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## Transitional Justice and Civil War: Exploring New Pathways, Challenging Old Guideposts

Andrew G. Reiter

*Mount Holyoke College*, areiter@mtholyoke.edu

Tricia D. Olsen

*University of Denver's Daniels College of Business*, tricia.olsen@du.edu

Leigh A. Payne

*Univeristy of Oxford*, leigh.payne@sant.ox.ac.uk

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**Transitional Justice and Civil War:  
Exploring New Pathways, Challenging Old Guideposts<sup>1</sup>**

Andrew G. Reiter, Mount Holyoke College,  
Department of Politics  
areiter@mtholyoke.edu

and

Tricia D. Olsen,  
University of Denver's Daniels College of Business,  
Department of Business Ethics and Legal Studies  
tricia.olsen@du.edu

and

Leigh A. Payne, University of Oxford,  
Departments of Sociology and Latin American Studies  
leigh.payne@sant.ox.ac.uk

**Abstract**

Transitional justice has shifted from its primary use in addressing past atrocities of authoritarian regimes to those acts of violence committed during civil wars. Yet the use of transitional justice mechanisms in this new context is not well understood. Drawing from the existing transitional justice literature, this article generates a set of testable hypotheses to explore which factors influence the use of particular mechanisms during and after conflict. It then tests those hypotheses in 151 cases of civil war by using a cross-national data base of all countries in the world and their adoption of transitional justice

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<sup>1</sup> The authors would like to thank the two anonymous reviewers for their helpful comments on the manuscript; but any errors are of course our own.

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processes from 1970-2007. This article further provides a preliminary analysis of the success of those mechanisms in obtaining and securing peace. The article concludes that amnesties remain more prevalent than trials during and after conflict, particularly in Africa and Asia. During conflict, higher death tolls are associated with the use of trials and amnesties, and longer wars with the use of all types of mechanisms. After conflict ends, however, longer wars and higher death tolls are associated with accountability, and the presence of international peacekeepers is associated with all types of mechanisms. Finally, we find that transitional justice—regardless of the particular form it takes—does not jeopardize the peace process, and that amnesties may be an effective tool to help end conflict.

### **Introduction**

Transitional justice—the set of processes designed to respond to past human rights violations—has traditionally focused on political transitions from authoritarian rule to democracy.<sup>2</sup> Yet in the past two decades international and domestic actors have adapted those mechanisms to the context of civil war. The United Nations ad hoc tribunals to address ethno-nationalist conflict in Yugoslavia and genocide in Rwanda, and hybrid courts to confront secessionist struggles in East Timor illustrate this shift. Domestic truth commissions have also responded to ongoing civil wars (e.g., Colombia) and to the aftermath of war (e.g., Liberia).

This shift toward the use of transitional justice in the context of civil war will likely endure. After all, the number of post-authoritarian settings has begun to wane. Most countries of the third wave of democratization and the relatively short but explosive fourth wave of democratization have already adopted transitional justice processes. Fewer authoritarian state transitions demanding transitional justice occur today. In

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<sup>2</sup> Ruti Teitel, “Transitional Justice Genealogy,” *Harvard Human Rights Journal* 16 (2003): 69-94.

contrast, civil wars continue to proliferate around the world, offering new opportunities for transitional justice. Secessionist movements and ethnic tensions challenge the territorial integrity of newly independent states in Central Asia and the Balkans. Ongoing conflicts in Africa, as Sudan and the Democratic Republic of the Congo illustrate, demand resolution. Civil war violence also has spillover effects, extending the conflict into neighboring countries. In addition, heinous abuses, such as sexual and reproductive violence, forced conscription of children, and genocide provoke international moral outrage and a corresponding global demand for effective solutions.

Transitional justice has offered a potential solution to these ongoing problems. It seeks to play a key role in the resolution of, and recovery from, civil war, and it will likely continue to do so. Yet civil war contexts present particular challenges for transitional justice. The magnitude of violent abuses render any attempt to address the past difficult, but the higher number of abuses associated with civil wars exacerbate those difficulties. Estimates range from over five million civil war deaths since World War II<sup>3</sup> to more than 16 million.<sup>4</sup> In addition, while authoritarian regime transitions tend to involve abuses by one set of actors, war tends to involve complicity on both sides. Rather than a clearly demarcated transition, moreover, both sides of the conflict in civil wars retain the potential to remobilize violently against transitional justice decisions that threaten their interests. An additional challenge involves ongoing violence. In transitions from authoritarian rule, new democratic governments tend to implement transitional justice. In civil war contexts, these mechanisms

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<sup>3</sup> Bethany Lacina, "Explaining the Severity of Civil Wars," *Journal of Conflict Resolution* 50 (2006): 276-289; Bethany Lacina and Nils P. Gleditsch, "Monitoring Trends in Global Combat: A New Dataset of Battle Deaths," *European Journal of Population* 21 (2005): 145-166.

<sup>4</sup> James D. Fearon and David Laitin, "Ethnicity, Insurgency, and Civil War," *American Political Science Review* 97 (2003): 75-90.

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sometimes occur as a mechanism for ending violence. Transitional justice provides a new tool in the effort to bring peace: a truth commission to acknowledge and reconcile war atrocities; an amnesty to promote disarmament; or trials to punish and deter certain violent acts.

Despite strong evidence of a shift in the use of transitional justice toward civil wars, little empirical research analyzes its use or its impact in this new context. This article does so. It explores which transitional justice mechanisms countries adopt during and after civil war. It further analyzes the factors that shape particular choices. It also provides a preliminary reflection on transitional justice's success in establishing and maintaining peace. To accomplish these tasks the article draws on the Transitional Justice Data Base (TJDB), a cross-national data base of all countries in the world and their adoption of transitional justice processes between 1970 and 2007.<sup>5</sup> While the dataset includes information on reparations and lustration/vetting programs, this article focuses on the adoption of three main transitional justice mechanisms—trials, truth commissions, and amnesties—in 151 cases of civil war in 91 countries. These three mechanisms are at the center of the theoretical debates regarding transitional justice and are those for which the most comprehensive data was collected. Using empirical analysis to assess the adoption of transitional justice processes to civil war contexts offers a first critical step in establishing where and how transitional justice might bring peace to worn-torn countries.

