

Peace Without Justice

Hegemonic Instability or International
Criminal Law?

-Sterling Johnson

Peace Without Justice Hegemonic Instability Or International Criminal Law

Jeremy Sarkin, Jeremy Sarkin-Hughes



Peace Without Justice Hegemonic Instability Or International Criminal Law:

Peace Without Justice Sterling Johnson, 2003 Peace without Justice is a highly topical and insightful examination of the attitudes policies and constitutional issues behind U S rejection of the Rome Treaty and the International Criminal Court ,

A Brief History of International Criminal Law and International Criminal Court Cenap Çakmak, 2017-05-29 This book offers a historical presentation of how international criminal law has evolved from a national setting to embodying a truly international outlook As a growing part of international law this is an area that has attracted growing attention as a result of the mass atrocities and heinous crimes committed in different parts of the world akmak pays particular attention to how the first permanent international criminal court was created and goes on to show how solutions developed to address international crimes have remained inadequate and failed to restore justice Calling for a truly global approach as the only real solution to dealing with the most severe international crimes this text will be of great interest to scholars of criminal justice political science and international relations

Amnesty, Human Rights and Political Transitions Louise Mallinder, 2008-09-10 Amnesty laws are political tools used since ancient times by states wishing to quell dissent introduce reforms or achieve peaceful relationships with their enemies In recent years they have become contentious due to a perception that they violate international law particularly the rights of victims and contribute to further violence This view is disputed by political negotiators who often argue that amnesty is a necessary price to pay in order to achieve a stable peaceful and equitable system of government This book aims to investigate whether an amnesty necessarily entails a violation of a state s international obligations or whether an amnesty accompanied by alternative justice mechanisms can in fact contribute positively to both peace and justice This study began by constructing an extensive Amnesty Law Database that contains information on 506 amnesty processes in 130 countries introduced since the Second World War The database and chapter structure were designed to correspond with the key aspects of an amnesty why it was introduced who benefited from its protection which crimes it covered and whether it was conditional In assessing conditional amnesties related transitional justice processes such as selective prosecutions truth commissions community based justice mechanisms lustration and reparations programmes were considered Subsequently the jurisprudence relating to amnesty from national courts international tribunals and courts in third states was addressed The information gathered revealed considerable disparity in state practice relating to amnesties with some aiming to provide victims with a remedy and others seeking to create complete impunity for perpetrators To date few legal trends relating to amnesty laws are emerging although it appears that amnesties offering blanket unconditional immunity for state agents have declined Overall amnesties have increased in popularity since the 1990s and consequently rather than trying to dissuade states from using this tool of transitional justice this book argues that international actors should instead work to limit the more negative forms of amnesty by encouraging states to make them conditional and to introduce complementary programmes to repair the harm and

prevent a repetition of the crimes David Dyzenhaus This is one of the best accounts in the truth and reconciliation literature I ve read and certainly the best piece of work on amnesty I ve seen Diane Orentlicher Ms Mallinder s ambitious project provides the kind of empirical treatment that those of us who have worked on the issue of amnesties in international law have long awaited I have no doubt that her book will be a much valued and widely cited resource **The International**

Criminal Court and Africa Charles Chernor Jalloh,Ilias Bantekas,2017-10-06 Africa has been at the forefront of contemporary global efforts towards ensuring greater accountability for international crimes But the continent s early embrace of international criminal justice seems to be taking a new turn with the recent resistance from some African states claiming that the emerging system of international criminal law represents a new form of imperialism masquerading as international rule of law This book analyses the relationship and tensions between the International Criminal Court ICC and Africa It traces the origins of the confrontation between African governments both acting individually and within the framework of the African Union and the permanent Hague based ICC Leading commentators offer valuable insights on the core legal and political issues that have confused the relationship between the two sides and expose the uneasy interaction between international law and international politics They offer suggestions on how best to continue the fight against impunity using national ICC and regional justice mechanisms while taking into principled account the views and interests of African States **Research Handbook on International Law and Terrorism** Ben Saul,2020-04-24 This newly revised

and updated second edition provides a comprehensive overview of international counter terrorism law and practice Brand new and revised chapters provide critical commentary on the law from leading scholars and practitioners in the field including new topics for this edition such as foreign terrorist fighters the nexus between organized crime and terrorism and the prevention of violent extremism **Yearbook of International Humanitarian Law - 2003** Avril McDonald,2006-12-31

