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Muslim-Majority West African States and ICC Prosecutions: The Case of Burkina Faso, Côte d'Ivoire, Mali and Niger

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1. Context

Justice must not be perceived as interference, but as a universal response to shared suffering.[1]

This statement by former Prosecutor of the International Criminal Court ('ICC') Fatou Bensouda powerfully underscores the universalist vocation of international criminal law. It suggests that, far beyond The Hague, responsibility for the most serious crimes should be a shared concern – one that can resonate within the domestic jurisdictions of states. It is precisely from this perspective – understanding the behaviour of actors on the international stage and their sometimes-ambivalent relationship with international criminal justice – that this policy brief is offered.

By 'Muslim-majority West African states', we mean a subset of member states of the Economic Community of West African States ('ECOWAS') where Islám is the majority religion, both demographically and in terms of socio-political influence. These include Mali, Niger, Senegal, Guinea, The Gambia, Côte d'Ivoire and Burkina Faso.[2] These states share, beyond their geographic location, post-colonial trajectories marked by hybrid regimes in which Islámic references may interact – more or less visibly[3] – with contemporary legal frameworks, particularly in their reception of international criminal law.[4]

Our focus is on the area of prosecution of international crimes as in all judicial, legislative and institutional mechanisms – whether national or international – aimed at punishing core international crimes, understood as the most serious offence against the fundamental norms of the international community, as enshrined in the Rome Statute.[5] These crimes affect the conscience of all humanity and, due to their gravity, justify subsidiary – and sometimes concurrent – international jurisdiction alongside national courts.[6]

The brief lies at the intersection of several dynamics: that of international criminal justice, as embodied by the ICC in its repressive mandate; that of the legal, geopolitical and religious realities specific to Muslim-majority West African states; and finally, that of the tensions between universal aspirations in the fight against impunity and localized perceptions of sovereignty, legitimacy and justice. Our theme, thus reconsidered, can therefore be formulated as the 'perception, by Muslim-majority West African states, of the repressive action of the ICC in matters of core international crimes: the case of Burkina Faso, Côte d'Ivoire, Mali and Niger'.

The idea of universal criminal justice is rooted in the darkest upheavals of world history. Already sketched out at the end of World War I,[7] its materialization came after World War II with the creation of the Nuremberg[8] and Tokyo[9] tribunals, which had the merit of establishing, for the first time, the principle that certain crimes, due to their extreme gravity, offend all of humankind.[10] The institutionalization of this movement continued into the 1990s with the creation of *ad hoc* criminal courts for Rwanda and the former Yugoslavia,[11] ultimately leading to the adoption of the Rome Statute in 1998 and the creation of the ICC, the first permanent international criminal court, entrusted with the immense responsibility of prosecuting, trying and punishing those accused of international crimes.[12]

On a philosophical level, this justice rests on belief in the universality of human values. It begins from the premise that certain crimes do not fall solely within the sovereign jurisdiction of states, but rather constitute violations of the universal moral order.[13] Inspired by *jus cogens* and the humanist principles derived from natural law, international criminal justice pursues an ethical ambition:[14] that of establishing a shared legal consciousness, where human dignity takes precedence over political,

1 United Nations Security Council ('UNSC'), "Deploring Increased Violence in Libya, International Criminal Court Prosecutor Tells Security Council International Community Must Help Restore Stability", Press Release, SC/11887, 12 May 2015.

2 Note that 63.8 per cent of the population of Burkina Faso is Muslim, as is 95 per cent of the population of Mali and more than 95 per cent of the population of Niger. "Ranking of African States by Number of Muslims", *Atlasocio.com*, 23 February 2021.

3 Notably in Mali, at a certain period when Islám had a strong impact on the country's political options.

4 Yao Kouamé, "Le Religieux et Le Politique dans L'État de Droit Démocratique: Un Éclairage à Partir de Jürgen Habermas", in Gaston Ogui Cossi, Pierre Diarra and Paulin Poucouta (eds.), *De Qui Dieu Est-Il Le Nom? Penser le Divin*, Karthala, Paris, 2021, pp. 89–97.

