

OPEN PEER REVIEW

Transitional Justice in Post-Conflict States: Analyzing the Efficacy of Hybrid Courts Through a Political-Legal Lens

Lukas. Reinhardt¹*, Katarzyna. Lewandowska², Nikos. Papadakis³

¹ Institute of Political Science, Humboldt University of Berlin, Berlin, Germany

² Faculty of Law and Administration, University of Warsaw, Warsaw, Poland

³ Department of Public Law, National and Kapodistrian University of Athens, Athens, Greece

* Corresponding author email address: lukas.reinhardt@hu-berlin.de

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EDITOR:

Ghasem Eftekhari

Associate Professor, Department of Political Science, University of Tehran, Tehran, Iran. Email: eftekhari@ut.ac.ir

REVIEWER 1:

Sandeep Kotwal

Knowledge Management Division, National Health Systems Resource Centre, Ministry of Health and Family Welfare, New Delhi, India. Email: sandkotwal@gmail.com

REVIEWER 2:

Kaushalya Koralage

Assistant Lecturer in Sociology at University of Colombo, Colombo, Sri Lanka. Email: koralage@iouc.cmb.ac.lk

1. Round 1

1.1. Reviewer 1

Reviewer:

The sentence “Their emergence reflects a practical and political compromise...” could benefit from greater specificity. Please elaborate on which contexts or negotiations best illustrate this compromise and how the balance has varied across different hybrid court examples.

The claim that “its proceedings have been overshadowed by accusations of bias...” should include references or examples (e.g., political reactions from Hezbollah or Lebanese civil society) to support the assertion.

The discussion of the AU’s stance on immunity (linked to Ani, 2018) is compelling but tangential. Consider aligning this better with the article’s main cases or drawing clearer parallels.

The statement “They have established important legal precedents...” is too general. Cite specific legal precedents or doctrinal contributions (e.g., joint criminal enterprise, use of in absentia trials) to ground the claim.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

The quote “This review is particularly relevant given the growing interest in hybrid mechanisms...” introduces the COVID-19 pandemic and remote justice technologies briefly. This is a valuable observation but requires elaboration. Consider adding a few lines on how specific courts adapted (or failed to adapt) to remote formats.

The sentence “The term reflects both structural hybridity and normative hybridity...” is analytically rich, but examples of each type (perhaps briefly from the four main cases) would clarify the distinction and ground the conceptual discussion.

In the discussion of restorative and retributive justice, the sentence “Hybrid courts often embody elements of both approaches...” would benefit from brief examples that illustrate this duality in actual court practices (e.g., SCSL's victim outreach programs vs. prosecutorial focus).

The sentence “The political context has been fraught...” needs to be unpacked. Identify specific events or statements from Kosovar leaders to illustrate the resistance and how it has shaped public perception.

The sentence “Although the STL functioned under the banner of international law...” needs more balance. Acknowledge the STL's legal contributions (if any), even if they were limited, to avoid appearing dismissive.

The phrase “such interference not only delays justice but also leads to selective prosecutions...” would benefit from empirical evidence—e.g., cases that were dropped or delayed at the ECCC due to political pressure.

The idea that “Legal outcomes can also produce political consequences...” is promising but needs development. Include examples of how public opinion, electoral outcomes, or diplomatic relations were shaped by court decisions.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor's decision: Accepted.

Editor in Chief's decision: Accepted.