### **Transitional justice and civil war**

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<sup>5</sup> For more information about the coding of mechanisms and the construction of the dataset see: Tricia D. Olsen, Leigh A. Payne, and Andrew G. Reiter, *Transitional Justice in Balance: Comparing Processes, Weighing Efficacy* (Washington, DC: United States Institute of Peace Press, 2010); Tricia D. Olsen, Leigh A. Payne, and Andrew G. Reiter, "Transitional Justice in the World, 1970-2007: Insights from a New Dataset," *Journal of Peace Research* 47 (2010): 803-809. The data are available here: <http://www.tjdbproject.com/>

Some scholars recommend a new “post-conflict justice” term to reflect the civil war context that transitional justice mechanisms increasingly address.<sup>6</sup> The International Center for Transitional Justice (ICTJ) continues to use the old term, but has redefined it. To its previous definition of transitional justice, the ICTJ adds “recognition for the victims and [the promotion of] possibilities for peace, reconciliation, and democracy” to its older definition of transitional justice as “a response to systematic or widespread violations of human rights.”<sup>7</sup> The shift might also constitute a fourth phase of Ruti Teitel’s three-phase transitional justice genealogy.<sup>8</sup> It could become part of the “new landscape of transitional justice” that Naomi Roht-Arriaza identifies.<sup>9</sup> Extending transitional justice to new civil war contexts might further confirm the diffusion of a global accountability norm and set of models embodied in the “justice cascade”<sup>10</sup> and “justice revolution”<sup>11</sup> concepts.

A debate over the particular mechanisms appropriate to the civil war context has accompanied the shift. Some studies promote amnesty as a mechanism to ensure peace.<sup>12</sup> These

<sup>6</sup> M. Bassiouni, Cherif, ed., *Post-Conflict Justice* (Ardsley: Transnational, 2002).

<sup>7</sup> International Center for Transitional Justice, “What is Transitional Justice?” <http://www.ictj.org>.

<sup>8</sup> Ruti Teitel, *Transitional Justice* (New York: Oxford University Press, 2000).

<sup>9</sup> Naomi Roht-Arriaza and Javier Mariezcurrena, eds., *Transitional Justice in the Twenty-First Century: Beyond Truth versus Justice* (New York: Cambridge University Press, 2006).

<sup>10</sup> Kathryn Sikkink, *The Justice Cascade: How human rights prosecutions are changing world politics* (New York: W.W. Norton & Company, 2011); Ellen Lutz and Kathryn Sikkink, “The Justice Cascade: The Evolution and Impact of Foreign Human Rights Trials in Latin America,” *Chicago Journal of International Law* 2 (2001): 1-33; Kathryn Sikkink and Carrie Booth Walling, “The Impact of Human Rights Trials in Latin America,” *Journal of Peace Research* 44 (2007): 427-445.

<sup>11</sup> Chandra Lekha Sriram, *Globalizing Justice for Mass Atrocities: A Revolution in Accountability* (New York: Routledge, 2005).

<sup>12</sup> E.g. Tonya Putnam, “Human Rights and Sustainable Peace,” in *Ending Civil Wars: The Implementation of Peace Agreements*, eds. Stephen John Stedman,

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scholars warn against the danger of accountability measures, such as trials or truth commissions, to post-conflict situations. They view them as provoking spoilers, who would undermine the peace process by using violence to threaten, destabilize, or even topple the current regime and heighten or recommence the conflict.<sup>13</sup> Accountability mechanisms may also backfire and stimulate, rather than deter, violence if actors view them as victor's justice or if they open old wounds between former warring enemies.<sup>14</sup> Assurances of amnesty, on the other hand, may encourage potential spoilers to accept compromise and share power in the new political system.<sup>15</sup> Peace agreements that include amnesty can thus "mark a clear turning point between the conflict-ridden and impunity-plagued climate of the past and a new, much more peaceable social climate."<sup>16</sup> The failure to use amnesties, in contrast, could prolong violence and forestall peace and stability. While these scholars often note the importance of justice following atrocity, in some cases, amnesties may be a "necessary evil."<sup>17</sup>

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Donald Rothchild, and Elizabeth M. Cousens (Boulder: Lynne Rienner Publishers, 2002), 237-272.

<sup>13</sup> Stephen John Stedman, "Spoiler Problems in Peace Processes," *International Security* 22 (1997): 5-53.

<sup>14</sup> William J. Long and Peter Brecke, *War and Reconciliation: Reason and Emotions in Conflict Resolution* (Cambridge: MIT Press, 2003); Tom Hadden, "Punishment, Amnesty and Truth: Legal and Political Approaches," in *Democracy and Ethnic Conflict: Advancing Peace in Deeply Divided Societies*, ed. Adrian Guelke (New York: Palgrave Macmillan, 2004), 196-217.

<sup>15</sup> Jack Snyder and Leslie Vinjamuri, "Trials and Errors: Principle and Pragmatism in Strategies of International Justice," *International Security* 28 (2003): 5-44; Helena Cobban, "Thinking Again: International Courts," *Foreign Policy* 153 (2006): 22-28.

<sup>16</sup> Helena Cobban, *Amnesty After Atrocity? Healing Nations After Genocide and War Crimes* (Boulder: Paradigm Publishers, 2007), 199.

<sup>17</sup> Mark Freeman, *Necessary Evils: Amnesties and the Search for Justice* (New York: Cambridge University Press, 2009).

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A different set of scholars view amnesties as a threat to peace.<sup>18</sup> The failure to address past abuses, they argue, leads to cycles of retributive violence<sup>19</sup> or vigilante justice.<sup>20</sup> Trials and truth commissions, on the other hand, provide the means to reconcile past civil violence and build the foundation for lasting peace.

