

Impunity And The Rule Of Law

The period immediately following Kenya's 2007 presidential election left a shocking trail of atrocities, with over 1,000 people dead and countless thousands left victimised and displaced. In response, the International Criminal Court began a series of investigations and trials, promising no impunity for even the highest ranking perpetrators. When the country's president and vice-president were implicated in the crimes, the case took on worldwide significance. The International Criminal Court and the End of Impunity in Kenya is a five-

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year study addressing critical human rights issues with a global reach and is the first detailed account of the ICC's intervention in Kenya. It probes the relationship between the ICC and state institutions, known as positive complementarity, and asks whether the ICC's intervention led to an end to impunity. The author provides comprehensive analysis of the Waki Commission's sealed envelope, the government's attempts to establish a special tribunal and the trials in The Hague. He also provides in depth consideration of any influence the ICC's intervention may have had on the passing of a new constitution, the establishment of a truth commission and important reforms to the judiciary, police and witness protection programme. Documenting the effects of these

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interventions on the Kenyan people, and on the country's legal and judicial systems, the book provides vital lessons in global justice as it:

- Details the ICC's involvement in Kenya in the aftermath of extreme violence and instability
- Evaluates the ICC prosecutor's strategy of positive complementarity
- Identifies optimal conditions for positive complementarity to be effective
- Links cultures of impunity to state-sponsored corruption
- Explores the possible impact of the ICC on national and global policy
- Discusses implications in responding to future crimes against humanity

Replete with official government sources, *The International Criminal Court and the End of Impunity in Kenya* is necessary reading for researchers and practitioners working in public international

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law, particularly those specialising in conflict and post-conflict states.

This book focuses on the Statute of the International Criminal Court, gathering contributions by leading scholars and diplomats. It examines the main features of the Statute, highlighting its strengths and weaknesses, the role of the ICC in the international protection of human rights and the impact of the ICC Statute on the international criminal justice system. It also offers an evaluation of the prospect for the functioning of the ICC in the future.

In the twenty-first century, fighting impunity has become both the rallying cry and a metric of progress for human rights. The new emphasis on criminal prosecution represents a

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fundamental change in the positions and priorities of students and practitioners of human rights and transitional justice: it has become almost unquestionable common sense that criminal punishment is a legal, political, and pragmatic imperative for addressing human rights violations. This book challenges that common sense. It does so by documenting and critically analyzing the trend toward an anti-impunity norm in a variety of institutional and geographical contexts, with an eye toward the interaction between practices at the global and local levels. Together, the chapters demonstrate how this laser focus on anti-impunity has created blind spots in practice and in scholarship that result in a constricted response to human rights violations, a narrowed conception of justice, and an impoverished

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approach to peace.

Still Making Their Own Rules

No End to Impunity in Nepal

An Ecumenical Approach to Truth, Justice and Reconciliation

The Provocations of Amnesty

Impunity Vs. the Rule of Law in Indonesia

Haiti, Thirst for Justice

Mali

As dictatorships topple around the world and transitional regimes emerge from the political rubble, the new governments inherit a legacy of widespread repression against the civilian population. This

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repression ranges from torture, forced disappearances, and imprisonment to the killings of both real and perceived political opponents. Nonetheless, the official status of the perpetrators shields them from sanction, creating a culture of impunity in which the most inhumane acts can be carried out without fear of repercussions. The new governments wrestle with whether or not to investigate prior wrongdoings by state officials. They must determine who, if any, of those responsible for the worst crimes should be brought to justice, even if this means annulling a previous amnesty law or

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risking a violent backlash by military or security forces. Finally, they have to decide how to compensate the victims of this repression, if at all. Beginning with a general consideration of theories of punishment and redress for victims, *Impunity and Human Rights in International Law and Practice* explores how international law provides guidance on these issues of investigation, prosecution, and compensation. It reviews some of the more well-known historical examples of societies grappling with impunity, including those arising from the Second World War and from the fall of the Greek, Spanish,

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and Portuguese dictatorships in the 1970s. Country studies from around the world look at how the problem of impunity has been dealt with in practice in the last two decades. The work then distills these experiences into a general discussion of what has and hasn't worked. It concludes by considering the role of international law and institutions in the future, especially given renewed interest in international mechanisms to punish wrong-doers. As individuals, governments, and international organizations come to grips with histories of repression and impunity in countries around the world, the need to define legal

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procedures and criteria for dealing with past abuses of human rights takes on a special importance. Impunity and Human Rights in International Law and Practice aims to share their experiences in the hope that lawyers, scholars, and activists in those countries where dealing with the past is only now becoming an imperative may learn from those who have recently confronted similar challenges. This work will be essential reading for lawyers, political and social scientists, historians and journalists, as well as human rights experts concerned with this important issue.

