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Legal Framework and Mechanism for Combating International Crimes: A Comparative Analysis between Nigeria and Uganda

GODSWILL OWOCHE ANTAI, MERCY OKPOKO, OLAWUNMI OPEYEMI OBISESAN
HASSAN ISMAILA, PAUL ATAGAMEN AIDONOJIE
Kampala International University, Kampala, Uganda

Abstract. This research compares and analyzes the existing legal regimes and institutional mechanisms developed to combat international crimes in both Nigeria and Uganda. It also attempts to examine the adequacy of the responses of the two countries in addressing international crimes. In this respect, a doctrinal research methodology is adopted involving analyzing primary and secondary legal materials including national legislation, international treaties, judicial decisions, and all relevant case studies. Research findings revealed that the two countries did much to ensure the domestic legal framework conforms to international standards. In Nigeria, there is adequate legislation which includes the Terrorism Prevention Act and Geneva Convention Act, Uganda is partially equipped with such laws as the Geneva Conventions Act, the International Criminal Court ICC Act, and the establishment of the International Crimes Division (ICD) of the High Courts. Unfortunately, political interference, corruption, and resource constraints within both countries have undermined the institutions' capacity and ability to prosecute international crimes effectively and pursue justice. This research recommends enhancing institutional capacity and anti-corruption measures, political independence of judicial and law enforcement agencies, and strengthening international cooperation with the ICC amongst others. Implementation of these recommendations shall develop the efficiency of legal frameworks and institutional mechanisms in both countries' jurisdictions, Nigeria and Uganda, toward complementing global efforts against impunity for international crimes.

Keywords: International Crimes, Genocide, Legal Framework, Institutional Mechanisms, Political Interference

1. Introduction

International crimes, include war crimes, genocide, crimes against humanity, and terrorism, and are definitely among the most serious violations of human rights and world peace (Egielewa & Aidonojie, 2021). From their nature alone, such crimes have repercussions beyond the national dimension, touching the immediate victims and the international community as a whole (Hamm, 2011). War crimes are the most serious violations of the laws and customs of war, particularly such that may be directed against civilians, prisoners of war, or other noncombatants, and they strike at the very essence of humanity (Oladele et al., 2022). Genocide usually regarded as a "crime of crimes" involves acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group (Trahan & Mall, 2004). There is also crimes against humanity, which involve the widespread or systematic attacks against civilians, generally entailing murder, enslavement, torture, and rape (Straus, 2016). Again, in its essence, terrorism differs in its purposes and manifestations. It paralyzes international peace and security with acts intended to provoke fear and bring extensive physical harm to unknowing civilians and state institutions. Such crimes are rampant, with very serious effects, such that strong legal arrangements at the national and international levels are considered appropriate (Adejokun, 2018). The legal frameworks, therefore, include the legislation that defines the crime, sets out the legal standards, prosecutes the crime, and sets out arraignment measures, and goes ahead to secure justice for the victims. Effective legal frameworks include the establishment by national courts and international tribunals of jurisdiction over such crimes, thus helping to guarantee no impunity anywhere in the world (Tallgren, 2002). More importantly, these

frameworks allow sovereign states to act in accordance with commitments made under international law, notably the obligation to prosecute or extradite and the commitment to collaborate with international institutions such as the ICC for persons suspected of committing international crimes (Antai, 2024).

In Africa, countries like Nigeria and Uganda have been in the thick of the fight to curb the rising problems presented by international crimes (Aidonojie et al., 2021). Both these countries have faced quite a good number of these crimes domestically and also put in place legal and institutional mechanisms that are supposed to fight these crimes. However, the extent of effectiveness varies due to the political will, legal capacity, and socio-economic conditions of these countries (Paul, et al, 2024). This comparative analysis seeks to examine the legal frameworks and mechanisms within Nigeria and Uganda can rely on for the prosecution of international crimes. With reference to the strengths and weaknesses of each country's approach, it intends to add some insights into the strengthening of legal systems in Africa so as to abate the complex and dynamic nature of international crimes.

1.1 Conceptual and Theoretical Framework

This research's conceptual framework includes legal mechanisms and institutional responses to international crimes in national jurisdictions within Nigeria and Uganda. International crimes, which include, war crimes, genocide, crimes against humanity, and terrorism, are typically defined by a variety of international instruments that include the Rome Statute establishing the International Criminal Court (ICC) Act and the Geneva Conventions. These are offences touch on the very essence of human rights and international security, thus requiring a harmonized legal response from both national and international actors (Keith, 1919). Typically, the legal framework elaborated at the national level in the fight against international crimes is represented by criminal laws, statutes, and regulations criminalizing the acts, providing for jurisdiction by national courts, and procedures relating to investigation, prosecution, and punishment. These involve institutions of law enforcers, prosecutorial bodies, and courts of law, important actors in enforcing such laws and in securing accountability (Oaihimire & Aidonojie, 2023). This paper assesses the degree of compliance of country laws with international standards, the capacity built up at domestic levels in the institutions created to prosecute international crimes effectively before them, and the challenges enforcement implies (Aidonojie et al., 2020). It also considers the broader implications that such national responses have on justice, human rights, and the rule of law within respective countries.

