

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary
Peer Reviewed

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume II Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner what sever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

EDITORIALTEAM

EDITORS

Dr. Samrat Datta

Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board



Dr. Namita Jain



Head & Associate Professor

School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC-NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.

Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrish Bharat Foundation, New Delhi. (2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019

Mrs.S.Kalpana

Assistant professor of Law

Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr.Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8Articles in various reputed Law Journals. Conducted 1Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration.10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.



Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

ABOUT US

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN- 2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

JUSTIFIED INJUSTICE: INTERNATIONAL CRIMINAL LAW THROUGH THE LENS OF TWAIL

AUTHORED BY - P SUBIN JOSEPH¹

Abstract

This paper provides an in-depth exploration of Third World Approaches to International Criminal Law (TWAIL), a critical framework that challenges the power dynamics, selectivity, and neocolonial legacies inherent in international criminal law (ICL). By tracing the historical development of ICL, from its colonial roots to its post-war institutionalization through mechanisms like the International Criminal Court (ICC), the paper demonstrates how ICL has often served the interests of powerful Western states while disproportionately targeting the Global South. TWAIL scholars argue that ICL, while promoting the rhetoric of universal justice, selectively enforces legal norms, particularly against African states, while ignoring similar violations by Western powers. It further explores how these dynamics undermine the sovereignty of postcolonial nations. In response, TWAIL advocates for the decolonization of international law, emphasizing the need for more inclusive, culturally relevant, and equitable legal mechanisms. The paper examines TWAIL's proposals for reform, including the establishment of regional justice systems and the integration of restorative justice practices, as alternatives to the Western-dominated punitive model of ICL. Through this comprehensive analysis, the paper argues that meaningful reform of international criminal law is essential for achieving true global justice, one that respects the sovereignty and legal traditions of the Global South.

Keywords: international criminal law, third world approach to international law, twail

Introduction

International Criminal Law (ICL) has emerged as one of the most significant legal frameworks for addressing severe human rights violations such as war crimes, crimes against humanity, and genocide. However, as the field of ICL developed, critiques began to surface, particularly from scholars and legal practitioners in the Global South. These critiques, falling under the

¹ Advocate at Madras High Court

broader movement known as Third World Approaches to International Law (TWAIL), argue that international law, including ICL, has often served the interests of powerful Western states, perpetuating historical inequalities rooted in colonialism.

TWAIL scholars contend that ICL's structure and enforcement disproportionately target the Global South, reinforcing global power imbalances and reflecting neocolonial patterns of domination. This paper provides an expanded and in-depth analysis of TWAIL's critique of international criminal law, exploring the historical evolution of ICL, the theoretical underpinnings of TWAIL, and key case studies that demonstrate the selective and often politicized nature of ICL's application. Additionally, the paper examines TWAIL's proposals for reform, which aim to decolonize international law and create a more inclusive, equitable system of global justice.

The Evolution of International Criminal Law (ICL)

Theoretical Underpinnings and Development

The development of ICL is closely tied to the evolution of international law as a whole. ICL seeks to hold individuals criminally responsible for violations of international norms, particularly those related to war crimes, crimes against humanity, and genocide. The establishment of individual criminal responsibility in international law marked a significant shift away from state-centered accountability toward a focus on personal culpability.

As pointed out by Werle and Jessberger (2005)², ICL reflects a blend of various legal traditions, including common law and civil law systems. However, the dominance of Western legal norms has led to critiques from scholars who argue that ICL privileges certain legal frameworks over others, particularly those of the Global South. This imbalance is a central concern for TWAIL scholars, who argue that the selective application of ICL reflects broader patterns of inequality within the international legal system.

Colonial Context of International Law

International law, including ICL, developed during a period of European colonial expansion. During the 19th century, legal doctrines such as the "standard of civilization" were used to justify colonialism by framing non-European societies as legally and morally inferior to European powers (Anghie, 2004)³. International legal principles, such as sovereignty, were applied unevenly, with colonial territories often denied the protections afforded to European

² Werle, G., & Jessberger, F. *Principles of International Criminal Law*. (Oxford Univ. Press 2005).

³ Anghie, Antony, *Imperialism, Sovereignty and the Making of International Law* (Cambridge Univ. Press 2004).

states. This legacy of colonialism is evident in the structure of modern international law, including the selective enforcement of ICL.

