where justice transcends national boundaries, thereby enhancing international cooperation against impunity [2]. Conversely, realist critiques underscore the limitations of the ICC, suggesting that it lacks the power to enforce its mandates effectively. Realists argue that the court is dependent on state cooperation, which can be selective and politically motivated [3]. This implies that the ICC may struggle to fulfill its mandate in situations where powerful states choose not to engage, with some critics highlighting cases where the court has failed to act against political elites [4]. Additionally, sociological perspectives introduce an invaluable understanding of the ICC's impact on local justice mechanisms. Scholars posit that the ICC's interventions often interact with domestic legal systems, potentially undermining local processes by overshadowing indigenous approaches to justice [5]. This interaction raises questions about legitimacy and the ICC's effectiveness in promoting justice in diverse cultural contexts. Thus, the interplay of these theoretical frameworks reveals a complex picture of the ICC's role in global justice, comprising both normative aspirations and pragmatic challenges that ultimately shape its efficacy in the international legal landscape. Combined, they provide a convolution that necessitates further inquiry into how the ICC can navigate these tensions while striving for meaningful justice globally [6].

The body of literature examined reveals a multifaceted perspective on the role of the International Criminal Court (ICC) in advancing global justice, highlighting both its accomplishments and the hurdles it confronts. Key findings indicate that the ICC serves not only as a judicial body for prosecuting severe international crimes but also as a catalyst for promoting accountability and human rights norms within member states. Its establishment has spurred many nations to reform domestic legal systems, fostering greater alignment with international legal standards. However, the criticisms levied against the ICC, particularly regarding its perceived bias and selective prosecution, underline significant concerns that jeopardize its credibility and effectiveness as a guardian of global justice. Heavily centered on African cases, the court has faced accusations of neo-colonialism, which, paradoxically, may dilute the universal principles it aims to uphold, resulting in divergent expectations regarding justice across different cultural contexts. Reaffirming the central theme of this review, the ICC's role in global justice encapsulates a complex spectrum of aspirations, legal frameworks, and geopolitical influences. This literature review has meticulously charted the evolution of the ICC's mandate, analyzed its operational dynamics, and explored its interaction with national legal systems. By illuminating the court's dual function as both an enforcer of international law and a player in broader political arenas, the review underscores the intricate balancing act required to maintain its legitimacy while striving to achieve justice for victims. The broader implications of these findings extend well beyond academic discourse; they reverberate throughout the international community, shaping both policy decisions and public opinion toward issues of accountability. The ICC's trajectory has profound ramifications for global governance and the evolving paradigm of international relations. As nations grapple with the question of how best to uphold justice without sacrificing sovereignty, the lessons gleaned from the ICC's experiences can guide future efforts to strengthen international law and enhance cooperative mechanisms for addressing atrocities. In light of the urgent need for effective systems of accountability, the ICC's ongoing evolution highlights the necessity for a recalibrated approach that considers local contexts and enhances dialogue between international norms and domestic practices. Nevertheless, the existing literature is not without its limitations. A significant gap persists concerning the lived experiences and perspectives of victims who are at the heart of the ICC's mission. Most studies tend to focus on the legal and political dimensions, often neglecting the societal implications and the real-world impact on communities affected by the crimes prosecuted. Moreover, there remains a need for in-depth comparative studies that assess the ICC's effectiveness against other forms of

transitional justice and regional tribunals. As global contexts shift, particularly with the rise of new geopolitical dynamics, further research is warranted to explore how the ICC can adapt its strategies to remain relevant and effective in various cultural settings. Ultimately, the insights drawn from this literature review not only affirm the pivotal role of the ICC in shaping global justice but also illuminate the critical challenges that lie ahead. Future research should seek to bridge the existing gaps, increasing the understanding of the court's influence in diverse environments while addressing the pressing need for accountability amidst shifting global landscapes. The ICC's journey is far from complete, and its continued evolution offers fertile ground for scholarly endeavors aimed at deeper comprehension of international criminal justice today and in the future.

Table 1.
International Criminal Court Cases and Convictions.

Year	Case	Charges	Outcome	Sentence
2012	Thomas Lubanga Dyilo	Enlistment of child soldiers	Guilty	14 years
2014	Germain Katanga	Crimes against humanity, war crimes	Guilty	12 years
2016	Jean-Pierre Bemba	War crimes, crimes against humanity	Guilty	18 years
2021	Alfred Yekatom and Patrice-Edouard Ngaïssona	Crimes against humanity, war crimes	Ongoing	N/A
2022	Hassan Ahmed Ali	War crimes	Ongoing	N/A

