

TRUTH COMMISSIONS AND TRANSITIONAL JUSTICE: A SELECT BIBLIOGRAPHY ON THE SOUTH AFRICAN TRUTH AND RECONCILIATION COMMISSION DEBATE

Tyrone Savage, Barbara Schmid, Keith A. Vermeulen [†]

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[†] Research Assistants and Editors, Institute for Justice and Reconciliation, Cape Town, South Africa.

African Truth Commissions And Transitional Justice

Robert I. Rotberg, Dennis F. Thompson



African Truth Commissions And Transitional Justice:

African Truth Commissions and Transitional Justice John Perry, T. Debey Sayndee, 2015-04-22 African Truth Commissions and Transitional Justice examines the functioning of truth commissions in Africa outlining the lessons learned the best practices and the successes and failures of seven African truth commissions Its introduction and conclusion then work further to place truth commissions within the growing academic field of transitional justice The first African truth commission was convened by the despot Idi Amin for reasons unrelated to the defense of human rights but despite this ambiguous beginning other African truth commissions have done important work The South African Truth and Reconciliation Commission of 1996 has become the gold standard for future truth commissions not only in Africa but throughout the world it unearthed much truth about the Apartheid era abuse of human rights and took vital first steps towards restorative justice in the Republic Each truth commission is distinctive However although much has been written about South Africa's truth commissions much less is known about the other six studied in this book and an attentive reader will notice the suggestive patterns which emerge

Truth v. Justice Robert I. Rotberg, Dennis F. Thompson, 2010-07-01 The truth commission is an increasingly common fixture of newly democratic states with repressive or strife ridden pasts From South Africa to Haiti truth commissions are at work with varying degrees of support and success To many they are the best or only way to achieve a full accounting of crimes committed against fellow citizens and to prevent future conflict Others question whether a restorative justice that sets the guilty free that cleanses society by words alone can deter future abuses and allow victims and their families to heal Here leading philosophers lawyers social scientists and activists representing several perspectives look at the process of truth commissioning in general and in post apartheid South Africa They ask whether the truth commission as a method of seeking justice after conflict is fair moral and effective in bringing about reconciliation The authors weigh the virtues and failings of truth commissions especially the South African Truth and Reconciliation Commission in their attempt to provide restorative rather than retributive justice They examine among other issues the use of reparations as social policy and the granting of amnesty in exchange for testimony Most of the contributors praise South Africa's decision to trade due process for the kinds of truth that permit closure But they are skeptical that such revelations produce reconciliation particularly in societies that remain divided after a compromise peace with no single victor as in El Salvador Ultimately though they find the truth commission to be a worthy if imperfect instrument for societies seeking to say never again with confidence At a time when truth commissions have been proposed for Bosnia Kosovo Cyprus East Timor Cambodia Nigeria Palestine and elsewhere the authors conclude that restorative justice provides positive gains could not be more important In addition to the editors the contributors are Amy Gutmann Rajeev Bhargava Elizabeth Kiss David A Crocker Andr  du Toit Alex Boraine Dumisa Ntsebeza Lisa Kois Ronald C Slye Kent Greenawalt Sanford Levinson Martha Minow Charles S Maier Charles Villa Vicencio and Wilhelm Verwoerd

The Limits of Transition: The South African Truth and Reconciliation

Commission 20 Years on Mia Swart, Karin van Marle, 2017-08-28 The South African Truth and Reconciliation Commission was a noble attempt to begin to address the continuing traumatic legacy of Apartheid This interdisciplinary collection critiques the work of the TRC 20 years since its establishment Taking the paralysing political and social crises of the mid 1990s in South Africa as starting point the book contains a collection of responses to the TRC that considers the notions of crisis judgment and social justice It asks whether the current political and social crises in South Africa are linked to the country's post apartheid transitional mechanisms specifically the TRC The fact that the material conditions of the lives of many Apartheid victims have not improved forms a major theme of the book Collectively the book considers the unfinished business of the TRC

Truth and Transitional Justice Alice Panepinto, 2022-02-24 With a unique transitional justice perspective on the Arab Spring this book assesses the relocation of transitional justice from the international paradigm to Islamic legal systems The Arab uprisings and new and old conflicts in the Middle East North Africa and other contexts where Islam is a prominent religion have sparked an interest in localising transitional justice in the legal systems of Muslim majority communities to uncover the truth about past abuse and ensure accountability for widespread human rights violations This raises pressing questions around how the international paradigm of transitional justice and in particular its truth seeking aims might be implemented and adapted to local settings characterised by Muslim majority populations and at the same time drawing from relevant norms and principles of Islamic law This book offers a critical analysis of the relocation of transitional justice from the international paradigm to the legal systems of Muslim majority societies in light of the inherently pluralistic realities of these contexts It also investigates synergies between international law and Islamic law in furthering truth seeking the formation of collective memories and the victims right to know the truth as key aims of the international paradigm of transitional justice and broadly supported by the shari'ah This book will be a useful reference for scholars practitioners and policymakers seeking to better understand the normative underpinnings of potential transitional truth seeking initiatives in the legal systems of Muslim majority societies At the same time it also proposes a more critical and creative way of thinking about the challenges and opportunities of localising transitional justice in contexts where the principles and ideas of Islamic law carry different meanings

