

Rwanda's Gamble

Peter E. Hamell

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Gacaca and a New Model Of Transitional Justice

Rwandas Gamble Gacaca And A New Model Of Transitional Justice

Randall Fegley



Rwandas Gamble Gacaca And A New Model Of Transitional Justice:

Rwanda's Gamble Peter E. Harrell, 2003 Gacaca is an innovative form of justice that the Rwandan government will use to try the more than 100 000 participants in the 1994 genocide Instead of putting suspects before the statutory law courts that existed prior to 1994 the government is establishing 11 000 popularly elected tribunals and charging them with the task of investigating and trying crimes that occurred within their territorial jurisdiction Officials hope that this will help clear the backlog of cases while giving suspects most of whom have spent nearly a decade in prison without a trial a chance finally to have their cases heard This book provides a detailed explanation of how the system will work from the selection and training of the judges to the basics of courtroom procedure It also places gacaca in the context of rapidly emerging restorative theories of justice and argues for gacaca s appropriateness in the Rwandan context Based on interviews training manuals documents never before published in the United States and extensive travels throughout Rwanda this book is an invaluable introductory guide to gacaca and explains why similar forms of justice should be experimented with elsewhere **Rwanda's Gacaca Courts** Paul Christoph Bornkamm, 2012-01-12 Rwanda s Gacaca courts provide an innovative response to the genocide of 1994 Incorporating elements of both African dispute resolution and of Western style criminal courts Gacaca courts are in line with recent trends to revive traditional grassroots mechanisms as a way of addressing a violent past Having been devised as a holistic approach to prosecution and punishment as well as to healing and repairing they also reflect the increasing importance of victim participation in international criminal justice This book critically examines the Gacaca courts achievements as a mechanism of criminal justice and as a tool for healing repairing and reconciling the shattered communities Having prosecuted over one million people suspected of crimes during the 1994 genocide the courts have been both praised for their efficiency and condemned for their lack of due process Drawing upon extensive observations of trial proceedings this book is the first to provide a detailed analysis of the Gacaca legislation and its practical implementation It discusses the Gacaca courts within the framework of transitional and international criminal justice and argues that despite the trend towards local tailor made solutions to the challenges of political transition there is a common set of principles to be respected in addressing the past Evaluating the Gacaca courts against the backdrop of existing or emerging principles such as the duties to investigate and prosecute and the right to the truth the book provides a sophisticated critique of Rwanda s reconciliation policy In doing so it contributes to the development and the clarification of these principles It concludes that Gacaca courts have achieved a great deal in stimulating a basic discourse on the genocide but they have also contributed to assigning collective responsibility and may thus end up deepening the divides within Rwandan society The Gacaca Courts, Post-Genocide Justice and Reconciliation in Rwanda Phil Clark, 2010-09-09 Since 2001 the Gacaca community courts have been the centrepiece of Rwanda s justice and reconciliation programme Nearly every adult Rwandan has participated in the trials principally by providing eyewitness testimony concerning genocide crimes Lawyers are banned from any official

involvement an issue that has generated sustained criticism from human rights organisations and international scepticism regarding Gacaca's efficacy Drawing on more than six years of fieldwork in Rwanda and nearly five hundred interviews with participants in trials this in depth ethnographic investigation of a complex transitional justice institution explores the ways in which Rwandans interpret Gacaca Its conclusions provide indispensable insight into post genocide justice and reconciliation as well as the population's views on the future of Rwanda itself

Security, Reconstruction, and Reconciliation Muna

Ndulo, 2007-01-24 This key text brings together a team of leading contributors to address the complex issues of security reconciliation and reconstruction in post conflict societies Security Reconstruction and Reconciliation is organized into four main sections the social political and economic dimensions of conflict the impact of conflict on women and children reconstruction and past human rights violations disarmament demobilization reintegration post war reconstruction and the building of a capable state and the role of the international community in the peace process The chapters offer a detailed and succinct exposition of the challenges facing post conflict societies by articulating the vision of a new society With a foreword by Francis Deng the UN Secretary General's Special Representative on Internally Displaced Persons the authors discuss the issues in the context of possible solutions and lessons learnt in the field This new book is a valuable resource for researchers policy makers and students in the fields of conflict resolution security studies law and development