TWAIL scholars argue that contemporary international law continues to reflect these colonial origins. The Global South is frequently subjected to legal interventions from international institutions, while powerful Western nations remain largely immune from scrutiny. The colonial roots of international law, therefore, have significant implications for the development and application of ICL.

The Post-War Creation of International Criminal Tribunals

The establishment of international criminal tribunals following World War II, particularly the Nuremberg and Tokyo Trials, marked the beginning of modern ICL. These tribunals were groundbreaking in that they held individuals, rather than states, accountable for crimes under international law. The trials established important legal precedents, including the principle that individuals could be held responsible for war crimes and crimes against humanity.

However, these tribunals were not without controversy. TWAIL scholars argue that the Nuremberg and Tokyo Trials reflected the victor's justice, with the Allied powers prosecuting individuals from the Axis states while ignoring crimes committed by their own forces. This selective application of justice set a precedent for the later development of ICL, where powerful states are often exempt from prosecution, while weaker states, particularly in the Global South, are disproportionately targeted.

Third World Approaches to International Law (TWAIL): A Critical Framework

The Emergence of TWAIL

TWAIL emerged as an intellectual movement in the late 20th century, rooted in the experiences of scholars and legal practitioners from the Global South who sought to challenge the Eurocentric foundations of international law. According to Mutua (2000)⁴, TWAIL seeks to expose the ways in which international law has historically served as a tool for the subjugation of non-Western peoples. TWAIL scholars argue that the international legal system, including ICL, continues to reflect the interests of powerful Western nations, often at the expense of the Global South.

TWAIL is not a monolithic school of thought; rather, it encompasses a diverse range of

⁴ Mutua, Makau, What is TWAIL? 94 Proc. of the Am. Soc'y Int'l L. 31, 38 (2000).

perspectives and approaches. However, its central premise remains that international law is not a neutral system but one that has been shaped by the historical and political realities of colonialism and imperialism. TWAIL seeks to "decolonize" international law by revealing its biases and advocating for a more inclusive legal order that reflects the voices and experiences of Third World nations.

Central Themes and Objectives of TWAIL

The central themes of TWAIL revolve around the following key objectives:

- **Critique of Eurocentrism:** TWAIL scholars argue that international law has been shaped by European colonial powers and reflects Western legal, political, and cultural values. This Eurocentrism marginalizes non-Western legal traditions and perspectives, perpetuating global inequality.
- **Decolonization of International Law:** One of the primary goals of TWAIL is to decolonize international law by challenging its colonial origins and advocating for the inclusion of Global South voices in legal discourse and decision-making processes.
- **Empowerment of the Global South:** TWAIL seeks to empower Global South nations by exposing the ways in which international law has been used to marginalize them and advocating for reforms that address their concerns and interests.

These themes are particularly relevant in the context of ICL, where the selective enforcement of legal norms has disproportionately targeted the Global South while powerful Western nations often escape accountability.

Critical Legal Studies and TWAIL: Conceptual Overlap

TWAIL shares certain conceptual overlaps with the Critical Legal Studies (CLS) movement, which also critiques the assumption of neutrality in law. CLS scholars argue that law is inherently political and that legal systems often reflect and reinforce societal power structures. Similarly, TWAIL critiques the global legal order for perpetuating historical and contemporary forms of domination.

Both movements challenge the idea that legal principles are objective or universal. However, while CLS tends to focus on domestic legal systems, TWAIL extends this critique to the international legal order, with a particular emphasis on the legacy of colonialism. As Gathii (2011)⁵ points out, TWAIL emphasizes the need to deconstruct and reform international legal

⁵ Gathii, James Thuo, TWAIL: A Brief History of its Origins, its Decentralized Network, and a Tentative Bibliography, 3 Trade, L. & Dev. 26, 64 (2011).

institutions in order to address the unique challenges faced by postcolonial societies.

Critique of International Criminal Law through TWAIL: An Analytical Breakdown

Power and Hegemony: The Dominance of Western Norms in ICL

One of the central critiques TWAIL scholars raise against international criminal law is its imposition of Western legal norms on non-Western societies. According to Rajagopal (2003)⁶, ICL reflects the dominance of Western liberal values, particularly the focus on individual accountability and retributive justice. These norms, while central to Western legal systems, may not resonate with the legal traditions of the Global South, where concepts of justice are often more restorative and communitarian.

