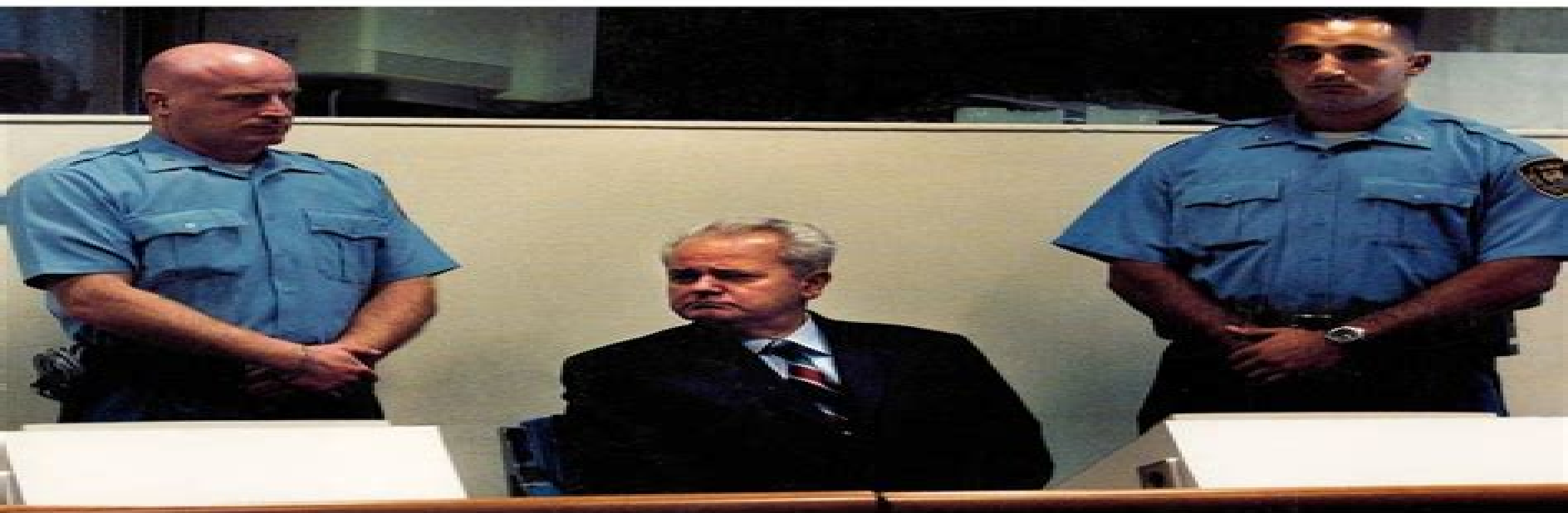


# PEACE WITH JUSTICE?

WAR CRIMES AND ACCOUNTABILITY  
IN THE FORMER YUGOSLAVIA



PAUL R. WILLIAMS AND MICHAEL P. SCHARF

# Peace With Justice War Crimes And Accountability In The Former Yugoslavia

**Djeyhoun Ostowar**



## **Peace With Justice War Crimes And Accountability In The Former Yugoslavia:**

*Peace with Justice?* Paul R. Williams, Michael P. Scharf, 2002 In this work two former State Department lawyers provide an account of how and why justice was misapplied and mishandled throughout the peace builders efforts to settle the Yugoslav conflict The text is based on their personal experience research and interviews with key players in the process

Peace with Justice? Paul R. Williams, Prof. Michael P. Scharf, 2002-09-04 Resolving the Yugoslav conflict was the last great foreign policy challenge of the twentieth century Never before in history was so much emphasis placed on the need to employ the concept of justice in the peace process or was so much energy devoted to creating and utilizing international justice based institutions In this provocative and insightful book two former State Department lawyers Paul R Williams and Michael P Scharf undertake to tell the true story warts and all of the role of justice in building peace in the former Yugoslavia During the Yugoslav conflict Serb leader Slobodan Milosevic was transformed from a key partner in peace to an indicted war criminal who now sits in a 10 x 17 foot cell at the International Criminal Tribunal in The Hague But the road from accommodation to accountability in the Balkans was anything but smooth Based on their personal experience extensive research and interviews with key players in the Yugoslav peace building process Williams and Scharf provide a gripping account of how and why justice was misapplied and mishandled throughout the peace builders efforts to settle the Yugoslav conflict All too often human rights and peace advocates treat justice as a panacea for conflict and atrocities while self proclaimed realists and professional diplomats dismiss justice as an impediment to peace Williams and Scharf demonstrate that the truth lies in between Their definitive study provides a novel framework for understanding the utility of justice as well as its practical limits as a diplomatic tool so that it can be more effectively applied in resolving future conflicts around the globe