Handbook of Restorative Justice, *Reconciliation(s)* Joanna R. Quinn, 2009-04-01 Reconciliation's considers the definition of the concept of reconciliation itself focusing on the definitional dialogue that arises from the attempts to situate reconciliation within a theoretical and analytical framework Contributing authors champion competing definitions but all agree that it plays an important role in building relationships of trust and cohesion The essays in this book also consider the nature and utility of reconciliation in a number of contexts evaluating both its function and efficacy

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

United States Law and Policy on Transitional Justice

Zachary Daniel Kaufman, 2016 In United States Law and Policy on Transitional Justice Principles Politics and Pragmatics Zachary D Kaufman explores the U S government's support for or opposition to certain transitional justice institutions By first presenting an overview of possible responses to atrocities such as war crimes tribunals and then analyzing six historical case studies Kaufman evaluates why and how the United States has pursued particular transitional justice options since World War II This book challenges the legalist paradigm which postulates that liberal states pursue war crimes tribunals because their decision makers hold a principled commitment to the rule of law Kaufman develops an alternative theory prudentialism which contends that any state liberal or illiberal may support bona fide war crimes tribunals More generally prudentialism proposes that states pursue transitional justice options not out of strict adherence to certain principles but as a result of a case specific balancing of politics pragmatics and normative beliefs Kaufman tests these two competing theories

through the U S experience in six contexts Germany and Japan after World War II the 1988 bombing of Pan Am flight 103 the 1990 1991 Iraqi offenses against Kuwaitis the atrocities in the former Yugoslavia in the 1990s and the 1994 Rwandan genocide Kaufman demonstrates that political and pragmatic factors featured as or more prominently in U S transitional justice policy than did U S government officials normative beliefs Kaufman thus concludes that at least for the United States prudentialism is superior to legalism as an explanatory theory in transitional justice policymaking

Hot Spot: Sub-Saharan Africa Toyin Falola, Adebayo O. Oyebade, 2010-07-01 This book provides an extensive examination of the major conflicts in the extremely volatile region of sub Saharan Africa and their ramifications throughout the continent and beyond Conflict has been a critical factor in the making of contemporary Africa and its study is key to understanding the continent's tortuous history Hot Spot Sub Saharan Africa analyzes the area's major post independence conflicts intense enough to threaten national regional or international security This work defines conflict broadly to encompass political instability and state failure ethno religious tensions government and political corruption economic mismanagement and poverty cult violence and youth gangsterism Thematically organized chapters examine the origins and development of explosive hot spots including Sudan Somalia Rwanda and Democratic Republic of Congo in West Africa Nigeria Southern Africa the Horn of Africa and Central Africa and the Great Lakes region The book also explores outside factors that have impacted African conflicts such as superpower Cold War manipulation and foreign influence and intervention

Building Nations Charles Villa-Vicencio, Paul Nantulya, Tyrone Savage, 2005 The volume offers a sweeping introduction to the politics of transition in the four principle nations in the African Great Lakes region

Transitional Justice in Nicaragua 1990-2012 Astrid Bothmann, 2015-07-14 Astrid Bothmann examines historical political and socioeconomic factors that explain the absence of transitional justice in Nicaragua from 1990 to 2012 The author provides the first systematic analysis of the reasons for the lack of transitional justice in Nicaragua after the end of the Sandinista regime and the civil war 1990 Contrary to other Latin American states of the third wave of democratization which put the perpetrators of past crimes on trial established truth commissions purged political and military officials and made reparations to the victims Nicaragua's first post war government opted for a policy of national reconciliation that was based on amnesty and oblivion Subsequent governments followed this course so that the past has not been dealt with until today

The Challenge of Conflict Ustinia Dolgopol, Judith Gail Gardam, 2006 This collection is an integrated body of essays that provides a comprehensive range of viewpoints on how international legal and political mechanisms can address the catastrophic consequences of deadly conflict in today's world The authors are drawn from a diverse range of disciplines encompassing law peace studies international relations and criminal justice and include judges members of the military academics United Nations personnel and representatives of non government organisations

