

Acknowledgments

This book is the culmination of three phases of field research and was possible with the financial research support of a number of visionary foundations and institutions: the Wenner-Gren Foundation for Anthropological Research, the National Science Foundation (NSF) Law and Social Sciences and Behavioral Sciences divisions, and the preliminary fieldwork grants from Yale University. In addition to those institutions, there are many persons to thank for their support. When in 2012 the NSF announced their biannual funding awards, including my grant to study the International Criminal Court (ICC) and sentimentalized emotional responses to its African indictments, it garnered the pushback of a few Republican US senators and Washington, DC, policy makers. They were unable to see how research about Africa and the ICC could be relevant to US strategic concerns and Americans in particular. Hopefully, it will now become clear that understanding the making of justice in international domains is fundamentally about justice at home. A special thank you goes to Drs. Deborah Winslow and Jeffrey Mantz as well as the then NSF director, Dr. Cora Merritt, for their public support of the research for this book its critical place in informed decision making.¹

Next, I thank my intellectual lifelines, my central interlocutors during the writing of this book: Sara Kendall and Siba Grovogui have invigorated me with conversations and provocations and remain the bedrock of this work. Also fundamental has been the ad hoc international law working group that began during my later years at Yale and since then has provided me with a lifeline for making sense of the complexities of legality in the mix of postcolonial politics both within and outside of Africa. I thank Ifrah Abdillih, Sarah-Jane

Koulen, Charles Jalloh, Ademola Abass, Benson Chinedu Olugbuo, Siba Grovogui, Mahmood Mamdani, Dire Tladi, Matiangai Sirleaf, Tendayi Achiume, Sara Kendall, Ronald Jennings, and Adam Branch for their inspiration, brilliance, and commitment to critical approaches to the study of international justice. I also thank my colleagues and workshop guests who offered manuscript input at the author's workshop hosted at Carleton University: Bronwyn Lebow, Erin Baines, Gerhard Anders, Doris Buss, Sarah-Jane Koulen, Umut Ozsu, Betina Kuzmarov, Christiane Wilke, Trevor Purvis, Sara Kendall, Philip Kaisary, Josephine Uwineza, Sukeshi Kamra, Rohee Dasgupta, Karen Hebert, Meredith Terretta, and Marie-Eve Carrier-Moisan.

At the African Studies Centre at Leiden University, where I held my academic affiliation during fieldwork in the Netherlands, I thank the staff, Maaïke Westra and Marieke van Winden, and faculty colleagues, professors Benjamin Soares and Ton Dietz. Many colleagues and readers provided support and intellectual engagement throughout different aspects of the process and I thank them all: Olaf Zenker, Jonas Bens, Ilana Gershon, Sean Brotherton, Kristin Bright, Connal Parsley, Mark Goodale, Lucia Cantero, Marcia Inhorn, William Kelly, Tom Zwart, Bas De Gaay Fortman, Chris Gevers, Immi Talgren, Peter Geschiere, Sally Merry, Carsten Stahn, Chris Brown, Stacy Douglas, Stuart Murray, Pius Adesami, James Gathii, Daniel McNeil, Abel Knotterus, Eefje DeVolder, Mahmood Mamdani, Carol Martin, Kristin Cheney, Mariana Valverde, Sarah Trimble, Cynthia Perry, Kerry Rittich, Michael McGovern, Daniel Rosenblatt, Jennifer Hyman, Deborah Thomas, Sheryl Metzger, Horace Campbell, Richard Wilson, Brenda Chafin, Wahneema Lubiano, Achille Mbembe, Mark Drumbl, Lynn Chin, Faye Harrison, Jacob Olupona, Francis Nyamnjoh, Stuart Murray, Carolyn Martin-Shaw, Victoria Kumala Sakti, Eric Worby, Shireen Ally, Jill Stauffer, Akhil Gupta, Hannah Appel, Sherry Ortner, Andrew Apter, Jemima Pierre, Darryl Robinson, Robyn Kelly, Kris Peterson, Samar al Bulushi, Philipp Kastner, and Andrew Ross.