5 Rome Statute of the International Criminal Court, 17 July 1998, Article 1 (preferring the expression "the most serious crimes of international concern, within the meaning of the present Statute") ('Rome Statute') (https://www.legal-tools.org/doc/7b9af9/).

6 *Ibid*., Article 17.

7 Anne-Marie La Rosa, *Prévenir et Réprimer Les Crimes Internationaux: Vers Une Approche « Intégrée » Fondée sur la Pratique Nationale*, International Committee of the Red Cross, June 2020, p. 53.

8 By the London Agreement of 8 August 1945 (https://www.legal-tools.org/doc/844f64/), the International Military Tribunal at Nuremberg was established to try major Nazi criminals.

9 By decision of the Commander-in-Chief of the Occupation Troops in Japan on 19 January 1946, the International Military Tribunal in Tokyo was established, with the aim of trying Japanese war criminals during this period, modelled on the Nuremberg Tribunal.

10 Declaration Renouncing the Use, in Time of War, of Certain Explosive Projectiles, 29 November 1968 (https://www.legal-tools.org/doc/c951bc/) ("That the employment of such arms would, therefore, be contrary to the laws of humanity").

11 UNSC Resolution 827 (1993), UN Doc. S/RES/827, 25 May 1993 (https://www.legal-tools.org/doc/dc079b/) (for the International Criminal Tribunal for the former Yugoslavia), and UNSC Resolution 955 (1994), UN Doc. S/RES/955, 8 November 1994 (https://www.legal-tools.org/doc/cc5ac6/) (for the International Criminal Tribunal for Rwanda).

12 Abdoulaye Soma, "Vers Une Juridiction Pénale Régionale pour L'Afrique", in *Cahier Africain de Droit International*, 2019, no. 1, p. 2.

13 Robert Kolb, *Droit International Pénal,* Bruxelles, Bruylant, 2008, pp. 15–17.

14 *Ibid*., p. 16.

cultural or religious considerations. From this perspective, it seeks to embody not interference, but the echo of a universal moral solidarity in the face of horror.

From a normative standpoint, international criminal justice is based on the progressive establishment of peremptory norms of universal scope, which transcend state borders and legal particularities. Since the adoption of the Rome Statute, these norms aim to reflect a global collective conscience in response to the gravest crimes, while also strive – beyond their European legal heritage – to incorporate cultural, religious and legal diversity.[15] The universalization of international criminal law thus involves both the codification of common principles[16] and an openness to other visions of justice, in order to allow for more inclusive recognition of African, Arab or Asian sensibilities within the global normative framework.[17]

2. Questions Addressed in this Brief

This brief analyzes the stance of these West African states towards the ICC, their opinions about this jurisdiction, and cases that have triggered the Court's repressive system. Starting with ongoing or past actions carried out by the Court, the goal is to offer an informed observation of these states' perceptions of the ICC.

Accordingly, a central question deserves to be raised, particularly with regard to the dissemination of international criminal norms and their varied reception across different cultural and political contexts: Do Muslim-majority West African states – namely Burkina Faso, Côte d'Ivoire, Mali and Niger – have a specific understanding or perception of the legitimacy and mechanisms for repressing international crimes as established by the ICC? From this main question, several related sub-questions emerge: What lessons can be drawn from the decisions rendered by the ICC in these cases, especially with regard to the principles of Islámic law that they may have confronted or challenged? What expectations remain – both judicial and symbolic – regarding the prosecution of international crimes committed on Malian territory? To what extent are Sahelian states – Côte d'Ivoire, Mali, Niger and Burkina Faso – willing to assume, under the principle of complementarity, the responsibility for prosecuting international crimes committed on their own soil? What insight can be offered on the relationship between Islám and international criminal law in its current form, in light of normative tensions and possible areas of convergence? How do the military regimes currently in power in the Sahel region view justice in their fight against Jihádísm – caught between the imperative of security and the requirement of legality?