This research shall be based on legal pluralism principles and the theory of complementarity under international criminal law. Legal Pluralism provides for the existence of different legal orders in one country (Akhavan, 2001). As far as this study is concerned, it is a critique of how international criminal law, domestic legislation, customary laws, and even religious laws interact with or influence the prosecution of international crimes in Nigeria and Uganda (Masajuwa & Aidonojie, 2020). This theory is particularly applicable in African contexts, where traditional and informal justice mechanisms usually have a big role to play in complementing legal formal, and official systems. On the other hand, the theory of complementarity postulates that international tribunals like the ICC are formed not to replace national jurisdictions but to complement them stepping in only if such national jurisdictions prove unwilling or unable to prosecute international crimes effectively (Adonojie et al., 2021). What is more, this theory helps to try to understand how Nigeria and Uganda coordinate their national legal frameworks with international commitments and, notably, how they can cooperate with international institutions like the ICC. The following research uses these theoretical perspectives to review legal responses from both countries on international crimes, emphasizing issues of sovereignty and how it is balanced with international cooperation, alternative justice carried out nationally or internationally, and integration of international legal norms into domestic legal systems (Edet, Antai, & Itafu, 2022).

However, the current debate on legal frameworks for the prosecution of international crimes within the African jurisdictions of Nigeria and Uganda is relatively mature and detailed: it is primarily concerned with the various difficulties and partial successes in the process of mainstreaming international criminal law into these national jurisdictions. The Inquisition touches on vital areas ranging from how effectively domestic legal orders can prosecute international crimes, the role of international courts, to political and social dynamics in legal responses to crimes of concern. A number of studies have undertaken reviews of the national legal frameworks of African countries for their compliance with international norms, and their capacity to prosecute international crimes. For instance, Nmehielle (2003) reviews the issues in domesticating international criminal law in the African states,

identifying areas or issues where international legal commitments have no corresponding measures in terms of implementation at the national level. Ssenyonjo (2010), to that effect, reviews the regime of law in Uganda in its response to the Lord's Resistance Army (LRA) war and enumerate the strengths and weaknesses Uganda's legal and institutional mechanisms possess in relation to war crimes and crimes against humanity. The subject of intensive debate was the theory of complementarity by African states. Akhavan (2001) points out that the role of the ICC is to provide justice where the systems at the national level fail, whereas Mutua (2015) reflects on what he calls overreach by the ICC in Africa; he argues that it requires stronger national systems to prosecute international crimes without interference from without. Mennecke (2017) reflects on the tension between national sovereignty and international justice, especially in the context of Africa, which is often dynamic, political, and complicates legal processes. Other scholars have also focused their attention to the fact that African states encounter many challenges in prosecuting international crimes. Adejokun, (2018) highlight the issues of political interference, corruption, and resource limitation as the major challenging factors in the prosecution of laws against international crimes. Nyeko (2016) provides a comparative analysis of Uganda and Kenya, focusing on the socio-political factors that influence the implementation of international criminal law in post-conflict societies.

Case studies from Nigeria and Uganda give an insight into practical ways in which the countries have reacted to international crimes falling within their jurisdictions. Boehme (2019) focuses on the case of Nigeria with regard to counter-terrorism policy and practice against Boko Haram; it provides a vivid examination of the legal and institutional effectiveness in the response. Branch (2007) provides a very rich description of Uganda's legal response to the LRA and brings out the complexity of prosecuting war crimes in a context of ongoing conflict and peace negotiation. Regional cooperation, and the role of African institutions, including the African Union in supporting national efforts to combat international crimes, has also been canvassed. Viljoen (2007) examines the African Union's efforts to entrench justice and accountability on the continent. Murithi (2015) examines how regional mechanisms relate to the ICC specifically with an interest in African resistance to international intervention.

Although these literatures have made huge contribution to the understanding of legal frameworks and challenges that African states face in prosecuting international crimes, several gaps still exist. The majority of research focuses either on one country's legal framework or covers the African continent generally without detailed comparative analyses in regard to specific countries. Very little literature is comparative in nature between these countries. Finally, whereas extant scholarship often focuses on the theoretical and legal analyses, it rarely goes beyond a real firm in-depth exploration of examples that palpably demonstrate the practical application and challenges of these frameworks. A more detailed analysis is required to explore the socio-political factors that affect the realization of the laws against international crimes in these countries, which include political will, corruption, and regional dynamics (Muwaffiq et al., 2024; Obisesan et al., 2024). The present research tries to fill these gaps through a focused comparative analysis of the legal frameworks and institutional mechanisms put in place by Nigeria and Uganda in their struggle against international crimes and assesses how effective and adequate these frameworks have been in practice through specific case studies in both countries that illustrate successes and challenges. As such, this paper will serve to intricately provide an understanding of how various African legal regimes react to international crimes and therefore join the wider debate on strengthening national and regional capacities for investigating and prosecuting such crimes (Aidonojie et al., 2024).

2. Case Studies Concerning Prosecution of International Crime in Nigeria and Uganda

In Nigeria, the case of Abubakar Shekau is a glaring case study, the founder of the infamous Boko Haram insurgency, who masterminded several heinous terrorism-related crimes in Nigeria. The Nigerian government has considered numerous legal processes against Boko Haram members under the Terrorism (Prevention) Act, 2011. The provisions of the Act helped the Nigerian government to target all activities of Boko Haram. Even though Shekau himself was killed in 2021, it was during his leadership, the legal framework was used against his organization, which underlined the application of the anti-terrorism laws of Nigeria. There were hurdles in prosecuting Boko Haram members, such as allegations of human rights abuses, delays in trials, and problems in obtaining evidence since the conflict was continuous. These are just some of the challenges (Akpanke, & et all, 2022), pointing out the limitations to effectively apply the Terrorism Prevention Act. Another case is the terrorism-related charges brought against Ahmed Salkida, a journalist who had been accused of having links with Boko

Haram. His case was remarkable in light of the controversy over claims and undertones for press freedom and terrorism prosecution. The Terrorism Prevention Act also came into play by making it possible for the Nigerian government to press charges related to terrorism and financing of terrorism. The extent of the Act was clearly captured, with numerous areas of terrorism compared to media linkages. Salkida's case was mired with allegations of political undertones and abuse of the legal framework, thereby demonstrating the challenges in transparency and abuse of the judicial system (Affoah, 2016).

