

Transitional Justice in Rwanda

Accountability for atrocity

Gerald Gahima

Transitional Justice In Rwanda Accountability For Atrocity

Claudio Corradetti, Nir Eisikovits



Transitional Justice In Rwanda Accountability For Atrocity:

Transitional Justice in Rwanda Gerald Gahima, 2013 Transitional Justice in Rwanda Accountability for Atrocity comprehensively analyzes the full range of the transitional justice processes undertaken for the Rwandan genocide Drawing on the author's extensive professional experience as the principal justice policy maker and the leading law enforcement officer in Rwanda from 1996-2003 the book provides an in depth analysis of the social political and legal challenges faced by Rwanda in the aftermath of the genocide and the aspirations and legacy of transitional justice The book explores the role played by the accountability processes not just in pursuing accountability but also in shaping the reconstruction of Rwanda's institutions of democratic governance and political reconciliation Central to this exploration will be the examination of whether or not transitional justice in Rwanda has contributed to a foundational rule of law reform process While recognizing the necessity of pursuing accountability for mass atrocity the book argues that a maximal approach to accountability for genocide may undermine the promotion of core objectives of transitional justice Taking on one of the key questions facing practitioners and scholars of transitional justice today the book suggests that the pursuit of mass accountability particularly where socio economic resources and legal capacity is limited may destabilize the process of rule of law reform endangering core human rights norms Moreover the book suggests that pursuing a strategy of mass accountability may undermine the process of democratic transition particularly in a context where impunity for crimes committed by the victors of armed conflicts persists Highlighting the ongoing democratic deficit in Rwanda and resulting political instability in the Great Lakes region the book argues that the effectiveness of transitional justice ultimately hinges on the nature and success of political transition

Negotiating Genocide in Rwanda Erin Jessee, 2017-01-20 This book is an oral history based study of the politics of history in the aftermath of the 1994 genocide in Rwanda Using life history and thematic interviews the author brings the narratives of officials survivors returnees perpetrators and others whose lives have been intimately affected by genocide into conversation with scholarly studies of the Rwandan genocide and Rwandan history more generally In doing so she explores the following questions How do Rwandans use history to make sense of their experiences of genocide and related mass atrocities And to what end In the aftermath of such violence how do people's interpretations of the varied forms of suffering they endured then influence their ability to envision and support a peaceful future for their nation that includes multi ethnic cooperation

Theorizing Transitional Justice Claudio Corradetti, Nir Eisikovits, 2016-02-17 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 *Localising Memory in Transitional Justice* Mina Rauschenbach, Julia Viebach, Stephan Parmentier, 2022-05-30 This collection adds to the critical transitional justice scholarship that calls for transitional justice from below and that makes visible the complex and oftentimes troubled entanglements between justice endeavours locality and memory making Broadening this perspective it explores informal memory practices across various contexts with a focus on their individual and collective dynamics and their intersections reaching also beyond a conceptualisation of memory as mere symbolic reparation and politics of memory It seeks to highlight the hidden unwritten and multifaceted in today s memory boom by focusing on the memorialisation practices of communities activists families and survivors Organising its analytical focal point around the localisation of memory it offers valuable and new insights on how and under what conditions localised memory practices may contribute to recognition and social transformation as well as how they may at best be inclusive or exclusive of dynamic and diverse memories Drawing on inter and multi disciplinary approaches this book brings an in depth and nuanced understanding of local memory practices and the dynamics attached to these in transitional justice contexts It will be of much interest to students and scholars of memory and genocide studies peace and conflict studies transitional justice sociology and anthropology *Inside Rwanda's /Gacaca/ Courts* Bert Ingelaere, 2016-12-06 Comprehensively documents how local courts after the Rwandan genocide gradually shifted from confession to accusation from restoration to retribution *The Marginalised in Genocide Narratives* Giorgia Donà, 2019-05-23 This year marks the twenty fifth anniversary of the Rwanda genocide This volume the product of over 20 years of engagement with Rwanda and its diaspora offers a timely reminder of the necessity of rethinking the genocide s social history Examining a range of marginal stories and using Rwanda as a case study *The Marginalised in Genocide Narratives* analysis of the transformation of genocide into a powerful narrative of a nation establishes an innovative means of understanding the lived spaces of violence and its enduring legacy In a distinctive approach to the social history of genocide this book engages with the marginalised foregrounds genocide s untold stories and uses the conceptual framework of the constellation of genocide narratives to create connections among multiple social actors and identify narrative themes that address the unequal power and interdependence of narratives Adopting a multi level narrative methodology that addresses the value of multiple narrative framings for understanding genocides *The Marginalised in Genocide Narratives* will appeal to students and researchers interested in sociology conflict and peace studies history African studies and narrative research It may also appeal to policy makers interested in genocide studies and contemporary social history **Transitional Justice and Education** Clara Ramírez-Barat, Martina Schulze, 2018-07-16 This volume addresses the role and importance of education for processes of transitional justice In the aftermath of conflict and mass violence education has been one of the