Reflecting on these questions will allow for an assessment of the actual capacity of international criminal law to establish itself as a common legal language within spaces where diverse legal traditions co-exist. Furthermore, it presents an opportunity to question the balance – or imbalance – between the proclaimed universality of international criminal justice and the lived plurality of conceptions of criminal legitimacy.

The present reflection is rooted in a context that is both urgent and enduring, marked by the growing challenge to the legitimacy, effectiveness and neutrality of the ICC.[18] The withdrawal of states from the Rome Statute (the Philippines, Hungary[19] and Burundi[20]), the imposition of retaliatory measures by the United States against Court personnel,[21] and the repeated inefficacy of ICC arrest warrants[22] illustrate increasing mistrust toward the institution. At the same time, regional initiatives, such as the project for a Sahelian Criminal and Human Rights Court,[23] reflect a desire for normative ownership and geopolitical rebalancing. In this context, Africa, and more specifically its Muslim-majority states, is increasingly questioning the universal nature of international criminal justice, which it sometimes perceives as an instrument serving external political agendas[24] that selectively target leaders deemed undesirable by the major powers.[25]

In light of these issues, this brief is structured into two complementary parts. In Section 3., we revisit the concrete experience of recourse to the ICC by Sahelian states, highlighting jurisprudential contributions, observed limitations and the normative tensions that have emerged. In Section 4., the analysis shifts towards the contemporary logic of criminal justice within the military regimes currently in power, examining their relationship with the ICC in light of legal requirements and aspirations for a form of justice authentically rooted in West African realities.

3. The ICC in the Face of West African Realities

In West Africa, the ICC is met with mixed reception, oscillating between legitimate expectations for justice and perceptions of bias. The Malian and Ivorian experiences illustrate this duality, revealing procedural progress as well as underlying criticism. To understand this dynamic, it is essential to examine both the judicial treatment by the ICC of emblematic cases (Section 3.1.) and the normative tensions between international law and Islámic references, especially in the context of the principle of complementarity (Section 3.2.).

3.1. Judicial Treatment of International Crimes Involving West African States: Minimal Respect for the Principle of Complementarity

It is important to undertake a case-by-case analysis of the states concerned, their relationship with the ICC – particularly in terms of situations that led to prosecutions, their reappropriation of the Rome Statute's norms, or their reluctance regarding the Court's jurisdiction.

To this end, the relationship between the ICC and the Ivorian state officially began on 18 April 2003, when the state, though not yet a party to the Rome Statute, declared that it accepted the Court's jurisdiction in accordance with Article 12(3).[26] This recognition was reaffirmed in December 2010 by the Ivorian presidency, which extended the ICC's jurisdiction to cover events occurring after March 2004.[27] The Prosecutor, acting *proprio motu*, obtained authorization to open an investigation in October 2011, focusing primarily on the post-electoral violence of 2010–2011.[28] The prosecution argued that these crimes, attributed to the Gbagbo camp, targeted alleged supporters of Alassane Ouattara, particularly based on their ethnic or religious background.[29]

The case of Laurent Gbagbo and Charles Blé Goudé undoubtedly marked the starting point for the intense crystallization of tensions between the ICC and African countries. Despite the trial beginning in

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15 Ousmane Ali Diallo, "A la Recherche d'Une Justice Internationale: L'Afrique et la CPI", *L'Afrique des Idées*, 3 November 2016.

16 Hervé Ascensio, Emmanuel Decaux and Alain Pellet, *Droit International Pénal*, 2nd ed., Pédone, Paris, 2012, p. 20.

17 Ayse Sila Cehreli, "L'Odyssée du XXème Siècle: La Naissance de la CPI", *Synergies Turquie*, 2009, no. 2, p. 113.

18 Moussa Bienvenu Haba, "L'Offensive de l'Union Africaine Contre la Cour Pénale Internationale: La Remise en Cause de la Lutte Contre L'Impunité", in *Blogue, Clinique de Droit International Pénal et Humanitaire*, 9 December 2013.