In Uganda, the case of Thomas Kwoyelo remains one of the prominent case studies. The former LRA commander, Kwoyelo, was prosecuted for international crimes under the Ugandan legal system. The crimes that Kwoyelo was charged with included war crimes and crimes against humanity perpetrated during the course of the LRA insurgency (Nanyunja & Nortje, 2023). The provisions for prosecuting Kwoyelo were found in the International Criminal Court Act 2010 and the Geneva Conventions Act 2000, outlining serious crimes including abduction, murder, and torture, among others. It paved the way for the application of international standards in his process. The proceedings were slow and continued to raise concerns over the fairness of the process with disputes over competence of legal counsel and how evidence was being handled as some of the challenges raised when trying to apply international legal standards in a domestic setting. Joseph Kony was also a leader of the Lord's Resistance Army, one of the largest targets for international prosecution. For years, Kony evaded the authorities of Uganda to be brought before justice, in spite of international arrest warrants from the ICC for his apprehension.

The legal regime of Uganda supplemented the international efforts for the capture of Kony and trialing before the ICC on charges of crimes against humanity and war crimes (Mukhlis et al., 2023; Aidonojie et al., 2023). The International Criminal Court Act of 2010 helped this cooperation with the ICC and international agencies. The pursuit of Kony was hampered by some formidable practical problems related to political instability, resource constraints, and the complexities of international cooperation. Indeed, the example reveals how difficult it is to actually enforce international legal standards and seek justice in war zones.

3. International Legal Framework in Curtailing International Crimes in Nigeria and Uganda

International Criminal Law provides the legal regime that lies at the junction between national and international legal systems and has the mandate to direct countries in their national and international attempts at prosecuting and trying international crimes. International criminal law also provides the basic principles and definitions that would guide the creation of national legislation in Nigeria and Uganda (Onyeozili et al., 2021). This includes defining international crimes and also establishing standards of prosecution and punishment. These principles are an influence on legislative and institutional frameworks in both countries. For example, the ICC Act of Nigeria and that of Uganda have the ingredients of international criminal law domesticated to bring domestic law along for the purposes of harmony with international standards. International criminal law also gave weight to procedural aspects prosecuting international crimes such as investigation, prosecution, and adjudication of cases. It serves to guide national legal systems by the principles of international justice and fairness. On the other hand, the Rome Statute is the very treaty that created the International Criminal Court. Adopted in 1998 and coming into force in 2002, the Statute sets forth the jurisdiction and functions of the ICC, setting a legal basis for the prosecution of persons accused of the most serious international crimes (Imoisi & Aidonojie, 2023; Edetalehn & Aidonojie, 2023). Viewed against this, the Rome Statute is the basic instrument of law regulating the activities relating to the ICC, including its jurisdiction, procedures, and institutional structure. Being state parties to the Statute of Rome, both Nigeria and Uganda are bound by its provisions and have pledged to cooperate with the ICC and both countries have enacted national legislation like the International Criminal Court Act for Nigeria, and the ICC Act for Uganda, to give effect in their domestic legal orders to the provisions of the Rome Statute (Gunawan et al., 2023; Aidonojie, 2023; Idahosa et al., 2023). These laws make provision for the prosecution of international crimes in national courts and cooperation with the ICC. The Rome Statute further provides for an obligation of state parties to cooperate with the ICC in terms of arrest and surrender of suspects, proof, and assistance with investigations. These are obligations upon which both Nigeria and Uganda are bound, and by doing so, the capacity of both is improved to effectively deal with international crimes. The Rome Statute also enhances accountability by prosecuting international crimes through the setting of standards and offers a mechanism to hold people accountable

where national jurisdictions are unwilling or unable. This helps in ensuring that justice be sought after for the crimes that may otherwise go unaddressed.

The ICC is the first permanent international criminal court that was established to prosecute persons for the gravest violations of international law. This jurisdiction ascribes to genocide, war crimes, crimes against humanity, and aggression. On the other hand, the ICC, based on its principle of complementarity, does not substitute but complements national jurisdictions. This means it steps in only when national jurisdictions are unwilling or unable to prosecute (Glasius, 2006). Such is the principle of complementarity that underlies the ICC: the ICC steps in only where national jurisdictions are unable or unwilling to prosecute international crimes. This has created some motivation for countries like Nigeria and Uganda to develop or strengthen their legal infrastructure in preparation for prosecuting international crimes domestically. It relies on state parties' cooperation in arrests, surrender, and provision of evidence, and execution of its orders. Being ICC member states, both Nigeria and Uganda have the obligation to cooperate with the Court in facilitating its ability to prosecute international crimes and enhance justice. The ICC also provides capacity building in member states through training and other forms of supply of resources to enhance their capacity to handle international crimes. Such aid reinforces legal frameworks and institutions nationally in Nigeria and Uganda. Furthermore, it has been involved in investigations and processes relating to international crimes in both Nigeria and Uganda. For instance, on Uganda, the ICC issued arrest warrants against Joseph Kony and other top LRA leaders, an incident many have pointed to show cooperation between Uganda and the ICC on bringing perpetrators of the LRA insurgency to justice. Even in the case of Nigeria, the ICC has been in contact with the Nigerian authorities concerning the prosecution of terrorism and war crimes, thus stressing once again that national-ICC cooperation is very important for the prosecution of serious international offenses.

