

S5w5dqs

[History](#)



**ASSIGN
BUSTER**

S5W5DQs Insert Insert Grade Insert Relative strengths and weaknesses of domestic, international and supranational institutions in prosecuting war criminals

There have been numerous conflicts in the world today and therefore with increasing resolution efforts there have been various mechanisms of tackling the problem faced by post war nations. As a result, the international and local communities have continually pushed for the formation of war crime trials, truth commissions and amnesty laws.

In as much as it is upon the domestic, international and supranational institutions to prosecute war crimes, efforts to do so are always hampered by the ruthless and tyrannical masters of impunity who in most cases happen to be political leaders or international interest groups. As a result, it is likely that the truth will be either unrevealed or distorted as indicated by Roth (2011), in the recount of the Yugoslav and Rwandan tribunals.

However, with the promise of fairness and legal immunity, most of the institutions like the truth justice and reconciliation commission that was first employed in South Africa have been able to unearth the truth because of the number of people that come forward to testify. In such cases, such institutions have helped to promote reconciliation because it is clear that it is only through allowing people to freely narrate their experiences that healing between communities has been effective in post war regions (Norwich University, 2007).

Another major challenge, which faces domestic legal institutions, is that at times they lack the peoples trust and confidence hence not a good alternative for carrying out legal processes. This may be because they lack the powers to prosecute people against the wish of those who might be

yearning for justice to prevail. In some instances, institutions like the ICC have only prosecuted individuals bearing the greatest responsibility that might leave most of the perpetrators still roaming in the streets.

2. Extent of indispensability in reconciliation between perpetrators and victims of atrocities by the use of international systems

The various tribunals, truth commissions and amnesty laws have been effective in the healing of communities in post war nations even though sometimes there have been difficulties because of the way the victims on one hand and the perpetrators on the other have responded to such institutions.

First, some of the institutions like the truth and reconciliation commissions have been seen as helpless in bringing the guilty to book. The main work of that commission is to find out the historical injustices that may in turn open up new wounds that may result in counteraccusations. The two warring sides may therefore start to view each other suspiciously. Tepperman (2002) further indicates this by stating the way such efforts have resulted in limited number and extent to which such issues have been resolved.

Secondly, the institutions may be faced with constraints in terms of financial and logistical inadequacies. As indicated by Dickinson (2003), the East Timor hybrid court for instance was faced with such inadequacies. There was inadequate staff and funding leading to a limited number of cases that could be handled by the court. Moreover, such institutions have been faced by interference from both local and international individuals that might be directly or indirectly involved in the process of reconciliation or ensuring that justice is served to the victims. For instance, the Guatemalan truth commission's findings were shelved because of the leadership of the country

<https://assignbuster.com/s5w5dqs/>

that was highly influenced by past perpetrators (Tepperman, 2002).

In conclusion, it is essential that the international institutions continue to be established even though their operations should be credible and well funded to avoid failures.

References

Dickinson, L. (2003). The Promise of Hybrid Courts. *The American Journal of International Law*, Vol. 97, No. 2 (Apr., 2003), pp. 295-310.

Norwich University (2007). Master of Diplomacy Lecture Notes. Seminar 5: Conflict Resolution and Post-Conflict Reconstruction in the International System.

Roth, K. (2011). The Case for Universal Jurisdiction. *Foreign Affairs*, Vol. 80. no 5 pp150-154.

Tepperman, J. (2002). Truth and Consequences. *Foreign Affairs*, 81(2): 128-145.