Provides an international forum for high quality articles on the laws of armed conflict in international law Choices Under Fire Michael Bess,2009-03-12 World War II was the quintessential good war It was not however a conflict free of moral ambiguity painful dilemmas and unavoidable compromises Was the bombing of civilian populations in Germany and Japan justified Were the Nuremberg and Tokyo war crimes trials legally scrupulous What is the legacy bequeathed to the world by Hiroshima With wisdom and clarity Michael Bess brings a fresh eye to these difficult questions and others arguing eloquently against the binaries of honor and dishonor pride and shame and points instead toward a nuanced reckoning with one of the most pivotal conflicts in human history *Legal Research and Law Library Management* Julius J. Marke,Richard

Sloane,Linda M. Ryan,2006 This revised edition of *Legal Research and Law Library Management* retains the best elements of the previous edition while covering the latest in law library management Germany's Genocide of the Herero Jeremy

Sarkin,Jeremy Sarkin-Hughes,2011 In 1904 the indigenous Herero people of German South West Africa now Namibia rebelled against their German occupiers In the following four years the German army retaliated killing between 60 000 and

100 000 Herero people one of the worst atrocities ever The history of the Herero genocide remains a key issue for many around the world partly because the German policy not to pay reparations for the Namibian genocide contrasts with its long standing Holocaust reparations policy The Herero case bears not only on transitional justice issues throughout Africa but also on legal issues elsewhere in the world where reparations for colonial injustices have been called for The book argues that the Herero genocide was linked to Germany's late entry into the colonial race which led it frenetically and ruthlessly to acquire multiple colonies all over the world within a very short period using any means available

Individual Criminal Responsibility for Core International Crimes Ciara Damgaard, 2008-08-02 1 1 Opening Remarks and Objectives Crimes against international law are committed by men not by abstract entities and only by punishing individuals who commit such crimes can the provisions of international law 2 be enforced This is perhaps the most renowned citation from the judgment of the International Military Tribunal at Nuremberg IMT In the six decades which have passed since the IMT judgment was handed down the recognition of the concept of individual criminal responsibility for core international crimes has been significantly reinforced and developed particularly since the establishment of the International Criminal Tribunal for the Former Yugoslavia ICTY and the International Criminal Tribunal for Rwanda ICTR in the 1990s and most recently the International Criminal Court ICC The media has of course played a crucial role in increasing awareness of this concept especially amongst the general populace Indeed the concept has arguably a much higher profile today than ever before in its history However the concept of individual criminal responsibility for core international crimes is neither as straightforward nor as single faceted as might appear on first glance While the general principle behind the concept does not generate too many difficulties it is in its practical application that the more challenging aspects of the concept are brought to the fore Each of these challenging aspects can also be described as a pertinent issue of the concept of individual criminal responsibility for core international crimes

Cultivating Peace Marty Branagan, Bert Jenkins, Helen Ware, 2014-04-11 Cultivating Peace Contexts Practices and Multidimensional Models moves away from negative connotations associated with the concept of post conflict peacebuilding It embraces a multiplicity of trans disciplinary approaches to peacebuilding mostly coinciding with the horticultural metaphor of peace cultivation Ultimately the idea of cultivating peace embodies love and compassion while utilising local knowledge expertise and wisdom to do no harm Using various case studies from across the world the narratives and insights in this book present diverse facets of peacebuilding yet all contribute constructive lessons The chapters cover three general themes Some examine the structural and discursive causes of violence and how to improve situations where violence is evident or to prevent it from breaking out Others deal with the aftermath of violence and how to reconcile and restore shattered lives and societies The third group deals with positive social change by nonviolent means which is much more constructive than the negative peace of ceasefires and peace enforcement used to manage direct violence Promoting the ideal of peace cultivation this volume emphasises ways to improve things to suggest alternatives and

to employ initiatives to plant and grow positive changes both during the fighting and in the aftermath of violent conflicts

