

TRANSITIONAL JUSTICE **IN BALANCE** COMPARING PROCESSES, WEIGHING EFFICACY

TRICIA D. OLSEN • LEIGH A. PAYNE • ANDREW G. REITER

Transitional Justice In Balance Comparing Processes Weighing Efficacy

Cynthia M. Horne, Lavinia Stan



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Transitional Justice in Balance Tricia D. Olsen, Leigh A. Payne, Andrew G. Reiter, 2010 In the first project of its kind to compare multiple mechanisms and combinations of mechanisms across regions countries and time *Transitional Justice in Balance Comparing Processes Weighing Efficacy* systematically analyzes the claims made in the literature using a vast array of data which the authors have assembled in the Transitional Justice Data Base *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

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 *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 and the Former Soviet Union Cynthia M. Horne, Lavinia Stan, 2018-02-22 A comprehensive overview of the efforts of state and non state actors in the former Soviet Union to redress the past **Theorizing Transitional Justice** Claudio Corradetti, Nir Eisikovits, 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 Asia-Pacific Renee Jeffery, Hun Joon Kim, 2014 This is the first book to provide an overview of the processes and practices of transitional justice in the Asia Pacific region 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 **Amnesty, Serious Crimes and International Law** Josepha Close, 2019-05-16 Amnesty Serious Crimes and International Law examines the permissibility of amnesties for serious crimes in the contemporary international order In the last few decades there has been a growing tendency to consider that amnesties are prohibited in respect of certain grave crimes However the question remains controversial as there is no explicit treaty ban and general amnesties continue to be frequently issued in post conflict and transitional contexts The first part of the book explores the use of amnesties from antiquity to the present day It reviews amnesty traditions in ancient societies and provides a global picture of modern amnesties In parallel it traces the development of the accountability paradigm underpinning the current prohibitive stance on amnesties The second part assesses the position of modern international law on amnesties It comprehensively analyses the main arguments supporting the existence of a general amnesty ban including the duty to prosecute international crimes the right to redress of victims of human rights violations international standards and trends in state practice and the mandate of

international criminal courts The book argues that while international legal or policy requirements restrict the freedom of states to extend amnesty in respect of serious crimes or the effectiveness of amnesty measures in preventing the prosecution of such crimes these restrictions do not add up to an absolute and universal prohibition Globalizing Transitional Justice Ruti G. Teitel, 2014-04-02 Among the most prominent and significant political and legal developments since the end of the Cold War is the proliferation of mechanisms for addressing the complex challenges of transition from authoritarian rule to human rights based democratic constitutionalism particularly with regards to the demands for accountability in relation to conflicts and abuses of the past Whether one thinks of the Middle East South Africa the Balkans Latin America or Cambodia an extraordinary amount of knowledge has been gained and processes instituted through transitional justice No longer a byproduct or afterthought transitional justice is unquestionably the driver of political change In Globalizing Transitional Justice Ruti G Teitel provides a collection of her own essays that embody her evolving reflections on the practice and discourse of transitional justice since her book Transitional Justice published back in 2000 In this new book Teitel focuses on the ways in which transitional justice concepts have found legal expression especially through human rights law and jurisprudence and international criminal law These essays shed light on some of the difficult choices encountered in the design of transitional justice criminal trials vs amnesties or truth commissions domestic or international processes peace and reconciliation vs accountability and punishment Transitional justice is considered not only in relation to political events and legal developments but also in relation to the broader social and cultural tendencies of our times

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