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This article analyses the groundbreaking but little understood International Commission against Impunity in Guatemala (CICIG) to develop an improved rule of law model for the UN in reforming weak legal systems. It engages in an in-depth study of CICIG's activities and a comparative analysis of CICIG against similar international criminal justice mechanisms. The authors argue that CICIG's level of integration into the local judicial system and its dual focus on powers to promote prosecutions and institutional reform tools make it a unique model worth replicating. This article also makes

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recommendations to further improve CICIG's model for future application to new contexts and countries. Many observers believe that torture, ethnic cleansing, genocide and other crimes against humanity persist -- despite the universal revulsion they evoke and their explicit prohibition in international law -- because of impunity: the failure to hold perpetrators of similar violations in the past accountable for their deeds. Drawing on the experience of people in many parts of the world, this book insists that there can be no justice or healing in societies torn by such violations without truth and

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accountability. It is an eloquent challenge to churches to act on their commitments and join with others in the search for genuine justice, repentance and reconciliation.

The Uneven Road from Impunity towards
Accountability

Testimony Before International Criminal Tribunals:
the Case of ICRC

Ending Impunity and Building Justice in Afghanistan
Rebuilding the State Institutions

Challenges for Democratic Rule of Law in Mexico
Prosecuting Heads of State

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International Justice and Impunity

In the last years of the armed conflict, some of the actors that have participated in those clandestine operations re-adapted their modus operandi to fit other types of criminal activities such as customs corruption, large scale smuggling of goods, extortion and kidnapping for economic purposes, and drug trafficking. Control of borders and logistical corridors became also an important feature for

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their operations, which in turn led to political control of territories and linkages with politicians. In the last years of the armed conflict, some of the actors that have participated in those clandestine operations re-adapted their modus operandi to fit other types of criminal activities such as customs corruption, large scale smuggling of goods, extortion and kidnapping for economic purposes, and drug trafficking. Control of borders and

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logistical corridors became also an important feature for their operations, which in turn led to political control of territories and linkages with politicians. International Commission to Fight Impunity (CICIG) has played a critical role in using and promoting a legislative framework that enhances criminal prosecution in Guatemala. In this regard, some national laws have been critical for its work. First, the Law Against Organized Crime (LCCO)

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approved in 2006, before CICIG 's creation. However, CICIG requested the Guatemalan Congress to consider some reforms in 2009 to allow for more prosecutorial power, using instruments widely known in criminal law but inexistent in Guatemalan legal framework at that time. The reforms were approved, and since then CICIG and the Attorney General Office have used extensively their enhanced capacity. To what extent are global rule-of-law

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norms, which external actors promote in post-conflict states, localized? Who decides whether global standards or local particularities prevail? This book offers a new approach to the debate about how the dilemma between the diffusion of global norms and their localization is dealt with in global politics. Studying the promotion of children's rights, access to public information, and an international commission against impunity in

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Guatemala, Lisbeth Zimmermann demonstrates that rule-of-law promotion triggers domestic contestation and thereby changes the approach taken by external actors, and ultimately the manner in which global norms are translated. However, the leeway in local translation is determined by the precision of global norms. Based on an innovative theoretical approach and an in-depth study of rule-of-law translation, Zimmermann argues for a

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shift in norm promotion from context sensitivity to democratic appropriation, speaking to scholars of international relations, peacebuilding, democratization studies, international law, and political theory.

This volume reviews the achievements and limitations of the International Criminal Tribunals for the former Yugoslavia and Rwanda, and the creation of mixed national/international courts: the Special Court for Sierra Leone and

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the Cambodia Tribunal. The major, unexpected and promising judiciary innovation is however the creation of the International Criminal Court in 1998, supported by the UN, European Union members and other countries, effectively promoted by NGOs, but strongly opposed by the USA. The Court will have to show that it is a fair and valuable instrument in fighting impunity at the international level.

