

ATROCITIES AND INTERNATIONAL ACCOUNTABILITY

BEYOND TRANSITIONAL JUSTICE



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WILLIAM A. SCHABAS AND RAMESH THAKUR

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Atrocities And International Accountability Beyond Transitional Justice

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Atrocities And International Accountability Beyond Transitional Justice:

Atrocities and International Accountability Edel Hughes, William Schabas, Ramesh Chandra Thakur, 2007 Rebuilding societies where conflict has occurred is rarely a simple process Where conflict has been accompanied by gross and systematic violations of human rights the procedure becomes very controversial The traditional debate on transitional justice sought to balance justice truth accountability peace and stability The appearance of impunity for past crimes undermines confidence in new democratic structures and casts doubt upon commitments to human rights Yet the need to consolidate peace sometimes resulted in reluctance on the part of authorities both local and international to confront suspected perpetrators of human rights violations especially when they are a part of a peace process Experience in many regions of the world therefore suggested a tradeoff between peace and justice But that is changing There is a growing consensus that some forms of justice and accountability are integral to rather than in tension with peace and stability This volume considers whether we are truly going beyond the transitional justice debate It brings together eminent scholars and practitioners with direct experience in some of the most challenging cases of international justice and illustrates that justice and accountability remain complex but not mutually exclusive ideals Transitional Justice and Rule of Law Reconstruction Padraig McAuliffe, 2013-06-26 This short and accessible book is the first to focus exclusively on the inter relation between transitional justice and rule of law reconstruction in post conflict and post authoritarian states In so doing it provides a provocative reassessment of the various tangled relationships between the two fields exploring the blind spots contradictions and opportunities for mutually beneficial synergies in practice and scholarship between them Though it is commonly assumed that transitional justice for past human rights abuses is inherently conducive to restoring the rule of law differences in how both fields conceptualise the rule of law the scope of transition and obligations to citizens have resulted in divergent approaches to transitional criminal trial international criminal law restorative justice and traditional justice mechanisms Adopting a critical comparative approach that assesses the experiences of post authoritarian and post conflict polities in Latin America Asia Europe and Africa undergoing transitional justice and justice sector reform simultaneously it argues that the potential benefits of transitional justice are exaggerated and urges policy makers to rebalance the compromises inherent in transitional justice mechanisms against the foundational demands of rule of law reconstruction This book will be of interest to scholars in the fields of transitional justice rule of law legal pluralism and peace building concerned by the failure of transitional justice to leave a positive legacy to the justice system of the states where it operates This is a bold and nuanced scrutiny of the international system s approach to transitional justice and the much vaunted rule of law project Dr McAuliffe should be congratulated for this well researched book which should be a must read for not only scholars and researchers in transitional justice and peace and conflict studies but also policy makers in the international system Dr Hakeem O Yusuf Senior Lecturer University of Strathclyde and author of Transitional Justice Judicial Accountability and the

Rule of Law *Transitional Justice Theories* Susanne Buckley-Zistel, Teresa Koloma Beck, Christian Braun, Friederike Mieth, 2013-10-30 *Transitional Justice Theories* is the first volume to approach the politically sensitive subject of post conflict or post authoritarian justice from a theoretical perspective It combines contributions from distinguished scholars and practitioners as well as from emerging academics from different disciplines and provides an overview of conceptual approaches to the field The volume seeks to refine our understanding of transitional justice by exploring often unarticulated assumptions that guide discourse and practice To this end it offers a wide selection of approaches from various theoretical traditions ranging from normative theory to critical theory In their individual chapters the authors explore the concept of transitional justice itself and its foundations such as reconciliation memory and truth as well as intersections such as reparations peace building and norm compliance This book will be of particular interest for scholars and students of law peace and conflict studies and human rights studies Even though highly theoretical the chapters provide an easy read for a wide audience including readers not familiar with theoretical investigations

Transitional Justice in Comparative Perspective Samar El-Masri, Tammy Lambert, Joanna R. Quinn, 2020-01-17 What if we could change the conditions in post conflict post authoritarian countries to make transitional justice work better This book argues that if the context in countries in need of transitional justice can be ameliorated before processes of transitional justice are established they are more likely to meet with success As the contributors reveal this can be done in different ways At the attitudinal level changing the broader social ethos can improve the chances that societies will be more receptive to transitional justice At the institutional level the capacity of mechanisms and institutions can be strengthened to offer more support to transitional justice processes Drawing on lessons learned in Colombia Democratic Republic of the Congo The Gambia Lebanon Palestine and Uganda the book explores ways to better the conditions in post conflict post authoritarian countries to improve the success of transitional justice