**Peace and Justice** Rachel Kerr, Eirín Mobekk, 2013-04-26 In recent years there has been a tendency to intervene in the military political and economic affairs of failed and failing states and those emerging from violent conflict In many cases this has been accompanied by some form of international judicial intervention to address serious and widespread abuses of international humanitarian law and human rights in recognition of an explicit link between peace and justice A range of judicial and non judicial approaches has been adopted in recognition of the fact that there is no one size fits all model through which to seek accountability This book considers the merits and drawbacks of these different responses and sets out an original framework for analysing transitional societies and transitional justice mechanisms Taking as its starting point the post Second World War tribunals at Nuremberg and Tokyo the book goes on to discuss the creation of ad hoc international tribunals in the 1990s hybrid mixed courts the International Criminal Court domestic trials truth commissions and traditional justice mechanisms With examples drawn from across the world including the former Yugoslavia Rwanda Cambodia Timor Leste Sierra Leone Uganda and the DRC it presents a compelling and comprehensive study of the key responses to war crimes Peace and Justice is a timely contribution in a world where an ever increasing number of post

conflict societies are grappling with the complex issues of transitional justice It will be a valuable resource for students scholars practitioners and policy makers seeking to understand past violations of human rights and the most effective ways of addressing them

*Prosecuting War Crimes* James Gow, Rachel Kerr, Zoran Pajic, 2013-09-23 This volume examines the legacy of the International Criminal Tribunal for the former Yugoslavia ICTY which was created under Chapter VII of the UN Charter as a mechanism explicitly aimed at the restoration and maintenance of international peace and security As the ICTY has now entered its twentieth year this volume reflects on the record and practices of the Tribunal Since it was established it has had enormous impact on the procedural jurisprudential and institutional development of international criminal law as well as the international criminal justice project This will be its international legacy but its legacy in the region where the crimes under its jurisdiction took place is less clear research has shown that reactions to the ICTY have been mixed among the communities most affected by its work Bringing together a range of key thinkers in the field *Prosecuting War Crimes* explores these findings and discusses why many feel that the ICTY has failed to fully engage with people's experiences and meet their expectations This book will be of much interest to students of war crimes international criminal law Central and East European politics human rights and peace and conflict studies

*In Search of A Better World* Payam Akhavan, 2017-09-09 A work of memoir history and a call to action the CBC Massey Lectures by internationally renowned UN prosecutor and scholar Payam Akhavan is a powerful and essential work on the major human rights struggles of our times Renowned UN prosecutor and human rights scholar Payam Akhavan has encountered the grim realities of contemporary genocide throughout his life and career He argues that deceptive utopias political cynicism and public apathy have given rise to major human rights abuses from the religious persecution of Iranian Bahá'ís that shaped his personal life to the horrors of ethnic cleansing in Yugoslavia the genocide in Rwanda and the rise of contemporary phenomena such as the Islamic State But he also reflects on the inspiring resilience of the human spirit and the reality of our inextricable interdependence to liberate us whether from hateful ideologies that deny the humanity of others or an empty consumerist culture that worships greed and self indulgence A timely essential and passionate work of memoir and history *In Search of a Better World* is a tour de force by an internationally renowned human rights lawyer

**Promoting Peace Through International Law** Cecilia Bailliet, Kjetil Mujezinović Larsen, 2015 This book considers the liberal conception of peace within Western philosophy and the principle of peaceful coexistence supported in the East It investigates there is a right to peace by tracing the evolution of the international law of peace through its historical and philosophical origins