This debate over amnesty and accountability echoes an earlier debate in the democratic transitions literature over the trade-offs between justice and stability in the post-authoritarian context.<sup>21</sup> Scholars have contemplated whether authoritarian regime factors or characteristics associated with the transition process influence countries' transitional justice choices. In civil war contexts, we derived a similar set of possible explanatory factors: the nature of the conflict itself (i.e., the severity of the violence, the source of incompatibility, the duration, and the degree of international intervention) and the type of conflict termination. The discussion of these factors generates a set of specific, testable hypotheses that seek to explain how and when countries adopt transitional justice in civil war contexts.

### *Conflict severity*

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<sup>18</sup> Tove Grete Lie, Helga Malmin Binningsbø, and Scott Gates, "Postconflict Justice and Sustainable Peace," Post-conflict Transitions Working Paper No. 5, World Bank Policy Research Working Paper 4191 (2007).

<sup>19</sup> Donna Pankhurst, "Issues of Justice and Reconciliation in Complex Political Emergencies: Conceptualizing Reconciliation, Justice and Peace," *Third World Quarterly* 20 (1999): 239-256; Richard J. Goldstone, "Exposing Human Rights Abuses – A Help or Hindrance to Reconciliation?" *Hastings Constitutional Law Quarterly* 22 (1995): 607-621.

<sup>20</sup> Gary J. Bass, *Stay the Hand of Vengeance: The Politics of War Crimes Tribunals* (Princeton: Princeton University Press, 2000); Jon Elster, *Closing the Books: Transitional Justice in Historical Perspective* (Cambridge: Cambridge University Press, 2004).

<sup>21</sup> For a review of this debate see chapter 1 in Olsen, Payne, and Reiter, *Transitional Justice in Balance*.



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Scholars of authoritarian transitions consider the level of repression to play a critical role in transitional justice choices. They expect, for example, that a higher number of abuses will increase the likelihood that the state will adopt transitional justice mechanisms, specifically trials or truth commissions.<sup>22</sup> The explanation behind such choices depends in part on the role that high levels of atrocities play in mobilizing domestic demand for accountability among victim and survivor groups. High levels of violations of human rights will also likely increase international attention to abuses and pressure on the state to hold perpetrators of that violence accountable.

Similar to authoritarian state repression, violence varies across civil war cases. The range includes minor conflicts, in which a few dozen individuals die, to major wars resulting in the deaths of millions of civilians and hundreds of thousands of combatants on both sides. While the authoritarian literature focuses on the violation of individuals' human rights by state security forces, in the civil war context we examine violence resulting from conflict between state and non-state actors (rebels). To establish a measure of the severity of conflicts that allows for comparison across cases, we use battle deaths, defined as "deaths resulting directly from violence inflicted through the use of armed force by a party to an armed conflict during contested combat."<sup>23</sup> The assumptions in the authoritarian transitions literature would suggest that the greater the level of violence, the higher the demand for accountability. This should hold true during and after civil war, but the effect should

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<sup>22</sup> Luc Huyse, "Justice after Transition: On the Choices Successor Elites Making in Dealing with the Past," *Law and Social Inquiry* 20 (1995): 51-78; David Pion-Berlin, "To Prosecute or to Pardon? Human Rights Decisions in the Latin American Southern Cone," *Human Rights Quarterly* 15 (1993): 105-130; Carlos S. Nino, *Radical Evil on Trial* (New Haven: Yale University Press, 1996).

<sup>23</sup> Bethany Lacina, "Battle Deaths Dataset 1946-2005: Codebook for Version 2.0," Centre for the Study of Civil War, International Peace Research Institute, Oslo (2006).

be stronger following civil war when accountability mechanisms are easier to implement. Thus the following hypothesis emerges:

Hypothesis 1: Conflicts with more battle deaths are more likely to lead to trials and/or truth commissions, and are less likely to lead to amnesties.

### *Incompatibility*

The authoritarian transitions literature notes that certain types of authoritarian regimes limit the ability of a new democracy to pursue transitional justice. Those democracies emerging from military regimes face the reality that the military, as an institution, will continue to exist. Thus, the military, while formally stepping down from power, remains a key political actor and can significantly influence the transitional justice debate.<sup>24</sup> Likewise, certain conflicts greatly inhibit negotiation between political actors and shape transitional justice options. Scholars typically distinguish two types of civil war: those fought over control of the central government (revolutionary) and those fought over the control of territory (secessionist). In revolutionary wars, existing government forces confront one or more domestic rebel groups who attempt to capture the state. In these cases, the state would likely punish rebels during and after conflict to eliminate potential threats and deter future rebellions. If the rebel group succeeds in capturing the state, it would likely solidify its power by punishing former state leaders. In the scenario of revolutionary wars, therefore, neither amnesty nor truth commissions provide adequate punishment to make them attractive to either faction.

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<sup>24</sup> Carmen González-Enríquez, Paloma Aguilar, and Alexandra Barahona de Brito, "Conclusions," in *The Politics of Memory: Transitional Justice in Democratizing Societies*, Alexandra Barahona de Brito, Carmen González-Enríquez, and Paloma Aguilar, eds., (New York: Oxford University Press, 2001), 303-314

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In secessionist wars, on the other hand, two or more groups compete over the control of particular geographic regions. These wars do not challenge the existence of the current government, but rather its sovereignty over a particular territory. During these cases, the state may offer amnesties to breakaway forces in hopes of unifying and consolidating the country. If victorious in the conflict, the state will likely use amnesties to appease and incorporate former secessionist forces.

If the breakaway region were to succeed in separating from the state and establishing a new state, trials or truth commissions would seem unlikely. Extradition would be necessary for perpetrators of past crimes to stand trial in one of the two states. Yet the two countries would be unlikely to reach extradition agreements and perpetrators would avoid traveling to hostile territory. In addition, neither sovereign state would likely put its own combatants on trial for acts committed during these wars. A truth commission is also improbable due to the amount of cooperation needed between two states recently at war with one another. In sum:

Hypothesis 2: Revolutionary wars are more likely to lead to trials, while secessionist wars are more likely to lead to amnesties.