19 On 3 April 2025, the Hungarian government announced Hungary's withdrawal from the ICC Statute, while Israeli Prime Minister Benjamin Netanyahu, the subject of an arrest warrant issued by the ICC on 21 November 2024, was visiting Budapest. See Thomas Herrmann, "La Hongrie de Viktor Orban Quitte la Cour Pénale Internationale: Pour Quels Effets?", *Le Club Des Juristes*, 7 April 2025.

20 Muammar Gaddafi, Libyan head of state and then-chairman of the African Union (March 2009), said of the Court: "This Court is against countries that were colonized in the past and that the West wants to recolonize. This is the practice of a new global terrorism. […] If we allow such a thing, that a president is arrested and tried, like President Bashir, we should also try those who killed hundreds, millions of children in Iraq and Gaza", "Gaddafi slams ICC as 'new form of world terrorism'", *ABC News*, 30 March 2009.

21 Amissi Melchiade Manirabona, "Vers la Décrispation de la Tension Entre la CPI et L'Afrique: Quelques Défis à Relever", in *Revue juridique Thémis*, 2011, vol. 45, no. 2, p. 269.

22 Jean-Baptiste Jeangène Vilmer, *Pas de Paix Sans Justice? Le Dilemme de la Paix et de la Justice en Sortie de Conflit Armé*, Presses de Sciences Po, Paris, 2011, pp. 186–193.

23 "Confédération AES: Vers la Mise en Place d'Une Cour Pénale Sahélienne et des Droits de L'Homme (CPS-DH)", *LeFaso.net*, 1 June 2025.

24 Manirabona, 2011, see *supra* note 21.

25 Narey Oumarou, "La CPI et L'Afrique: Analyse des Procédures en Cours", in *Afrilex*, 2015, p. 3.

26 Rome Statute, Article 12(3), see *supra* note 5.

27 ICC, "Côte d'Ivoire" (available on its web site).

28 *Ibid*.

29 ICC Office of the Prosecutor, "Statement of ICC-Prosecutor at the Commencement of Trial in the case against Messrs. Laurent Gbagbo and Charles Blé Goudé", 28 January 2016.

2016, the Court issued a notable acquittal in January 2019 due to insufficient evidence, a decision that was upheld on appeal in 2021.[30] This sparked strong criticism, not only for targeting a sitting African head of state, but also for its alleged partiality: many observers lamented that the Ouattara camp, also implicated in the violence, remained outside the scope of prosecution.[31] As a result, the ICC was accused of serving as a tool for political legitimation, benefitting those who emerged victorious from electoral crises.[32]

Beyond the verdict, the tangible effects of the proceedings on national reconciliation or the prevention of future violence remain uncertain.[33] While the Court's intervention marked a historic turning point for individual criminal accountability at the highest level of the state, it did not necessarily ease societal divisions or restore African societies' trust in international criminal justice. The Ivorian case continues to fuel their mistrust toward the Court, perceived – rightly or wrongly – as indifferent to the demand for fairness and overly focused on targeting African nationals.

A State Party to the Rome Statute since 16 August 2000, Mali remains one of the West African states that has most concretely co-operated with the ICC – at least when it came to prosecuting members of non-state armed groups operating on its territory.[34] Three of its nationals, all linked to Al-Qaeda in the Islamic Maghreb ('AQIM'), have been prosecuted for war crimes and crimes against humanity committed in Timbuktu between 2012 and 2013.[35] The Al Mahdi case, the first of its kind to classify the destruction of cultural property as a war crime, left a strong impression: he pleaded guilty at the opening of his trial in 2016 and was sentenced to nine years in prison. He was followed by Al Hassan, arrested in 2018, found partially guilty in 2024, and sentenced to ten years in prison. In June 2024, the unsealing of the arrest warrant against Ag Ghaly reignited the Court's actions, even though the individual remains at large.[36]