IBSS: Political Science: 2004 Vol.52 The British Library of Political and Economic Science, 2004-12 First published in 1952 the International Bibliography of the Social Sciences anthropology economics political science and sociology is well established as a major bibliographic reference for students researchers and librarians in the social sciences worldwide Key features Authority Rigorous standards are applied to make the IBSS the most authoritative selective bibliography ever produced Articles and books are selected on merit by some of the world's most expert librarians and academics Breadth Today the IBSS covers over 2000 journals more than any other comparable resource The latest monograph publications are also included International Coverage The IBSS reviews scholarship published in over thirty languages including publications from Eastern Europe and the developing world User friendly organization all non English titles are word sections Extensive author subject and place name indexes are provided in both English and French **The Lord's Resistance Army** Mareike Schomerus, 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

Understanding and Responding to Terrorism Huseyin Durmaz, 2007 Concerns three main topics Dynamics of effective international cooperation against terrorism Facilitators and barriers Law enforcement response to terrorism in different countries and regions and Emergency management lessons for Homeland Security Recurrent Genocidal Nightmares Mentan, Tatah, 2019-05-28 Genocide has been called the crime of crimes and an odious scourge With millions of victims in the last century alone it is one of the great moral and political challenges of our age Despite the challenges such human cruelty has not stopped The 21st century is recording its first genocide in Cameroon with only a scanty few raising a finger The significance of the odious scourge has compelled Tatah Mentan to research on the trajectory of the scourge in Africa over the past centuries The targeted ongoing mass killings in Cameroon like those of Rwanda before have driven the scholar to expand his focus beyond the Holocaust which had long been the primary case study In this book Tatah Mentan explains that these cases were not merely a human catastrophe nor an atavistic reversion to the barbarism of a past epoch but rather an event produced by the unfolding of the logic of capitalism itself This book therefore critically explores the essence of capitalism as genocide in Africa and its consequences on Africans during their colonisation and incorporation into the

European dominated racialised capitalist world system in the late 18th century It uses multidimensional comparative methods and critical approaches to explain the dynamic interplay among social structures human agency and terror to explain the connection between structural capitalist terrorism and the emergence of the capitalist world system Tatah Mentan proposes a genuine participatory democratic alternative to the unending genocide nightmares Nurturing participatory attitudes would facilitate and reinforce self management and educate and empower individuals and dispossessed and under represented communities to seek self determination and democratic participation in the political arena Tatah Mentan concludes that the same fundamental commitments that urge humanity to promote participatory political democracy should compel them to promote truly inclusive economic democracy as well Political economists historians students corporate managers and policy makers at national and international levels are invited to share the insights of this book

Colonial Genocide and Reparations Claims in the 21st Century Jeremy Sarkin, 2008-11-30

More and more the descendants of indigenous victims of genocide land expropriation forced labor and other systematic human rights violations committed by colonial powers are seeking reparations under international law from the modern successor governments and corporations As the number of colonial reparations cases increases courts around the world are being asked to apply international law to determine whether reparations are due for atrocities and crimes that might have been committed long ago but whose lasting effects are alleged to injure the modern descendants of the victims Sarkin analyzes the thorny issues of international law raised in such suits by focusing on groundbreaking cases in which he is involved as legal advisor to the paramount chief of the Herero people of Namibia In 2001 the Herero became the first ethnic group to seek reparations under the legal definition of genocide by bringing multi billion dollar suits against Germany and German companies in a number of U S federal courts under the Alien Torts Claim Act of 1789 The Herero genocide conducted in German South West Africa present day Namibia between 1904 and 1908 is recognized by the UN as the first organized state genocide in world history Although the Herero were subjected to Germany s First Genocide they have unlike the victims of the Holocaust received no reparations from Germany By machine gun massacres starvation poisoning and forced labor in Germany s first concentration camps the German Schutztruppe systematically exterminated as many as 105 000 Herero women and children composing most of the Herero population Sarkin considers whether these historical events constitute legally defined genocide crimes against humanity and other international crimes He evaluates the legal status of indigenous polities in Africa at the time and he explores the enduring impact in Namibia of the Germany s colonial campaign of genocide He extrapolates the Herero case to global issues of reparations apologies and historical human rights violations especially in Africa

ILSA Journal of International & Comparative Law ,2005 **East African Journal of Peace & Human Rights** ,2008 *Current Publications in Legal and Related Fields* ,2003

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