

The role of International Criminal Courts in advancing global justice and conflict resolution

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Abstract

International criminal court have an important role in contemporary era by prosecuting individual perpetrators of serious crimes like genocide and war crimes. Unlike traditional dispute resolution bodies, such courts do not directly resolve states disputes, but they help resolve disputes indirectly through rule of law as well as accountability. International criminal courts, like the International Criminal Court and other ad hoc tribunals, have assisted with regards to the creation of legal accountability for atrocities, which has helped deter such crimes from taking place and bring about reconciliation after conflict. They are, however, beset with political interference, restrictions of jurisdiction, and enforcement issues. This research discusses international criminal courts primary role in dispute settlement and conclude that they do not settle disputes. Still, they are very much important in the advancement of international peace and justice through prevention, accountability, & law development.

Keywords: challenges, historical context, laws, opportunities, theoretical context

Introduction

International criminal law is an area of public international law that seeks to individualize responsibility for crimes with an impact on global peace. International criminal courts are different from other approaches to inter-state dispute settlement in that they hold individuals accountable for heinous crimes, like genocide and war crimes. The creation of international institutions such as the ICC under the Rome Statute was a major step in ensuring global justice (Bajpai & Teena, 2025).

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These courts follow principles like complementarity and individual responsibility for crimes, and offer justice where it has not been delivered by the domestic courts. Besides the permanent ICC, the former ad hoc courts, such as the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda, have to a great extent contributed to global justice (Alni, 2024). These courts have not been established to resolve nations disputes - that is the subject of other courts, like the ICJ - but they achieve that goal indirectly through the process of holding individuals and states to account, preventing further crimes, and encouraging reconciliation following conflict (Bezabh, 2025).

Research Justification

International criminal courts significant role in administering justice on international law violations, coupled with prospects of international criminal courts with regards to promoting peace and security, justifies the research. The development of courts, like the ICC, is essential in the implementation of international responsibility towards transnational crimes against humanity.

In spite of their high profile, a lasting debate on whether they are effective in promoting peaceful resolutions and sustainable peace continues to exist. This research is thus relevant to critically evaluate whether these courts are just giving a sham justice or whether they have any effect in curbing international conflicts. In addition, although the international criminal courts are not as associated with conflict resolution as the ICJ, they have a complementary nature in resolving conflicts by making individuals accountable.

It is essential to assess their indirect contribution to the dispute resolution, deterring, as well as the reconciliation of the post-war period. This study also addresses literature's gap by focusing on the success and failure of these courts in aspects like manipulation of politics, selective prosecution, and enforcement. This paper provides a reflection on how international criminal justice measures can be used to ensure justice and make a difference through creating a peaceful international system.

Literature Review

The scholarly work on international criminal courts offers an intriguing array of insights into their potential and effectiveness in international dispute resolution. The early works emphasize the role of accountability for international order. They contend the courts, like the ICC, have transformed law through affirmation of possibility of individual (even state) accountability for serious international crimes. This move towards individual responsibility is considered to be a welcome development in international law (Usama et al., 2023).

There is also plenty of literature on the role of previous courts, such as the ICTY and the ICTR (Yadegarian & Razavi, 2025). They are credited for contribution towards international criminal law. They are also credited for documenting past events and providing some redress to victims. But some argue they are ineffective as a way of preventing violence through lengthy and costly trials of dubious deterrent effect. They suggest that prosecutions can serve to deter violence and promote reconciliation by recognizing victimhood. Others argue that interventions can make peace negotiations harder as they can further entrench the leaders' positions. And issues of selectivity, politicization, and enforcement undermine the success as well as legitimacy of international criminal courts in contributing to global justice and peace (Shah et al., 2025).

These courts do not resolve disputes between states (that is, the role of courts such as the ICJ). Still, they are perceived to influence peace indirectly through individual and leader accountability and preventing impunity. Nonetheless, issues of political impartiality, selectivity, and enforcement continue to cause problems with legitimacy and effectiveness in global context.

Historical Context of International Criminal Courts Regarding Resolving Disputes

The advent of international criminal courts is linked to the global response to crimes related to armed conflict and efforts to bring about individual justice in the international arena (Baig et al., 2023). The origins of the modern movement on international criminal justice can be traced to the post-Second World War Nuremberg and Tokyo Trials. These proved to be the first attempts at establishing individual liability of their perpetrators, including political and military leaders (Gul et al., 2025).

