

# Goals of Transitional Justice



Building accountable institutions: a representative legislature, independent judiciary, and non-political criminal justice system



Ensuring that vulnerable communities have equal access to justice, especially if the conflict cut across this cleavage



Creating a role for women and other marginalized groups in the transitional justice and restoration process



Establishing respect for the rule of law



Seeking post-conflict reconciliation



Addressing the underlying causes of the conflict



Facilitating a sustainable and robust peace process



Restoring public trust

# Transitional Justice

**Naomi Roht-Arriaza, Javier  
Mariezcurrenta**



## **Transitional Justice:**

**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 régime 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 reimagines 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**, Transitional Justice Neil J. Kritz, 1995 Foreword Nelson Mandela

*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 the 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 **Theorizing**

**Transitional Justice** Mr Jack Rotondi, Professor Claudio Corradetti, Professor Nir Eisikovits, 2015-02-28 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 specific transitional instruments of war crime tribunals truth commissions administrative purges reparations and historical commissions are considered The book brings together some of the most original writings from established experts as well as from promising young scholars in the field 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 *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 Routledge Handbook on Human Rights and

the Middle East and North Africa Anthony Chase, 2016-11-10 Recent events such as Iran's Green Revolution and the Arab Uprisings have exploded notions that human rights are irrelevant to Middle Eastern and North African politics Increasingly seen as a global concern human rights are at the fulcrum of the region's on the ground politics transnational intellectual debates and global political intersections The Routledge Handbook on Human Rights and the Middle East and North Africa emphasises the need to consider human rights in all their dimensions rather than solely focusing on the political dimension in order to understand the structural reasons behind the persistence of human rights violations explores the various

frameworks in which to consider human rights conceptual political and transnational international discusses issue areas subject to particularly intense debate gender religion sexuality transitions and accountability contains contributions from perspectives that span from global theory to grassroots reflections emphasising the need for academic work on human rights to seriously engage with the thoughts and practices of those working on the ground A multidisciplinary approach from scholars with a wide range of expertise allows the book to capture the complex dynamics by which human rights have had or could have an impact on Middle Eastern and North African politics This book will therefore be a key resource for students and scholars of Middle Eastern and North African politics and society as well as anyone with a concern for Human Rights across the globe

*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

**The SAGE Handbook of Comparative Politics** Todd Landman, Neil Robinson, 2009-06-16 The SAGE Handbook of Comparative Politics presents in one volume an authoritative overview of the theoretical methodological and substantive elements of comparative political science The 28 specially commissioned chapters written by renowned comparative scholars guide the reader through the central issues and debates presenting a state of the art guide to the past present and possible futures of the field

**International Encyclopedia of Human Geography**, 2019-11-29 International Encyclopedia of Human Geography Second Edition Fourteen Volume Set embraces diversity by design and captures the ways in which humans share places and view differences based on gender race nationality location and other factors in other words the things that make people and places different Questions of for example politics economics race relations and migration are introduced and discussed through a geographical lens This updated edition will assist readers in their research by providing factual information historical perspectives theoretical approaches reviews of literature and provocative topical discussions that will stimulate creative thinking Presents the most up to date and comprehensive coverage on the topic of human geography Contains extensive scope and depth of coverage Emphasizes how geographers interact with understand and contribute to problem solving in the contemporary world Places an emphasis on how geography is relevant in a social and interdisciplinary context

*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

**Founding Myths and Peace Building Processes In Post-Conflict Cambodia** Ricarda Popa, 2010-02-19 Master s Thesis from the year 2009 in the subject Politics Region Far East grade 14 points University of Marburg Gesellschaftswissenschaften und Philosophie language English abstract Cambodia has accumulated hundreds of years of repressions supervision by foreign countries territorial partitions insecurities and conflicts The last 5 decades Cambodia has suffered extensive military or ideological wars undergoing changing political regimes that were neither stable nor legitimately recognized These passed from absolute monarchy to communism attached to Maoism to socialism after Marx and Lenin to capitalism and finally to constitutional monarchy based on parliamentary system Vannath 2003 49 which have influenced significantly all state institutions from complete destruction to reconstruction based on ideological geo strategic interest or political cupidity Ironically the country s experience has remained internationally rather unnoticed succeeding eventually in the past years to acquire political attention due to the substantial international financial and technical efforts in post war reconstruction and peace building Heijmans 2004 331 With this support Cambodia is trying to redefine itself and to open itself to the world as a regional equilibrating partner a corner of cultural and architectural treasures but also as a traumatized nation in need of foreign aid In this process the country has formulated diverse narratives to represent it on the international and domestic scene and to help people go on with a hope for peace and prosperity Given being this evolution the thesis ascertains the contribution of the new Cambodian founding myths in the country s peace building after having emerged from destabilizing rules especially the Khmer Rouge regime In the wake of democratization Cambodia has started to set a new beginning this paper searching to understand if these transitional definitions of the nation play a constructive part in the promotion of sustainable peace and security The issue is still in the process of becoming since only the end of the Vietnamese administration in September 1989 has opened the way for Cambodia to make justice and recover from the pernicious times For this reason the victim narratives still claim justice turning into full founding myths when they would have lost there appellative function M nkler 2008 2 Consequently Cambodia slightly adopted some measures to improve its situation among which the formulation of new narratives representing the nation s position in dealing with its trauma in the face of the new international support and its own reckoning with its past

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

**The Contribution of the Extraordinary Chambers in the Courts of Cambodia to the Establishment of a Hybrid Tribunal Model** Ricarda Popa,2009 Research Paper postgraduate from the year 2009 in the subject Politics International Politics Topic Public International Law and Human Rights grade 1 University of Marburg Faculty of Social Science and Philosophy course Transitional Justice Research Seminar language English abstract This research paper exemplifies the contribution of the Extraordinary Chambers in the Courts of Cambodia ECCC to the establishment of a hybrid tribunal model as an instrument for prosecuting serious criminal offenses committed systematically during conflicts The research sphere is demarcated by the world s 3rd hybrid tribunal novelty and its participation in the advancement of a hybrid tribunal model as internationalized judicial instrument of correction of those atrocities against humanity that were committed methodically with political purposes in times of authoritarian regimes or armed conflicts of different origin The interest arises from the awareness that by entering into force of the International Criminal Court in The Hague ICC in 2002 a shift of significance has taken place from the international level back to the domestic one in dealing with serious crimes In the context of radical changes the ECCC comes to strengthen the hybrid tribunal instrument as a judicial organization form with multidimensional benefits and to offer it sustainability to the advantage of other post conflict societies

**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

Telling the Truths Tristan Anne Borer,RIREC Project on Post-Accord Peace Building,2006 The volume examines whether truth telling mechanisms can contribute to sustainable peace and if so how and under what conditions

**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 **Michigan Law Review** ,2003-03

## Unveiling the Energy of Verbal Artistry: An Emotional Sojourn through **Transitional Justice**

In a global inundated with displays and the cacophony of fast interaction, the profound power and psychological resonance of verbal artistry often diminish into obscurity, eclipsed by the regular barrage of noise and distractions. However, nestled within the musical pages of **Transitional Justice**, a interesting function of fictional brilliance that pulses with fresh feelings, lies an unique journey waiting to be embarked upon. Published by a virtuoso wordsmith, that mesmerizing opus instructions visitors on a mental odyssey, gently revealing the latent potential and profound influence stuck within the complicated internet of language. Within the heart-wrenching expanse with this evocative analysis, we shall embark upon an introspective exploration of the book is key subjects, dissect its fascinating writing fashion, and immerse ourselves in the indelible impact it leaves upon the depths of readers souls.

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