Human Rights, Impunity and "Feminicide"

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in Ciudad Juárez

The Dismantling of the Rule of Law in
the United States

Still Waiting for Justice

Anti-Impunity and the Human Rights
Agenda

Global Norms with a Local Face

The Case of the United States

The Wages of Impunity

South Africa's amnesty was a unique experiment. A path
that lay 'between a Nuremberg option and total amnesia,'
the amnesty process was designed in the heat of a

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remarkable and complex transition to constitutional democracy

This study looks at the impact of impunity on the growth and development of countries, highlighting the specific case of Mexico. The analysis considers impunity conditions as one more measure of a country's governance akin to the rule of law and corruption conditions. A model of the impact of governance on real GDP per capita is estimated for a group of 65 countries under three alternative governance measures - impunity, rule of law, and control of corruption. The results of the model point to a significant negative relationship between impunity

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and real GDP per capita and a significant positive relationship between real GDP per capita and both the rule of law and control of corruption.

An eyewitness account of the first major international war-crimes tribunal since the Nuremberg trials, *Twilight of Impunity* is a gripping guide to the prosecution of Slobodan Milosevic for war crimes, crimes against humanity, and genocide. The historic trial of the “ Butcher of the Balkans ” began in 2002 and ended abruptly with Milosevic ’ s death in 2006. Judith Armatta, a lawyer who spent three years in the former Yugoslavia during Milosevic ’ s reign, had a front-row seat at the

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trial. In *Twilight of Impunity* she brings the dramatic proceedings to life, explains complex legal issues, and assesses the trial's implications for victims of the conflicts in the Balkans during the 1990s and international justice more broadly. Armatta acknowledges the trial's flaws, particularly Milosevic's grandstanding and attacks on the institutional legitimacy of the International Criminal Tribunal. Yet she argues that the trial provided an indispensable legal and historical narrative of events in the former Yugoslavia and a valuable forum where victims could tell their stories and seek justice. It addressed crucial legal issues, such as the responsibility of commanders for

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crimes committed by subordinates, and helped to create a framework for conceptualizing and organizing other large-scale international criminal tribunals. The prosecution of Slobodan Milosevic in The Hague was an important step toward ending impunity for leaders who perpetrate egregious crimes against humanity.

Crime Without Punishment : Impunity in Latin America
An Unfair Trial and Torture with Impunity Compromise
the Establishment of the Rule of Law

Memory, Justice, and Impunity

Rule-of-Law Promotion and Norm Translation

A Decade of Impunity in Haiti

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ICRC's Confidentiality Rule and the Fight Against Impunity Justice Denied

Justice in domestic courts is one of the most prominent aims of victims seeking to obtain accountability for human rights violations. It is, however, also one of the most difficult to achieve. In many Latin American countries, as well as elsewhere, activists have put human rights prosecutions forward as a fundamental means to end impunity, build democracy, strengthen the rule of law and address victims' rights. But there is still little knowledge about what actually happens when these judicial mechanisms are effectively put to work. Can

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prosecutions of mass human rights violations contribute to overcome the effects of state violence and impunity? Can trials enable meaningful reparative changes for victims in their local contexts? Analysing the human rights trials in Argentina established to prosecute those responsible for human rights violations during the military dictatorship, this book addresses how and why domestic prosecutions can operate as a means for reparation and contribute to dealing with the damage caused by crimes against humanity. Based on a series of interviews conducted with victims participating in these prosecutions, as well as with lawyers, prosecutors, judges and other relevant actors in five provinces of Argentina, this book will be of considerable interest to those studying and working in the interdisciplinary

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field of transitional justice and human rights. The PhD thesis on which this book was based was awarded with the 2016 Doctoral Studies Award of the Philipps University of Marburg in Germany.

This book reflects a primary response by international civil society to US disregard for international law. It is a damning indictment of the Hiroshimas of our time. It provides a cogent elaboration of the international legal values to be defended, for humanity to triumph over the new wave of global barbarism brought about by the efforts of the United States to consolidate and extend the dimensions of its empire. Once the champion of the United Nations, the United States now skirts the Geneva Conventions, uses international humanitarian law as a pretext

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for intervention, engages in bombardments causing grave civilian losses, seeks to expand its options in relation to torture while continuing to render prisoners to countries known for its practice. Having failed in its effort to block the establishment of the International Criminal Court, the United States still refuses to ratify its Statute--even though the ICC Statute modified the rules of the 1977 Geneva Protocol and The Hague in an effort to satisfy the trajectory pursued by U.S. foreign policy. The United States' pursuit of a unilateral imperial policy based on military force destroys the credibility of the nascent international legal framework. Rather, the US is leading the world by example toward a future without rules or values, where humanity is subject to the whims of the more powerful. Former government

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officials, scholars, advocates and directors of international organizations operating at the highest level in the areas of international humanitarian law address the relevant international law, the threats thereto by US policy, its ramifications for the world system, and possible avenues of legal recourse.