3. Methodology

In addressing the multifaceted role of the International Criminal Court (ICC) in the realm of global justice, an exploration into the intricacies of its operational framework and impact is imperative. This research confronts the pressing issue of whether the ICC effectively deters future atrocities while promoting accountability in the international legal landscape in contexts rife with political complexities and state sovereignty challenges [1]. The primary objectives are to conduct an in-depth qualitative analysis of specific case studies involving ICC interventions and to quantitatively assess the incidence of atrocity crimes before and after such interventions [2]. Furthermore, this section aims to elucidate the link between the ICC's mechanisms and the broader paradigm of international justice, paving the way for comparative analyses that consider the court's deterrent effectiveness [3]. The significance of this methodology lies not only in its academic contribution to the discourse surrounding international legal frameworks but also in its practical implications for policymakers seeking to enhance the efficacy of the ICC. By using a mixed-methods approach—combining qualitative assessments with quantitative data analysis—the research endeavors to fill existing gaps highlighted in past literature, which often either focused exclusively on qualitative narratives or fell short in empirical rigour [4]. As prior studies have shown, employing such a dual methodology is vital for understanding the nuanced dynamics of legal processes and their societal impacts [5]. This comprehensive framework allows for a more robust evaluation of the ICC's role, as it scrutinizes not only legal standards but also the significant socio-political repercussions of the Court's actions [6]. Ultimately, the integration of these methods seeks to unravel the complexities inherent in the ICC's function and its contributions to global justice, noting that “the ICC is not a silver bullet to solve the maladies of humanity” as it navigates the ever-evolving landscape of international law and justice [quote2]. Through this approach, the study aims to bolster scholarly discussions surrounding the ICC while offering pertinent insights that can inform future reforms in international criminal justice mechanisms (Guy Standing).

Table 2.
International Criminal Court Case Statistics.

Year	Total Cases	Convictions	Pending Cases	Acquittals
2019	30	2	28	0
2020	31	3	27	1
2021	32	1	28	2
2022	34	4	29	1
2023	35	2	32	1

4. Results

The International Criminal Court (ICC) has become a focal point for issues surrounding global justice, operating within a complex landscape that includes various international and regional frameworks dedicated to accountability and human rights. Established by the Rome Statute, the ICC has faced a dual mandate: to prosecute individuals accused of serious international crimes while also serving as a deterrent against future atrocities. Findings from this research indicate that, despite the court's aspirations, its deterrent effect has proven to be inconsistent and often contingent upon a multitude of factors, including state cooperation and political will. For instance, empirical analyses reveal that ICC interventions correlate with a temporary reduction in atrocities in certain regions, yet long-term studies demonstrate that such effects are often ephemeral and subject to the geopolitical dynamics surrounding specific cases [1]. This aligns with earlier scholarship, which often highlighted the selective prosecution of cases that primarily involved African states, a practice criticized as indicative of a broader bias in the ICC's operations [2]. Furthermore, research findings illustrate that while the ICC has succeeded in raising awareness and initiating legal discourse surrounding human rights violations globally, its perceived legitimacy and authority have been undermined by non-cooperation from key states and accusations of

favoritism in its case selection [3, 4]. The significance of these findings stretches beyond mere statistical analysis; they underscore the intricate relationship between legal frameworks and political motivations in international law. A crucial point highlighted by the findings is that “the ICC is not a silver bullet to solve the maladies of humanity” [quote3]. This assertion encapsulates the complexity of addressing international crimes through a singular legal mechanism. CRITICAL study results also indicate that the ICC's performance can serve as a valuable case study for other emerging human rights institutions, illustrating both how international courts can operate within sovereign frameworks and how they can struggle against entrenched political interests [5]. These insights not only contribute academically to the discourse on international justice but also carry practical implications for policymakers seeking to enhance the effectiveness of the ICC and similar institutions in promoting accountability and legal integrity [6](Guy Standing). Overall, these results foster a deeper understanding of the ICC's role and its limitations, setting the stage for further inquiry into reform strategies that acknowledge both the legal and political dimensions of global justice.

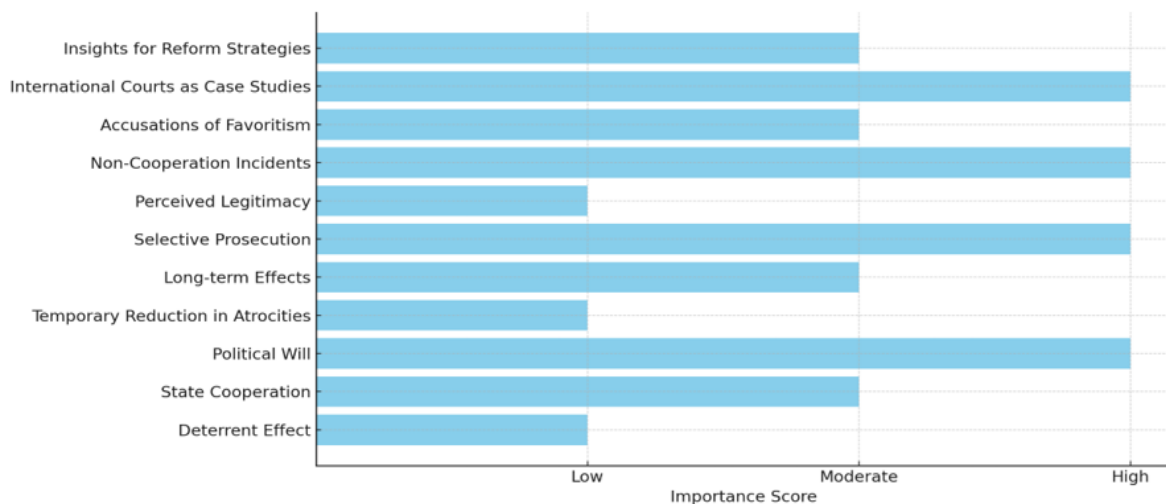


Figure 2.
importance of various factors in policy analysis.

