

# Assessing the Impact of Transitional Justice

**Challenges for Empirical Research**

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# Assessing The Impact Of Transitional Justice Challenges For Empirical Research

**Vincent Druliolle, Roddy Brett**



## **Assessing The Impact Of Transitional Justice Challenges For Empirical Research:**

**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 **Evaluating Transitional Justice** K. Ainley, R. Friedman, C. Mahony, 2016-02-16 This major study examines the successes and failures of the full transitional justice programme in Sierra Leone It sets out the implications of the Sierra Leonean experience for other post conflict situations and for the broader project of evaluating transitional justice **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 **Transitional Justice in Ghana** Marian Yankson-Mensah, 2020-04-08 This book situates Ghana's truth telling process which took place from 2002 to 2004 within the discourse on the effectiveness of the different mechanisms used by post conflict and post dictatorship societies to address gross human rights violations The National Reconciliation Commission was the most comprehensive transitional justice mechanism employed during Ghana's transitional process in addition to amnesties reparations and minimal institutional reforms Due to a blanket amnesty that derailed all prospects of resorting to judicial mechanisms to address gross human rights violations the commission was established as an alternative to prosecutions Against this background the author undertakes a holistic assessment of the National Reconciliation Commission's features mandate procedure and aftermath to ascertain the loopholes in Ghana's transitional process She defines criteria for the assessment which can be utilised with some modifications to assess the impact of other transitional justice mechanisms Furthermore she also reflects on the options and possible setbacks for future attempts to address the gaps in the mechanisms utilised With a detailed account of the human rights violations perpetrated in Ghana from 1957 to 1993 this volume of the International Criminal Justice Series provides a useful insight into the factors that shape the outcomes of transitional justice processes Given its combination of normative comparative and empirical approaches the book will be useful to academics students practitioners and policy makers by fostering their understanding of the implications of the different features of truth commissions the methods for assessing transitional justice mechanisms and the different factors to consider when designing mechanisms to address gross human rights violations in the aftermath of a conflict or dictatorship Marian Yankson Mensah is a Researcher and Project Officer at the International Nuremberg Principles Academy in Nuremberg Germany **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* Gerhard Werle, Moritz Vormbaum, 2022-09-08 The expression transitional justice emerged at the end of the Cold War during the transition from dictatorships to democracies and serves as a central concept in dealing with systemic injustice This textbook examines the basic principles of transitional justice and explores its core mechanisms including prosecutions amnesties truth commissions reparations and vetting the public service It elaborates the substance and legal framework of these mechanisms and discusses current challenges The book provides extensive material illustrating a wide variety of transitional justice situations This book summarizes the subjects of transitional justice and Vergangenheitsbewältigung systematically and clearly Joachim Gauck German Federal President 2012-2017 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 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      **Last Train to Auschwitz**

Sarah Federman, 2021-05-25 2022 Nautilus Book Awards Silver Award Winner for Journalism and Investigative Reporting

Truth Commissions Onur Bakiner, 2016-01-15 Onur Bakiner evaluates the success of truth commissions in promoting political judicial and social change He argues that even when commissions produce modest change as a result of political constraints they open new avenues for human rights activism and transform public discourses on memory truth justice and reconciliation      *Reconciliation by Stealth* Denisa Kostovicova, 2023-05-15 Winner of the ISA Best Book in Human Rights *Reconciliation by Stealth* advances a novel approach to evaluating the effects of transitional justice in postconflict societies Through her examination of the Balkan conflicts Denisa Kostovicova asks what happens when former adversaries discuss legacies of violence and atrocity and whether it is possible to do so without further deepening animosities *Reconciliation by Stealth* shifts our attention from what people say about war crimes to how they deliberate past wrongs Bringing together theories of democratic deliberation and peacebuilding Kostovicova demonstrates how people from opposing ethnic groups reconcile through reasoned respectful and empathetic deliberation about a difficult legacy She finds that expression of ethnic difference plays a role in good quality deliberation across ethnic lines while revealed intraethnic divisions help deliberators expand moral horizons previously narrowed by conflict In the process people forge bonds of solidarity and offset divisive identity politics that bears upon their deliberations *Reconciliation by Stealth* shows us the importance of theoretical and methodological innovation in capturing how transitional justice can promote reconciliation and points to the untapped potential of deliberative problem solving to repair relationships fractured by conflict Thanks to generous funding from the London School of Economic and Political Science the ebook editions of this book are available as Open Access volumes from Cornell Open [cornellpress.cornell.edu/cornell-open](https://cornellpress.cornell.edu/cornell-open) and other repositories      The Massacres at Mt. Halla Hun Joon

