



Transitional Justice

**Alexandra Barahona De Brito, Carmen
Gonzalez Enriquez, Paloma Aguilar**

Transitional Justice:

Transitional Justice Neil J. Kritz, 1995 Foreword Nelson Mandela *Assessing the Impact of Transitional Justice* Hugo Van der Merwe, Victoria Baxter, Audrey R. Chapman, 2009 In *Assessing the Impact of Transitional Justice* fourteen leading researchers study seventy countries that have suffered from autocratic rule genocide and protracted internal conflict

Theorizing Transitional Justice Claudio Corradetti, Nir Eissikovits, Jack Volpe Rotondi, 2015-02-28 This book addresses the theoretical underpinnings of the field of transitional justice something that has hitherto been lacking both in study and practice With the common goal of clarifying some of the theoretical profiles of transitional justice strategies the study is organized along crucial intersections evaluating aspects connected to the genealogy the nature the scope and the most appropriate methodology for the study of transitional justice The chapters also take up normative and political considerations pertaining to specific transitional instruments such as war crime tribunals truth commissions administrative purges reparations and historical commissions Bringing together some of the most original writings from established experts as well as from promising young scholars in the field the collection will be an essential resource for researchers academics and policy makers in Law Philosophy Politics and Sociology **Transitional Justice in the Twenty-First Century** Naomi Roht-Arriaza, Javier Mariezcurrena, 2006-09-14 Dealing with the aftermath of civil conflict or the fall of a repressive government continues to trouble countries throughout the world Whereas much of the 1990s was occupied with debates concerning the relative merits of criminal prosecutions and truth commissions by the end of the decade a consensus emerged that this either or approach was inappropriate and unnecessary A second generation of transitional justice experiences have stressed both truth and justice and recognize that a single method may inadequately serve societies rebuilding after conflict or dictatorship Based on studies in ten countries this book analyzes how some combine multiple institutions others experiment with community level initiatives that draw on traditional law and culture whilst others combine internal actions with transnational or international ones The authors argue that transitional justice efforts must also consider the challenges to legitimacy and local ownership emerging after external military intervention or occupation *Transitional Justice* Ruti G. Teitel, 2000-06-29 At the century's end societies all over the world are throwing off the yoke of authoritarian rule and beginning to build democracies At any such time of radical change the question arises should a society punish its ancien regime or let bygones be bygones Transitional Justice takes this question to a new level with an interdisciplinary approach that challenges the very terms of the contemporary debate Ruti Teitel explores the recurring dilemma of how regimes should respond to evil rule arguing against the prevailing view favoring punishment yet contending that the law nevertheless plays a profound role in periods of radical change Pursuing a comparative and historical approach she presents a compelling analysis of constitutional legislative and administrative responses to injustice following political upheaval She proposes a new normative conception of justice one that is highly politicized offering glimmerings of the rule of law that in her view have

become symbols of liberal transition Its challenge to the prevailing assumptions about transitional periods makes this timely and provocative book essential reading for policymakers and scholars of revolution and new democracies **Searching for Truth in the Transitional Justice Movement** Jamie Rowen,2017-08-11 This book re imagines transitional justice as a movement and explains why truth commissions are promoted and created By exploring how the movement developed as well as efforts to create truth commissions in the Balkans Colombia and the US it examines the processes through which political actors translate transitional justice into political action **International Journal of Rule of Law, Transitional Justice And Human Rights** , Transformative Transitional Justice and the Malleability of Post-Conflict States Padraig McAuliffe,2017-03-31 Despite the growing focus on issues of socio economic transformation in contemporary transitional justice the path dependencies imposed by the political economy of war to peace transitions and the limitations imposed by weak statehood are seldom considered This book explores transitional justice s prospects for seeking economic justice and reform of structures of poverty in the specific context of post conflict states **Justice Framed** Marcos Zunino,2019-03-14 Why are certain responses to past human rights violations considered instances of transitional justice while others are disregarded This study interrogates the history of the discourse and practice of the field to answer that question Zunino argues that a number of characteristics inherited as transitional justice emerged as a discourse in the 1980s and 1990s have shaped which practices of the present and the past are now regarded as valid responses to past human rights violations He traces these influential characteristics from Argentina s transition to democracy in 1983 the end of communism in Eastern Europe the development of international criminal justice and the South African truth commission of 1995 Through an analysis of the post World War II period the decolonisation process and the Cold War Zunino identifies a series of episodes and mechanisms omitted from the history of transitional justice because they did not conform to its accepted characteristics Transitional Justice in the Asia-Pacific Renée Jeffery,Hun Joon Kim,2013-11-11 How to address the human rights violations of previous regimes and past periods of conflict is one of the most pressing questions facing governments and policy makers today New democracies and states in the fragile post conflict peace settlement phase are confronted by the need to make crucial decisions about whether to hold perpetrators of human rights violations accountable for their actions and if so how to best achieve that end This is the first book to examine the ways in which states and societies in the Asia Pacific region have navigated these difficult waters Drawing together several of the world s leading experts on transitional justice with Asia Pacific regional and country specialists it provides an overview of the processes and practices of transitional justice in the region as well as detailed analysis of the cases of Cambodia Sri Lanka Aceh Indonesia South Korea the Solomon Islands and East Timor **Transitional Justice in Nepal** Yvette Selim,2018-06-27 The conflict in Nepal 1996 2006 resulted in an estimated 15 000 deaths 1 300 disappearances along with other serious human rights and humanitarian law violations Demands for peace democracy accountability and development have abounded in the post conflict context Although the