Many colleagues and audiences where I presented my initial findings were instructive in pushing me to sharpen my focus, articulate my stakes, and clarify how the postcolonial condition is central to the ICC's Africa challenge. Thank you to colleagues and interlocutors at the following universities and institutes where I presented early chapters from this book: Duke University, the University of Pennsylvania, Yale University Law School, the University of Toronto, the University of Illinois–Chicago, Cambridge University, Washington and Lee Law School, the University of Florida–Gainesville, Syracuse Univer-

sity, the Harvard Kennedy School, Harvard University Weatherhead Center for International Affairs, the University of California–Berkeley Law, the University of Toronto’s Centre for Criminology and Sociolegal Studies and Centre for Diaspora and Transnational Studies, the American Society for International Law, the American Anthropological Association, Law and Society Association, Kent University Law School, The Hague Institute for Global Justice and the Grotius Centre for International Legal Studies at the University of Leiden, the National University of Australia, the Free University of Berlin, the University of San Francisco, Queen’s University, Cornell University Society for the Humanities, Haverford College, Cornell Political Theory Workshop, the Anthropology Department at the University of California–Los Angeles, The AfriMatrix Reading Group, the University of Chicago Anthropology Department, the Department of Criminology, Law and Society at the University of California–Irvine, the University of California–Berkeley Department of Anthropology, and the departments of Law and Legal Studies, the Institute for African Studies, and Global and International Studies at Carleton University.

During the second half of the research for this study, the Department of Anthropology at the University of Pennsylvania was invaluable in housing the project and shepherding its growth. The collegial support from the Race and Empire Reading Group gave me the initial opportunity to clarify the relationship of race and affect. Deborah Thomas, John Jackson, Noah Tamarken, and Nichole Carelock were central interlocutors in helping me make sense of the politics of race as it related to legal theory. Shortly afterward, I also spent the remainder of my sabbatical at the University of Toronto, hosted by the Centre for Diaspora and Transnational Studies. I am thankful to Ato Quayson for the engagement and that of my colleagues: Rinaldo Walcott, Antonela Arhin, Alissa Trotz, Mariana Valverde, Ruth Marshall, and Kerry Rittich.

The researchers and interns who worked on this project were central to its consolidation, and I cannot thank them enough. Tina Palivos and Sarah-Jane Koulen were the administrative and intellectual support for this project for many years. Tina was the organizational and administrative bedrock who held things together, and Sarah-Jane led the research agenda in both The Hague and Addis Ababa. I could not ask for a better core team of dedicated graduate students and always sophisticated thinkers with whom to have worked. I am forever indebted to them—now well into their postdissertation lives. Ifrah Abdillihi began as an intern during the research phase of the project in The Hague and continued as a researcher in Kenya and, along with Sarah-Jane, was central

to insights that emerged. I am grateful to Ifrah for her intellectual agility and cannot express enough how fortuitous our meeting really was.

Other researchers in The Hague included Edward van Dalen, Annika Kress, and Tommie Leisink, and I thank them for their work. Alongside Ifrah, Brenda Kombo and Muoki Mbunga worked tirelessly with us in Kenya. In phase 2, Thomas Saunders and the wonderful law interns in Addis Ababa helped to make a difference as we worked in the shadow of the African Union political actors. I thank Luladay Berhanu, Ahadu Yeshitela, Tewodros Dawit, Bethel Genene, and Ingrid Roestenburg-Morgan for their African-based data collection. Special thanks to Godfrey Musila, Ania Kwadrans, Andrea Sobko, and Sherminah Salehiesmati for their research on the African Court Research Initiative and to my Carleton-based research assistants: Patricia Wallinger, Meghan Boyer, and Roselyn Wanjiru—thank you. Also thanks to my research interns: Irene Wang, Patricia Wallinger, Michelle Musindo, Afreen Delvi, Leonardo Rivalenti, Kayla Bose, Monica Lung, and Sean Havel.