These set out significant legal principles of individual responsibility and denial of official immunity, which underpin the contemporary international criminal law (Usama et al., 2023). For several decades after these developments, there were few advances in establishing permanent international criminal courts, because of Cold War political constraints. But the 1990s ethnic conflict in the Balkans and Africa was paralleled by the creation of ad hoc courts like ICTY as well as ICTR (Shah et al., 2025).

Theoretical Context of the International Criminal Courts in Resolving Disputes

Respective courts are founded on several theories of international law and political theory, including retribution, deterrence, and restorative justice. Retribution theory proposes that offenders of genocide as well as war crimes should be punished

according to the gravity of the crime to promote responsibility and justice. It is achieved by ICC in individualized prosecutions.

On the other hand, deterrence theory suggests that the punishment of perpetrators committing serious crimes by international courts helps to prevent future crimes and sends a message that there is no place for impunity. Restorative justice, which emphasizes rehabilitation, victim acknowledgment, and transitional justice, is also a key theory. International criminal courts are retributive but also serve limited peacebuilding functions by recognizing victims' suffering and perpetrators' crimes. In addition, liberal institutionalism supports the idea that such international institutions, like courts, promote stability and cooperation through norms and law enforcement. However, realists argue that the importance of such courts is limited by state sovereignty and power. So while international criminal courts are not dispute-management courts, like ICJ, they are important theoretically in terms of accountability, justice, and peacebuilding.

Laws Regarding the International Criminal Court in Resolving Disputes

The ICC's regulatory frameworks are primarily related to holding accountable the perpetrators of the gravest international crimes. These courts are not dealing with civil and commercial disputes; they are dealing with disputes that occur as a result of international crime and inter-state disputes that deal with responsibility.

1. International Criminal Court): The ICC is a permanent international court founded by the Rome Statute in 2002 to prosecute individuals for the most severe crimes of international concern. It possesses the complementarity principle; it comes in when national courts are not willing or capable of prosecuting in good faith. ICC may be able to exercise jurisdiction over crimes committed on the territory of, or against nationals of, member states, or by referral of the UNSC. It gives accountability, victim justice, and helps in peace and the rule of law worldwide.
2. Rome Statute (1998): The Rome Statute is the body that sets up the ICC, adopted in 1998 and enforced in 2002. It stipulates the organization, authority, and processes of the ICC. The major international crimes include genocide, war crimes, as well as crimes against humanity as defined in the Statute. It sets the standards of admissibility, complementarity, fair trial, and protection of the victim. It further sets out the conditions for the International Criminal Court jurisdiction, and it is triggered by a referral from a State Party, the UNSC, or by the ICC Prosecutor's decision. It is the main treaty in international criminal law.
3. International Court of Justice: The ICJ was set up in 1945 by the UN Charter and is the central court of the United Nations. It adjudicates on interstate cases and gives

judgments on issues of international law. The ICJ applies international customary law, international treaties, as well as general principles of law to disputes, including territorial as well as treaty issues and state responsibility. Its decisions are final. The ICJ is not a criminal court, but rather serves as a valuable instrument in international peace and security, in the settlement of interstate disputes and in the promotion of the rule of international law.

4. ICTY and ICTR (Ad Hoc Tribunals): ICTY and the ICTR are temporary courts set up through the United Nations to deal serious crimes under international humanitarian law. ICTY has had to deal with the crimes of the Yugoslav wars (1990s), and the ICTR with the genocide in Rwanda (1994). These were formed pursuant to UNSC resolutions and proved a key responsibility in international criminal law development. They prosecuted war criminals, criminals of humanity, and genocide perpetrators and assisted with the administration of reconciliation and ensuring justice.

Challenges for the International Criminal Courts in Resolving Disputes

Lack of enforcement is a significant problem, as respective courts do not have possess enforcement agencies and are dependent on the states to implement arrest warrants and extradite suspects. The non-cooperation of states complicates the enforcement of the decisions of the court. Other issues are state non-cooperation and political interference. Not every powerful state is a Rome Statute party, and not every state remains non-compliant with the ICC.

The political factors can influence the state cooperation in investigations or arrests, which makes the international courts lack impartiality and credibility. The ICC has been accused of taking sides against developing states by some states, which has compromised its legitimacy. The jurisdiction of the courts is also limited. ICC can only intervene when it comes to crimes carried out against member nations or against nationality holders of member nations, unless advised by the UNSC. It restricts its ability to address all serious international crimes, especially those that involve powerful states.