*Conflict duration*

Scholars identify duration of rule as a determining factor in transitional justice decisions following authoritarianism. They contend that the longer the prior authoritarian regime ruled, the greater the constraints on transitional justice.<sup>25</sup> Long-standing authoritarian regimes are often deeply-institutionalized. Authoritarian legacies thus linger beyond the transition, permeating political, social, and cultural life, and stymieing the emergence of independent judiciaries willing and able to challenge former regime leaders. In addition, after long periods

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<sup>25</sup> Ibid.

of authoritarian rule, civil society is often weak. These factors lead the new democratic government to accommodate, rather than confront, old authoritarian forces, pursuing strategies of amnesty rather than trials or truth commissions.

Conflict and post-conflict settings experience some parallels in terms of duration. Conflicts vary perhaps more dramatically than authoritarian regimes, ranging from single, violent events to decade-long wars. Long conflicts tend to lead to more cumulative abuses and a greater number of victims, motivating more domestic and international demand for accountability. Additional factors, however, may temper these demands. William Zartman refers to long intractable conflicts as “ripe for resolution” when peace appears more attractive to both sides than continued fighting.<sup>26</sup> Scholars argue that “ripeness” is particularly high in situations of military stalemate where both sides face a determined opponent and where the eventual victor is difficult to predict.<sup>27</sup>

Societies exhausted from long wars, therefore, may not risk peace by implementing potentially destabilizing prosecutions. We would expect states emerging from these conflicts to avoid the use of trials. Furthermore, lengthy wars likely involve a high number of individuals complicit in the abuses in some way, thus rendering the determination of which perpetrators to hold accountable infeasible and counterproductive. In such a scenario, states would likely select amnesties and truth commissions. Longer wars also typically

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<sup>26</sup> I. William Zartman, *Ripe for Resolution: Conflict and Intervention in Africa* (Oxford: Oxford University Press, 1989); Stephen John Stedman, *Peacemaking in Civil Wars* (Boulder: Lynne Rienner, 1991).

<sup>27</sup> George Modelski, “International Settlement of Internal War,” in *International Aspects of Civil Strife*, James Rosenau, ed. (Princeton: Princeton University Press, 1964): 122-153; I. William Zartman, “The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments,” in *Contemporary Peacemaking: Conflict, Violence and Peace Processes*, John Darby and Roger MacGinty, eds. (New York: Palgrave Macmillan, 2003): 19-29.

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indicate greater parity between the sides, making amnesties more likely. In addition, states may use truth commissions to attempt to reconstruct national history fragmented by violence. This situation leads to the following hypothesis:

Hypothesis 3: Conflicts of longer duration are more likely to lead to amnesties and/or truth commissions, and are less likely to lead to trials.

*International intervention*

The scholarship on authoritarian regime transitions assumes an integral role for international forces in determining transitional justice choices by countries addressing past human rights violations. This results from the expansion of international law, the work of IGOs and INGOs, the rise of international and hybrid courts, and the emergence of universal jurisdiction. Many scholars argue that countries face increasing pressure to hold perpetrators of human rights violations accountable for their acts. To date, however, few studies have measured, systematically and comparatively, the influence of international actors on state decision-making regarding transitional justice in war situations. Case study evidence suggests, however, that where international actors promote accountability, trials will occur.<sup>28</sup> The literature further assumes that a strong civil society with transnational linkages will advocate accountability for perpetrators of human rights violations.<sup>29</sup>

These assumptions about the role of international factors in transitional justice adoption apply particularly well to

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<sup>28</sup> Victor Peskin, *International Justice in Rwanda and the Balkans: Virtual Trials and the Struggle for State Cooperation* (New York: Cambridge University Press, 2008); Sriram.

<sup>29</sup> David Backer, "Civil Society and Transitional Justice: Possibilities, Patterns and Prospects," *Journal of Human Rights* 2 (2003): 297-313; Michelle Sieff and Leslie Vinjamuri Wright, "Reconciling Order and Justice? New Institutional Solutions in Post-Conflict States," *Journal of International Affairs* 52 (1999): 757-779.

civil war cases. Some scholars contend, for example, that liberal states tend to promote trials in conflicts in which their own citizens and soldiers face harm.<sup>30</sup> Thus if the international community has invested significant resources, particularly troops, with the goal of ending a conflict, it tends to play a larger role in affecting decisions about truth and justice. Specifically, international actors prefer trials or truth commissions to amnesties.<sup>31</sup> If the accountability norm exists—and it is transmitted to state actors—states would likely choose domestic trials and truth commissions regardless of whether the international community operates such mechanisms itself to deal with the conflict. This should also hold for ongoing conflicts as well as post-conflict settings, although states will likely implement accountability mechanisms after conflict, if they can, to avoid tensions. While international pressure takes many forms, we take a conservative approach and examine the presence or absence of peacekeepers. If international pressure does affect transitional justice choices we should observe some effect in the broader set of cases. This leads to the following hypothesis:

Hypothesis 4: Conflicts where international peacekeepers are present are more likely to lead to trials and/or truth commissions, and less likely to lead to amnesties.

*Conflict termination*

In post-conflict scenarios, transitional justice mechanisms should increase because the end of violence facilitates the state's

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<sup>30</sup> Bass

<sup>31</sup> At times, the international community may actually take the lead and institute transitional justice mechanisms itself. The International Criminal Court and the International Criminal Tribunals for Yugoslavia and Rwanda represent two such institutions of accountability. Because domestic actors have little role in creating these ad hoc bodies, we exclude them from this analysis, since our focus is on measuring the impact of international actors on domestic decision-making.

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ability to pursue all types of mechanisms. Conflicts end in a variety of ways, however, increasing the challenges for transitional justice. The fighting may end due to the military victory of one side over the other, or alternatively, fighting may end because of a ceasefire or negotiated settlement. Wars that end in military victory face fewer constraints in adopting prosecutions or truth commissions. The winning party has relatively free reign to enact justice without fear of violent retribution or destabilization. State victory will lead to prosecutions that aim to punish past challenges to state authority and deter future rebellion.<sup>32</sup> A rebel victory over the state will create even greater incentives to hold former state actors accountable as a form of retribution. The new regime may also utilize such actions to establish a break with the past and discredit the old regime, thus paving the way for an easier consolidation of its new power.

