Sriram

Globalizing Justice for Mass Atrocities

A Revolution in Accountability



This major new study examines the developing practice of universal jurisdiction, as well as the broader phenomenon of "globalizing" justice, and its ramifications. With a detailed overview of the contemporary practice of universal jurisdiction, it discerns three trends at work: pure universal jurisdiction, universal jurisdiction "plus", and non-use. It also argues that these disparities in practice should raise serious concerns as to the legitimacy and perceived legitimacy of such globalized justice. It then turns to a further consideration, that of globalized justice, precisely because it takes place far from the locus of the crime, and is therefore "externalized" and may fail to achieve many of its putative goals. In addition, this is a key assessment of civil accountability, through the use of the Alien Tort Claims Act in the United States. It details how the use of civil penalties may offer new avenues for redress, particularly with relation to group accountability, whether that of armed groups or of corporations. However, it balances this approach to accountability with recognition of certain flaws within externalized criminal accountability. This study also focuses on mixed tribunals, or other methods of internationalized justice as viable alternatives, which may avoid some of the problems with external justice, but are themselves far from perfect. Mixed or hybrid tribunals in East Timor and Sierra Leone represent different models of hybrid justice and provide the reader with excellent examples of these new forms of justice in action. This book will be of great interest to all students and scholars of human rights international law and political science.

As trials for mass atrocities and human rights violations are increasingly common, whether in the international war crimes tribunals for the former Yugoslavia, in regional human rights courts, or through the exercise of universal jurisdiction in domestic courts, and can be considered with good reason as positive developments, there is however reason for caution, particularly with respect to the exercise of universal jurisdiction.
This book examines the burgeoning practice of universal jurisdiction, as well as the broader phenomenon of" globalizing" justice, and the ramifications of developing practice. The author thus discerns three trends in developing jurisprudence: pure universal jurisdiction, universal jurisdiction"plus," and non-use. Theses parties in practice raise serious concerns as to the legitimacy and perceived legitimacy of such globalized justice whereas because it often takes place far from the locus of the crime and is thus externalized it may fail to achieve many of its putative goals
The book then examines how alternative from of globalized justice, such as the use of mixed or hybrid tribunals or other methods whereby internationalized justice takes place in country, may rectify some of the problems identified and sets out to try this solution through the examples of Sierra Leone and East Timor.
This book will be of much interest for scholars and practitioners of human rights, war crimes and transnational justice, as well as international relations in general.

190,50 €
190,50 € (zzgl. MwSt.)

Lieferfrist: bis zu 10 Tage

Artikelnummer: 9780415371018
Medium: Buch
ISBN: 978-0-415-37101-8
Verlag: Routledge
Erscheinungstermin: 18.07.2005
Sprache(n): Englisch
Auflage: 1. Auflage 2005
Serie: Contemporary Security Studies
Produktform: Gebunden
Gewicht: 482 g
Seiten: 206
Format (B x H): 161 x 240 mm