

International responses to political violence in democracies



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Political violence

Political violence is violence perpetrated by state agencies or non-state actors to achieve political goals.

Varieties of political violence in democracies:

- Violent confrontations (anti-government demonstrations, riots)
- Violence related to the democratic process (electoral violence)
- Violence related to attempts to subvert the democratic process (irregular government change, regime change)



The United Nations definition

“The notion of ‘transitional justice’ discussed in the present report comprises the full range of processes and mechanisms associated with a society’s attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation. These may include both judicial and non-judicial mechanisms, with differing levels of international involvement (or none at all) and individual prosecutions, reparations, truth-seeking, institutional reform, vetting and dismissals, or a combination thereof.”

(UN Security Council 2004)

Expansion of transitional justice I

Transition	From authoritarian rule to democracy	From (civil) war to peace
Abuses	Repression under dictatorship	Mass atrocities during conflict
Objectives	Democracy, rule of law	Peace, stability
	Human rights accountability and protection	
Actors	Domestic elites (→ bargaining between new and old elites), NGOs/civil society	Domestic actors, international community, international NGOs
Mechanisms	Domestic trials, truth commissions, reparations	International tribunals, internationally sponsored truth commissions

Expansion of transitional justice II

Transitional justice in non-transitions

- Transitional justice in deeply conflicted societies
 - Political violence in unstable democracies
 - Ongoing conflicts
- Transitional justice in consolidated democracies
 - Post-transitional justice
 - Addressing historical injustice
 - Responsibility of powerful states
 - Responsibility of private actors

In between democratization and peacebuilding

Non-transition	Political violence in unstable democracies	
Abuses	Exceptional levels of violence in political contestation	
Objectives	Democracy, rule of law	Peace, stability
	Human rights accountability and protection	
Actors	Domestic elites (→ continuity), NGOs/civil society International community, international NGOs	
Mechanisms	Different sequence of domestic and/or international → Complementarity	

The International Criminal Court



History:

- International Criminal Court Statute signed in Rome on 17 July 1998 (120 states in favor, seven against – USA, China, Libya, Iraq, Israel, Qatar, Yemen -, 21 abstained)
- ICC Statute entered into force on 1 July 2002 after 60th ratification

Crimes within the jurisdiction of the ICC (Article 5 Rome Statute):

- (a) Crime of genocide
- (b) Crimes against humanity
- (c) War crimes
- (d) Crime of aggression

The ICC and political violence

	Preliminary examinations	Situations under investigation
Violent confrontations	Ukraine (2014) Venezuela (2002-)* Venezuela (2017-)	
Electoral violence	Gabon 2016*	Kenya (2007/08) Côte d'Ivoire (2010/11)
Irregular government change	Honduras 2009*	

* Closed (Decision not to proceed)

Difficulties regarding impact

Objectives	Conflicting objectives	<ul style="list-style-type: none"> • Human rights accountability vs. root causes of conflict • Prosecute and punish vs. forgive and forget • Peace vs. justice
Actors	Domestic elites	<ul style="list-style-type: none"> • Questionable commitment • Biased usage, instrumentalization
	International actors	<p>Ambiguities of international involvement:</p> <ul style="list-style-type: none"> + Overcoming domestic inaction, international leverage, impartiality, due process - Distance, limited mandate and capacities, danger of polarization and nationalist backlash
	External-domestic interactions	<ul style="list-style-type: none"> • ICC involvement shaping domestic responses • Domestic resistance and backlash
Mechanisms	Judicial vs. non-judicial	<ul style="list-style-type: none"> • Deterrence? • Accountability vs. political reform
	ICC	<ul style="list-style-type: none"> • Proportionality • Selectivity