conflict catalysed major changes in the social and political landscape in Nepal the transitional justice TJ process has remained deeply contentious and fragmented This book provides an in depth analysis of transitional justice process in Nepal Drawing on interviews with a diverse range of stakeholders including victims ex combatants community members human rights advocates journalists and representatives from diplomatic missions international organisations and the donor community it reveals the differing viewpoints knowledge attitudes and preferences about TJ and other post conflict issues in Nepal The author develops an actor typology and an action spectrum which can be used in Nepal and other post conflict contexts The actor typology identifies four main groups of TJ actors experts brokers implementers and victims and highlights who is making claims and on behalf of whom The action spectrum based on contentious politics literature and resistance literature demonstrates the strategies actors use to shape the TJ process This book argues that the potential of TJ lies in these dynamics of contention It is by letting these dynamics play out that different conceptualisations of TJ can arise While doing so may lead to practical challenges and produce situations that are normatively undesirable for some actors particularly when certain political parties and national actors seem to hijack TJ remaining steadfast to the dominant TJ paradigm is also undesirable As the first book to provide a single case study on TJ in Nepal it makes theoretical and empirical contributions to TJ research in Nepal and the Asia Pacific more broadly the politics versus justice binary and the concept of victimhood among others It will be of interest to a wide range of scholars in the study of transitional justice peace and conflict studies human rights sociology political science criminology law anthropology and South Asian Studies as well as policy makers and NGOs

An Introduction to Transitional Justice Olivera Simić, 2016-11-25 An Introduction to Transitional Justice provides the first comprehensive overview of transitional justice judicial and non judicial measures implemented by societies to redress legacies of massive human rights abuse Written by some of the leading experts in the field it takes a broad interdisciplinary approach to the subject addressing the dominant transitional justice mechanisms as well as key themes and challenges faced by scholars and practitioners Using a wide historic and geographic range of case studies to illustrate key concepts and debates and featuring discussion questions and suggestions for further reading this is an essential introduction to the subject for students

Research Handbook on Transitional Justice Cheryl Lawther, Luke Moffett, 2023-08-14 Providing a refreshing take on transitional justice this second edition Research Handbook brings together an expanse of scholarly expertise to reconsider how societies deal with gross human rights violations structural injustices and mass violence Contextualised by historical developments it covers a diverse range of concepts actors and mechanisms of transitional justice while shedding light on new and emerging areas in the field

Searching for Truth in the Transitional Justice Movement Jamie Rowen, 2017-08-11 Searching for Truth in the Transitional Justice Movement examines calls for a truth commission to redress the brutal war during the breakup of the former Yugoslavia the decades long armed conflict in Colombia and US detention policies in the War on Terror In so doing it argues that transitional justice is an idea around

which a loosely structured movement emerged and professionalized making truth commissions a standard response to mass violence By exploring how this movement developed as well as efforts to make truth commissions in the Balkans Colombia and the US this book explains different processes through which political actors translate new legal ideas such as transitional justice into political action Further it reveals how the malleability of transitional justice and truth commissions is both an asset and a liability for those hoping to ensure accountability improve survivor well being and prevent future violence

