

# **Peace versus Justice?**

## **The Dilemma of Transitional Justice in Africa**

*Edited by Chandra Lekha Sriram and Suren Pillay*



UNIVERSITY OF KWAZULU-NATAL PRESS

# Contents

Abbreviations .....	ix
Acknowledgments .....	xii
Introduction	
Transitional Justice and Peacebuilding .....	1
<i>Chandra Lekha Sriram</i>	
 PART I PEACE AND JUSTICE IN AFRICA .....	19
1 The Politics of Transitional Justice .....	21
<i>Yasmin Louise Sooka</i>	
2 Inclusive Justice: The Limitations of Trial Justice and Truth Commissions .....	44
<i>Charles Villa-Vicencio</i>	
3 Prosecute or Pardon? Between Truth Commissions and War Crimes Trials .....	69
<i>Kingsley Chiedu Moghalu</i>	
4 Gender and Truth and Reconciliation Commissions: Comparative Reflections .....	96
<i>Sheila Meintjes</i>	
5 Transitional Justice, Democratisation and the Rule of Law .....	113
<i>Mireille Affa'a Mindzie</i>	

PART II	TRUTH AND RECONCILIATION PROCESSES.....	135
6	South Africa's Truth and Reconciliation Commission from a Global Perspective.....	137
	<i>Alex Boraine</i>	
7	Reflecting on the Sierra Leone Truth and Reconciliation Commission: A Peacebuilding Perspective .....	153
	<i>Thelma Ekiyor</i>	
8	Peace versus Justice? A View from Nigeria .....	171
	<i>Matthew Kukah</i>	
9	A Path to Peace and Justice: Ghana's National Reconciliation Commission in Retrospect .....	187
	<i>Kenneth Agyemang Attafuah</i>	
10	Peace and Justice: Mozambique and Sierra Leone Compared .....	202
	<i>John L. Hirsch</i>	
PART III	WAR CRIMES TRIBUNALS .....	221
11	Sierra Leone's 'not-so' Special Court .....	223
	<i>Abdul Tejan-Cole</i>	
12	Charles Taylor, the Special Court for Sierra Leone and International Politics.....	248
	<i>Abdul Rahman Lamin</i>	
13	The International Criminal Tribunal for Rwanda: Reconciling the Acquitted .....	262
	<i>Wambui Mwangi</i>	
PART IV	INDIGENOUS JUSTICE .....	275
14	The Politics of Peace, Justice and Healing in Post-war Mozambique: 'Practices of Rupture' by <i>Magamba</i> Spirits and Healers in Gorongosa .....	277
	<i>Victor Igreja</i>	

15	Indigenous Justice or Political Instrument? The Modern <i>Gacaca</i> Courts of Rwanda.....	301
	<i>Helen Scanlon and Nompumelelo Motlafi</i>	
PART V THE INTERNATIONAL CRIMINAL COURT: PROBLEMS AND PROSPECTS .....		
		315
16	The International Criminal Court Africa Experiment: The Central African Republic, Darfur, Northern Uganda and the Democratic Republic of the Congo .....	317
	<i>Chandra Lekha Sriram</i>	
17	The International Criminal Court in Darfur.....	331
	<i>Dumisa Buhle Ntsebeza</i>	
Conclusion.....		347
	<i>Suren Pillay</i>	
Contributors.....		358
Index.....		365