4. Legal frameworks in dealing with international crime in Nigeria

Nigeria operates a federal legal system, which reflects being a federation comprising 36 states and the Federal Capital Territory, Abuja ("Country Reports on Terrorism," 2007). The Nigerian legal system is a complex blend of statutory law, common law, customary law, and Islamic law practiced in its colonies, diverse cultures, and religious practices (Aidonojie et al., 2022; Majekodunmi et al., 2022). This pluralistic nature creates opportunities as well as challenges, regarding the fight against international crimes, as there are too many legal traditions that have to be molded into one cohesive framework of law (Oko, 1998). The legal system of Nigeria is hierarchically structured, with the Constitution of the Federal Republic of Nigeria, 1999, as amended, at the apex. Next in order of priority are the Statutes enacted by the National Assembly and the Houses of Assembly of the states then the statutory laws are the subsidiary legislation, followed by judicial precedents, customary laws, and Islamic law in some areas. This places a very vital role on the judiciary as an independent arm of government in the interpretation and enforcement of these laws, seeing that justice is administered in line with the rule of law. Legal frameworks on several international crimes have been developed in Nigeria, including genocide, war crimes, and terrorism. These crimes are well known to the international law, and the national legislation of Nigeria is seeking to comply with its international obligation under international treaties and conventions by providing for their criminalization under her domestic legal system (Peters, 2018). The pieces of legislation considered very vital for international crimes are the Nigerian Criminal Code, Terrorism (Prevention) Act, Geneva Conventions Act, and the ICC Act. All this will be discussed in details below (Aidonojie & Francis, 2022).

The Constitution is the highest law of Nigeria, hence setting out the framework of governance, creating the rights and duties of citizens, and giving powers and functions to government institutions. It represents first-order legislation for Nigeria, and every other law, including that on international crimes, has to be in tandem with its provisions. Furthermore, the Constitution also deals with the division of powers between the federal and state governments (Anifowose, & et all, 2024), an element that is quite important in ascertaining jurisdictional issues relating to the prosecution in international crimes.

Furthermore, it must be noted that statutory laws are those enacted by the National Assembly and State Houses of Assembly in Nigeria. In terms of international crimes, a few principal statutes will be relevant, such as the Criminal Code Act, Cap C38 LFN 2004. It is applicable in Southern Nigeria, and it criminalizes different acts that may constitute or amount to international crimes, like murder, kidnapping, and unlawful assembly. The Penal Code Act, Cap P3 LFN 2004: This is applicable in Northern Nigeria, but it also makes provisions criminalizing acts that would amount to international crimes, including even offenses under Islamic law.

The Terrorism (Prevention) Act, 2011 (as amended), caters especially to terrorism and provides a legal framework for preventing and combating terrorism, including financing, planning, and execution of terrorist acts. It also provides for the freezing of assets of suspected terrorists, extraditing people for offenses related to terrorism, and cooperating with international bodies on combating terrorism (Antai, 2024). The Geneva Conventions Act is the domestication of the Geneva Conventions in Nigeria, specifically found at Cap G3 LFN 2004. This enactment provides the legal basis for prosecuting such war crimes as grave breaches of the Conventions, including willful killing, torture, and inhumane treatment of protected persons such as civilians and prisoners of war. The Act provides for the incorporation of principles of international humanitarian law into Nigerian law; that whoever commits war crimes in or outside Nigeria is liable to prosecution. Given this, the International Criminal Court (ICC) Act 2001 domesticated the provisions of the Rome Statute establishing the ICC in Nigeria and stated that offences such as genocide, war crimes, and crimes against humanity are punishable in the courts in Nigeria, consistent with Nigeria's obligations arising from international law.

There is the Nigerian Customary Law, which is a body of law derived from the customary traditions and practices of the various ethnic groups in the country. It has great influence on personal law matters, especially on marriage, inheritance, and land tenure. Although customary law generally does not directly address international crimes, its influence on societal norms and practice can have implications for the enforcement of statutory laws related to international crimes, particularly in the rural areas where the customary law is most prevalent (Kanyinga et al., 1995). There exist Islamic Law (Sharia) also, which is in operation in some northern states of Nigeria, which operates parallel to the statutory law, mainly on matters of personal status, criminal law, and social behavior. The Sharia law is based upon the Quran and Hadith, which come into play in Sharia courts. Therefore, on the subject of international crimes, Sharia law may overlap with statutory law at various junctions especially with respect to terrorism and all such acts of violence which fall within the ambit of international crime. Among the major sources of law, a cardinal principle of the legal system in Nigeria, is that of judicial precedent or stare decisis (Weimann, 2010). This was bequeathed to Nigeria from the common law tradition. Decisions of higher courts, especially that of the Supreme Court of Nigeria, bind lower courts; it is the apex court in the country. Decisions of the appellate courts, are very instrumental in shaping how statutes, including those criminalizing international crimes, are applied and interpreted.

The other major source of law in Nigeria is international law, especially as the country is a party to several international law treaties and conventions relating to international crimes. Some examples of such treaties include the Rome Statute of the International Criminal Court, Geneva Conventions, and United Nations Conventions on Terrorism. All these international instruments form part of the legal framework for combating international crimes in Nigeria upon ratification and domestication by enabling legislation. However, its dualistic nature makes Nigeria's legal system such that international treaties do not become part of the domestic law and require legislative action to be made effective.