tools with which societies have sought to achieve positive transformation While education has the potential to trigger maintain and exacerbate conflict it has also been designed to promote a deeper more nuanced understanding of the past and to advance reconciliation peacebuilding and prevention The original contributions in the book reflect on lessons learned from education policies of the past in post conflict societies and seek innovative sustainable and context sensitive grassroots approaches designed to advocate critical thinking values of inclusion and tolerance and ultimately a culture of peace

Introduction to Rwandan Law Jean-Marie Kamatali,2020-01-16 This book explores key innovations in Rwandan law exploring how the homegrown legal system with the civil law and common law legal systems The author explores the history of Rwandan law through pre colonial to colonial and post independence periods examines the homegrown legal and justice approaches such as Gacaca Abunzi and Imihigo introduced in post genocide Rwanda to deal with legal problems that could not be dealt with using the western legal system and highlights the innovative Rwandan approach to incorporating international law in the domestic legal system The book also covers the evolution of the Rwandan Constitutional Law and Constitutionalism since independence the development of family law from a legal system that oppressed women to one that promotes girls and women rights Finally the book explores the contribution of common law in the transformation of the organization jurisdiction and functioning of Rwandan Courts This book will be of interest to scholars and students of African law international law and the legal system in Rwanda

Comparative, International, and Global Justice Cyndi Banks,James Baker,2015-09-23 Comparative International and Global Justice Perspectives from Criminology and Criminal Justice presents and critically assesses a wide range of topics relevant to criminology criminal justice and global justice The text is divided into three parts comparative criminal justice international criminology and transnational and global criminology Within each field are located specific topics which the authors regard as contemporary and highly relevant and that will assist students in gaining a fuller appreciation of global justice issues Authors Cyndi Banks and James Baker address these complex global issues using a scholarly but accessible approach often using detailed case studies The discussion of each topic is a comprehensive contextualized account that explains the social context in which law and crime exist and engages with questions of explanation or interpretation The authors challenge students to gain knowledge of international and comparative criminal justice issues and think about them in a critical manner It has become difficult to ignore the global and international dimensions of criminal justice and criminology and this text aims to enhance criminal justice education by focusing on some of the issues engaging criminology worldwide and to prepare students for a future where fields of study like transnational crime are unexceptional

Research Handbook of Comparative Criminal Justice Nelken, David,Hamilton, Claire,2022-09-15 With contributions from leading experts in the field this timely Research Handbook reconsiders the theories assumptions values and methods of comparative criminal justice in light of the challenges and opportunities posed by globalisation deglobalisation and transnationalisation