Methods. -- Background. The situation as reported in 2005 - Papua New Guinea's legal obligations. -- A continuing practice of police violence. Beatings, shootings, and excessive force - Children in conflict with the law - Sex workers - Street vendors - Sexual violence - Sexual abuse by guards at Buimo Prison in January 2006 -- Targeting crime victims. -- Illegal conditions of detention. Detention of children with adults - Failure to provide

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children with medical care. -- Consequences of police abuse for the HIV/AIDS epidemic. Harassment for possessing condoms. -- Ongoing impunity for police violence. Response of high-level government officials to evidence of police abuse - Police failure to discipline and prosecute - Police shootings of schoolboys in Enga Province - Police beatings and gang rape of women and girls in raid on the Three-Mile Guesthouse, Port Moresby - Internal disciplinary sanctions and criminal prosecutions - New police procedures for dealing with children - Responsibility of magistrates, judges, and the Ombudsman Commission - Magistrates and judges - The Ombudsman Commission. -- Australia and other international donors -- Recommendations -- Acknowledgments.

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The End of Corruption and Impunity

Twilight of Impunity

The Reparative Effects of Human Rights Trials

The International Criminal Court and the End of Impunity in Kenya

'Nunca Más'

The Impact of Impunity on Growth and Development

Togo

From the Foreword by General H.R. McMaster:
Strategies that weaken illicit power structures and strengthen legitimate state authority are vital to national and international security. As Dr. Henry Kissinger observed, we may be "facing a period in

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which forces beyond the restraints of any order determine the future." Because threats to security emanate from disorder in areas where governance and rule of law are weak, defeating terrorist, insurgent, and criminal organizations requires integrated efforts not only to attack enemy organizations, but also to strengthen institutions essential to sustainable security. Successful outcomes in armed conflict require confronting illicit networks. A failure to do so effectively frustrated efforts to consolidate gains in Afghanistan and Iraq, and after more than a decade of war and development, the international community and the governments of those countries, continue to contend with the violence

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and instability that are the result. In Afghanistan, corruption and organized crime networks perpetuate state weakness and undermine the state's ability to cope with the regenerative capacity of the Taliban. The failure to counter militias and Iranian proxies that infiltrated the government and security forces in Iraq led to a return of large scale communal violence and set conditions (along with the Syrian Civil War) for the rise of a terrorist proto-state and a humanitarian catastrophe that has adversely impacted the entire Middle East. These and other cases illustrate how governments and international actors struggle to establish security and rule of law, and reveal incomplete plans and fragmented efforts that fail to

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address the causes of violence and state weakness. While challenging, success in confronting illicit power structures is not impossible. While still works in progress, successful efforts, such as those in Colombia and Sierra Leone, are the result of integrated diplomatic, military, economic, development, informational, intelligence, and law enforcement efforts directed toward well-defined political outcomes. The case studies and analyses in this volume make clear that understanding the dynamics associated with illicit power and state weakness is essential to preventing or resolving armed conflict. These case studies also point out that confronting illicit power requires coping with political

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and human dynamics in complex, uncertain environments. People fight today for the same fundamental reasons the Greek historian Thucydides identified nearly 2,500 years ago: fear, honor and interests. They further remind us that that illicit power structures often depend on the perpetuation of violence and the conflict economy. Crafting effective strategies to address the challenge of weak states must begin with an understanding of the factors that drive violence, weaken state authority, and strengthen illicit actors and power structures. Terrorist, insurgent, and criminal networks exploit fear and anger over injustice, portraying themselves as patrons or protectors of a community in competition

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with others for power, resources, or survival. Thus military and law enforcement capabilities provide only one component of what must be comprehensive, civilian and military approach to confronting illicit power.

Concerns the state of justice and rule of law in Myanmar.