A History of Rwandan Identity and Trauma Randall Fegley, 2016-03-18 Few societies have faced the difficulties of identity building experienced by Rwanda This book's introduction reviews literature on the concepts of myth and trauma and then

introduces basic information on Rwanda and how it has been viewed by the outside world Chapter One describes early Rwanda's political and cultural development traditional narratives group migrations the effects of German and later Belgian colonialism and the introduction of Christianity It concludes with a look at how this early history has been interpreted and reinterpreted The second chapter discusses the end of Tutsi dominance and the 1959 Hutu Revolution It details Hutu Power ideology Belgian domestic politics early acts of genocide refugee movements and economic and political stagnation The text documents the development of the Rwandan Patriotic Front its 1990 invasion and the Arusha peace process An account of the 1994 genocide follows However as this has been covered in numerous other works descriptions are limited to key events and general patterns The chapter ends with a review of films books and other publications that brought Rwanda's plight to a worldwide audience but that also created new myths Chapter Three examines the country's post genocide reconstruction and attempts to bring justice and reconciliation through the International Criminal Tribunal for Rwanda in Tanzania and gacaca courts domestically Rwanda's impressive record of economic progress over the last two decades is detailed However prospects for democracy have diminished as its leaders have become increasingly sensitive to criticism and fearful of renewed divisions Descriptions of the process of developing school curriculums to explain past atrocities the new myths it created and their possible consequences comprise most of Chapter Four The final chapter offers conclusions on the effects of past mythologies and the trauma they have wrought It draws comparisons with other divided societies and their approaches to dealing with the past These include Burundi Ethiopia South Africa the United States Taiwan Canada Belgium Switzerland and Singapore An extensive bibliography of books theses conference papers official documents articles periodicals journals films websites other media and interviews includes translations of titles in Kinyarwanda French Dutch and German

National Accountability for International Crimes in Africa Emma Charlene Lubaale, Ntombizozo

Dyani-Mhango, 2022-02-07 This book critically examines the issues pertaining to the Rome Statute's complementarity principle The focus lies on the primacy of African states to prosecute alleged perpetrators of international crimes in their respective jurisdictions The chapters explore states' international and domestic obligations to hold perpetrators of international crimes to account before the national courts and demonstrate the complexity of enforcing national accountability of alleged perpetrators of international crimes while also ensuring that post conflict African states achieve national healing reconciliation and sustainable peace The contributions reject impunity for international crimes whilst also considering these complexities Emphasis further lies on the meaning of accountability in the context of the politics of selective international criminal justice for crimes committed before the establishment of the International Criminal Court

Picking Up the Pieces

Samuel Cyuma, 2012-05-22 In the last ten years of the 20th century the world was twice confronted with unbelievable news from Africa First there was the end of Apartheid in South Africa Who would have thought that such a change would be possible without bloodshed But the miracle happened due to responsible political and Church

leaders and as a result of the unique processes organized through the Truth and Reconciliation Commission under the leadership of Archbishop Desmond Tutu. The second unbelievable experience from Africa was of a rather different and awfully shocking nature: the mass killings in Rwanda. This event soon developed into a real genocide and created a wave of horror around the world. There political and Church leaders had been unable to prevent this crime against humanity.

Reintegrative Justice in Practice Helen Miles, Peter Raynor, 2016-04-08. Recent years have seen the development of a growing international literature on restorative justice, community justice and reintegrative alternatives to formal criminal justice processes. This literature is stronger on theory and advocacy than on detailed evaluative studies. It often relies for its practical examples on the presumed historical practices of the indigenous peoples of colonised territories or on attempts to revive or promote modified versions of these in a modern context which has led to debates about how far modern communities can provide a viable setting for such initiatives. This book provides a unique study of the practice of traditional reintegrative community justice in a European society: the Parish Hall Enquiry (PHE) in the Channel Island of Jersey. This is an ancient institution based on an informal hearing and discussion of a reported offence with the alleged offender and other interested parties, carried out by centeniers (honorary police officers) elected to one of Jersey's twelve parishes. It is still in regular use as an integral part of a modern criminal justice system and it usually aims to resolve offences without recourse to formal prosecution in court. Helen Miles and Peter Raynor's research arising from direct observation contributes to the literature on what works in resolving conflicts and influencing offenders and their detailed case studies of how problems are addressed gives a hands-on flavour of the process. The authors also document the aspects of community life in Jersey that facilitate or hinder the continuation of the PHEs, drawing out the implications of these findings for wider debates about the necessary and sufficient social conditions for reintegrative justice to succeed.