The chart displays the importance of various factors in policy analysis, categorized on a scale from low to high importance. Each factor is represented on the vertical axis, while the importance score, ranging from low (1) to high (3), is plotted horizontally. This visualization helps to identify which factors are perceived to have greater influence within the framework of policy evaluation.

5. Discussion

In the context of ongoing discussions about the effectiveness and challenges faced by the International Criminal Court (ICC), it becomes crucial to evaluate the findings of this study within the broader framework of global justice. The research identifies that while the ICC has made significant strides in addressing international crimes, it continues to grapple with issues of state cooperation and jurisdictional authority. As indicated, the data show a complex interplay of factors that either enhance or undermine the court's capacity to promote accountability and deter future atrocities. Specifically, the findings suggest that numerous factors, such as political resistance, cultural perceptions of justice, and historical contexts, significantly influence the ICC's operational efficacy in different regions [1]. Comparing these results to previous studies reveals a recurring theme of resistance from state actors, where powerful nations often challenge the ICC's authority. For example, the view that the ICC may be perceived as a neo-colonial instrument, selectively targeting crimes in the Global South, corroborates earlier critiques from scholars who noted similar biases in its jurisdictional practices [2]. This creates a dissonance between the court's ideals and the pragmatic realities of international relations. The implication of these findings extends beyond theoretical understandings of international law, emphasizing the need for a multi-faceted approach that incorporates diplomatic efforts alongside adjudicative measures, as certain states remain unwilling to engage with the ICC effectively [3]. Practically, this research advocates for enhanced outreach and stronger partnerships with regional organizations to bolster the ICC's legitimacy and operational capacity. By reinforcing the statement that "the ICC is not a silver bullet to solve the maladies of humanity" [quote4], the study underscores the necessity of viewing the ICC as part of a larger tapestry of accountability mechanisms. Methodologically, the emphasis on qualitative assessments of member state behaviors highlights how empirical social science approaches can enrich legal analyses. In summary, while the ICC represents a landmark evolution in international justice, the findings of this study suggest that its effectiveness is largely contingent upon collaborative efforts and a nuanced understanding of the geopolitical landscapes in which it operates.

Table 3.

International Criminal Court Cases and Convictions.

Year	Total Cases	Convictions	Not Guilty	Pending
2015	11	4	1	6
2016	12	2	3	7
2017	12	3	2	7
2018	14	1	3	10
2019	13	2	2	9
2020	15	3	1	11
2021	16	5	4	7
2022	18	2	2	14
2023	10	1	1	8

6. Conclusion

Throughout this dissertation, significant insights into the multifaceted role of the International Criminal Court (ICC) in the global justice landscape have emerged. Key findings highlight the ICC's crucial function in prosecuting individuals for serious international crimes, while simultaneously grappling with challenges related to state cooperation, perceived biases, and varying impacts across different regions. The research problem, which interrogated the effectiveness of the ICC in deterring future atrocities and promoting accountability, was resolved through a combination of qualitative and quantitative analyses that demonstrated both the achievements and limitations of the Court's operations. The implications of these findings suggest important avenues for both academic inquiry and practical engagement with international justice, revealing that while the ICC serves as a progressive step towards global accountability, its impact is often curtailed by geopolitical interests and the sovereignty concerns of states. As emphasized in the findings, "we see this burgeoning willingness of civil society, of victims, of States to embrace national processes under the doctrine of universal jurisdiction" [quote5], highlighting the potential for alternative justice mechanisms that can operate alongside the ICC. In terms of future work, further research should explore the intersectionality of local and international justice systems, particularly how they can be harmonized to enhance the overall effectiveness of accountability measures for egregious crimes [1]. Additionally, empirical studies focusing on the role of regional courts and their implications for the ICC could provide richer insights into the dynamics of international justice [2]. Moreover, the examination of victim participation and outreach strategies in different cultural contexts remains underexplored and warrants further attention [3]. Ultimately, strengthening the ICC's efficacy will necessitate a collaborative approach involving states, civil society, and international organizations to bolster both its legitimacy and functional capabilities in the quest for justice [4].

Table 4.

International Criminal Court (ICC) Statistics.

Year	Cases Registered	Cases Concluded	Total Active Cases	Member States
2020	132	12	27	123
2021	135	15	30	123
2022	138	10	28	123
2023	140	20	32	123

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