Conflicts ending in negotiation often involve complex settlements with an array of power-sharing and power-dividing institutions.<sup>33</sup> Negotiated settlements range from simple ceasefires or complex peace agreements. Many of these agreements include amnesty for one or both sides of the conflict as a condition for signing. The cooperation, coexistence, and compromise inherent in negotiated settlements would render prosecutions highly unlikely, but allow for truth commissions, particularly if they involve amnesty and protection of perpetrators' identities.<sup>34</sup> These approaches to conflict termination suggest the following hypothesis:

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<sup>32</sup> Martha Minow, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence* (Boston: Beacon Press, 1999).

<sup>33</sup> Caroline A. Hartzell and Matthew Hoddie, *Crafting Peace: Power-Sharing Institutions and the Negotiated Settlement of Civil Wars* (University Park: The Pennsylvania State University Press, 2007).

<sup>34</sup> Rajeev Bhargava, "Restoring Decency to Barbaric Societies," in *Truth v. Justice: The Morality of Truth Commissions*, Robert I. Rotberg and Dennis Thompson, eds. (Princeton: Princeton University Press, 2000): 45-67.

Hypothesis 5: Conflicts ending via negotiated settlements are more likely to result in truth commissions and/or amnesties, while conflicts ending in victory are more likely to lead to trials.

Insights from the authoritarian transitions and civil war literatures generate a set of hypotheses regarding transitional justice choices in the contemporary civil war context. Testing these hypotheses helps to discern the factors that most likely affect state decision-making surrounding transitional justice mechanisms. Before turning to that analysis, the next section of the article explains our sample selection, the data compilation process of the TJDB, and the data sources for the explanatory variables we use to test the five hypotheses.

### **Sample and data**

To analyze transitional justice in countries engaged in internal armed conflict we use a subset of the TJDB. We describe that subset below, as well as the operationalization of the explanatory factors that may lead to the adoption of transitional justice mechanisms during and post-conflict.

#### *Sample*

To test the hypotheses surrounding civil war and transitional justice decisions, our universe of cases comprises all internal armed conflicts that occurred from 1970-2005. These include those conflicts ending during this period as well as those in which fighting is ongoing. We examine cases of internal armed conflict and internationalized internal armed conflict as defined by the Uppsala/PRIO Armed Conflict Dataset.<sup>35</sup> That dataset

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<sup>35</sup>Nils P. Gleditsch et al., “Armed conflict, 1946-2001: A New Dataset,” *Journal of Peace Research* 39 (2002): 615-637. Battle death data is only available through 2005, thus we exclude those conflicts beginning after 2004. In



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defines armed conflict as "...a contested incompatibility that concerns government and/or territory where the use of armed force between two parties, of which at least one is the government of a state, results in at least 25 battle-related deaths."<sup>36</sup>

The data base includes minor conflicts (25-999 battle deaths per year) and major wars (more than 1,000 battle deaths in at least one year). We code a new, separate conflict after a five-year gap between years of at least 25 battle deaths.<sup>37</sup> This selection process yields 151 cases of internal armed conflict in 91 countries. The 151 cases include 67 major wars and 94 minor conflicts. A full listing is included in the appendix.

Utilizing this selection method means that the sample includes coups and coup attempts, minor armed revolts, and small skirmishes. The literature on transitional justice literature tends to ignore these types of cases despite the frequent use of transitional justice mechanisms in their aftermath. The government of Trinidad and Tobago, for example, granted an amnesty to Muslim insurgents who forcefully took over parliament in 1990. The State Security Court in Tunisia convicted 39 individuals for their role in an insurgent attack that seized the city of Gafsa in January 1980. Kenya established a Special Judicial Commission of Inquiry to examine the activities of former minister Charles Njonjo and his role in the attempted Air Force-led coup in August 1982. Responses to minor conflicts occur frequently, include great variation, and can have profound political implications. Had Hugo Chavez failed to receive an amnesty following the coup attempt he led in

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addition, we do not include four cases for which no battle death data is available; Israel-Southern Lebanon (1990-1999); Mauritania-Western Sahara (1975-1978); Pakistan-Baluchistan (2004-2007); Ethiopia-Afar (1975-1976).

<sup>36</sup> UCDP/PRIO Armed Conflict Dataset Codebook, Version 4-2009. We exclude extra-systemic (often termed colonial) wars and interstate wars.

<sup>37</sup> This corresponds to the onset5 coding delineated in Håvard Strand, "Onset of Armed Conflict: A New List for the Period 1946-2004, with Applications," unpublished manuscript (2006).

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February 1992, for example, he would probably not have ascended to power in Venezuela. In addition to the frequently decades-long civil wars at the forefront of transitional justice research, (e.g., Colombia, Guatemala, Cambodia, and Uganda), around 25 percent of the conflicts in the data base last only a year or less. The average conflict is eleven years in length, while the median conflict lasts five years.

*Dependent variable*

The dependent variable in this analysis is a series of dichotomous variables that denote the transitional justice mechanisms, if any, that states use to address past abuses for each conflict. We include only those mechanisms directly related to the conflict, excluding others that the state may have implemented to address other conflicts or abuses committed under an authoritarian regime. We focus on five mechanisms: trials (for state agents and rebels), truth commissions, and amnesties (for state agents and rebels). For each case in the dataset, we note the use of these mechanisms at any time during the conflict. For those cases that have terminated, we also analyze the use of these mechanisms any time after termination until the present.

The TJDB defines trials as occurring when a court of law holds perpetrators of human rights violations criminally accountable. The state may use trials to hold rebels as well as agents of the state accountable for acts committed during the conflict. We include only domestic trials, excluding those operated directly by international actors, and only trials that conclude with a verdict.<sup>38</sup> The TJDB defines truth commissions as newly established, temporary bodies officially sanctioned by

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<sup>38</sup> We should note, however, that only one state (Sierra Leone) experienced an internationally operated trial without also pursuing its own domestic prosecutions, thus including or excluding international mechanisms does not change the results of the analysis.