On the normative level, Mali has partially incorporated the principles and provisions relating to international crimes from the Rome Statute into its Penal Code, notably the non-applicability of statutes of limitations, but it remains incomplete regarding the precise criminalization of certain international crimes, particularly the crime of aggression.[37] In Burkina Faso, a comprehensive implementation bill was drafted as early as 2009, taking into account some substantive and procedural elements of the Statute. This text, which was incorporated into the Penal Code, includes the crimes of war, genocide and crimes against humanity, but intentionally omits the crime of aggression, as Mali did.[38] Niger, although it amended its Penal Code in 2018, did not include any co-operation mechanisms with the Court, nor the responsibility of superior officers, which is nonetheless enshrined in the Statute. The preliminary chapter of Title III of its January 2018 Penal Code refers to war crimes and crimes against humanity, and mentions genocide in Section 1 of the same chapter. This would suggest that Nigerien criminal lawmakers may treat genocide either as a specific criminal act constituting a war crime or a crime against humanity.[39]

On the ground, no national from Burkina Faso or Niger has yet been prosecuted before the ICC. One might therefore be tempted to question the influence of Islám on these states' co-operation with the ICC.

3.2. Between Islámic Law and Complementarity: Underlying Tensions

In West African states with Muslim majorities, the interaction between international criminal law and local normative references cannot be fully understood without considering the religious factor, particularly the almost exclusive adherence of these societies to Sunní Islám.[40] This denomination – based on a literal and unifying interpretation of religious norms – deeply shapes the social structure, the language of authority and, at times, the very conception of justice. Thus, although these states' accession to the Rome Statute is undeniable on a formal level, it unfolds within a silent tension between two legal rationalities: one universalist and secular, the other rooted in a religious tradition that is mobilized both in public discourse and in electoral dynamics.[41]

This theological dimension, combined with political legitimacy issues, shapes not only the reception of the international criminal model, but also the actual level of ownership of treaty obligations. Far from being a mere cultural backdrop, religion acts as a filter of interpretation that, in certain cases, hinders the effective transposition of Statute norms into domestic legal systems, or fuels distrust toward a court perceived as foreign. Complementarity, the cornerstone of the ICC system, thus clashes with state logics in which law is far from neutral – it reflects deep symbolic and identity-based balances.[42]

In this context, international criminal justice, to remain credible, cannot rely solely on the formal accession of states. It must necessarily integrate the religious dimension into its normative implementation strategies – not by compromising on principles, but by initiating an inter-civilizational legal dialogue.[43] For without acknowledgment of these tensions, the ICC risks remaining, for these states, a court that is legally accepted, yet culturally held at arm's length.[44] One can legitimately question what lies ahead, in light of recent ambitions to establish competing jurisdictions and their silence in the face of potential international crimes.

4. Penal Reconfigurations and Judicial Sovereignty

In a regional context marked by the erosion of ties with certain international and regional institutions, West African military regimes appear to be redesigning their repressive apparatus in line with sovereigntist aspirations. This trend is evident both in their silence regarding potential international crimes (Section 4.1.), and in the emergence of alternative jurisdictional projects (Section 4.2.).

4.1. Silence in the Face of Potential International Crimes

In the aforementioned states, acts potentially falling under the material jurisdiction of the ICC have multiplied in recent years, without prompting an effective national judicial response, nor active co-operation with the Court – at least not when such crimes are attributed to their regular armed forces.[45] The silence of state authorities in the face of these serious violations of the Rome Statute constitutes a clear breach of the principle of complementarity, especially given that Statute norms have been incorporated into their domestic criminal justice systems.

Burkina Faso, Mali and Niger, although ICC States Parties, have refrained from referring situations involving recurrent violence on their territories, despite documented allegations of extrajudicial executions, enforced disappearances and systematic attacks on civilians.[46] Reports

30 *Ibid*.

