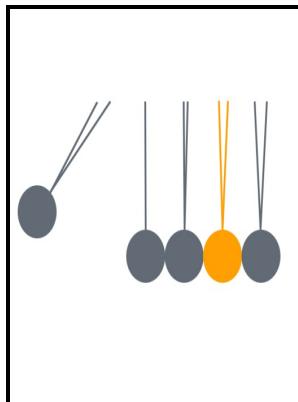


Fictions of justice - the ICC and the challenge of legal pluralism in Sub-Saharan Africa

Cambridge University Press - Fictions of Justice



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And while legal pluralism, as a way to deal with judicial difference, has been heralded by scholars as having the answer to the diversity of justice approaches that emerge from the fall out of such violence, the question before us is not simply that of judicial diversity.

Fictions of Justice : Kamari Maxine Clarke : 9780521717793

The indictment that led to the release of arrest warrants followed the widespread massacre of thousands of Croatians as a result of what was believed to be a Serbian ethnic-cleansing campaign.

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It emerged against the historical backdrop of the recently independent states in Africa and Latin America and the emergent states of Asia, as well as a range of justice-making projects that include nonjudicial truth and reconciliation commissions, reconfigurations of traditional justice mechanisms, and other international criminal tribunals and courts. But what is important is that this articulation of criminal responsibility in the defence of the victim has had the opposite of its intended effect by producing what Jacques Ranciere 2004 has called disembodied political subjects that allow agency to be reassigned to the institutionally powerful in their name. Specific facts can and often do drastically change legal results.

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The international law movement claims this hyperbolized victim as its beneficiary, and relies on the victim as the source of its legitimacy. Thomas Lubanga Dyilo when it was determined that it was not possible to secure a fair trial. From March 24 to June 10, 1999, NATO forces carried out a bombing campaign against the FRY.

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She highlights the fact that the first case to come before the ICC involved child soldiers, and she accuses the international movement of likening Africa to a child soldier: immature, tragically exploited, guilty of the unthinkable, but simultaneously absolved of that guilt through the denial of moral agency. Other international courts have included the Special Court for Sierra Leone SCSL; known as a hybrid court that functions independently using international treaty provisions , the Iraqi Special Tribunal for crimes against humanity, 7 and the recently established Extraordinary Chambers in the Courts of Cambodia ECCC, 2006. Excerpt INTRODUCTION: THE RULE OF LAW AND ITS IMBRICATIONS — JUSTICE IN THE MAKING PROLOGUE: THE INTERNATIONAL CRIMINAL COURT AND THE DEMOCRATIC REPUBLIC OF THE CONGO In November 2006, the International Criminal Court ICC — in pursuit of the quest for justice — began its first-ever hearing before the Pre-Trial Chamber.

International Criminal Court and Legal Pluralism in Africa

Your email address will not be published. As a political project, international justice regimes have succeeded in laying the foundations for this illusion of justice.

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