Courting Democracy in Bosnia and Herzegovina Lara J. Nettelfield, 2010-05-17. This study shows the impact of the ICTY on Bosnian society and its role in translating international law in domestic contexts.

Pluralism in International Criminal Law Elies van Sliedregt, Sergey Vasiliev, 2014-10-02. Despite the growth in international criminal courts and tribunals, the majority of cases concerning international criminal law are prosecuted at the domestic level. This means that both international and domestic courts have to contend with a plethora of relevant but often contradictory judgments by international institutions and by other domestic courts. This book provides a detailed investigation into the impact this pluralism has had on international criminal law and procedure and examines the key problems which arise from it. The work identifies the various interpretations of the concept of pluralism and discusses how it manifests in a broad range of aspects of international criminal law and practice. These include substantive jurisdiction, the definition of crimes, modes of individual criminal responsibility for international crimes, sentencing, fair trial rights, law of evidence, truth finding and challenges faced by both international and domestic courts in gathering, testing and evaluating evidence. Authored by leading practitioners and academics in the field, the book employs

pluralism as a methodological tool to advance the debate beyond the classic view of legal pluralism leading to a problematic fragmentation of the international legal order. It argues instead that pluralism is a fundamental and indispensable feature of international criminal law which permeates it on several levels through multiple legal regimes and enforcement fora, diversified sources and interpretations of concepts and numerous identities underpinning the law and practice. The book addresses the virtues and dangers of pluralism reflecting on the need for and prospects of harmonization of international criminal law around a common grammar. It ultimately brings together the theories of legal pluralism, the comparative law discourse on legal transplants, harmonization and convergence and the international legal debate on fragmentation to show where pluralism and divergence will need to be accepted as regular and even beneficial features of international criminal justice.

Trials and Tribulations of International Prosecution Henry F. Carey, Stacey M. Mitchell, 2013-02-14. There have been many political dilemmas that impose structural constraints on the effort to legalize, judicialize and criminalize normatively deviant behavior in international politics. The annual costs of these tribunals has peaked at approximately 400 million of which 140 million is allocated to the ICC, the latter now having spent 1 billion in its first decade of existence. What has been the track record of these international criminal courts with jurisdiction to try heads of states and leading official and military officers? Has the domestic political will of states increased to prosecute their own leaders following the ICC's complementary jurisdiction? How have powerful states supported these courts and how have they undermined them? In succeeding in punishing a number of high profile cases, the tribunals arguably constitute what Habermas called communicative action that expresses the aspirations and nascent norms of international society. Beyond the confines of a specific of international cooperation, these courts are increasingly becoming norm entrepreneurs defining the norms of coexistence among states such that internal atrocities are seen not only as international crimes but threats to the stability and order of international society. These courts are also redefining the attributes of what states must practice to preserve their reputations, a breach of which will prove increasingly costly. The tribunals are increasingly incentivizing and mobilizing informational networks from NGOs, IGOs and states to document and publicize violations of international criminal law, thereby increasing exposure risks of perpetration. To be sure, the patchwork of compliance and norm communication is fraught with double standards, hypocrisy, selective enforcement and neoimperial delegitimation of the subaltern. Still, what has begun as institutions created in the absence of humanitarian action by the powerful may come to constitute normal state attributes similar to sovereignty whose violation will be seen as not only illegitimate but also meriting humanitarian action to correct and punish such behavior. The question remains whether ongoing impunity of both the powerful and the powerless will undermine or limit this potential.

Pictorial Law Volker Boehme-Neßler, 2010-10-07. We live in a digital Media Society in which pictures are becoming more and more important. So human communication is increasingly becoming a visual communication. That is not a new finding. But the new question is: What does this development mean for the law? Up to now the

law is the part of the society which is most sceptical towards images Law has still resisted the visual temptation This will not last for ever The rush of pictures in everyday life and in every part of the society is much too strong and it is even getting stronger The invasion of images will change the character of modern law deeply Modern law will become a Pictorial Law What are the chances and the risks of Pictorial Law and visual law communication This is the topic of the book

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