



Strathmore  
UNIVERSITY

SCHOOL OF LAW  
MASTER OF LAWS  
END OF MODULE EXAMINATION  
LLM 8212: MECHANISMS FOR INTERNATIONAL COOPERATION

DATE: Thursday 11<sup>th</sup> April 2019

Time: 3 Hours

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**Instructions**

1. Provide critical analysis, reflections and where applicable cite contemporary case examples and case law to support your arguments.
2. All the 3 questions are **compulsory**.
3. Credit is given for well structured, legible and critical reflective analysis.

**Question 1**

The International Criminal Court recently withdrew charges against two high ranking senior government officials – including a head of State and Government - of an African Union Member State who had been indicted for crimes against humanity. Among others, the prosecutor to the ICC cited non-cooperation by the AU Member State in her bid to gather enough evidence to support the charges for the decision. The Court's decision raised serious doubts about the Court's ability and capacity to sustain charges without state cooperation and about the implications of prosecuting heads of state and government while still in power.

- a) What are the consequences of non-cooperation by a State Party to the Rome Statute? Provide a critical analysis with concrete examples. **(10 Marks)**
- b) Are there competing international legal obligations that may frustrate successful prosecution of sitting heads of state and government? Provide a critical reflection and where applicable cite comparable lessons from other jurisdictions and case law.

**(10 Marks)**

### **Question 2**

On 30 May 2016, Hissene Habre a former head of state and government of Chad was convicted of crimes against humanity in a special international tribunal in Senegal with support from the African Union.

- a) Why did the AU support the trial of Hissene Habre – a former head of State and Government – while it has consistently shielded other heads of state and Government from trials for similar international crimes? **(10 Marks)**
  
- b) What lessons can we learn from the trial of Hissene Habre in terms of how to address impunity in Africa and state cooperation? **(10 Marks)**

### **Question 3**

- a) Are states that are not parties to the Rome Statute obliged to cooperate with the International Criminal Court? Provide a critical reflection and practical contemporary examples including case law to illustrate your arguments? **(10 Marks)**
  
- b) Is the current international legal framework adequate in compelling states to cooperate with the ICC and, if not, what can be done to address current challenges to state cooperation? **(10 Marks)**