This book addresses current developments in transitional justice in Latin America – effectively the first region to undergo concentrated transitional justice experiences in modern times. Using a comparative approach, it examines trajectories in truth, justice, reparations, and amnesties in countries emerging from periods of massive violations of human

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rights and humanitarian law. The book examines the cases of Argentina, Brazil, Chile, Colombia, Guatemala, El Salvador, Paraguay, Peru and Uruguay, developing and applying a common analytical framework to provide a systematic, qualitative and comparative analysis of their transitional justice experiences. More specifically, the book investigates to what extent there has been a shift from impunity towards accountability for past human rights violations in Latin America. Using 'thick', but structured, narratives – which allow patterns to emerge, rather than being imposed – the book assesses how the quality, timing and sequencing of transitional justice mechanisms, along with the

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context in which they appear, have mattered for the nature and impact of transitional justice processes in the region. Offering a new approach to assessing transitional justice, and challenging many assumptions in the established literature, this book will be of enormous benefit to scholars and others working in this area.

Latin America

Human Rights Treatise on the Legal and Judicial Aspects of Impunity

Human Rights Defenders, Impunity and the Rule of Law in Nepal

Conference Proceedings and Related Articles

An Ethical Perspective : Six Case Studies from Latin

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America

The Rome Statute of the International Criminal Court
Civil and Political Rights, Including the Questions of
Indendence of the Judiciary, Administration of Justice,
Impunity

Three years after a historic peace agreement ended a decade-long armed conflict, specifically promising greater respect for human rights and accountability, impunity remains firmly entrenched in Nepal. No member of the security forces or the Maoists has been held to account in civilian courts for grave human rights abuses committed during the conflict; most cases that have been filed are stalled. Human rights violations committed since the end of the conflict also continue to go unpunished: cases against

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suspects are routinely withdrawn, with the victims offered token amounts of money. Ending impunity for past and continuing violations is essential if Nepal is to continue to move away from violence and more firmly establish the rule of law.

Contemporary Mexico faces a complex crisis of violence and insecurity with high levels of impunity and the lack of an effective rule of law. These weaknesses in the rule of law are multidimensional and involve elements of institutional design, the specific content of the laws, particularities of political competition and a culture of legality in a country with severe social inequalities. This book discusses necessary institutional and legal reforms to develop the rule of law in a context of democratic, social and economic

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transformations. The chapters are organized to address: 1) The concept of the ' rule of law ' and its measurement; 2) The fragility of the ' rule of law ' in Mexico; 3) Structural reforms and implementation challenges; 4) Social exclusion and the culture of legality. The book addresses decision-makers, civil servants, consultants, scholars, lecturers, and students focusing on public policy, rule of law, sociology of law, legislative studies and practice, impunity, and areas of political philosophy. • The book presents an interdisciplinary and integrated approach for understanding the rule of law in Mexico, taking into account national particularities, the regional context and global comparisons. • Chapters discuss recent institutional reforms in Mexico from a critical point of view and explore possible next steps

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to achieve effective implementation. • This book addresses the links between a weak rule of law and social phenomena like insecurity, violence, corruption and democratic deficits. The Wages of Impunity consists of essays on human rights and civil liberties in India. Reiterating the indispensability of fundamental rights, the essays focus on aspects such as secularism, socialism, and the right to life, liberty, free speech and association. Using the Constitution as the point of departure, the author opens up the complexity of rights through incisive analyses of case law on each of these aspects.

Lessons From Argentina

Transitional Justice in Latin America

Mexico and the World

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Power, Justice, and Human Rights

Beyond Impunity

Impunity and Human Rights in International Law and Practice

Rule of Terror in a Climate of Impunity

The End of Corruption and Impunity argues that it is feasible to limit the corruption that plagues developing regions of the world by implementing an international treaty designed to combat dysfunctional criminal justice systems and restore human rights.

The meteoric rise in criminal prosecutions of former heads of state is examined for the first time in this probing and engaging narrative.

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**A New Model for International Criminal Justice
Mechanisms**

**Connecting Latin American Approaches to Impunity with
Positive Complementarity Using Technology Driven
Resources**

Written Statement

Progress And New Challenges

**Systematisation of Executive Impunity, Dispensation from
Non-derogable Norms, and Perpetualisation of a
Permanent State of Emergency**

A Case Study on Institutions and Rule of Law

Guatemala's International Commission Against Impunity