Kerstin Bree Carlson. 2022. *The Justice Laboratory: International Law in Africa*. Washington, DC: Brookings Institution Press. 178 pp.

Kerstin Bree Carlson's *The Justice Laboratory: International Law in Africa* elucidates the quandaries that accompany administering and upholding international criminal law across Sub-Saharan Africa. She does so by providing political context to the judiciary proclivities of the International Criminal Court (ICC) and deconstructing abstruse legal jargon so both an academic and a neophyte to law can discern her arguments and analysis within each chapter. These chapters expand on egregious criminal acts committed in Africa and question the ICC's disproportional targeting of the African continent and prosecution of the "losing sides in African conflicts," leaving African nations viewing the ICC as "one more 'Western' institution positioned in opposition to Africa, its government, and its peoples" (p. 16). The result is making the international court not so international.

Beginning with the ramifications of World War II at the Nuremberg trials, Carlson cites the tribunal for prioritizing "inviolable, non-derogable human rights vested in individuals, above and beyond their status as citizens of sovereign states," thus cementing the ICC's liberalistic mission to assuage brutish violence through the rationality of law (p. 18). Yet, contrary to an interventionist approach, the ICC's design had a penchant for *laissez-faire,* allowing states to adjudicate justice within their own jurisdictions, rendering the ICC as a 'court of last resort.' Supporting this non-interference, Carlson identifies two restraints on the ICC's power: complementary jurisdiction, where the ICC hears cases where the state is "unwilling or unable genuinely to carry out the investigation and prosecution" (p. 1) and repudiation of sovereign immunity, whereas state representatives are legally protected when traveling on behalf of the state without fear of arrest—but those involved with crimes outlined by the ICC do not enjoy this privilege (pp. 23, 26). For the ICC to be involved, there are three ways to initiate a case review: 1) referral from a state signed to the Rome Statute (1998); 2) referral from the UN Security Council; or 3) by an ICC prosecutor exercising *propio motu* [acting on one's own initiative]. Initiating a review must be within a legal scope that is both predictable and anticipated, as the Court's rulings must not be erratic nor discriminatory.

When Carlson discusses the Rwandan genocide and the International Criminal Tribunal for Rwanda (ICTR), however, justice would be influenced by cooperation with the ruling Kagame regime. This led the conflict to be viewed as one-sided, with the ICTR not prosecuting Tutsis because "the magnitude of such crimes was not at the same level as Hutu genocide" (pp. 54-55). This advanced the notion that the law criminalizes the losing faction, regardless of the victor's inhumane wrongdoings, i.e. victor's justice. Also, in the hybrid tribunal held in Senegal for the Chadian dictator Hissène Habré, his opponent Idriss Déby concurrently tried twenty-one defendants from the Habré police force because convicted persons may not testify before a court. His action had the consequence of deliberately obstructing Habré's trial.

The author underlines that hybrid courts can be a swifter mechanism for justice, as they utilize universal jurisdiction—crimes universally recognized as criminal can be tried by any court—but are also riskier for both parties since peace agreements can induce a 'bad outcome' for both party leaders (p. 80). It is here where transitional justice is employed—such as in the case of South Sudan between President Salva Kiir and Vice President Riek Machar—in efforts to

apply laws and norms as "the proposed panacea for the rehabilitation of authoritarian states" (p. 82).

Carlson, diverting from criminal justice which seeks to penalize individual transgression, shifts to human rights courts and their efforts to modulate state action. Here, Carlson refers to the East African Court of Justice (EACJ), which has consistently evinced intellectual creativity and progressive jurisprudence with its ruling on human rights cases and has withstood attempts to impede productivity. For example, in 2006, Kenya created an appeals division in the EACJ and enacted a two-month statute of limitations for bringing forth a case. Those amendments, however, only strengthened the judicial processes and boosted the credibility of EACJ, garnering other NGO's attention thereby soiling Kenya's goal to overload the EACJ judges and perturb them from their responsibilities.

In conclusion, Carlson mentions the potential creation of a supranational African court akin to the ICC. This court would prosecute crimes outlined by the ICC alongside environmental crimes, corruption, human trafficking, and several others. If successful, it could either defend the basic rights of Africa's vulnerable or completely break them.

Zeeshan I. Ali, *Duke University*