



COURTS IN CONFLICT

**Interpreting the Layers of Justice
in Post-Genocide Rwanda**

NICOLA PALMER

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Courts In Conflict Interpreting The Layers Of Justice In Post Genocide Rwanda

Phil Clark



Courts In Conflict Interpreting The Layers Of Justice In Post Genocide Rwanda:

Courts in Conflict Nicola Palmer, 2015-03-18 The rise of international criminal trials has been accompanied by a call for domestic responses to extraordinary violence Yet there is remarkably limited research on the interactions among local national and international transitional justice institutions Rwanda offers an early example of multi level courts operating in concert through the concurrent practice of the United Nations International Criminal Tribunal for Rwanda ICTR the national Rwandan courts and the gacaca community courts *Courts in Conflict* makes a crucial and timely contribution to the examination of these pluralist responses to atrocity at a juncture when holistic approaches are rapidly becoming the policy norm Although Rwanda's post genocide criminal courts are compatible in law an interpretive cultural analysis shows how and why they have often conflicted in practice The author's research is derived from 182 interviews with judges lawyers and a group of witnesses and suspects within all three of the post genocide courts This rich empirical material shows that the judges and lawyers inside each of the courts offer notably different interpretations of Rwanda's transitional justice processes illuminating divergent legal cultures that help explain the constraints on the courts effective cooperation and evidence gathering The potential for similar competition between domestic and international justice processes is apparent in the current practice of the International Criminal Court ICC However this competition can be mitigated through increased communication among the different sites of justice fostering legal cultures of complementarity that can more effectively respond to the needs of affected populations

Peace Not War: Traditions of Restorative Justice in Imperial Ethiopia, 1769 - 1960 Charles Schaefer, 2025-05-27 Examines one of the few documented early examples of restorative justice from Africa or Latin America With a writing system Ethiopian emperors as well as pretenders to the throne chronicled their exploits including peace building feats and this book showcases and analyses historically verified instances from as early as 1769 where restorative justice modalities were used to resolve conflict and bring peace to the country *Peace not War* traces Ethiopia's evolving understanding of restorative justice from the forgive and forget approach which characterized the Zemene Mesafint Era of the Princes where perpetrators were exonerated allowing them to recoup and build their armies to fight another day to conditional forgiveness recorded by the imperial court and dependent on atonement Ethiopia's long history of experimentation with different forms of restorative justice demonstrates ingenuity flexibility and adaptability but as the twentieth century progressed workable indigenous forms of restorative justice were sidelined by Western codified law that emphasized retribution

Localising Memory in Transitional Justice Mina Rauschenbach, Julia Viebach, Stephan Parmentier, 2022-05-30 This collection adds to the critical transitional justice scholarship that calls for transitional justice from below and that makes visible the complex and oftentimes troubled entanglements between justice endeavours locality and memory making Broadening this perspective it explores informal memory practices across various contexts with a focus on their individual and collective dynamics and their intersections reaching also beyond a conceptualisation of memory as

mere symbolic reparation and politics of memory It seeks to highlight the hidden unwritten and multifaceted in today's memory boom by focusing on the memorialisation practices of communities activists families and survivors Organising its analytical focal point around the localisation of memory it offers valuable and new insights on how and under what conditions localised memory practices may contribute to recognition and social transformation as well as how they may at best be inclusive or exclusive of dynamic and diverse memories Drawing on inter and multi disciplinary approaches this book brings an in depth and nuanced understanding of local memory practices and the dynamics attached to these in transitional justice contexts It will be of much interest to students and scholars of memory and genocide studies peace and conflict studies transitional justice sociology and anthropology

International Criminal Tribunals and Domestic Accountability

Patryk I. Labuda, 2023-05-17 In the 1990s the promise of justice for atrocity crimes was associated with the revival of international criminal tribunals ICTs More recently however there has been a renewed emphasis on domestic accountability for international crimes across the globe In identifying a complementarity turn a paradigm shift toward domestic accountability in the field of international criminal justice this book investigates how the shadow of international criminal tribunals influences the treatment of serious crimes at the national level Drawing on research and interviews in Rwanda the Democratic Republic of Congo and Sierra Leone this book develops a tripartite framework to analyse how states and tribunals work with despite or against one another in the fight against impunity While international prosecutors and judges use the principle of complementarity to foster cooperation and decrease tension with government actors Patryk I Labuda argues that too much deference by ICTs toward states reduces the likelihood of accountability and may enable national elites to consolidate authoritarian power By interrogating how international accountability stakeholders relate to their domestic counterparts International Criminal Tribunals and Domestic Accountability advocates improvements to ICTs institutional design and more dynamic interactions with states to strengthen the enforcement of international criminal law