4.1 Institutional Mechanisms on Combating International Crimes in Nigeria

There is a good number of institutional mechanisms set up for combating international crimes in Nigeria, wherein very important roles are played by statutory bodies and agencies, most especially institutions like the judiciary, law enforcement agencies, and specialized institutions. Such institutions are integral parts in ensuring that offenders are brought to book proper protection of the victims is accorded; more importantly, that Nigeria is alive to its obligations under international law (O'Connor et al., 2007). One of such institution is the judiciary, which remains the bastion of any institutional response by Nigeria to international crimes. The judiciary is charged with the interpretation and application of the law that shall bring justice to cases of genocide, war crimes, terrorism, and other international offenses. The Nigerian judiciary is hierarchically structured into levels, with the Supreme Court at the top, followed by the Court of Appeal, Federal and State High Courts, and, in addition, some specialized courts like Sharia and Customary Courts (Umoh, 1984). About cases relating to international crimes like terrorism, war crimes, and crimes against humanity, the jurisdiction squarely rests with the Nigerian judiciary, with particular emphasis on the Federal High Court. The Terrorism (Prevention) Act and ICC Act provide for the trial of such crimes in the Federal High Court. State High Courts are also mandated to take up prosecution for crimes that may also share common elements with those crimes under international law, such as murder and grievous harm under the Criminal Code or Penal Code. Agencies that exist in Nigeria for the policing of crimes include law enforcement agencies, which have a significant

role in fighting international crimes in the country. Among them is the Nigeria Police Force (NPF), which is the principal agency for investigating crimes, including those constituting international crimes (Ekpenisi et al., 2024; Safi' et al., 2024; Mukhlis et al., 2024).

The NPF is at the forefront of detection, investigation, and arrest of suspects involved in genocide, war crimes, terrorism, and other related crimes. The Anti-Terrorism Squad and the Criminal Investigation Department (CID) are the specialized units within the NPF that deal with counter-terrorism investigations of serious crimes with international elements. Another important agency in the fight against international crimes, especially terrorism, is the Department of State Service (DSS). It is involved in the gathering of information, counter-terrorism, and internal security. This agency greatly coordinates with the Nigeria Police Force and the military on how to forestall or respond to such threats of terrorist attacks (Thurston, 2019). Therefore, the DSS has the role of safeguarding critical national infrastructure and preventing the spread of extremist ideologies. We also have the Economic and Financial Crimes Commission (EFCC), primarily assigned with the task of tending to economic and financial crimes but playing its role in investigating and prosecuting financing of terrorism, thus playing a vital role in the war against international crimes. The activities of the EFCC in the areas of asset tracing and freezing, so far as they relate to terrorist organizations or other international criminals, are highly relevant in disrupting the financial networks facilitating this activity (Katsouris & Sayne, 2015). This is quite significant in fighting international crimes through the Army, Navy, and Air Force of the Nigerian military, particularly at conflict spots where war crimes or crimes against humanity are possible. The military is often called upon to conduct various operations related to peacekeeping, counterinsurgency, and counterterrorism in countries, in particular, the regions affected by groups such as Boko Haram. Military courts have jurisdiction over offenses by military personnel, including those which might constitute an international crime. We also have specialized agencies and bodies like NAPTIP, the National Agency for the Prohibition of Trafficking in Persons, which is charged with fighting human trafficking and other international crimes.

Although a trafficking agency, the mandate of NAPTIP encompasses issues that often overlap with international criminal law, such as sexual exploitation, forced labor, and child soldiering. It works in concert with international organizations and law enforcement agencies to prosecute traffickers and protect victims (Oshita et al., 2019). The Attorney General of the Federation (AGF) is the chief law officer of Nigeria and plays a very important role in prosecuting international crimes. The AGF office is mandated to prosecute offenses under the enactment on international crimes and provide legal advice to the government, as well as represent the country in international legal matters. Under the ICC Act and other related laws, the AGF has powers to institute and undertake prosecution arising from these crimes. The National Human Right Commission (NHRC) is saddled with the mandate to promote and protect human rights in Nigeria, particularly those violated by international crimes. Investigations of rights violations, support to victims of violations, and ensuring that Nigeria complies with her international human rights obligations, form part of its mandate (Palmer, 2023). The NHRC often cooperates with other agencies, such as the judiciary and law enforcement, to address crimes like genocide and crimes against humanity that involve serious violations of human rights.

5. Legal Framework for Combating International Crimes in Uganda

The legal system of Uganda just like Nigeria combines common law and statutory law. Most of the influences are a result of its colonial history and the varied legal traditions within the country. The basis upon which the Ugandan legal system rests includes the rule of law, separation of powers, and respect for human rights. It is also hierarchical, with the Constitution at the centre, then statutes, then customary laws, and then judicial precedents.

The Constitution of the Republic of Uganda, 1995, is the supreme law instrument of the country. It is the foundation for all laws and structures of governance in Uganda and even those touching on international crimes. The Constitution guarantees fundamental human rights and freedoms, gives outlines for powers and functions of the various branches of government, and sets forth the role of the judiciary in interpreting and enforcing the laws (Shyllon, 2018). It also sets out the commitments of Uganda under international law, including the application of international treaties and conventions.