Kim, 2014-02-06 In *The Massacres at Mt Halla* Hun Joon Kim presents a compelling story of state violence human rights advocacy and transitional justice in South Korea since 1947 The Jeju 4.3 events were a series of armed uprisings and counterinsurgency actions that occurred between 1947 and 1954 in the rugged landscape around Mt Halla in Jeju Province South Korea The counterinsurgency strategy was extremely brutal involving mass arrests and detentions forced relocations torture indiscriminate killings and many large scale massacres of civilians The conflict resulted in an estimated thirty thousand deaths about 10 percent of the total population of Jeju Province in 1947 News of this enormous loss of life was carefully suppressed until the success of the 1987 June Democracy Movement After concisely detailing the events of Jeju 4.3 Kim traces the grassroots advocacy campaign that ultimately resulted in the creation of a truth commission with a threefold mandate to investigate what happened in Jeju to identify the victims and to restore the honor of those victims Although an

official report was issued in 2003 resulting in an official apology from President Roh Moo Hyun the first presidential apology for the abuse of state power in South Korea's history the commission's work continues to this day It has long been believed that truth commissions are most likely to be established immediately after a democratic transition as a result of a power game involving old and new elites Kim tells a different story he emphasizes the importance of sixty years of local activist work and the long history of truth's suppression

*The Legacy of the International Criminal Tribunal for the Former Yugoslavia* A. H. J. Swart, Alexander Zahar, Göran Sluiter, 2011-05-19 The International Criminal Tribunal for the Former Yugoslavia ICTY was established in 1993 and is due to complete its trials by 2011 Easily the most credible and prodigious of the international tribunals established in this period the ICTY is by far the most important source of case law on international criminal law This is reflected in the citations it receives by other courts and by learned commentators Long after its dissolution the ICTY will most likely serve as an important frame of reference for the International Criminal Court and other courts dealing with international crimes including national courts The publication of this book coincides with the year of cessation of trial activity at the ICTY Its purpose is to mark this significant milestone in international law with a series of in depth critical reflections on the institution's legacy by eminent scholars and practitioners In the course of seventeen chapters the contributing authors analyse the main features of the ICTY's work in an unprecedented examination of the institution's legitimacy core principles methodologies unstated assumptions political circumstances and impact and indeed its legacy

*Truth Commissions and Criminal Courts* Alison Bisset, 2012-04-16 A multi level analysis of truth commissions and courts in the ICC era

**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

Human Rights Prosecutions in Democracies at War Moira Lynch, 2018-09-17 Though many of the longest and most devastating internal armed conflicts have been fought within the boundaries of democratic states these countries employ some of the highest numbers of human rights prosecutions What conditions prompt this outcome and what explains the variable patterns of prosecutions in democracies at war Prosecutions may be enabled by existing democratic norms and institutions but given their role in a violent conflict

democratic governments may go to great lengths to avoid judicial accountability Through qualitative and quantitative research of four cases Sri Lanka Northern Ireland Spain and Colombia this book argues that emergency and anti terrorism laws issued during the conflict created barriers to the investigation and prosecution of state human rights violations The extent to which state actors were held accountable was shaped by citizens NGOs and political actors who challenged or upheld impunity provisions within emergency legislation