Truth Commissions and Transitional Societies Eric Wiebelhaus-Brahm, 2010-01-05 This book uses a multi method approach to examine the impact of truth commissions on subsequent human rights protection and democratic practice and features cross national case studies on South Africa El Salvador Chile and Uganda

Documentation from Truth and Reconciliation Commissions Proscovia Svärd, Bonny Ibhawoh, 2024-08-12 Documentation from Truth and Reconciliation Commissions highlights the need for post conflict societies to have access to and to use Truth Reconciliation Commissions TRCs documentation to achieve reconciliation and to work towards a democratic society Including international contributions from a range of disciplines the volume discusses the challenges that surround TRCs documentation Considering the impact of the politicization of documentation chapters also highlight the lack of political will

to democratize information the lack of dissemination and the preservation infrastructures that hinder access and its effective use and re use Arguing that TRCs documentation should be used to inform policy improve governance and to promote justice healing and reconciliation the volume considers the ethical challenges involved in disseminating such information Contributing authors argue that information professionals should play a major role in the planning for the TRCs information management infrastructures if they are to facilitate access effectively manage the generated documentation deal with preservation of the compound records and promote the dissemination of the TRC findings Documentation from Truth and Reconciliation Commissions demonstrates that TRCs documentation provides validation of human rights violations and that it helps to promote an understanding of the causes of conflict As such it will be essential reading for academics and students working in Archival Studies Information Science History Transitional Justice and Peace and Conflict Studies

Guarantees of Non-Repetition in International Human Rights Law and Transitional Justice Nita Shala, 2024-06-07 This book examines the understudied yet increasingly applied concept of Guarantees of Non Repetition under international human rights law and transitional justice Guarantees of Non Repetition GNRs are measures taken to ensure that human rights abuses do not recur They are especially crucial in post war contexts marked by severe and systematic violations However although they are increasingly invoked GNRs are not well understood and they have so far received only limited theoretical and practical analysis Tracing their development to the influence of international human rights law this book considers what GNRs are how and why they have come about and how GNRs are implemented Through an explication of the history law and jurisprudence of GNR s in regional mechanisms in Latin America Europe and Asia as well as in international bodies the book maintains the increasing importance and as yet unfulfilled potential of this legal obligation in transitional justice settings This first book to analyse the development of GNRs and their application will appeal to scholars in the areas of law and transitional justice public policy and socio legal studies as well as lawyers and policy makers working in post conflict situations

Justice Framed Marcos Zunino, 2019-03-14 A new perspective on the history of transitional justice and why the discourse prioritises particular responses to human rights violations

Current Issues in Transitional Justice Natalia Szablewska, Sascha-Dominik Bachmann, 2014-10-27 This volume is an inter disciplinary scholarly resource bringing together contributions from writers experienced academics and practitioners working in fields such as human rights humanitarian law public policy psychology cultural and peace studies and earth jurisprudence This collection of essays presents the most up to date knowledge and status of the field of transitional justice and also highlights the emerging debates in this area which are often overseen and underdeveloped in the literature The volume provides a wide coverage of the arguments relating to controversial issues emanating from different regions of the world The book is divided into four parts which groups different aspects of the problems and issues facing transitional justice as a field and its processes and mechanisms more specifically Part I concentrates on the traditional means and methods of dealing with past gross abuses of power and political violence In

this section the authors also expand and often challenge the ways that these processes and mechanisms are conceptualised and introduced Part II provides a forum for the contributors to share their first hand experiences of how traditional and customary mechanisms of achieving justice can be effectively utilised Part III includes a collection of essays which challenges existing transitional justice models and provides new lenses to examine the formal and traditional processes and mechanisms It aims to expose insufficiencies and some of the inherent practical and jurisprudential problems facing the field Finally Part IV looks to the future by examining what remedies can be available today for abuses of rights of the future generations and those who have no standing to claim their rights such as the environment

Truth Commissions and Procedural Fairness
Mark Freeman, 2006-08-14 This is the first law book devoted entirely to the subject of truth commissions The book sets forth standards of procedural fairness aimed at protecting the rights of those who come into contact with truth commissions primarily victims and their families witnesses and perpetrators The aim of the book is to provide recommended criteria of procedural fairness for five possible components of a truth commission s mandate the taking of statements the use of subpoenas the exercise of powers of search and seizure the holding of victim centered public hearings and the publication of findings of individual responsibility in a final report sometimes called the issue of naming names The book draws on the experience of past and present truth commissions analogous national and multilateral investigative bodies and international and comparative standards of procedural fairness

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