31 Adeline Marthe, "La CPI: Une Justice à Deux Vitesses", *Le Monde*, 2 February 2016.

32 Marie Gilbert, "La Cour Pénale Internationale et L'Afrique, ou L'Instrumentalisation Punitive de la Justice Internationale?", in *International and Strategic Review*, 2015, vol. 1, no. 97, pp. 111–118.

33 N'Dri Maurice Kouassi, "Stratégies Argumentatives et Réconciliation Nationale en Situation de Crise: Le Cas de la Côte d'Ivoire", in *UIRTUS*, 2023, vol. 3, no. 3, pp. 27–45.

34 Al Hassan, Ahmad Al Faqi Al Mahdi and Iyad Ag Ghaly, three individuals who were members of terrorist groups, were readily offered to the Court by the Malian authorities.

35 ICC, "Al Hassan Case" (available on its web site).

36 ICC, "Situation in Mali: ICC unseals arrest warrant against Iyad Ag Ghaly", Press Release, 21 July 2024.

37 Mali, Penal Code, 13 December 2024, Book III (https://www.legal-tools.org/doc/pof6oyy3/).

38 Burkina Faso, Penal Code, 31 May 2018, Book IV (https://www.legal-tools.org/doc/zjc3em/).

39 Niger, Penal Code, 15 July 1961, Title III (https://www.legal-tools.org/doc/qcm1g5rf/).

40 Josef Stamer, "Religion et Politique en Afrique de L'Ouest: Des Voix Musulmanes", in *Se Comprendre*, 2001, vol. 1, no. 9, pp. 1–17.

41 Manirabona, 2011, p. 292, see *supra* note 21.

42 Stamer, 2001, p. 13, see *supra* note 40.

43 Manirabona, 2011, p. 311, see *supra* note 21.

44 ICC Assembly of State Parties, Strengthening the International Criminal Court and the Assembly of States Parties, ICC-ASP/5/Res.3, 1 December 2006, p. 8, para. 4.

45 Stéphanie Maupas, "Afrique de L'Ouest: Des Associations Touarègues Déposent un Signalement à la CPI contre les Armées du Mali, du Burkina Faso et Africa Corps", *Radio France International*, 16 June 2025.

46 On 1 February 2024, the Public Prosecutor of Burkina Faso at the High Court of Ouahigouya announced the opening of an investigation following reports

by non-governmental organizations ('NGOs'), human rights organizations, and local associations have nonetheless brought to light military practices that could be qualified as war crimes or crimes against humanity.[47]

In these states, no official declaration of inability or unwillingness to co-operate with the ICC has been recorded. Instead, NGOs are more often accused of making unsubstantiated claims or of taking sides.[48] The few judicial investigations that have been announced remain in their infancy, often marred by institutional silence or political manipulation.[49] This procedural inertia, far from being neutral, weakens the criminal response to atrocities, deprives victims of effective recourse, and contributes to the normalization of the gravest violations.

Amid the turmoil of security crises shaking West Africa, many states are reluctant to acknowledge the existence of 'parties to the conflict' in the sense of international humanitarian law – and this is a deliberate stance. Recognizing these confrontations as non-international armed conflicts, as outlined in the Rome Statute, would imply implicit recognition of the opposing armed groups, which could bolster their political or legal legitimacy. To avoid this semantic shift with serious consequences, states prefer to invoke the notion of 'terrorism' – a concept absent from the Rome Statute – in order to keep these acts within the realm of domestic criminal law, using special legislation. This strategy, both political and legal, allows them not only to retain narrative control over the violence, but also to avoid the international obligations that would arise from the recognition of a non-international armed conflict, particularly with respect to international criminal responsibility.

By abstaining from action or refusing to activate the co-operation mechanisms provided for in the Rome Statute, these states are relinquishing one of the most powerful tools of international criminal law.[50] This silence continues with the creation of repressive jurisdictions that hold concurrent jurisdiction with the Court.