### **The Routledge Handbook of Linguistic Anthropology**

Nancy Bonvillian,2015-08-11 The Routledge Handbook of Linguistic Anthropology is a broad survey of linguistic anthropology featuring contributions from prominent scholars in the field Each chapter presents a brief historical summary of research in the field and discusses topics and issues of current concern to people doing research in linguistic anthropology The handbook is organized into four parts Language and Cultural Productions Language Ideologies and Practices of Learning Language and the Communication of Identities and Language and Local Global Power and covers current topics of interest at the intersection of the two fields while also contextualizing them within discussions of fieldwork practice Featuring 30 contributions from leading scholars in the field The Routledge Handbook of Linguistic Anthropology is an essential overview for students and researchers interested in understanding core concepts and key issues in linguistic anthropology

**The Politics of Victimhood in Post-conflict Societies** Vincent Druliolle,Roddy Brett,2018-02-20 This volume sheds new light upon the role of victims in the aftermath of violence Victims are central actors in transitional justice the politics of memory and conflict resolution yet the analysis of their mobilisation and political influence in these processes has been neglected After introducing and explaining the reasons for this limited interest the book s chapters focus on a range of settings and draw on different disciplines to offer insights into the interrelated themes of victimhood victims their individual and collective identities and their role in and impact upon post conflict societies and the politics of victimhood meaning how victimhood is defined negotiated and contested both socially and politically Because it outlines a stimulating research agenda and challenges the view that victims are passive or apolitical this interdisciplinary volume is a significant contribution to the literature and will be of interest to scholars from disciplines such as law anthropology political science human rights international studies and to practitioners

*Victim Healing and Truth Commissions* Holly L. Guthrey,2015-02-23 This book intends to contribute to the growing body of transitional justice literature by providing insight into how truth commissions may be beneficial to victims of mass violence based on data collected in Timor Leste and on the Solomon Islands Drawing on literature in the fields of victim psychology procedural justice and transitional justice this study is guided by the puzzle of why truth telling in post conflict settings has been found to be both helpful and harmful to victims of mass violence Existing studies have identified a range of positive benefits and negative consequences of truth telling for victims however the reasons why some victims experience a sense of healing while others do not after participating in post conflict truth commission processes continues to remain unclear Hence to address one piece of this complex puzzle this book seeks to

begin clarifying how truth telling may be beneficial for victims by investigating the question What pathways lead from truth telling to victim healing in post conflict settings Building on the proposition that having voice a key component of procedural justice can help individuals to overcome the disempowerment and marginalisation of victimisation this book investigates voice as a causal mechanism that can create pathways toward healing within truth commission public hearings Comparative empirical studies that investigate how truth telling contributes to victim healing in post conflict settings are scarce in the field of transitional justice This book begins to fill an important gap in the existing body of literature From a practical standpoint by enhancing understanding of how truth commissions can promote healing the findings and arguments in this volume provide insight into how the design of transitional justice processes may be improved in the future to better respond to the needs of victims of mass violence

Transitional Justice and Reconciliation Martina Fischer, Olivera Simic, 2015-11-06

Scholars and practitioners alike agree that somehow the past needs to be addressed in order to enable individuals and collectives to rebuild trust and relationships However they also continue to struggle with critical questions When is the right moment to address the legacies of the past after violent conflict How can societies address the past without deepening the pain that arises from memories related to the violence and crimes committed in war How can cultures of remembrance be established that would include and acknowledges the victims of all sides involved in violent conflict How can various actors deal constructively with different interpretations of facts and history Two decades after the wars societies in Bosnia Serbia and Croatia albeit to different degrees are still facing the legacies of the wars of the 1990s on a daily basis Reconciliation between and within these societies remains a formidable challenge given that all three countries are still facing unresolved disputes either at a cross border level or amongst parallel societies that persist at a local community level This book engages scholars and practitioners from the regions of former Yugoslavia as well as international experts to reflect on the achievements and obstacles that characterise efforts to deal with the past Drawing variously on empirical studies theoretical discussions and practical experience their contributions offer invaluable insights into the complex relationship between transitional justice and conflict transformation



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