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the state to investigate a pattern of human rights abuses.<sup>39</sup> This definition closely matches others in the field.<sup>40</sup> It excludes pre-existing government institutions that investigate past human rights violations as part of their official duties. The TJDB includes amnesties in its dataset, despite the fact that many transitional justice studies exclude them. As Jack Snyder and Leslie Vinjamuri<sup>41</sup> and others have claimed, and previous research using the TJDB confirms,<sup>42</sup> state leaders consider amnesty a tool for resolving past atrocities. The database codes amnesties when a state officially declares that those accused or convicted of human rights violations, whether individuals or groups, will not be prosecuted, further prosecuted, and/or will be pardoned for their crimes and released from prison. As with trials, states can grant amnesties to one or both sides of the conflict.

The TJDB was constructed by systematically analyzing Keesing's World News Archives, a catalog of world events.<sup>43</sup> Keesing's provides the coverage—geographic and temporal—necessary to develop a cross-national dataset of transitional justice over nearly four decades. Utilizing news sources from around the world, including newspapers and wire services, and government reports, Keesing's provides an unparalleled source of unbiased summaries of world events. Finally, Keesing's constitutes a respected and reliable resource for coverage of

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<sup>39</sup> We exclude non-state, independent projects, which investigate and uncover the truth about past violations since they do not represent official decisions on behalf of state actors.

<sup>40</sup> See, for example, Priscilla B. Hayner, *Unspeakable Truths: Facing the Challenge of Truth Commissions* (New York: Routledge, 2001).

<sup>41</sup> Snyder and Vinjamuri.

<sup>42</sup> Olsen, Payne, and Reiter, *Transitional Justice in Balance*; also see: Tricia D. Olsen, Leigh A. Payne, and Andrew G. Reiter, "The Justice Balance: When Transitional Justice Improves Human Rights and Democracy," *Human Rights Quarterly* 32 (2010): 980-1007.

<sup>43</sup> Keesing's World News Archives includes Keesing's Contemporary Archives (1931-1987) and Keesing's Record of World Events (1987-Present).

political, social, and economic events used widely in the field,<sup>44</sup> making it an ideal resource for information on transitional justice mechanisms. The dataset begins in 1970. While transitional justice mechanisms occurred prior to that year, this time frame captures the commencement of the era in which these mechanisms began to assume a more frequent and prominent role in the aftermath of atrocity, and heightened attention by scholars and policymakers.

*Independent variables*

To measure the severity of the conflict we use a count of battle deaths taken from the Battle Deaths Dataset 1946-2005.<sup>45</sup> From this measure, we calculate the log of the average annual battle deaths for the duration of the conflict. The Uppsala/PRIO Armed Conflict Dataset also provides a conflict incompatibility variable determining whether the conflict refers to control over government or territory.<sup>46</sup> We measure the duration of the conflict in whole years starting from the first year the conflict reached the minimum threshold of at least 25 annual battle deaths until the last such year, according to Uppsala/PRIO Armed Conflict Dataset figures. For inactive conflicts, we utilize data on conflict termination drawn from the UCDP

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<sup>44</sup> Jan Oskar Engene (2007). "Five Decades of Terrorism in Europe: The TWEED Dataset," *Journal of Peace Research* 44 (2007): 109-121; Barbara Walter, *Committing to Peace: The Successful Settlement of Civil Wars* (Princeton: Princeton University Press, 2002); Michael W. Doyle and Nicholas Sambanis, *Making War and Building Peace: United Nations Peace Operations* (Princeton: Princeton University Press, 2006).

<sup>45</sup> Lacina, "Explaining the Severity"; Lacina and Gleditsch

<sup>46</sup> The Uppsala/PRIO Armed Conflict Dataset codes for three types of incompatibility, government, territory, and both government and territory. The latter category, however, applies only to some extra-systemic wars in the Uppsala/PRIO Armed Conflict Dataset and does not apply to any of the cases of internal conflict used in our analysis.

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Conflict Termination Data Set; we code for military victory or negotiated termination via ceasefire or peace agreement.<sup>47</sup>

To measure international influence we include an indicator variable for whether UN peacekeeping missions occurred in each case.<sup>48</sup> Other international actors, such as the African Union or third party states, can also intervene in conflicts. Likewise, the UN can play other roles in mediating conflicts outside of sending a full peacekeeping mission. The UN, however, has taken far more initiative on transitional justice than any other organization or state, and the presence of actual troops ensures a particular depth of interest in the case. Finally, based on the UN Statistics Division's region codes, we include regional controls by categorizing each case according to whether it took place in the Americas, Europe, Africa, or Asia.<sup>49</sup>

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<sup>47</sup> This is not a dichotomous variable; many cases fall outside these categories because the number of battle deaths simply drops below the threshold required for inclusion. There the conflict becomes inactive, but there is no clear victor and there has not been a negotiated end to the fighting. See: Joakim Kreutz, "UCDP Conflict Termination Dataset Codebook for Version 2.1," Uppsala Conflict Data Program, Department of Peace and Conflict Research, Uppsala University (2006); Joakim Kreutz, "How Armed Conflicts End," unpublished manuscript (2006).

<sup>48</sup> For a complete list of UN Peacekeeping Missions, past and present, see: <http://www.un.org/Depts/dpko/dpko/pastops.shtml>.

<sup>49</sup> Composition of UN regions can be found at the UN Statistics Division here: <http://unstats.un.org/unsd/methods/m49/m49regin.htm>. Note that we combine Asia and Oceania into one region—Asia—to better facilitate comparison.

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### **Analysis and findings**

Using the data described above, we test the hypotheses derived from the literature. The section below presents descriptive statistics on our dependent variable, as well as the results of two multivariate models on the use of transitional justice during and after conflict. We make several observations. First, the summary statistics highlight important differences in mechanism use during and after conflict, as well as trends over time. Second, the multivariate analyses illustrate that not all of the causal factors identified in the existing literature prevail in the analysis of transitional justice in the civil war context. After discussing these findings, we conclude by exploring the contribution of these findings in building a new analytical framework for transitional justice in civil war contexts.