Victims and the Labour of Justice at the International Criminal Court

Leila Ullrich, 2024 Breaking the Cycle of Mass Atrocities Marina Aksenova, Elies van Sliedregt, Stephan Parmentier, 2019-05-02 Breaking the Cycle of Mass Atrocities investigates the role of international criminal law at different stages of mass atrocities shifting away from its narrow understanding solely as an instrument of punishment of those most responsible The book is premised on the idea that there are distinct phases of collective violence and international criminal law contributes in one way or another to each phase The authors therefore explore various possibilities for international criminal law to be of assistance in breaking the vicious cycle at its different junctures *Bibliographie Du MTPI Sur Le TPIR Et Le TPIY*, 2016 The aim of the product is to ensure that researchers around the world locate published documents on the work of both tribunals *Bibliographie Sur Le TPIR, TPIY Et MIFRTP*, 2018 The product is compiled by IRMCT Libraries to ensure that researchers around the world locate volume of published documents on the work of the ICTR and ICTY during their lifetime The IRMCT bibliography on ICTR and ICTY

includes reference materials such as books and book chapters articles from periodicals comments and notes on cases as well as theses

Bibliographie Spéciale Sur Le TPIR, 2015 This fourth bibliography is compiled by the library in order to facilitate researcher s access to the increasing volume of published documents on the work of the tribunal The product is the unique tool that assists people to know the areas which have been covered by the researchers The bibliography includes references from books journals and periodicals theses comments and notes on judicial cases as well

Beyond Genocide: Transitional Justice and Gacaca Courts in Rwanda Pietro Sullo, 2018-09-19 Combining both legal and empirical research this book explores the statutory aspects and practice of Gacaca Courts inkiko gacaca the centrepiece of Rwanda s post genocide transitional justice system assessing their contribution to truth justice and reconciliation The volume expands the knowledge regarding these courts assessing not only their performance in terms of formal justice and compliance with human rights standards but also their actual modus operandi Scholars and practitioners have progressively challenged the idea that genocide should be addressed exclusively through westernised criminal law arguing that the uniqueness of each genocidal setting requires specific context sensitive solutions Rwanda s experience with Gacaca Courts has emerged as a valuable opportunity for testing this approach offering never previously tried homegrown solutions to the violence experienced in 1994 and beyond Due to the unprecedented number of individuals brought to trial the absence of lawyers the participative nature and the presence of lay judges directly elected by the Rwandan population Gacaca Courts have attracted the attention of researchers from different disciplines and triggered dichotomous reactions and appraisals The tensions existing within the literature are addressed anchoring the assessment of Gacaca in a comprehensive legal analysis in conjunction with field research Through the direct observation of Gacaca trials and by holding interviews and informal talks with survivors perpetrators ordinary Rwandans academics and the staff of NGOs a purely legalistic perspective is overcome offering instead an innovative bottom up approach to meta legal concepts such as justice fairness truth and reconciliation Outlining their strengths and shortcomings this book highlights what aspects of Gacaca Courts can be useful in other post genocide contexts and provides crucial lessons learnt in the realm of transitional justice The primary audience this book is aimed at consists of researchers working in the areas of international criminal law transitional justice genocide restorative justice African studies human rights and criminology while practitioners students and others with a professional interest in the topical matters that are addressed may also find the issues raised relevant to their practice or field of study Pietro Sullo teaches public international law and international diplomatic law at the Brussels School of International Studies of the University of Kent in Brussels He is particularly interested in international human rights law transitional justice international criminal law constitutional transitions and refugee law After earning his Ph D at the Sant Anna School of Advanced Studies in Pisa Dr Sullo worked at the Max Planck Institute for Comparative Public Law and International Law in Heidelberg as a senior researcher and as a coordinator of the International Doctoral Research School on Retaliation Mediation and Punishment He

was also Director of the European Master's Programme in Human Rights and Democratization E MA in Venice from 2013 to 2015 and lastly he has worked for international NGOs and as a legal consultant for the Libya Constitution Drafting Assembly on human rights and transitional justice

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.

"The" Gacaca Courts, Post-genocide Justice and Reconciliation in Rwanda

Philip Clark, 2010 Philip Clark explores the impact of the Gacaca community courts, the centrepiece of Rwanda's justice and reconciliation programme. 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.

The Gacaca Courts, Post-Genocide Justice and Reconciliation in Rwanda

Philip Clark, This is a timely empirical study and review of the Gacaca Courts which were established in 2001 in Rwanda as an attempt to prosecute suspects involved in the 1994 genocide. Based on the author's original field work which began in 2003 in Rwanda and which has been updated to the end of 2009, it includes responses from within the Rwandan population. Dr Clark argues that despite widespread international scepticism the Gacaca process has achieved remarkable results in terms of justice and reconciliation, although this has often come at a price, especially the re-traumatisation of many Rwandans who have participated firsthand in hearings. This book will appeal to a wide global readership crossing human rights, transitional justice and African studies for its combination of original empirical data with a socio-legal analysis.