The statutory laws of Uganda are made by Parliament and are of equal status as sources of law. Amongst which include the Penal Code Act, Cap 120, criminalizing a number of offenses which fall under the category of international crimes, such as murder,

assault, and robbery. Even though it does not specifically mention international crimes, provisions for serious offenses provide a ground for prosecuting acts that would otherwise be under the broader category of international crimes. Anti-Terrorism Act of 2002 which criminalizes acts of terrorism through the definition of such acts, criminalizing offenses relating to terrorism, and procedures relating to investigation and prosecution. These include freezing assets and detention provisions and international cooperation in counter-terrorism efforts. On the other hand, the International Criminal Court Act of 2010 domesticates the Rome Statute of the ICC in Uganda by providing for the prosecution of persons before Ugandan courts for the offenses of genocide, war crimes, and crimes against humanity. The said law attempts to harmonize domestic law with international standards on the subject and makes provisions for cooperation with the ICC. It vests the Ugandan courts with jurisdiction over offenses articulated by the Rome Statute: genocide, war crimes, and crimes against humanity. This vests the power to prosecute persons who have committed these crimes in Uganda, bringing domestic law in line with the requirements of international law. It further provides for cooperation with the ICC on arrest and surrender of suspects, providing evidence, and execution of requests of ICC (Ambos et al., 2020). This cooperation is vital in enabling Uganda to meaningfully participate in the international regime of justice and take its part in prosecuting international crimes as it continues to adopt more definitions and provisions of the Statute into Ugandan law, thereby providing explicit guidelines on the prosecution and punishment of international crimes and establishing procedures on how to handle a case that falls within the jurisdiction of ICC. The Geneva Conventions Act, 2000, domesticated the Geneva Conventions and their Additional Protocols in Ugandan law, providing for the prosecution of war crimes and other violations of international humanitarian law. Besides the ICC Act, Uganda has legislated specific laws on cooperation with the ICC known as the International Criminal Court (ICC) Cooperation Act (2010). Such legislation provides procedures and mechanisms necessary to allow Uganda to cooperate with the ICC on the prosecution of international crimes. The Act provides procedures for the extradition and surrender of suspects to the ICC, thus enabling Uganda to fulfill its obligations under the Rome Statute (Antai, & et al, 2024). It also allows assistance from the Ugandan authorities in ICC investigations, from the supply of evidence to the protection of witnesses. ICC Cooperation Act allows for cooperation between Uganda and ICC, thus easing prosecution by providing for the prosecution of international crimes, hence contributing to the international justice system (Kisubi, & et al., 2024).

Other sources of Law include the customary law in Uganda, which is derived from the traditions and practices of different ethnic groups. It largely caters to personal issues such as marriage, inheritance, and land tenure. Much like the case in Nigeria, the customary law does not seem to have direct relevance to international crimes, though at times it impacts how certain crimes are addressed in practice at the local level. In some cases, the customary practices tend to interact with the statutory laws, especially in the rural areas where the customary law reigns. The principle of judicial precedent is also followed in Uganda such that the decisions of the higher courts bind the lower courts. The Supreme Court of Uganda is the highest court whose decisions set binding precedents for all other lower courts. Judicial precedents in applying statutory laws play a very important role, and so it is in the case of international criminal law. Case law from the Supreme Court and the Court of Appeal helps to shape the legal framework and thereby contributes to uniformity in applying the law. That aside, like in the case of Nigeria, Uganda is a signatory to many international treaties and conventions that pertain to international crimes. Among them are the Rome Statute of the ICC, the Geneva Conventions, and other United Nations Conventions covering terrorism and human rights. The International Treaties get into Ugandan law once ratified and are applied by way of national legislation. This belief in international law is further underscored by the constant efforts to benchmark national laws against international requirements (Gathii et al., 2016).

5.1 Institutional Mechanisms on Combating International Crimes in Uganda

Uganda's strategy in dealing with international crimes has been informed by an intricate system of institutional arrangements for implementing the domestic and international law pertaining to genocide, war crimes, crimes against humanity, and terrorism (Mutawalli et al., 2024; Aidonojie et al., 2023). The institutional arrangements established entail courts of law, policing agencies, and special statutory bodies. The Ugandan judiciary takes center stage in the prosecution and adjudication of international crimes. This includes the interpretation and application of the relevant national legislation and international law within the legal framework. The High Court of Uganda has a division called the ICD, which was established with the view to handle cases relating to international crimes (Katonene

Mwesigwa et al., 2018). ICD was established in 2008 to prosecute suspects of the most heinous international crime, including but not limited to genocide, war crimes, and crimes against humanity, among other related offenses under the Penal Code Act. Cases that require special knowledge in International Law, like the current prosecution of former LRA Commanders, are handled here. It also collaborates with other international bodies such as the ICC in handling international crimes (Bekou, 2017) that spill into Uganda's borders. The investigation and prosecution of laws governing international crimes in Uganda is mainly within the hands the Uganda Police Force (UPF). Their duties extend to arresting the suspects, gather evidence, and pursue the legal procedures in the prosecution of international crimes. There exist specialized units for combating international crimes in Uganda, such as the Counter-Terrorism Unit. This is a unit within the UPF that deals with terrorism, which is a serious threat to Uganda, especially with threats from groups like Allied Democratic Forces (ADF). The unit cooperates well with international partners in the prevention and responses to terrorist activities. There is also the Criminals Investigation Directorate (CID), which is entrusted with the investigation of serious crimes, including those qualified as international crimes. The Directorate plays an important role in the gathering and preservation of evidence vital for successful prosecutions.