Transitional Justice in Troubled Societies Aleksandar Fatic,Klaus Bachmann,Igor Lyubashenko,2018-11-26 This book discusses the crucial strategic topic for the practical implementation of transitional justice in post conflict societies by arguing that the dilemma is defined by the extent to which the actual achievement of the political goals of transition is a necessary condition for the long term observance and implementation of justice While in many cases the blind criminal justice does not enhance and even militates against the achievement of political transitions an understanding of transitional justice as a fundamentally political process is novel controversial and a concept which may shape the future of transitional justice This collection contributes to developing this concept both theoretically and through concrete and current case studies from the worlds most pronounced crisis spots for transitional justice Transitional Justice Alexander Laban Hinton,2011 The origins of this project date back to a 2007 symposium Local justice global mechanisms and local meanings in the aftermath of mass atrocity held at Rutgers University Newark N J Several participants later presented papers in a session at the July 2007 meeting of the International Association of Genocide Scholars which was held in Bosnia and Herzegovina Acknowledgments The Conceptual Foundations of Transitional Justice Colleen Murphy,2017-04-19 Many countries have attempted to transition to democracy following conflict or repression but the basic meaning of transitional justice remains hotly contested In this book Colleen Murphy analyses transitional justice showing how it is distinguished from retributive corrective and distributive justice and outlines the ethical standards which societies attempting to democratize should follow She argues that transitional justice involves the just pursuit of societal transformation Such transformation requires political reconciliation which in turn has a complex set of institutional and interpersonal requirements including the rule of law She shows how societal transformation is also influenced by the moral claims of victims and the demands of perpetrators and how justice processes can fail to be just by failing to foster this transformation or by not treating victims and perpetrators fairly Her book will be accessible and enlightening for philosophers political and social scientists policy analysts and legal and human rights scholars and activists *The Politics of Memory* Alexandra Barahona De Brito,Carmen Gonzalez Enriquez,Paloma Aguilar,2001-04-05 One of the most important political and ethical questions faced during a political transition from authoritarian or totalitarian to democratic rule is how to deal with legacies of repression Indeed some of the most fundamental questions regarding law morality and politics are raised at such times as societies look back to understand how they lost their moral and political compass failing to contain violence and promote the values of tolerance

and peace The Politics of Memory sheds light on this important aspect of transitional politics assessing how Portugal Spain the countries of Central and Eastern Europe and Germany after reunification Russia the Southern Cone of Latin America and Central America as well as South Africa have confronted legacies of repression The book examines the presence or absence of three types of official efforts to come to terms with the past truth commissions trials and amnesties and purges In addition it looks at unofficial initiatives emerging from within society usually involving human rights organisations HROs churches or political parties Where relevant it also examines the politics of memory whereby societies re work the past in an effort to come to terms with it both during the transitions and long after official transitional policies have been implemented or forgotten The book also assesses the significance of forms of reckoning with the past for a process of democratization or democratic deepening It also focuses on the role of international actors in such processes as external players are becoming increasingly influential in shaping national policy where human rights are concerned

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

Law in Transition Ruth Buchanan,Peer Zumbansen,2014-12-01 Law has become the vehicle by which countries in the developing world including post conflict states or states undergoing constitutional transformation must steer the course of social and economic legal and political change Legal mechanisms in particular the instruments as well as concepts of human rights play an increasingly central role in the discourses and practices of both development and transitional justice These developments can be seen as part of a tendency towards convergence within the wider set of discourses and practices in global governance While this process of convergence of formerly distinct normative and conceptual fields of theory and practice has been both celebrated and critiqued at the level of theory the present collection provides through a series of studies drawn from a variety of contexts in which human rights advocacy and transitional justice initiatives are colliding with development projects programmes and objectives a more nuanced and critical account of contemporary developments The book includes essays by many of the leading experts writing at the intersection of development rights and transitional justice studies Notwithstanding the theoretical and practical challenges presented by the complex interaction of these fields the premise of the book is that it is only through engagement and dialogue among hitherto

distinct fields of scholarship and practice that a better understanding of the institutional and normative issues arising in contemporary law and development and transitional justice contexts will be possible The book is designed for research and teaching at both undergraduate and graduate levels

ENDORSEMENTS An extraordinary collection of essays that illuminate the nature of law in today's fragmented and uneven globalized world by situating the stakes of law in the intersection between the fields of human rights development and transitional justice Unusual for its breadth and the quality of scholarly contributions from many who are top scholars in their fields this volume is one of the first that attempts to weave the three specialized fields and succeeds brilliantly For anyone working in the fields of development studies human rights or transitional justice this volume is a wake up call to abandon their preconceived ideas and frames and aim for a conceptual and programmatic restart

Professor Balakrishnan Rajagopal Ford International Associate Professor of Law and Development Massachusetts Institute of Technology This superb collection of essays explores the challenges possibilities and limits faced by scholars and practitioners seeking to imagine forms of law that can respond to social transformation Drawing together cutting edge work across the three dynamic fields of law and development transitional justice and international human rights law this volume powerfully demonstrates that in light of the changes demanded of legal research education and practice in a globalizing world all law is law in transition

Anne Orford Michael D Kirby Chair of International Law and Australian Research Council Future Fellow University of Melbourne A terrific volume Leading scholars of human rights development policy and transitional justice look back and into the future What has worked Where have these projects gone astray or conflicted with one another Law will only contribute forcefully to justice development and peaceful sustainable change if the lessons learned here give rise to a new practical wisdom We all hope law can do better the essays collected here begin to show us how

David Kennedy Manley O Hudson Professor of Law Director Institute for Global Law and Policy Harvard Law School

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