Preface

There are times when those who work in the Academy or in public service who focus on justice and human rights may have doubts that human progress is possible given the horrors that the world has witnessed in the last century and the first decade of the 21st Century. This was certainly the case for this author after close to two decades of academic and professional work in the fields of international human rights, justice and law. Then came along the opportunity to experience first hand the work of those in the international arena who devote, not only their professional lives, but also much of their personal lives to building a global institution the primary function of which is to promote peace and justice among our human family. The institution was the International Criminal Court the historic establishment of which is the culmination of centuries of humanity’s desire to promote the idea that sustainable peace is only possible in the absence of impunity, as the first chapter of this work will discuss.

It was at the end of 2008 that I readily accepted an invitation to be a Visiting Professional at the International Criminal Court in The Hague during the spring and summer of 2009. I opted for a position in the Legal Advisory Section of the Office of the Prosecutor. This choice was deliberate because I wished to understand how the early investigations and prosecutions were being shaped by the Office of the Prosecutor and, in particular, by the Chief Prosecutor, Luis Moreno-Ocampo.

The experience was immensely enriching as it made me realize that theoretical perspectives of the relationship between the search for peace and the thirst for justice in the intense conflict zones of our world must be tempered with the actual facts on the ground and the reality that the truth lies somewhere between extreme positions on whether peace trumps justice or justice trumps peace.

As the discussion on the conflict in Northern Uganda reveals in Chapter 3 of this book, the solution may be neither a peaceful settlement nor justice fulfilled, but instead may lie only a military endgame. In the spring and summer of 2009, I also learned that the interplay between desired prosecutorial strategies and ultimate judicial outcomes is hugely complex and rarely predicable, given the great challenges of a permanent international criminal tribunal in gathering evidence, producing and protecting witnesses, creating or building upon new modes of criminal liability while
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