The dominance of Western norms in ICL is further reinforced by the structure of international legal institutions, such as the International Criminal Court (ICC). The ICC's judges and prosecutors are primarily drawn from Western nations, and its legal procedures are based on Western legal traditions. This has led to concerns that ICL is being used as a tool of Western hegemony, imposing external legal standards on non-Western societies without regard for their unique cultural and historical contexts.

Selective Justice: A Focus on Africa and the Global South

TWAIL scholars argue that international criminal law has been applied selectively, with a disproportionate focus on Africa and the Global South. As Nouwen and Werner (2011)⁷ point out, the majority of the ICC's investigations and prosecutions have been directed at African nations, despite the fact that serious international crimes occur in other regions as well. This selective application of justice reinforces the perception that the ICC is biased against the Global South and serves as a tool for maintaining Western dominance.

This critique is particularly evident in the ICC's approach to African states. Since its inception, the ICC has opened investigations in a number of African countries, including Uganda, the Democratic Republic of Congo, Sudan, and Kenya. Meanwhile, Western nations and their allies have largely been immune from ICC scrutiny, despite allegations of war crimes and other serious violations of international law. This double standard has led to widespread criticism of

⁶ Rajagopal, Balakrishnan, *International Law from Below: Development, Social Movements, and Third World Resistance* (Cambridge Univ. Press 2003).

⁷ Nouwen, Sarah M. H., *Complementarity in the Line of Fire: The Catalysing Effect of the International Criminal Court in Uganda and Sudan* (Cambridge Univ. Press 2013).

the ICC and calls for its reform.

Neocolonialism and International Institutions

TWAIL critiques international criminal law for perpetuating neocolonialism through its legal institutions. According to Okafor (2005)⁸, the ICC and other international legal bodies are often perceived as tools of Western influence, designed to control and discipline Global South nations under the guise of promoting justice and human rights. This dynamic is particularly evident in the ICC's interventions in African states, where the court's actions are seen as undermining national sovereignty and reinforcing external control.

The ICC's ability to intervene in the domestic affairs of sovereign states, particularly those in the Global South, has raised concerns about its role as a neocolonial institution. TWAIL scholars argue that the court's interventions are often driven by political considerations, rather than a genuine commitment to justice, and that they serve to maintain the global power imbalance between the Global North and South.

The Role of Sovereignty in the TWAIL Critique

Sovereignty is a central issue in TWAIL's critique of international criminal law. Many postcolonial states view sovereignty as a crucial aspect of their identity and independence, particularly in light of their historical struggles against colonial rule. However, international legal institutions, such as the ICC, often challenge this sovereignty by imposing external legal norms and standards on Global South nations.

According to Chimni (2006)⁹, the imposition of international criminal law on postcolonial states can be seen as a continuation of the colonial project, where powerful states and international institutions dictate the legal frameworks and policies of weaker states. TWAIL scholars argue that this undermines the sovereignty and autonomy of postcolonial nations, reinforcing the global hierarchy that international law is ostensibly designed to dismantle.

Case Studies of TWAIL Critique in International Criminal Law

The International Criminal Court (ICC) and Africa

The relationship between the ICC and Africa has been one of the most visible examples of

⁸ Okafor, Obiora Chinedu. *The Third World, International Law, and the Post-9/11 Era: An Introduction*. Osgoode Hall Law Journal (2005)

⁹ Chimni, B.S., *Third World Approaches to International Law: A Manifesto*, 8 INT'L COMMUNITY L. REV 3 (2006)

TWAIL's critique of international criminal law. Since its establishment in 2002, the ICC has focused much of its attention on African nations, leading to accusations of bias and selective justice. According to Mutua (2008)¹⁰, the ICC's disproportionate focus on Africa reinforces the perception that African nations are inherently lawless and incapable of managing their own legal affairs.

This critique came to a head in 2016, when several African countries, including South Africa and Burundi, threatened to withdraw from the ICC in protest of its perceived bias against African leaders. The African Union (AU) has also expressed concerns about the ICC's focus on the continent and has called for reforms to the court's jurisdiction and procedures.