Additionally, the process is cumbersome and expensive. Criminal charges require years during which the investigations, translations, and gathering of the evidence in different locations occur. It delays the process of justice for victims and increases the expenses. Another concern is the evidence collection in conflict regions where violence, destruction of records, and accessibility make it hard to construct cases. The safety of witnesses is also a matter, and threats and punishment of those who testify.

Lastly, it has poor international involvement. ICC lacks international representation. Overall, although it can be argued that the international criminal courts are instrumental in enhancing justice and accountability, these practical, political, and legal concerns adversely affect the efficiency of dispute resolution in a global context.

Opportunities for the International Criminal Courts in Resolving Disputes

The international criminal courts, and particularly, the International Criminal Court, provide numerous opportunities to improve global justice, peace, and international dispute settlement. One of the opportunities is the promotion of justice in serious crimes. These courts assist in ensuring that no one is above the law by prosecuting the perpetrators. The other opportunity is surely the future crimes prevention scenario. The International Criminal Court adheres to the principal that any breach of international law will surely be taken to court.

Institutional decisions and arguments of institutions such as the International Criminal Court and ad hoc courts such as International Criminal Tribunal for the former Yugoslavia and International Criminal Tribunal for Rwanda have helped to refine the definitions of genocide, crimes against humanity, and war crimes. It helps in building international relations and dispute settlement legal frameworks. It also gives a chance for more cooperation. Fugitives are more often arrested, evidence is shared, and assistance is given in investigations with the increasing number of states becoming parties to treaties such as the Rome Statute. It can surely contribute to developing a common international legal system in the future. International criminal courts have played a pivotal role in propagating the very notion of transitional justice in post-war environments. They help to rebuild confidence in the rule of law and promote stability. To sum up, despite the limitations, the international criminal courts do offer a good prospect of enhancing justice, averting atrocities, and encouraging non-violent settlement of disputes internationally.

Conclusion

The creation of institutions like the ICC and the ad hoc tribunals, like International Criminal Tribunal for the former Yugoslavia and International Criminal Tribunal for Rwanda, has enabled the international community to provide justice and accountability for crimes committed globally. International criminal courts not only hold individuals accountable but also are significant in ensuring international law as well as establishing peace. But they face constraints because of lack of enforcement, states' non-cooperation, political pressure, and jurisdictional limitations. Even with such obstacles, international criminal courts to a great extent ensure the promotion of rule of law by supporting the victims, and prevention of

future crimes. Ultimately, they are a significant advancement towards a peaceful and fair international legal system where even the gravest crimes are not left unpunished.

Recommendations

Several improvements and reforms can ensure the effectiveness of respective courts in dispute settlement. First, enhanced mechanisms for state cooperation with regards to surrender and arrest of suspects should be established. There is a need to legally and politically persuade states to respect and observe compliance with courts decisions, potentially through incentives and penalties for non-cooperation and non-compliance. Second, the scope of such courts should be gradually expanded by ratifying the Rome Statute. Greater ratification by more states (especially the major powers) would lend greater international legitimacy to ICC.

Third, enforcement of respective court's orders should be strengthened. Better coordination between the ICC and international law enforcement agencies, such as INTERPOL, will assist in the execution of arrest warrants. Fourth, more attention should be given to the establishment of witness protection programs and evidence-gathering mechanisms, especially in areas of armed conflict, to support robust and credible prosecution cases. Fifth, international courts should have a faster process by streamlining procedural rules and using information technology for case management. Finally, increasing knowledge and education on international criminal law can enhance worldwide support for these courts.

Research Implications

This study adds to the knowledge of sovereignty and law at an international level. Practically, it demands reforms to enhance international judicial processes. On a larger scale, the research backs the fact that such courts are significant in settling disputes peacefully and in the international rule of law.

Future Research Directions

The future of international criminal courts as a dispute resolution mechanism has several emerging and under-explored areas of research. One of them is a study of compliance mechanisms of states, such as the influence of political pressure and international sanctions in cooperation with the ICC. More studies to be conducted with regards to compliance and enforcement processes are also necessary, especially when arrest warrants are not implemented in sufficient time. The other valuable trends are the aspects of technology and digital evidence in global criminal cases, including cybercrime, satellite data, and AI-based forensic technologies to construct a case.

A comparative study of the ICC with regional analogs may also provide information about more effective methods of international justice. Lastly, validity as well as justice of such courts in other world regions, particularly the Global South, should also be researched. Research into victim participation and post-war reconciliation would also help us to learn more about long-term justice.

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