Other statutory bodies in Uganda have important roles concerning international crimes, often in co-operation with international organizations and foreign governments. One such body is the Uganda Human Rights Commission (UHRC), which has the mandate to promote and protect human rights in Uganda. Although it does not prosecute any crime directly, the UHRC monitors human rights violations and can refer cases of international crimes to the appropriate authorities. The Commission conducts investigations upon infringement, provides legal aid to victims, and promotes in the field of human rights, including international crimes-related issues. There is also the Directorate of Public Prosecutions (DPP), which prosecutes criminal cases on behalf of the state, and this includes international crimes cases. The Directorate works in close collaboration with the Judiciary and law enforcement agencies to see to it that suspects face justice. The DPP examines police evidence, decides whether or not to prosecute the suspects, and represents the state before the Courts for crimes under the international jurisdiction.

6. International Cooperation and Partnerships in Combating International Crimes in Nigeria and Uganda

These institutional mechanisms in Uganda are further supported by international cooperation, especially with the ICC. This is due to the fact that Uganda has ratified the Rome Statute and enacted the International Criminal Court Act, thereby providing a platform for cooperation with the ICC in prosecuting international crimes. This has been particularly important in cases relating to the LRA, given that the ICC has issued arrest warrants against senior members like Joseph Kony (Tadeo, 2012).

Nigerian efforts toward the fight against international crime have been supported by cooperation with international agencies such as the ICC, UN, and INTERPOL. Indeed, extradition requests, intelligence sharing, and joint operations in the hunt for international criminals are not possible without such partnerships. The membership in ICC also provides the opportunity for Nigeria to prosecute these crimes, which may be beyond the capability of the domestic institutions (Natarajan, 2019). Other major stakeholders in the fight against such crimes in Nigeria are civil society organisations and non-governmental organisations. They are usually involved in publicity, providing legal assistance to the victims, and observing the compliance of the government with international legal standards. The NGOs also raise public awareness about international crimes and the need for accountability.

7. Comparative Analysis of the Legal Framework in Combating International Crimes in Nigeria and Uganda

Both countries have laid down legal frameworks that bring them in line with international standards in the fight against international crimes. Each country has enacted laws meant to give effect to international treaties and conventions, such as the Statute of the ICC and the Geneva Conventions. These laws, however, provide a basis for the domestic prosecution of genocide, war crimes, and crimes against humanity. The two countries have also incorporated cardinal international instruments into national legislation. It is on the strength of Nigeria's ICC Act of 2007 and Uganda's ICC Act of 2010 that prosecution for international crimes can be facilitated in conformity with the Rome Statute (Ekpenisi, & et all, 2024). Equally, both countries have legislations incorporating the Geneva Conventions, thus showing a commitment to international humanitarian law. And both countries also have dedicated legislation on specific kinds of

crimes of international import. Nigeria's Terrorism (Prevention) Act and Uganda's Anti-Terrorism Act detailed a framework on how to fight terrorism. In the same vein, Uganda's Geneva Conventions Act and Nigeria's Geneva Conventions Act deal with war crimes or violations of international humanitarian law.

The two countries also have institutional and mechanism establishments to handle international crimes. These include the judiciary and investigative bodies like police and other investigating agencies (Antai, 2024), some of whose units are specifically mandated to investigate and prosecute international crimes. They also make provision for cooperation with international bodies like the ICC. The legal definitions of the international crimes, including genocide, war crimes, and crimes against humanity in Nigeria and Uganda, tally with those contained in the Rome Statute and Geneva Conventions. This harmonization between the domestic and international legal regime on international crimes makes it easy to cooperate with the international courts. They have therefore legislatively made room for cooperation with international courts. Nigeria's ICC Act and Uganda's ICC Act provide for the ICC Statute in relation to procedures for arrest and surrender of suspects, giving of evidence, and ensuring cooperation with the ICC, among others. The two countries have committed elaborate anti-terrorism legislation that deals comprehensively with offenses relating to terrorism. For example, in Nigeria, there is the Terrorism Prevention Act, while in Uganda, it is criminalized by provisions on financing, recruitment, and planning under the Anti-Terrorism Act. Whereas the countries have made a basis for international crimes, there are differences in the breadth and depth of legislation.

Nigeria's legal framework is constituted by International Criminal Court Act, 2007, and Terrorism Prevention Act, 2011, which are more focused on the integration of international crimes into national law. There exist supplementary specialized legislations under the legal framework of Uganda, such as the Geneva Conventions Act of 2000, which gives detailed provisions on war crimes and humanitarian law. Penalties for international crimes differ in the case of Nigeria and Uganda. The Terrorism Prevention Act in Nigeria has prescribed severe penalties, with life imprisonment and death sentences awarded for the crimes relating to terrorism. Uganda's Anti-Terrorism Act also provides for strict penalties, but they relate to different fields of activities concerning acts of terrorism (“Reducing the application of death penalty in Uganda, 1971). These forms of divergence cumulatively point towards the deterrence of commission of international crimes and their solving.

Another difference relates to the mechanisms of enforcement. In Nigeria, enforcement mechanisms will often be multi-tier and involve federal and state law enforcers, with specific units from the police for terrorism and international crimes. In Uganda, enforcement mechanisms are centralized at the national agencies, which specialize units for the handling of anything that relates to international crime. Moreover, the Ugandan legal system recognizes customary law together with statutory law, and this affects the handling of international crimes, especially in the rural areas (Osse et al., 2011). On the other hand, the Nigerian legal system recognizes customary law but has a stronger reliance upon its statutory and federal law for the prosecution of international crimes. Nigeria has been able to implement most of the legal regime that has been fighting against international crimes. In particular, with regard to counter-terrorism, such laws as the Terrorism Prevention Act facilitate many cases of terrorism prosecution in the country. Uganda's legal regime has been quite effective in handling issues relating to international crimes, especially in regard to war crimes and humanitarian law. The ICC Act and the Geneva Conventions Act have provided a vibrant basis for prosecution. Not without challenges.