*Introduction to International Criminal Law* M. Cherif Bassiouni, 2013 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

**Palgrave Advances in Peacebuilding** O. Richmond, 2010-01-20 The quality of the peace arrived at via liberal peacebuilding approaches has been poor The related statebuilding praxis has generally been unable to respond

to its critics What is at stake is a recognition of peacebuilding's everyday political social economic and cultural dynamics This indicates the emergence of a post liberal form of peace *Peace Operations and International Criminal Justice* Majbritt Lyck, 2008-07-29 This new volume provides the first thorough examination of the involvement of peace enforcement soldiers in the detention of indicted war criminals The book firstly addresses why peace enforcement missions need to be involved in detaining indicted war criminals This discussion includes an analysis of how the securing of justice and transitional justice is incorporated into the UN's approach to peace building It also explores IFOR's SFOR's and KFOR's activities aimed at detaining indicted war criminals before turning to an analysis of how the detaining of indicted war criminals is incorporated into peace enforcement doctrines mandates and rules of engagement The book then outlines the mechanisms that need to be established in order to enable peace enforcers to effectively arrest war criminals in the areas where they are deployed It concludes with a discussion of the prospects for the involvement of peace enforcement soldiers in the detention of indicted war criminals and of what lessons future peace enforcement missions can learn from the experience of IFOR SFOR and KFOR

**Legacies of the International Criminal Tribunal for the Former Yugoslavia** Carsten Stahn, Carmel Agius, Serge Brammertz, Colleen Rohan, Rafael Braga Da Silva, 2020 This edited volume provides a multidisciplinary perspective on the contribution of the International Criminal Tribunal for the former Yugoslavia ICTY to law memory and justice It explores some of the accomplishments challenges and critiques of the ICTY as well as some of its less visible legacies **The Liberal Peace and Post-War Reconstruction** Roger MacGinty, Oliver Richmond, 2013-09-13 This critical and comparative book is comprised of arguments for and against the dominant western style of peace interventions and post war reconstruction that has been applied around the world It examines and assesses the nature of the peace that these have achieved or offer for the future **Transitional Justice in Peacebuilding** Djeyhoun Ostowar, 2020-11-22 This book explores the role of actors in determining transitional justice in peacebuilding contexts In recent decades transitional justice mechanisms and processes have been introduced to a variety of settings becoming widely regarded as essential elements in the peacebuilding toolbox While it has increasingly been suggested that transitional justice is imposed by neo imperial actors with little regard for the needs and cultures of local populations evidence suggests that dismissing these policies as neo imperial or neo liberal impositions would result in grossly overlooking their dynamics which involve a whole range of relevant actors operating at multiple levels This book interrogates this theme through empirical analysis of three sites of peacebuilding that have seen extensive international involvement Kosovo East Timor and Afghanistan It proposes a novel framework for analysing and approaching transitional justice in peacebuilding that disaggregates three broad sets of actors operating at different levels in relevant processes external actors international and regional levels transitional justice promoters local national international and transnational levels and transitional regimes national and local levels The book argues that transitional justice in peacebuilding must be conceived of as actor contingent and malleable due to the significance of agency and inter actions of