United States Law and Policy on Transitional Justice Zachary Daniel Kaufman, 2016 In *United States Law and Policy on Transitional Justice Principles Politics and Pragmatics* Zachary D Kaufman explores the U S government's support for or opposition to certain transitional justice institutions By first presenting an overview of possible responses to atrocities such as war crimes tribunals and then analyzing six historical case studies Kaufman evaluates why and how the United States has pursued particular transitional justice options since World War II This book challenges the legalist paradigm which postulates that liberal states pursue war crimes tribunals because their decision makers hold a principled commitment to the rule of law Kaufman develops an alternative theory prudentialism which contends that any state liberal or illiberal may support bona fide war crimes tribunals More generally prudentialism proposes that states pursue transitional justice options not out of strict adherence to certain principles but as a result of a case specific balancing of politics pragmatics and normative beliefs Kaufman tests these two competing theories through the U S experience in six contexts Germany and Japan after World War II the 1988 bombing of Pan Am flight 103 the 1990 1991 Iraqi offenses against Kuwaitis the atrocities in the

former Yugoslavia in the 1990s and the 1994 Rwandan genocide Kaufman demonstrates that political and pragmatic factors featured as or more prominently in U S transitional justice policy than did U S government officials normative beliefs Kaufman thus concludes that at least for the United States prudentialism is superior to legalism as an explanatory theory in transitional justice policymaking The Shari'a and Islamic Criminal Justice in Time of War and Peace M. Cherif Bassiouni,2014 Shows that the shari a and Islamic law are compatible with contemporary international human rights laws and norms and appropriate for use in Muslim societies **Introduction to International Criminal Law** M. Cherif Bassiouni,2013 This title covers the history nature and sources of international criminal law the *ratione personae* *ratione materiae* sources of substantive international criminal law the indirect enforcement system the direct enforcement system and much more **Evil as a Crime Against Humanity** Christof Royer,2020-08-29 This book seeks to reimagine why and how to confront mass atrocities in world politics Drawing on Hannah Arendt s conception of evil it interprets and understands mass atrocities as evil in an Arendtian sense that is as crimes against human plurality and thus crimes against humanity itself This understanding of mass atrocities paves the way for reframing responses to mass atrocities as attempts to confront evil In doing so the book focuses on military intervention under the banner of the Responsibility to Protect R2P and judicial intervention by the International Criminal Court ICC and reframes them as tools to protect human plurality from evil Furthermore the book looks at the place and the role of R2P and the ICC in the changing landscape of world order It argues that the protection of humanity from evil can serve as a legitimate Grundnorm basic norm around which a global constitutional order in an inherently pluralistic world can be constructed Accountability for Human Rights Atrocities in International Law Steven R. Ratner,Jason S. Abrams,James L. Bischoff,2009 This book explores the promise and limitations of international criminal law as a means of enforcing international human rights and humanitarian law It analyses the principal crimes such as genocide and crimes against humanity and appraises the mechanisms developed to bring individuals to justice **Promoting the Rule of Law in Post-Conflict States** Laura Grenfell,2013-07-11 In most post conflict states a strong level of legal pluralism is the norm particularly in regions of Africa and Asia where between eighty and ninety per cent of disputes are resolved through non state legal mechanisms The international community in particular the United Nations persistently drives the re establishment of the rule of law in war torn areas where traditionally customary law is prevalent Laura Grenfell traces the international community s evolving understanding of the rule of law in such regions and explores the implications of strong legal pluralism for the rule of law enterprise Using the comparative examples of two unique case studies South Africa and Timor Leste Promoting the Rule of Law in Post Conflict States provides insight into the relationship between the rule of law and legal pluralism Alongside these studies the book offers a comprehensive introduction to the conceptual framework of the rule of law in the context of approaches taken by the international community **The Oxford Handbook on Atrocity Crimes** Barbora Holá,Hollie Nyseth Nzitatira,Hollie Nyseth Brehm,Maartje Weerdesteijn,2022 The

Oxford Handbook on Atrocity Crimes surveys and further develops the evolving field of atrocity crime studies through interdisciplinary research on war crimes crimes against humanity and genocide in one comprehensive volume encompassing contributions of leading scholars Rethinking Peacebuilding Karin Aggestam, Annika Björkdahl, 2013 This book presents new theoretical and conceptual perspectives on the problematique of building just and durable peace Linking peace and justice has sparked lively debates about the dilemmas and trade offs in several contemporary peace processes Despite the fact that justice and peace are commonly referred to there is surprisingly little research and few conceptualizations of the interplay between the two This edited volume is the result of three years of collaborative research and draws upon insights from such disciplines as peace and conflict international law political science and international relations It contains policy relevant knowledge about effective peacebuilding strategies as well as an in depth analysis of the contemporary peace processes in the Middle East and the Western Balkans Using a variety of theoretical perspectives and empirical approaches the work makes an original contribution to the growing literature on peacebuilding This book will be of much interest to students of peacebuilding peace and conflict studies Middle Eastern Politics European Politics and IR Security Studies