4.2. The Parallel Creation of Competing Criminal Jurisdictions

The African project to establish a regional criminal jurisdiction on the continent – through the creation of a specialized chamber for prosecuting international crimes[51] within the African Court of Justice and Human and Peoples' Rights ('ACJHPR') – reflects a broader movement to reclaim ownership over the handling of international crimes committed on African soil. This desire to create African criminal chambers, explicitly empowered to adjudicate crimes falling within the scope of the ICC – such as genocide, war crimes and crimes against humanity – signals growing distrust toward the Court, which is increasingly perceived by some Global South states as an instrument of dominant powers. The establishment of this continental court inevitably raises the question of normative and jurisdictional co-existence with the ICC: Will the ICC retain a residual competence, complementary to African jurisdictions of a similar nature, or will it find itself directly competing in the very space where it claims the universality of its mandate?

What began as a theoretical debate has taken a more concrete turn with the May 2025 announcement by the Sahel States Alliance ('AES') – comprising Burkina Faso, Mali and Niger – of their intention to create a Sahel Court for Criminal and Human Rights.[52] Although the legal framework and material jurisdiction of this future court are still to be defined, the severity of abuses committed in this chronically unstable region leaves little doubt that terrorism will be included among the crimes it aims to prosecute. While this focus is understandable given the regional security context, it nevertheless raises fundamental questions about how this nascent court will align with the ICC, which is already, in principle, competent to adjudicate crimes committed on the territories of Rome Statute member states.[53] These African initiatives – whether led by the African Union or regional alliances like the AES – thus reflect a strategic reconfiguration in how African states wish to approach and implement international criminal justice: less as a distant and sometimes biased mechanism, and more as an institutional tool grounded in the continent's geopolitical and legal realities.

5. Conclusion

The lines have shifted, but the divide remains. West Africa, initially perceived as a region of enthusiastic support for international criminal justice, now seems to be questioning the meaning of its commitment. Perhaps not out of rejection of the ideal of justice, but because it seems increasingly disconnected from local realities, religious sensitivities, security emergencies or sovereigntist demands.

Indeed, the silence in the face of crimes, the frozen procedures, the emergence of alternative jurisdictions – everything points to a cautious retreat, if not a tacit rupture. States co-operate reluctantly or for political expediency, integrate half-heartedly, and sometimes denounce. And the ICC, often seen as a voice from elsewhere, struggles to be heard, having failed to reconcile with the region's political, cultural and identity-based balances.

But nothing is set in stone yet. The era of indifference has not yet sealed the era of resignation. It is up to international criminal justice to reinvent itself, and Africa to redefine the contours of an equitable partnership. Because ultimately, the challenge is clear: to deliver justice, not in glass palaces, but where blood has been shed, where victims are still waiting, where impunity continues to kill, in silence.

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of deadly attacks allegedly committed on 25 February 2024 in the villages of Komsilga, Nodin and Soro which claimed the lives of 170 people.

47 "Burkina Faso: Une ONG Accuse L'Armée et Ses Supplétifs 'D'Exécutions' D'Au Moins 21 Civils et de Rorture", *TV5 Monde*, 11 March 2023.

48 Ahmad Diallo, "Le Burkina Faso Ferme Six ONG Étrangères", *AfrikMag.com*, 7 July 2025.

49 "Suspension de L'ONG Geneva Call au Mali: Le Burkina Faso Doit-Il S'Inquiéter?", *Maliweb.net*, 17 January 2023.

50 Maxime C. Tousignant, "L'Instrumentalisation du Principe de Complémentarité de la CPI: Une Question D'Actualité", in *RQDI*, 2012, vol. 25, no. 2, p. 77.

51 Soma, 2019, pp. 12–14, see *supra* note 12.

52 See *supra* note 23.

53 Under Article 28A of the Protocol on Amendments to the Protocol Relating to the Statute of the African Court of Justice and Human and Peoples' Rights, 27 June 2014 (https://www.legal-tools.org/doc/05252d/), the ACJHR has jurisdiction over the crime of genocide, war crimes, crimes against humanity and the crime of aggression. These crimes also fall within the jurisdiction of the ICC under the terms of the Rome Statute.

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