

## Hard Cases: A Little Justice, A Little Peace, and Some Dose of Impunity

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The outgoing regime of states under authoritarian rule or states under situations of armed conflict often leaves behind a wake of human rights violations. The duties of stabilizing the nation, and of giving justice to the victims are left to the successor government. Unfortunately, successor governments often do not have the capacity to adequately address both duties. Thus, it has the burden to choose which duty to prioritize — stabilize the country and achieve peace, or prosecute the human rights violators.

This Article discusses the method by which the successor government can achieve both objectives — via the granting of amnesty to the human rights violators. The Article describes amnesty as a transitional justice measure that can both help stabilize the state, and give justice to the victims.

However, there are those who believe otherwise. As discussed in the Article, human rights are akin to property rights, thus, the state does not have the capacity to bargain them away. The proponents of this view states that the grant of amnesty ignores the rights of the victims and undercut the values of the community.

On the other hand, others view it from the perspective of the situation. Successor governments may not have the capacity to fully comply with the duty to prosecute past crimes because of various reasons. Thus, amnesty can be a viable option to carve out peace, and in order to facilitate the transition from the old regime to the successor government.

Ultimately, the Article will also discuss an alternative view comprising of a mix of different transitional justice measures such as principled selective trial, partial amnesty, and truth commissions. The Article will discuss how such alternative method can both achieve peace throughout out the state, and at the same time, give justice to the victims.