

1. Record Nr.	UNINA9910819442503321
Titolo	The role of courts in transitional justice : voices from Latin America and Spain // editors, Jessica Almqvist, Carlos Esposito
Pubbl/distr/stampa	Milton Park, Abingdon, Oxon ; ; New York : , : Routledge, , 2012 ©2012
ISBN	1-136-57926-5 0-203-15502-5
Edizione	[1st ed.]
Descrizione fisica	1 online resource (x, 320 pages)
Classificazione	LAW000000LAW026000LAW051000
Altri autori (Persone)	AlmqvistJessica EspositoCarlos D
Disciplina	347.8
Soggetti	Transitional justice - Latin America Justice, Administration of - Latin America Courts - Latin America Transitional justice - Spain Justice, Administration of - Spain Courts - Spain International criminal law
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Description based upon print version of record.
Nota di bibliografia	Includes bibliographical references and index.
Nota di contenuto	Contents -- Acknowledgements -- Notes on contributors -- 1 Introduction -- 2 Recollections of the international adjudication of massacre cases: its relevance for transitional justice and beyond -- 3 The progressive development of the international law of transitional justice: the role of the Inter-American system -- 4 The possibility of criminal justice: the Argentinean experience -- 5 Chilean transitional justice and the legacy of the de facto regime -- 6 Spain as an example of total oblivion with partial rehabilitation -- 7 The challenges posed to the recent investigation of crimes committed during the Spanish Civil War and Francoism -- 8 Responding to human rights violations committed during the internal armed conflict in Peru: the limits and advances of Peruvian criminal justice -- 9 Many roads to justice: transnational prosecutions and international support for criminal

investigations in post-conflict Guatemala -- 10 The criminal investigation and its relationship to jurisdiction, extradition, co-operation and criminal policy -- 11 Colombia as a sui generis case -- 12 Restoring civic confidence through transitional justice -- 13 The International Criminal Court: possible contributions of the Rome Statute to judicial processes in transitional societies -- 14 Conclusion -- Index.

Sommario/riassunto

"This book examines the role of courts in times of transition. The book focuses on judicial experiences from the Iberoamerican region, in particular Argentina, Chile, Colombia, Spain and Guatemala, exploring the extent to which national courts have been able to shoulder the task of investigating and prosecuting grave crimes such as genocide, crimes against humanity and war crimes, committed in the context of a previous repressive rule or current conflict. The volume contains contributions from judges, prosecutors, and scholarly experts in the region. It offers first-hand experiences and expert findings on crucial issues surrounding the role of the courts including: balancing principles of justice and fundamental concerns about legality and non-retroactivity; security problems facing courts in conflict situations; the immense case load; the role of regional and international courts in aiding their national counterparts; and the cooperation between different and overlapping jurisdictional competences. The book also draws attention to the way in which regional and international courts have come to contribute to the initiation of national judicial processes, above all, through international standard-setting and pressure. It goes on to articulate a philosophical critique of the dominant understandings of transitional justice because it has not paid sufficient attention to criminal justice. In this context, the volume outlines an alternative conceptualisation that seems better equipped to both explain the recent developments towards the 'judicialization' of transitional justice politics while, at the same time, also insisting on the continued need for caution and critical reflection on the role of courts in times of transition"--Provided by publisher