The Ashgate Research Companion to International Criminal Law Yvonne McDermott, 2016-03-23 International criminal law is at a crucial point in its history and development and the time is right for practitioners academics and students to take stock of the lessons learnt from the past fifteen years as the international community moves towards an increasingly uni polar international criminal legal order with the International Criminal Court ICC at the helm This unique Research Companion takes a critical approach to a wide variety of theoretical practical legal and policy issues surrounding and underpinning the operation of international criminal law as applied by international criminal tribunals The book is divided into four main parts The first part analyses international crimes and modes of liability with a view to identifying areas which have been inconsistently or misguidedly interpreted overlooked to date or are likely to be increasingly significant in future The second part examines international criminal processes and procedures and here the authors discuss issues such as victim participation and the rights of the accused The third part is a discussion of complementarity and sentencing while the final part of the book looks at international criminal justice in context The authors raise issues which are likely to provide the most significant challenges and most promising opportunities for the continuing development of this body of law As international criminal law becomes more established as a distinct discipline it becomes imperative for international criminal scholarship to provide a degree of critical analysis both of individual legal issues and of the international criminal project as a whole This book represents an important collective effort to introduce an element of legal realism or critical legal studies into the academic discourse **Prosecuting Serious Human Rights Violations** Anja Seibert-Fohr, 2009-07-09 Is there a duty to prosecute serious human rights violations This book examines this issue drawing on international human rights instruments and case law It finds flaws in the current prosecution of these crimes and develops proposals for improvement

Featuring in depth analysis of trials amnesties and impunity it is a unique reference work **The Routledge Handbook of Ethnic Conflict** Karl Cordell, Stefan Wolff, 2016-01-22 A definitive global survey of the interaction of ethnicity nationalism and politics this handbook blends rigorous theoretically grounded analysis with empirically rich illustrations to provide a state of the art overview of the contemporary debates on one of the most pervasive international security challenges today Fully updated for the second edition the book includes a new section which offers detailed analyses of contemporary cases of conflict such as in Ukraine Kosovo the African Great Lakes region and in the Kurdish areas across the Middle East thus providing accessible examples that bridge the gap between theory and practice The contributors offer a 360 degree perspective on ethnic conflict from the theoretical foundations of nationalism and ethnicity to the causes and consequences of ethnic conflict and to the various strategies adopted in response to it Without privileging any specific explanation of why ethnic conflict happens at a particular place and time or why attempts at preventing or settling it might fail or succeed The Routledge Handbook of Ethnic Conflict enables readers to gain a better insight into such defining moments in post Cold War international history as the disintegration of the Soviet Union and Yugoslavia and their respective consequences the genocide in Rwanda and the relative success of conflict settlement efforts in Northern Ireland By contributing to understanding the varied and multiple causes of ethnic conflicts and to learning from the successes and failures of their prevention and settlement the Handbook makes a powerful case that ethnic conflicts are neither unavoidable nor unresolvable but rather that they require careful analysis and thoughtful and measured responses **Reconciliation after Terrorism** Judith Renner, Alexander Spencer, 2012-03-12 Reconciliation after Terrorism brings together scholars from the hitherto disparate fields of terrorism and reconciliation studies in order to examine whether reconciliation is a possible strategy for dealing with and ending a terrorist conflict Although terrorist activities often play a role in situations of conflict and transition terrorists are generally not taken into consideration as active participants by researchers and practitioners In some cases the terrorists turn into political actors during the reconciliation process and their past is not an issue anymore as it was the case with the ANC in South Africa This book examines the notion of reconciliation with terrorists from a theoretical and empirical perspective The notion of engagement and reconciliation with terrorist groups is generally seen as problematic if not impossible This is somewhat surprising given that the idea of societal reconciliation has become a common response to state terror although not usually in situations of conflict with sub state terrorist actors Similar to state terror sub state terrorism is a sign of a deep societal rift which reconciliation measures may help to overcome The text investigates the reconciliatory process further raising the central questions a what constitutes reconciliation as a process and an outcome and b how can reconciliation be facilitated in a situation of social conflict This book will be of much interest to students of terrorism studies transitional justice conflict resolution peace and conflict studies and IR in general Reconciliation after Terrorism was featured in the Terrorism Bookshelf Top 150 Books on Terrorism and Counterterrorism selected and reviewed by Joshua

Sinai Perspectives on Terrorism Vol 6 No 2 2012 The Responsibility to Protect Dan Kuwali, 2011 Explores the scope and limits of Article 4 h of the African Union Constitutive Act Introd *The Routledge Handbook of International Crime and Justice Studies* Bruce Arrigo, Heather Bersot, 2013-08-15 This book presents the enduring debates and emerging challenges in crime and justice studies from an international and multi disciplinary perspective **The Law of Armed Conflict and the Use of Force** Frauke Lachenmann, Rüdiger Wolfrum, 2017 This volume collects articles on the law of armed conflict and the use of force from the Max Planck Encyclopedia of Public International Law to facilitate easy access to content from the leading reference work in international law **Global Governance and the UN** Thomas G. Weiss, Ramesh Thakur, 2010-04-23 In the 21st century the world is faced with threats of global scale that cannot be confronted without collective action Although global government as such does not exist formal and informal institutions practices and initiatives together forming global governance bring a greater measure of predictability stability and order to trans border issues than might be expected Yet there are significant gaps between many current global problems and available solutions Thomas G Weiss and Ramesh Thakur analyze the UN s role in addressing such knowledge normative policy institutional and compliance lapses The UN s relationship to these five global governance gaps is explored through case studies of some of the most burning problems of our age including terrorism nuclear proliferation humanitarian crises development aid climate change human rights and HIV AIDS

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