#### *Descriptive statistics*

The conflicts in our sample vary widely in terms of severity. Battle deaths range from 25, the minimum needed in one year to qualify as an armed conflict, to over 500,000, as in the long conflict in Afghanistan. Just under half of the conflicts (65 of 151) in our analysis were fought over territory, while over half fought over control of the central government (86). Of those that terminated (118 cases), in nearly four in ten conflicts (45 cases), one side was victorious over the other, while three in ten (36 cases) ended via negotiation. The remaining cases (37) ended simply due to inactivity, with no clear victor and no negotiated settlement—the conflict simply petered out. Of those that terminated in victory, states hold a nearly three-to-one advantage over rebels (33 to 12, respectively). The UN intervened in nearly one in five conflicts (28 of 151); in eight cases, the UN intervened while the conflict was ongoing; in 13 cases, following the cessation of violence; and in seven cases, the UN intervened both during and after the war.

A variety of transitional justice mechanisms designed to address the violence accompany civil wars. Well over half of our

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cases (94 of 151) involve the enactment of at least one transitional justice mechanism, and quite often countries adopt more than one mechanism (50 of 151). In many cases, states use amnesties in conjunction with truth commissions (22), truth commissions and trials (9), and trials and amnesties (18). Truth commissions occur most frequently in the worst conflicts measured by battle deaths and the longest wars. Trials of rebels occur most often following short, minor conflicts (see Table 1).

**Table 1. Summary Statistics:  
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	During Conflict					After Conflict				
	Reb. Trials	State Trials	TC	Reb. Amn.	State Amn.	Reb. Trials	State Trials	TC	Reb. Amn.	State Amn.
Cases	9	8	11	54	17	11	11	14	41	17
Avg. Ann. Battle Deaths	2,161	3,944	4,784	2,290	4,594	1,823	2,304	5,183	2,071	3,000
Revolutionary	2	6	10	35	14	5	6	12	28	10
Avg. Conflict Duration (Yrs)	13	17.5	24.5	16	19.9	3.6	8.6	10.1	6.5	8.2
UN Peacekeepers	4	1	3	8	4	5	7	6	15	9
Peace Agreements	2	2	0	18	7	4	4	5	15	8
Victory	2	1	0	7	2	5	4	6	19	8

Overall, amnesty granted toward rebels appears as the most common mechanism used during and after conflict. Relative to other mechanisms, states use amnesties most frequently during the conflict, but the gap shrinks in the post-conflict setting. Countries adopt state trials and truth

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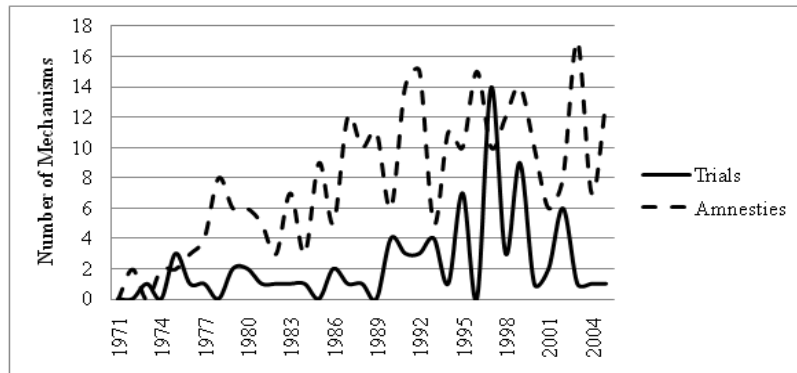
commissions in post-conflict settings nearly twice as frequently as during conflicts. Surprisingly, however, states frequently adopt trials and truth commissions even during ongoing conflict. Amnesties occur as frequently during conflict as they do after civil wars.

The prevalence of amnesty suggests that the accountability norm has not spread as far in the civil war context as perhaps this literature would lead us to expect. Figure 1 further illustrates this point. The figure shows that the accountability norm, measured by the count of trials, has not reached the same level as amnesties. Trials have increased in number, beginning in the 1990s, but amnesties appear to have increased more rapidly. Combined with the information depicted in Table 1, amnesties seem to retain their appeal in civil war contexts, despite the diffusion of a global accountability norm.



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**Figure 1. Trials and Amnesties for Civil Wars, During and After Conflict (1970-2005)**



*Multivariate analyses*

To test the hypotheses generated earlier, we estimate a series of probit models in which each one of the five transitional justice mechanisms is the dependent variable. We first assess the hypotheses outlined above for the use of transitional justice mechanisms during the conflict. Next, we explore the role war characteristics play in the adoption of transitional justice mechanisms after the conflict terminated. The results of the probit analyses are shown below in tables 2 and 3.

**Table 2. Probit Analyses of Mechanism Implementation During Civil Wars**

	1	2	3	4
	Trials – State Agents	Truth Commission	Amnesty – Rebels	Amnesty – State Agents
Avg. Annual Battle Deaths (log)	0.195** (-0.084)	0.164 (-0.144)	0.074 (-0.064)	0.303*** (-0.083)
Revolutionary/ Secessionist	0.435 (-0.520)	1.126** (-0.609)	0.478** (-0.240)	0.790 (-0.485)
Duration	0.020** (-0.009)	0.046*** (-0.013)	0.046*** (-0.016)	0.032** (-0.013)
UN Peacekeepers	0.025 (-0.633)	0.241 (-0.506)	0.159 (-0.410)	-0.086 (-0.457)
Constant	-3.433*** (-0.815)	-4.242*** (-1.138)	-1.625*** (-0.433)	-4.258*** (-0.861)
N	151	151	151	151
Log-likelihood	-27.64	-26.69	-82.49	-39.15
X <sup>2</sup>	16.30***	15.60***	21.04***	22.67***
Pseudo-R <sup>2</sup>	0.12	0.32	0.16	0.26

**NOTE:** \* = significance at 90% level; \*\* = significance at 95%; \*\*\* = significance at 99%. Robust standard errors, clustered by country, in parentheses. The model for rebel trials was not significant (most likely due to the low number of observations), and therefore, is not included here. Regional control variables were not included in the models because numerous regions predict failure perfectly (i.e., no mechanisms of a particular type were ever used during conflict in the region).