key categories of actors throughout peacebuilding transition This book will be of interest to students and practitioners of transitional justice peacebuilding law and International Relations      Security and International Law Mary E Footer, Julia Schmidt, Nigel D White, Lydia Davies-Bright, 2016-06-16 Of the many challenges that society faces today possibly none is more acute than the security of ordinary citizens when faced with a variety of natural or man made disasters arising from climate and geological catastrophes including the depletion of natural resources environmental degradation food shortages terrorism breaches of personal security and human security or even the global economic crisis States continue to be faced with a range of security issues arising from contested territorial spaces military and maritime security and security threats relating to energy infrastructure and the delivery of essential services The theme of the book encompasses issues of human political military socio economic environmental and energy security and raises two main questions To what extent can international law address the types of natural and man made security risks and challenges that threaten our livelihood or very existence in the twenty first century Where does international law fall short in meeting the problems that arise in different situations of insecurity and how should such shortcomings be addressed      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      **Connecticut journal of international law** , 2003      *The Lord's Resistance Army* Tim Allen, Koen Vlassenroot, 2010-07-08 The Lord s Resistance Army is Africa s most persistent and notorious terrorist group Led by the mysterious Joseph Kony it has committed a series of horrific human rights abuses including massacres and mutilations Since the mid 1980s it has abducted tens of thousands of people including large numbers of children forced to train as fighters The IC in 2005 issued warrants for Kony and his top commanders and the United States is backing a military campaign against the group But the LRA survives continuing to inspire both fascination and fear Authoritative but provocative The Lord s Resistance Army provides the most comprehensive analysis of the group available From the roots of the violence to the oppressive responses of the Ugandan government and the failures of the international community this collection looks at this most brutal of conflicts in fascinating depth and includes a remarkable first hand interview with Kony himself      The Responsibility to Protect Gareth Evans, 2009-08-01 Never again the world has vowed time and again since the Holocaust Yet genocide ethnic cleansing and other mass atrocity crimes continue to shock our consciences from the killing fields of Cambodia to the machetes of Rwanda to the agony of Darfur Gareth Evans has grappled with these issues firsthand As Australian foreign minister he was a key broker of the United Nations peace plan for Cambodia As president of the International Crisis Group he now works on the prevention and resolution of scores of conflicts and crises worldwide The

primary architect of and leading authority on the Responsibility to Protect R2P he shows here how this new international norm can once and for all prevent a return to the killing fields The Responsibility to Protect captures a simple and powerful idea The primary responsibility for protecting its own people from mass atrocity crimes lies with the state itself State sovereignty implies responsibility not a license to kill But when a state is unwilling or unable to halt or avert such crimes the wider international community then has a collective responsibility to take whatever action is necessary R2P emphasizes preventive action above all That includes assistance for states struggling to contain potential crises and for effective rebuilding after a crisis or conflict to tackle its underlying causes R2P's primary tools are persuasion and support not military or other coercion But sometimes it is right to fight faced with another Rwanda the world cannot just stand by R2P was unanimously adopted by the UN General Assembly at the 2005 World Summit But many misunderstandings persist about its scope and limits And much remains to be done to solidify political support and to build institutional capacity Evans shows compellingly how big a break R2P represents from the past and how with its acceptance in principle and effective application in practice the promise of Never

**The Legacy of Ad Hoc Tribunals in International Criminal Law** Milena Sterio, Michael Scharf, 2019-02-21 Assesses the legacy and impact of the ICTY and ICTR focusing on their most significant legal achievements in international criminal law

**Finnish Yearbook of International Law, Volume 22, 2011** Jan Klabbers, 2013-07-11 The Finnish Yearbook of International Law aspires to honour and strengthen the Finnish tradition in international legal scholarship Open to contributions from all over the world and from all persuasions the Finnish Yearbook stands out as a forum for theoretically informed high quality publications on all aspects of public international law including the international relations law of the European Union The Finnish Yearbook publishes in depth articles and shorter notes commentaries on current developments book reviews and relevant overviews of Finland's state practice While firmly grounded in traditional legal scholarship it is open for new approaches to international law and for work of an interdisciplinary nature The Finnish Yearbook is published for the Ius Gentium Association the Finnish Society of International Law by Hart Publishing Earlier volumes may be obtained from Martinus Nijhoff an imprint of Brill Publishers Further information may be found at [www.fybil.org](http://www.fybil.org) INDIVIDUAL CHAPTERS Please click on the link below to purchase individual chapters from Volume 22 through Ingenta Connect [www.ingentaconnect.com](http://www.ingentaconnect.com) SUBSCRIPTION TO SERIES To place an annual online subscription or a print standing order through Hart Publishing please click on the link below Please note that any customers who have a standing order for the printed volumes will now be entitled to free online access [www.hartjournals.co.uk/fyil/subs](http://www.hartjournals.co.uk/fyil/subs)

*International Affairs*, 2003

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