Book of the Disappeared Jennifer Heath,Ashraf

Zahedi,2023-05-30 Book of the Disappeared confronts worldwide human rights violations of enforced disappearance and genocide and explores the global quest for justice with forceful outstanding contributions by respected scholars expert practitioners and provocative contemporary artists This profoundly humane book spotlights our historic inhumanity while offering insights for survival and transformation *A Discourse on African Philosophy* Christian B. N. Gade,2017-04-18 Many have argued that ubuntu was a formative influence on the post apartheid Truth and Reconciliation Commission TRC South Africa s famous transitional justice mechanism A Discourse on African Philosophy A New Perspective on Ubuntu and Transitional Justice in South Africa challenges and contextualizes this view in a way that not only provides new findings and reflections on ubuntu and the TRC but also contributes to the field of African philosophy One of Christian B N Gade s key findings founded on qualitative interviews in South Africa is that some former TRC commissioners and committee members question the importance of ubuntu in the TRC process Another is that there are several differing and historically developing interpretations of ubuntu some of which have evident political implications and reflect non factual and creative uses of history Thus ubuntu is not a shared cultural heritage in the ethnophilosophical sense of a static property characterizing a group In fact throughout this book Gade argues that the ethnophilosophical approach to African philosophy as a static group property is highly problematic Gade s research presents an alternative collective discourse on African philosophy collective in the sense that it does not focus on any single individual in particular that takes differences historical developments and social contexts seriously This book will be of interest to scholars in African philosophy transitional justice politics and cultural heritage and law in South Africa *The Elgar Companion to War, Conflict and Peacebuilding in Africa* Geoff Harris,2024-02-12 This dynamic Companion brings together esteemed academics from across the globe to provide ten distinct approaches to peacebuilding in Africa With a timely and forward thinking approach to war and conflict the book focuses on the utilisation of traditional African dialogue in contemporary peacebuilding developing infrastructures and education for peace with a transformative agenda *After Dictatorship* Peter Hoeres,Hubertus Knabe,2023-02-20 Numerous studies concerning transitional justice exist However comparatively speaking the effects actually achieved by measures for coming to terms with dictatorships have seldom been investigated There is an even greater lack of transnational analyses This volume contributes to closing this gap in research To this end it analyses processes of coming to terms with the past in seven countries with different experiences of violence and dictatorship Experts have drawn up detailed studies on transitional justice in Albania Argentina Ethiopia Chile Rwanda South Africa and Uruguay Their analyses constitute the empirical material for a comparative study of the impact of measures introduced within the context of transitional justice It becomes clear that there is no sure formula for dealing with dictatorships Successes and deficits alike can be observed in relation to the individual instruments of transitional justice from criminal prosecution to victim compensation Nevertheless the South American states perform much better than those on the African continent This depends

less on the instruments used than on political and social factors Consequently strategies of transitional justice should focus more closely on these contextual factors

The UN International Criminal Tribunals Klaus Bachmann,Aleksandar Fatić,2015-03-24 Both the International Criminal Tribunal for the former Yugoslavia ICTY and the International Criminal Tribunal for Rwanda ICTR are now about to close Bachmann and Fatic look back at the achievements and shortcomings of both tribunals from an interdisciplinary perspective informed by sociology political science history and philosophy of law and based upon on two key notions the concepts of legitimacy and efficiency The first asks to what extent the input creation of the ICTY and the ICTR can be regarded as legitimate in light of the legal and public debate in the early 1990s The second confronts the output the procedures and decisions of the ICTY and the ICTR with the tasks both tribunals were assigned by the UN Security Council the General Assembly and by key organs the president and the chief prosecutors The authors investigate to what extent the ICTY and the ICTR have delivered the expected results whether they have been able to contribute to the maintenance of peace stabilization of the conflict regions or even managed to provide reconciliation to Rwanda Furthermore the book is concerned with how many criminals over whom the ICTY and the ICTR wield jurisdiction have actually been prosecuted and at what cost Offering the first balanced and in depth analysis of the International Criminal Tribunals the volume provides an important insight into what lessons have been learned and how a deeper understanding of the successes and failures can benefit the international legal community in the future

Breaking the Cycle of Mass Atrocities Marina Aksenova,Elies van Sliedregt,Stephan Parmentier,2019-05-02 Breaking the Cycle of Mass Atrocities investigates the role of international criminal law at different stages of mass atrocities shifting away from its narrow understanding solely as an instrument of punishment of those most responsible The book is premised on the idea that there are distinct phases of collective violence and international criminal law contributes in one way or another to each phase The authors therefore explore various possibilities for international criminal law to be of assistance in breaking the vicious cycle at its different junctures

