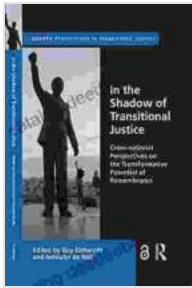


In The Shadow Of Transitional Justice: A Critical Examination Of The Role Of International Tribunals In Post-Conflict Societies



In the Shadow of Transitional Justice: Cross-national Perspectives on the Transformative Potential of Remembrance (Europa Perspectives in Transitional Justice) by Whitelaw Reid

★★★★★ 5 out of 5

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Transitional justice is a term used to describe the process of addressing past human rights abuses in countries that have emerged from conflict. This can involve a variety of measures, such as criminal prosecutions, truth commissions, and reparations programs. International tribunals are one of the most common tools used for transitional justice, and they have been established in a number of countries, including Rwanda, Sierra Leone, and Cambodia.

The use of international tribunals in post-conflict societies is controversial. Some argue that they are essential for bringing perpetrators of human

rights abuses to justice and deterring future atrocities. Others argue that they are expensive, time-consuming, and can have unintended negative consequences for post-conflict societies.

This article critically examines the role of international tribunals in post-conflict societies. It draws on case studies from Rwanda, Sierra Leone, and Cambodia to illustrate the complex and often contradictory effects of international tribunals on post-conflict societies.

The Case For International Tribunals

There are a number of arguments in favor of using international tribunals in post-conflict societies. First, it is argued that international tribunals are necessary to bring perpetrators of human rights abuses to justice. In many cases, national courts are unable or unwilling to prosecute these individuals. International tribunals can provide a forum for victims to seek justice and for perpetrators to be held accountable for their crimes.

Second, it is argued that international tribunals can deter future atrocities. By punishing those responsible for past human rights abuses, international tribunals can send a message that such crimes will not be tolerated. This can help to prevent future conflicts and protect civilians from further violence.

Third, it is argued that international tribunals can contribute to reconciliation and healing in post-conflict societies. By providing a forum for victims and perpetrators to come together and confront the past, international tribunals can help to create a shared understanding of what happened and promote reconciliation.

The Case Against International Tribunals

There are also a number of arguments against using international tribunals in post-conflict societies. First, it is argued that international tribunals are expensive and time-consuming. The International Criminal Tribunal for Rwanda (ICTR), for example, has cost over \$1 billion and has taken over 20 years to complete its work. This can divert resources away from other important priorities in post-conflict societies, such as economic development and social reconstruction.

Second, it is argued that international tribunals can be ineffective. In many cases, international tribunals have failed to bring the most senior perpetrators of human rights abuses to justice. This can undermine their credibility and damage their ability to deter future atrocities.

Third, it is argued that international tribunals can have unintended negative consequences for post-conflict societies. For example, international tribunals can create divisions within communities and exacerbate tensions between different groups. They can also lead to a culture of impunity, as individuals who are not prosecuted for their crimes may believe that they are above the law.

Case Studies

The following case studies illustrate the complex and often contradictory effects of international tribunals on post-conflict societies.

Rwanda

The ICTR was established in 1994 to prosecute those responsible for the Rwandan genocide. The tribunal has indicted 93 individuals, and has convicted 61. The ICTR has been praised for its work in bringing

perpetrators of the genocide to justice and deterring future atrocities. However, the tribunal has also been criticized for its high cost and its slow pace of work.

Sierra Leone

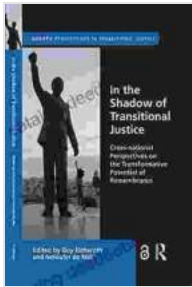
The Special Court for Sierra Leone (SCSL) was established in 2002 to prosecute those responsible for war crimes, crimes against humanity, and other serious violations of international humanitarian law committed during the Sierra Leone civil war. The SCSL has indicted 13 individuals, and has convicted 9. The SCSL has been praised for its work in bringing perpetrators of war crimes to justice and deterring future atrocities. However, the tribunal has also been criticized for its high cost and its slow pace of work.

Cambodia

The Extraordinary Chambers in the Courts of Cambodia (ECCC) was established in 2006 to prosecute those responsible for crimes committed during the Cambodian genocide. The ECCC has indicted 5 individuals, and has convicted 3. The ECCC has been praised for its work in bringing perpetrators of the genocide to justice and deterring future atrocities. However, the tribunal has also been criticized for its high cost and its slow pace of work.

The role of international tribunals in post-conflict societies is complex and controversial. There are both positive and negative arguments to be made about their use. The case studies from Rwanda, Sierra Leone, and Cambodia illustrate the complex and often contradictory effects of international tribunals on post-conflict societies.

Ultimately, the decision of whether or not to use international tribunals in a particular post-conflict society is a difficult one. There is no easy answer, and each case must be considered on its own merits. However, it is important to be aware of the potential benefits and risks of international tribunals before making a decision.



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