

## Atrocities And International Accountability Beyond Transitional Justice

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Rebuilding societies where conflict has occurred is rarely a simple process. Where conflict has been accompanied by gross and systematic violations of human rights, the procedure becomes very controversial. The traditional debate on "transitional justice" sought to balance justice, truth, accountability, peace, and stability. The appearance of impunity for past crimes undermines confidence in new democratic structures and casts doubt upon commitments to human rights. Yet the need to consolidate peace sometimes resulted in reluctance on the part of authorities --both local and international --to confront suspected perpetrators of human rights violations, especially when they are a part of a peace process. Experience in many regions of the world therefore suggested a tradeoff between peace and justice. But that is changing. There is a growing consensus that some forms of justice and accountability are integral to --rather than in tension with --peace and stability. This volume considers

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whether we are truly going beyond the transitional justice debate. It brings together eminent scholars and practitioners with direct experience in some of the most challenging cases of international justice, and illustrates that justice and accountability remain complex, but not mutually exclusive, ideals.

The fall of dictatorial regimes and the eruption of civil conflicts around the world have resulted in individuals being held accountable for human rights atrocities. This text details the promise and limitations of international law as a means of enforcing human rights and humanitarian law.

This book explores the promises and limitations of holding individuals accountable for violations of international human rights and humanitarian law. It analyses the principal crimes under international law, such as genocide, crimes against humanity, and war crimes, and appraises both prosecutorial and other key mechanisms developed to bring individuals to justice. After applying their conclusions in a detailed case study, the authors offer a series of compelling conclusions on the prospects for accountability. This fully updated new edition contains expanded coverage of national trials under universal jurisdiction, international criminal tribunals including the International Criminal Court, new hybrid tribunals in Cambodia and elsewhere, truth commissions, and lustration. It also explores individual accountability for terrorist acts and for abuses committed in the name of counter-terrorism policy.

The fall of dictatorial regimes and the eruption of destructive civil conflicts around the world have led to calls for holding individuals accountable for human rights atrocities. This book offers a comprehensive study of the promise and limitations of international criminal law as a means of enforcing international human rights and humanitarian law. It provides a searching analysis of the principal crimes under the law of nations, such as genocide and crimes against humanity and an appraisal of the most important prosecutorial and other mechanisms developed to bring individuals to justice. After applying their conclusions in a detailed case study, the authors offer a series of compelling conclusions on the prospects for accountability. This fully updated new edition also contains expanded coverage of the increasing numbers of international criminal trials including the cases of Bosnia, Serbia, and East Timor. It also explores individual accountability for terrorist acts and accountability for acts undertaken in the name of counter-terrorism policy, and provides expanded coverage of aggression and crimes against peace.

This major new study examines the developing practice of universal jurisdiction, as well as the broader phenomenon of "globalizing" justice, and its ramifications. With a detailed overview of the contemporary practice of universal jurisdiction, it discerns three trends at work: pure universal jurisdiction, universal jurisdiction "plus", and non-use. It also argues that these disparities in practice should raise serious concerns as to the legitimacy and perceived legitimacy of such globalized justice. It then turns to a further consideration, that of globalized justice, precisely because it takes place far from the locus of the crime, and is therefore "externalized" and may fail to achieve many of its putative goals. In addition, this is a key assessment of civil accountability, through the use of the Alien Tort Claims Act in the United States. It details how the use of civil penalties may offer new avenues for redress, particularly with relation to group accountability, whether that of armed groups or of corporations. However, it balances this approach to accountability with recognition of certain flaws within externalized criminal accountability. This study also focuses on mixed tribunals, or other methods of internationalized justice as viable alternatives, which may avoid some of the problems with external justice, but are themselves far from perfect. Mixed or hybrid tribunals in East Timor and Sierra Leone represent different models of hybrid justice and provide the reader with excellent examples of these new forms of justice in action. This book will be of great interest to all students and scholars of human rights international law and political science.

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## Four Bodies of Law

This book seeks to reimagine why and how to confront mass atrocities in world politics. Drawing on Hannah Arendt's conception of evil, it interprets and understands mass atrocities as "evil" in an "Arendtian" sense, that is, as crimes against human plurality and, thus, crimes against humanity itself. This understanding of mass atrocities paves the way for reframing responses to mass atrocities as attempts to confront evil. In doing so, the book focuses on military intervention under the banner of the Responsibility to Protect (R2P) and judicial intervention by the International Criminal Court (ICC) and reframes them as tools to protect human plurality from evil. Furthermore, the book looks at the place and the role of R2P and the ICC in the changing landscape of world order. It argues that the protection of humanity from evil can serve as a legitimate Grundnorm (basic norm) around which a global constitutional order in an inherently pluralistic world can be constructed.

This title covers the history, nature, and sources of international criminal law; the *ratione personae*; *ratione materiae* - sources of substantive international criminal law; the indirect enforcement system; the direct enforcement system; and much more.

Traditional explorations of war look through the lens of history and military science, focusing on big events, big battles, and big generals. By contrast, *The SAGE Encyclopedia of War: Social Science Perspective* views war through the lens of the social sciences, looking at the causes, processes and effects of war and drawing from a vast group of fields such as communication and mass media, economics, political science and law, psychology and sociology. Key features include: More than 650 entries organized in an A-to-Z format, authored and signed by key academics in the field Entries conclude with cross-references and further readings, aiding the researcher further in their research journeys An alternative Reader's Guide table of contents groups articles by disciplinary areas and by broad themes A helpful Resource Guide directing researchers to classic books, journals and electronic resources for more in-depth study This important and distinctive work will be a key reference for all researchers in the fields of political science, international relations and sociology.

This innovative and important book applies classical Sunni Muslim legal and religious doctrine to contemporary issues surrounding armed conflict. In doing so it shows that the shari'a and Islamic law are not only compatible with contemporary international human rights law and international humanitarian law norms, but are appropriate for use in Muslim societies. By grounding contemporary post-conflict processes and procedures in classical Muslim legal and religious doctrine, it becomes more accessible to Muslim societies who are looking for appropriate legal mechanisms to deal with the aftermath of armed conflict. This book uniquely presents a critique of the violent practices of contemporary Muslims and Muslim clerics who support these practices. It rebuts Islamophobes in the West that discredit Islam on the basis of the abhorrent practices of some Muslims, and hopes to reduce tensions between Western and Islamic civilizations by enhancing common understanding of the issues.

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