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# Violence and Peace

Confronting Impunity in the 21st Century

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# Introduction and summary

One of the most profound developments in international affairs since the end of the Cold War has been the rise of a global accountability movement that seeks to hold political authorities responsible for abuses inflicted on their own citizens and those of neighboring countries.<sup>1</sup> During the decades between the Nuremberg and Tokyo War Crimes tribunals of the late 1940s and the collapse of the Soviet Union, the world's great powers demonstrated little interest in establishing international justice mechanisms to redress gross human rights abuses.<sup>2</sup> That changed in 1993, however, when the United Nations passed a resolution establishing the International Criminal Tribunal for the former Yugoslavia, or ICTY.<sup>3</sup> The decade that followed saw the creation of supranational tribunals to try the perpetrators of atrocities in Rwanda, Sierra Leone, East Timor, and Cambodia, and also the founding of an International Criminal Court, or ICC, whose jurisdiction has been recognized by more than 120 nations.<sup>4</sup> The purpose of these institutions was to end impunity—that is, the absence of criminal liability—in countries where political and military authorities had committed horrific violence against civilians.

It is hard to overstate the remarkable pace with which accountability norms have taken hold in the international system. What in 1991 was a glimmer in the eye of human rights advocates evolved in a matter of years into a pillar of the international order.<sup>5</sup> Today, most governments and international institutions support the use of supranational tribunals as a means of redressing wartime atrocities. Even constituencies that are openly hostile to the ICC are often willing to support other forms of international criminal justice. In March 2016, for example, all but two Republican members of the U.S. House of Representatives joined a majority of Democrats to pass a resolution advocating for the establishment of a U.N. tribunal to try war crimes in Syria.<sup>6</sup>

As the ICC nears its third decade, it is worth reflecting on whether the prevailing understanding of impunity needs refreshing. The global accountability movement has achieved some remarkable successes, not least among them being the conviction of many of the key figures behind the massacres in Bosnia and Rwanda in the mid-1990s.<sup>7</sup> Yet it remains an open question whether the movement's focus on historical instances of politically motivated violence has significantly advanced the broader goals of ending human suffering and creating inclusive and peaceful societies. Such a focus has neglected more subtle—but no less devastating—failures of justice rooted in the pernicious intersection of organized crime, weak governance, and political corruption. This second type of impunity does not arise from military conflict or political struggle, but rather from economic interests—that is, from the ruthless pursuit of illicit wealth by means of exploitation, enslavement, and terror. Such economically rooted impunity brings misery and death to thousands of innocent people each year, yet it is frequently overlooked because it occurs outside of the arenas of interstate war, political revolution, and armed insurgency.

This report examines why and how the international community—and especially the United States—should invest far more than it currently does in the fight against economically rooted impunity. It contends that there is little basis, either from the perspective of preserving human rights or protecting national security, for treating crimes committed in peace differently than those committed during war or under the banner of ideology. Finally, the report advocates for direct international intervention into impunity-plagued countries to expose and hold accountable the public officials and organized crime groups who profit from systemic human rights abuses.

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