A History of Genocide in Africa Timothy J. Stapleton,2017-04-17 Based on a series of detailed case studies this book presents the history of genocide in Africa within the specific context of African history examining conflicts in countries such as Burundi Democratic Republic of Congo Namibia Rwanda and Sudan Why has Africa been the subject of so many accusations related to genocide Indeed the number of such allegations related to Africa has increased dramatically over the past 15 years Popular racist mythology might suggest that Africans belong to tribes that are inherently antagonistic towards each other and therefore engage in tribal warfare which cannot be rationally explained This concept is wrong as Timothy J Stapleton explains in A History of Genocide in Africa the many conflicts that have plagued post colonial Africa have had very logical explanations and very few of these instances of African warring can be said to have resulted in genocide Authored by an expert historian of Africa this book examines the history of six African countries Namibia Rwanda Burundi Democratic Republic of Congo Sudan and Nigeria in which the language of genocide has been mobilized to describe

episodes of tragic mass violence It seeks to place genocide within the context of African history acknowledging the few instances where the international legal term genocide has been applied appropriately to episodes of mass violence in African history and identifying the many other cases where it has not and instead the term has been used in a cynical manipulation to gain some political advantage Readers will come to understand how to a large extent genocide accusations related to post colonial Africa have often served to prolong wars and cause greater loss of life The book also clarifies how in areas of Africa where genocides have actually occurred there appears to have been a common history of the imposition of racial ideologies and hierarchies during the colonial era which when combined with other factors such as the local geography demography religion and or economics resulted in tragic and appalling outcomes

Researching Perpetrators of Genocide Kjell

Anderson,Erin Jessee,2020-12-15 Researchers often face significant and unique ethical and methodological challenges when conducting qualitative field work among people who have been identified as perpetrators of genocide This can include overcoming biases that often accompany research on perpetrators conceptualizing identifying and recruiting research subjects risk mitigation and negotiating access in difficult contexts self care in conducting interviews relating to extreme violence and minimizing harm for interviewees who may themselves be traumatized This collection of case studies by scholars from a range of disciplinary backgrounds turns a critical and reflective eye toward qualitative fieldwork on the topic Framed by an introduction that sets out key issues in perpetrator research and a conclusion that proposes and outlines a code of best practice the volume provides an essential starting point for future research while advancing genocide studies transitional justice and related fields This original important and welcome contribution will be of value to historians political scientists criminologists anthropologists lawyers and legal scholars

The Palgrave Handbook of Democracy,

Governance and Justice in Africa Aderomola Adeola,Makau W. Mutua,2022-10-03 There is an emerging consensus that what is projected as democratic governance and justice in Africa requires a re calibration in particular in relation to the constitutive demos human rights the realisation of commitments at various governance levels and the convergence between these ideations The post colonial narrative on democracy has unveiled some crevices in rule of law political equality political participation political culture and freedom of the press Aside from the fact that these notions are threatened by some existing institutional structures these notions are increasingly being negotiated across political spaces Evident in the prevalent narrative is an imperative for Africa to assert its place on the global scene of democratic governance and justice However if this will be accomplished it is important to understand some of the issues that need to be worked through in this transition

An Introduction to International Criminal Law and Procedure Robert Cryer,Håkan Friman,Darryl

Robinson,Elizabeth Wilmshurst,2014-06-12 By offering both a comprehensive update and new material reflecting the continuing development of the subject this continues to be the leading textbook on international criminal law Its experienced author team draws on its combined expertise as teachers scholars and practitioners to offer an authoritative survey of the

field The third edition contains new material on the theory of international criminal law the practice of international criminal tribunals the developing case law on principles of liability and procedures and new practice on immunities It offers valuable supporting online materials such as case studies worked examples and study guides Retaining its comprehensive coverage clarity and critical analysis it remains essential reading for all in the field

Unveiling the Magic of Words: A Overview of "**Transitional Justice In Rwanda Accountability For Atrocity**"

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