The Case of Sudan and President Omar Al-Bashir

The ICC's indictment of Sudanese President Omar Al-Bashir on charges of war crimes and crimes against humanity in 2009 exemplifies TWAIL's critique of the court's selective justice. While the indictment was hailed by many Western human rights organizations as a step toward accountability, it was met with significant resistance from African leaders, who argued that the ICC was unfairly targeting African heads of state.

As Akande (2010)¹¹ points out, the Al-Bashir case highlighted the tension between international criminal justice and national sovereignty. Many African leaders viewed the indictment as an external imposition on Sudan's domestic affairs, further fuelling the perception that the ICC was a tool of Western neocolonialism.

Kenya and the ICC: The Cases of Uhuru Kenyatta and William Ruto

In 2011, the ICC initiated investigations into post-election violence in Kenya, resulting in charges against several high-profile political figures, including Uhuru Kenyatta and William Ruto. The ICC's involvement in Kenya's political affairs was controversial, with many Kenyans viewing it as an infringement on their country's sovereignty.

The cases against Kenyatta and Ruto were ultimately dropped due to a lack of evidence, but the ICC's handling of the situation raised serious questions about its ability to prosecute cases in politically charged environments. According to Branch (2011)¹², the ICC's intervention in Kenya was emblematic of the broader problem of selective justice and external interference in African affairs.

¹⁰ Mutua, Makau, *Human Rights: A Political and Cultural Critique* (Univ. of Pa. Press 2008).

¹¹ Akande, Dapo, *The Legal Nature of Security Council Referrals to the ICC and Its Impact on Al-Bashir's Immunities*, 7 J. Int'l Crim. Just. 333, 352 (2010).

¹² Branch, Daniel, *Kenya: Between Hope and Despair, 1963–2011* (Yale Univ. Press 2011).

The United States and Accountability: Why Western Powers are Exempt

The United States provides a stark example of the double standards that TWAIL critiques in international criminal law. Despite its involvement in numerous international conflicts and alleged war crimes, such as those committed during the Iraq War, the U.S. has not been subject to ICC scrutiny. This is largely because the U.S. has not ratified the Rome Statute, the treaty that established the ICC, and thus is not subject to its jurisdiction.

TWAIL scholars argue that the U.S. and other powerful Western states are able to evade accountability for international crimes due to the structure of the global legal system, which privileges the sovereignty of powerful nations while subjecting weaker states to external scrutiny. This double standard undermines the legitimacy of ICL and reinforces the perception that it is a tool of Western dominance.

The Impact of TWAIL on International Criminal Law

Resistance from African States

The growing discontent with the ICC in Africa has been one of the most visible impacts of TWAIL's critique of international criminal law. Several African leaders have openly criticized the ICC for its focus on the continent, and there have been calls for African states to withdraw from the Rome Statute. In 2016, Burundi became the first country to officially withdraw from the ICC, citing concerns over the court's bias against African nations.

As Nouwen (2013)¹³ points out, the resistance from African states reflects a broader trend of Global South countries pushing back against international institutions that they perceive as unfair or neocolonial. TWAIL scholars argue that this resistance is a necessary step toward creating a more equitable system of international justice that respects the sovereignty and autonomy of postcolonial states.

The African Union's Response to the ICC

The African Union (AU) has played a central role in articulating the concerns of African states regarding the ICC. In recent years, the AU has called for reforms to the ICC, including proposals to limit its jurisdiction over African leaders and to strengthen regional justice mechanisms. The AU has also considered the establishment of an African Court of Justice and Human Rights, which would provide an alternative to the ICC for prosecuting international crimes on the continent.

¹³ Nouwen, Sarah M. H., *Complementarity in the Line of Fire: The Catalysing Effect of the International Criminal Court in Uganda and Sudan* (Cambridge Univ. Press 2013).

According to Murithi (2010)¹⁴, the AU's response to the ICC reflects a broader push for regional solutions to international criminal justice. TWAIL scholars have welcomed these efforts as a step toward decolonizing international law and creating a more inclusive global legal order.

TWAIL's Role in Reforming ICL: Advocating for Alternative Justice Mechanisms

In addition to critiquing the existing structures of international criminal law, TWAIL scholars have proposed alternative approaches to justice that are more responsive to the needs and values of Global South communities. One such approach is the incorporation of restorative justice mechanisms, which focus on reconciliation and healing rather than punishment.