Fieldwork and participant observation was made interesting with the passion and dedication of some of the key players at the Coalition for the International Criminal Court (CICC). Thanks to Bill Pace for the permission to conduct fieldwork at the CICC, to Steve Lamony from the CICC–New York office, and to the dedicated staff in The Hague: Amielle del Rosario, Sunil Pal, Matthew Cannock, Niall Matthews, and Alix Vuillemin. Other colleagues working with civil society organizations were critical to my understanding of the ICC and human rights in Africa. I cannot mention them all, but notable influences were African Legal Aid, headed by Evelyn A. Ankumah; the Pan African Lawyers Union, led by Donald Deya; Raymond Brown and Wanda Akin from the International Justice Project; Chris Dolan from the Refugee Law Project, Makerere University; Lucy Hovil from the International Refugee Rights Initiative; James Gondi at the African Center for Open Governance; and Alpha Sesay at the Open Society; as well as various NGO workers on the front lines in Kenya: Aimee Ongeso from Kituo Cha Sheria and Nelly Warega and Lydia Muthiani from the Coalition on Violence against Women.

Other African NGOs and particular persons stand out as having propelled the project in decisive ways: Njonjo Mue and Otsieno Namwaya, Kenyan researcher, African Division, Human Rights Watch; Haron Ndubi, lawyer and human rights activist; the executive director of Haki Focus, Saida Ali; the Coalition on Violence against Women–Kenya; Elizabeth Evenson, head of the International Criminal Justice program, Human Rights Watch; Stella Ndirangu, program manager for international cooperation at International Court of Jus-

tice (ICJ), Kenya; Abdulkadir Noormohamed, complementarily program officer at Open Society Initiative for East Africa; Njeri Kabeberi, executive director of the Centre for Multiparty Democracy Kenya; Esther Waweru, program officer in legal affairs (civil and political rights), Kenya Human Rights Commission; and Désiré Assogbavi with Oxfam International.

At the ICC, support and engagement have been generous and productive. Thank you first to the ICC prosecutor, Fatou Bensouda, and the deputy prosecutor, James Stewart, as well as to various legal representatives working for survivors: Mariana Pena, Anushka Sehmi, and Wilfred Nderitu. A special thank you to Oriane Maillet, Fadi El Abdallah, Alexander Khodakov, Fiona McKay-Head, Paolina Massidda, Phakiso Mochochoko, Shamila Batohi, Shamiso Mbizvo, Luc Walley, Jennifer Schense, Thompson Chengeta, and Maria Mabinty Kamara. And though the ICC does not have an equivalent defense office, we have also benefited from the candor of the various members of the defense legal teams working with ICC defendants: Logan Hambrick (assistant counsel, defense, Ruto/Sang case), as well as those in various ICC field offices, including Göran Sluiter, Karim Khan, and Dov Jacobs.

Members of the African media and outreach units were very helpful. I cannot name them all here, but Solomon Moriba, from the Special Court for Sierra Leone, and a range of others were invaluable, including Andrew Mwenda, Ngunjiri Wambugu, Parselelo Kantai, Okiya Omtatah Okoiti, Maina Kiai, Tom Maliti, and Rosemary Tollo.