Gacaca

2.0 - what is left of the traditional justice system in Rwanda? Research Design (englisch) Sven

Piechottka, 2013-10-18 Seminar paper from the year 2013 in the subject Politics Region Africa grade 2.0 University of Constance course Vertiefungsseminar language English abstract The main thought of this research is to clarify the

consequences of governmental respectively colonial influence for the legitimacy of Gacaca courts in Rwanda However the outcomes are supposed to be general enough to assess the practicability of indigenous conflict resolution mechanisms in other African states as well As a research design the paper leaves the realisation of its methodological framework open

The Gacaca Courts Colin O'Reilly,Chloe Zhang,2016 In the aftermath of the Rwandan genocide the crippled formal judicial system failed to administer justice in a timely manner A modified version of the traditional Gacaca courts were introduced to hear cases from the backlog of over 100 000 genocide suspects We find that the Gacaca courts performed well relative to the formal justice system given the constraints faced The Gacaca courts generated valuable information about the genocide suspects and increased access to the justice system The introduction of the Gacaca courts improved the performance of the formal justice system and facilitated post conflict recovery **Justice in Africa** Paul

Magnarella,2018-02-06 This title was first published in 2000 This work describes the United Nations International Criminal Tribunal for Rwanda ICTR the first international court created to try persons for genocide and violation the humanitarian law of non international armed conflict The book begins with an explanation of the causes of the 1994 genocide in Rwanda It then discusses the UN Security Council s creation of the ICTR and the Tribunal s organization functioning accomplishments and shortcomings The author explains how the Tribunal has gained custody over suspects who had fled to other countries in Africa Europe and also to the USA The book analyzes the ICTR s first several cases and describes the unique contributions the Tribunal is making to the expansion of humanitarian law In addition the author describes Rwanda s own legal attempts to deal with the trauma of 1994 by passing a new genocide statute and creating special genocide courts He also explains the similarities and differences between the Tribunal for Rwanda and the one created by the UN Security Council to deal with major crimes committed during the break up of former Yugoslavia *After Genocide* Philip Clark,Zachary Daniel

Kaufman,2009-01 The book features chapters from leading scholars in this field including William Schabas Rene Lemarchand Linda Melvern Kalypso Nicolaidis and Jennifer Welsh along with senior government and non government officials involved in matters related to Rwanda and transitional justice including Hassan Bubacar Jallow prosecutor of the UN International Criminal Tribunal for Rwanda Martin Ngoga prosecutor general of the Republic of Rwanda and Luis Moreno Ocampo prosecutor of the International Criminal Court *After Genocide* also offers an unprecedented debate between Rwandan President Paul Kagame and Rene Lemarchand on post genocide memory and governance in Rwanda 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 *Justice in Africa* Paul J. Magnarella,2018

Achievements and Shortcomings of International Criminal Tribunal for Rwanda Karina Oborune,2010-11 Research Paper postgraduate from the year 2009 in the subject Politics Topic Peace and Conflict Security grade A University of Basel Europainstitut course Friedensf rderungsseminar language English abstract ABSTRACT Aim of paper This paper

deals with the effectiveness and achievements of ICTR that can be viewed in light of aims set out in the UN Resolution 955 1994 In the Resolution UN is determined to 1 have effective application and enforcement of restrictions against the warfare perpetrators 2 bring justice and ensure that violations are halted 3 have fair trials 4 contribute to criminal justice and process of reconciliation and restoration and maintenance of peace Hypotheses In the present paper author put forward two hypotheses The first hypothesis is that creation of ICTR was a logical but moderate step which would have not been necessary if global society would have appropriately reacted to previous warnings about possible genocide in Rwanda The second hypothesis is that ICTR was merely a vehicle of justice but it is hardly designed as a vehicle for reconciliation Analytical framework Author has discussed the work of ICTR and refer to particular aims possibility of their achievement and assess outcomes Author used three tools of analytical framework legal political and economical as from these different standing points it is possible to assess the work of ICTR in its entirety Legal aspects of work of ICTR extend from mere procedural points to ICTR s contribution to legal tradition and legal developments Author depicted which of legal aspects have undermined the authority and image of ICTR as well as could be deemed as actual shortcomings and how these aspects influence achievement of justice as the ultimate goal of legal authority Financial aspect shows the costs of ICTR but political aspect deals with assessment of set goals in the Resolution and bringing justice as a prerogative as it is expected to be effecti

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Courts In Conflict Interpreting The Layers Of Justice In Post Genocide Rwanda Introduction

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