Restorative justice practices are often rooted in indigenous legal traditions and are seen as more culturally appropriate for postcolonial societies. As Boyle and Chinkin (2007)¹⁵ argue, these practices should be integrated into the international criminal justice system as a way of addressing the limitations of the existing punitive model.

Reforming International Criminal Law: TWAIL's Proposals and Contributions

Decolonizing International Law

A central theme of TWAIL's critique of ICL is the need to decolonize international law by addressing its Eurocentric biases and ensuring greater representation of Global South perspectives. This requires not only reforming institutions like the ICC but also rethinking the underlying principles and norms that guide international criminal justice.

TWAIL scholars advocate for a more pluralistic approach to international law, one that recognizes the diversity of legal traditions and experiences across the globe. As Baxi (2006)¹⁶ points out, this includes incorporating non-Western concepts of justice, such as restorative justice, into the international legal framework.

Toward a More Inclusive Global Justice System

One of the key goals of TWAIL is to create a more inclusive and equitable system of international justice. This involves not only increasing the representation of Global South states

¹⁴ Murithi, Tim. The African Union's evolving role in peace operations: the African Union Mission in Burundi, the African Union Mission in Sudan and the African Union Mission in Somalia. *African Security Review*. 17. 69-82. (2008)

¹⁵ Boyle, Alan E. & Christine M. Chinkin, *The Making of International Law* (Oxford Univ. Press 2007).

¹⁶ Baxi, Upendra, *The Future of Human Rights* (Oxford Univ. Press 2006).

in international legal institutions but also ensuring that these institutions are accountable to the people they serve. TWAIL scholars argue that international criminal law must move beyond its current focus on individual accountability and embrace a more holistic approach to justice that addresses the root causes of conflict and inequality.

According to Crawford (2012)¹⁷, this requires a shift away from the punitive model of justice that dominates ICL and toward a more restorative approach that prioritizes reconciliation and community healing.

Regional Justice Mechanisms: Africa and Latin America

TWAIL scholars have called for the establishment of regional justice mechanisms as an alternative to the ICC. These mechanisms would be more attuned to the specific needs and contexts of regional communities and could provide a more culturally appropriate form of justice. The African Union's proposal for an African Court of Justice and Human Rights is one example of such a regional approach.

In Latin America, regional human rights courts, such as the Inter-American Court of Human Rights, have played a significant role in addressing international crimes and human rights violations. These regional institutions provide a model for how justice can be delivered at the regional level, with a greater emphasis on local context and accountability (Cassel, 2001)¹⁸.

The Role of Restorative Justice in Postcolonial Societies

Restorative justice offers an alternative to the retributive model of international criminal law, which focuses primarily on punishment. In many postcolonial societies, restorative justice practices are seen as more culturally appropriate because they prioritize reconciliation, healing, and community rebuilding. These practices often involve bringing together victims and perpetrators to address the harm caused by crime and to find ways to restore relationships.

As Braithwaite (2002)¹⁹ argues, integrating restorative justice into international criminal law would provide a more holistic approach to justice that addresses the underlying causes of conflict and violence in postcolonial societies. By focusing on healing and reconciliation, rather than merely punishing perpetrators, restorative justice can contribute to long-term peace and stability.

¹⁷ Crawford, James, *Brownlie's Principles of Public International Law* (Oxford Univ. Press 2012).

¹⁸ Cassel, Douglass. Does International Human Rights Law Make a Difference, *Chicago Journal of International Law*: Vol. 2: No. 1, Article 8 (2001).

¹⁹ Braithwaite, John, *Restorative Justice and Responsive Regulation* (Oxford Univ. Press 2002).

Final Thoughts

Third World Approaches to International Criminal Law provide a critical framework for understanding the limitations and injustices embedded in the current international legal system. By challenging the selective application of international criminal law, exposing its neocolonial underpinnings, and advocating for the inclusion of Global South perspectives, TWAIL scholars have made significant contributions to the discourse on international justice.

The future of international criminal law depends on its ability to evolve beyond its colonial legacies and embrace a more inclusive, equitable framework. This will require not only institutional reforms, such as the establishment of regional justice mechanisms, but also a shift in the underlying principles and norms that guide international criminal justice. By incorporating restorative justice practices and other non-Western concepts of justice, international law can move toward a more pluralistic and culturally sensitive approach to addressing the world's most serious crimes.