We conducted more than two hundred interviews and focus groups over the two years of fieldwork data collection, so it would be impossible and unethical to name them all here. But a number of focus group members stand out. The first group were members of the Mau Mau Veterans organization in Kenya: Evanson Wainaina Waritu, James Kinyua, Joseph Waweru wa Thirwa, Loise Wangui wa Kamau, Lydia Wahu wa Muiruri, Magdalena Wanjiku Kamau, Monica Wambui wa Gitau, Muhinya wa Kinyanjui, Mwangi wa Murimi, Ngaruiya wa Kanyua, Thurugu wa Gitombo, Wanjiku Thigira, and Wanjiku Thuku. I extend thanks to another group of Nubian-Kenyans in Kibera. Thank you to those at the African Union (AU): AU Department of Political Affairs, Dr. Khabele Matlosa, Ibraheem Bukunle Sanusi, Olabisa Dare, Salah Hammad, Jhon Kiubaje, Idriss Kamara, George Mukunde Wachira, and Semiha Abdulmelik; head of legal affairs, Vincent Nmiehelle; Justice Sofia A. B. Akuffo, judge and president of the African Court of Human and Peoples' Rights; Matthew Brubacher, AU Special Taskforce on the Lord's Resistance Army (LRA); Zinurine Abiodun Alghali, senior policy officer training, Peace Support Operations

Division, Department of Peace and Security; Adelardus Kilangi, AU Commission on International Law; and Moawia Ahmed.

Interlocutors at the various governments and embassies were especially critical in helping with basic accommodations, intellectual insights, and professional friendships. I cannot thank them enough: Reta Alemu Nega of Ethiopia; Jongi Joseph Klaas, the first secretary, South African Embassy; Ambassador Dr. Monica Juma, Kenya; and Thomas Whitney, US Mission to the African Union.

While we were in Addis Ababa, the Institute for Security Studies and Addis Ababa University were excellent hosts and provided central support for this project. I thank the staff and researchers at both the Addis Ababa and Pretoria offices for their insights and passion about these issues: Ambassador Olusegun Akinsanya, Anton du Plessis, Philip Kasaija Kapuuli, Solomon Ayeledersso, Ottilia Anna Maunganidze, Berouk Mesfin, Yemi Tadesse, Golda Keng, and Samrawit Tsegaye, as well as Hirut Woldemariam and Elshaday Kifle Woldeyesus from the Human Rights Centre at Addis Ababa University.

Thank you to the anonymous reviewers of this manuscript. Your sharp and incisive insights have helped to strengthen the book in so many ways. Appreciation goes to Oxford University Press and Cambridge University Press for permission to reprint revised versions of chapters 1 and 6, respectively. Thank you to PoLar for permission to reproduce a revised and earlier version of the introduction. Thanks to *Human Rights Quarterly* for permission to reprint a version of chapter 3. Of course, the related publication and editing teams represent the unsung heroes and heroines of this work, and I am thankful for their attention, care, and commitment to making the book a reality. Appreciation also goes to Anitra Grisales for her insights from the very early days of this project, as well as for her ability to pose key questions when I was wading in the forest of trees. A sincere thank you goes to my editor at Duke University Press, Ken Wissoker, for his commitment to this project and its “forest of trees”—even when it was not always clear where the trees were.

Deeply felt appreciation goes to my immediate family: Evon Clarke, Linton Jr. and Kathy Clarke, Sheryl and Brian Metzger, Kathy Clarke, Terry St. Denis-Clarke, and Simone and Ashton Clarke for their emotional support during the long life of this work. A heartfelt thank you to Linton Clarke, my late father, and Viola Clarke, whose influence shaped what this work became. And to my extended family, Herbert Williams, Cliff Macfarlane, and Marie Mabinti Dennis, thank you for your support throughout. Finally, to those in my everyday life: Thank you to Ronald Crooks, whose life lessons have shaped

the path of this work, and to Stephen Appa for your ongoing invigoration and engaged input on what this book has become, from the early days to the present. To Talia Clarke-Crooks and Joseph Clarke-Crooks, you have both grown up with this book looming around us, invigorating family conversations, and navigating jealousies around the time spent carrying out the fieldwork and writing. Your genuine curiosity, childhood innocence, and loving support have given me hope that newly reconfigured worlds are possible—even as the old worlds continue to weigh us down. I could not ask for a better support network, group of interlocutors, and family of supporters. However, I alone take responsibility for the shortcomings of this work.