8. Challenges of Legal Framework for Combating International Crimes in Nigeria and Uganda

Notwithstanding, the legal framework and institutional mechanism, to combat international crime in both Nigeria and Uganda, several challenges are constraining their effective implementation. These include political interference, corruption, and resource constraints; each of these challenges greatly affects the capacity of duos to prosecute international crimes like genocide, crimes against humanity, terrorism, and other offenses of concern. Political interference in the above-mentioned countries is rife in the administration of justice on international crimes cases. Indeed, very often, the supposedly independent judiciary is put under duress by the political actors who infiltrate the party. Such interferences may amount to undermining the rule of law and eventually result in biased or compromised judgments. This in turn means that political interference in the determination of such cases will lead to selective prosecution; this is to mean prosecution of persons or groups of people on political grounds and not on matters of fact and the merits of the case. It may lead to a string of cases where one with connections can get away with murder, so to speak, while a person who is an opponent or a member of a marginalized group can be singled out for unfair treatment. The ultimate result of those kinds of

practices is a reduction of public trust in the system, hampering the prosecution of international crimes as perpetrators may never be brought to book. This political interference goes down to the level of law enforcement agencies, in which appointments, promotions, and operational decisions are sometimes driven by political considerations. Such a scenario might result in less effective investigations by the law enforcers and less impartiality of the investigating officers, leading to compromised investigations and a high likelihood of injustice.

Another challenge in the quest to fight international crime is corruption, court officials may be bribed into compromising the proceedings so that the perpetrators of these international crimes get off scot-free. It thus appears that corruption wears away at this legal system baseline. It is also present in law enforcement agencies, through which officials accept bribes for changing or suppressing evidence, releasing some suspects, or refusing to follow up on investigations diligently (The Concept of an International Anti-corruption Court, 2024).

Other constraining factors to this fight against international crimes relate to inadequate funding. Poor funding lets down institutions in fully investigating and prosecuting international crimes. Besides, the bulk of law enforcement officers, prosecutors, and judges lack special training in dealing with such kinds of crimes. International crimes are normally so complex that they require specialists in international law. Without regular training and capacity-building programs, many officials are still ill equipped to deal with such cases, hence making inefficiencies and errors occur while processing prosecution. Quite often, this country lacks the very infrastructure that forms the backbone of prosecuting international crimes forensic laboratories, secure courtrooms, and detention facilities. This hinders the legal system in a manner that evidence cannot be gathered and analyzed, witnesses cannot be protected, and suspects are not safely detained. Inadequate infrastructure contributes to delaying trials, mismanaging exhibits, and failure to secure convictions. The dual judicial system is saddled with a heavy accumulation of cases, partly unrelated to the international crimes. This congestion in courts prolongs delays in trying an international crime, during which time evidence may be lost, witnesses unavailable, or public interest wanes. Justice delayed eventually kills the deterrent for people who want to commit crimes since they believe that trolley justice speed may cause cases to collapse.

9. Conclusion

The comparative review that was done regarding the legal regimes on international crimes oriented a convergence and divergence approach in Nigeria and Uganda. Both states were found to have made serious efforts at bringing their national laws up to the required standard of international law, observable by the adoption of most of the pertinent international instruments, particularly the Statute of Rome and obligation to the ICC. The effectiveness of such frameworks is really tagged to the challenges of political interferences, corruption, and resource constraints. Nigeria has a very elaborate legal framework with laws such as the Terrorism Prevention Act and International Criminal Court Act targeting terrorism and other international crimes. With respect to war crimes and crimes against humanity, Uganda has equally put in place the legal regime through legislations like the Geneva Conventions Act and the ICC Act. Despite these efforts put in by the government in making such laws, issues relating to political interferences, corruption, and resource limitations have rendered the same ineffective in implementation and enforcement. The roles of international criminal law, the Rome Statute, and the ICC in shaping and guiding the legal frameworks for both countries cannot be ignored. These are international instruments that set forth the standards and mechanisms to tackle serious international offenses, ensuring accountability. However, their effectiveness in being fully implemented and enforced remains at doubt in both Nigeria and Uganda, unless internal challenges can be overcome.

The investment that the duo nations need to do is in the capacity building in the institutions of judiciary and law enforcement to handle international crimes, specialized training of personnel and increasing the human resources pool, enhancement in infrastructure. Stringent implementation of anti-corruption measures in addressing corruption in both the judiciary and law enforcement agencies. This shall ensure transparency and accountability of practice in handling the cases of international crimes. Both countries should also ensure that the judiciary and law enforcement agencies are independent from political interference. It shall institute mechanisms to give guarantees for the impartiality of legal processes while ensuring the integrity of investigations and prosecution. Cooperation with ICC and other international bodies should be improved in order to be effective in prosecution for international crimes. The duo should also ensure compliance with the international obligations concerning the arrest and

surrender of suspects, provision of evidence, and other forms of cooperation. Ensure adequate resources are also provided for the investigation, prosecution, and adjudication of international crimes. These gaps in funding, training, and infrastructure must be filled if the legal and institutional mechanisms, incorporating relevant international practices, are to remain effective. Moreover, the fight against international crimes needs support from public through awareness. Engage civil society organizations, the media, and the public to work actively on combating impunity and seeking justice for victims. Recommendations such as these, if addressed, will greatly help in shaping legal frameworks and institutional mechanisms for Nigeria and Uganda and strengthen responses towards international crimes.

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