

Migration and the Demand for Transnational Justice

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Domestic courts sometimes prosecute foreign nationals for severe crimes—such as crimes against humanity, genocide, torture, and war crimes—that are committed on foreign territory against foreign nationals. What factors explain such cases? We argue that transnational justice is driven fundamentally by the political economy of migration. The movement of people across borders, as both economic migrants and refugees, exerts pressure on local governments to conduct criminal investigations and trials for crimes that occurred in other states, by and against foreign nationals. The legacy of colonialism can have an indirect effect by shaping migration decisions and the location of diaspora communities. However, the underlying driver of transnational justice is migration.