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**Table 3. Probit Analyses of Mechanism Implementation in the Aftermath of Civil Wars**

	1	2	3	4
	Trials – State Agents	Truth Commissions	Amnesty – State Agents	Amnesty – Rebels
Avg. Annual Battle Deaths (log)	0.362** (-0.173)	0.311* (-0.167)	0.168 (-0.118)	-0.025 (-0.074)
Revolutionary/ Secessionist	0.670 (-0.566)	0.620 (-0.477)	-0.318 (-0.492)	0.307 (-0.367)
Duration	0.032* (-0.018)	0.004 (0.019)	0.007 (-0.025)	-0.011 (-0.016)
UN Peacekeepers	1.338*** (-0.491)	0.853* (-0.509)	0.887** (-0.400)	1.425*** (-0.408)
Peace Agreements	-1.774** (-0.817)	-0.686 (-0.682)	0.531 (-0.691)	0.413 (-0.370)
Victory	-0.476 (-0.558)	-0.177 (-0.557)	1.023 (-0.699)	0.628* (-0.366)
Africa	-1.602*** (-0.561)	-0.359 (-0.491)	0.355 (-0.529)	-0.106 (-0.431)
Asia	-2.839*** (-0.992)	-1.210** (-0.555)	-0.602 (-0.687)	0.0322 (-0.440)
Americas	-0.865 (-0.735)		0.507 (-0.688)	0.0986 (-0.515)
Constant	-2.884*** (-0.963)	-2.965*** (-0.886)	-2.970*** (-0.748)	-0.988** (-0.487)
N	118	95	118	118
Log-likelihood	-24.09	-30.41	-37.72	-63.89
X <sup>2</sup>	17.85**	18.86**	17.20**	21.35***
Pseudo-R <sup>2</sup>	0.33	0.23	0.22	0.16

**NOTE:** \* = significance at 90% level; \*\* = significance at 95%; \*\*\* = significance at 99%. Robust standard errors, clustered by country, in parentheses. The model for rebel trials was not

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significant (most likely due to the low number of observations), and therefore, is not included here. The Americas region was dropped from the truth commission model because it predicts success perfectly (i.e., every country in the region has used one).

During conflict, we find that three factors are particularly important in determining the adoption of specific transitional justice mechanisms. First, the results in table 2 show that those conflicts with higher death totals are more likely to employ trials for state agents. Paradoxically, however, we also find that we are more likely to observe amnesties for state agents in deadlier conflicts. This may suggest that severity increases the need to hold perpetrators accountable, but at the same time increases fears of re-instigating violence with too much justice. States thus limit efforts by balancing trials with amnesties.

Second, our analysis illustrates that the duration of the conflict has a significant effect on all mechanisms. In other words, the longer the conflict lasts the more likely the state is to attempt a wide range of mechanisms in hopes of bringing the fighting to an end. This finding reveals interesting patterns with regard to the use of transitional justice. While most of the scholarship assumes states adopt transitional justice following atrocities, this finding suggests that country leaders may view transitional justice as a mechanism that could also stop the violence.

Conflicts fought over control of the central government are more likely to lead to the use of truth commissions and amnesties for state agents while the conflict is ongoing. This finding contradicts predictions in the literature that revolutionary wars lead to trials. Instead, we find that states may adopt official investigations, in conjunction with amnesties, to cover the abuses of their own agents. Holding a truth commission may have the effect of quieting international and domestic demands for accountability. Interestingly, we also find that UN intervention during the conflict is not associated with

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accountability or any form of transitional justice. These findings would indicate that international actors do not push for particular mechanisms until they secure peace, or that the host state simply ignores these overtures while fighting continues.

Now, we turn to the post-conflict results (Table 3). Similar to the analysis above, we hypothesized that those countries with higher levels of violence would be more likely to adopt trials and truth commissions in the post-conflict setting. We find supporting evidence that those post-conflict cases with higher battle deaths are indeed more likely to prosecute state agents and hold truth commissions. We thus find that severity is likely to lead to accountability. The literature also suggests that duration matters. Specifically, protracted wars would likely prompt countries to adopt amnesties and truth commissions. We find instead that longer wars are more likely to lead to trials of state agents.

As hypothesized, the presence of UN peacekeepers does have a positive effect on the likelihood a country will use trials or truth commissions. Interestingly, their presence also predicts the use of amnesties for both sides. We conclude that the presence of peacekeepers does not merely push a state towards accountability, but makes states more likely to pursue a wide range of transitional justice mechanisms. Finally, we do not find evidence that negotiated ends to civil wars lead to amnesties as we hypothesized. Instead, we find those conflicts that end in victory are highly correlated with amnesties for rebels. This suggests that governments grant amnesties to any remaining rebels after they have defeated the insurgency. Our control variables also suggest that geographical region is associated with the adoption of particular mechanisms. Africa and Asia prove less likely to adopt trials of state agents, suggesting that the accountability norm has not penetrated these regions as much as it has others.

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### **Does transitional justice bring peace? Preliminary reflections**

One goal of transitional justice is to increase the prospects and endurance of peace. The frequency with which civil wars occur highlights the importance of addressing this question. Yet this question poses a number of insurmountable challenges. Of the 151 civil wars included in this analysis, 118 terminated, and of that group, only seven wars began again.<sup>50</sup> In other words, there is very little variation with which we can gain leverage on the ability of transitional justice mechanisms to bring sustained peace. When conflicts end, countries tend to maintain peace with or without transitional justice mechanisms.

We thus find very little evidence that transitional justice choices following conflict termination make conflicts any more or less likely to recur. This finding suggests that countries may pursue transitional justice without risking renewed violence. Neither trials nor amnesties, in other words, jeopardize the peace process. We do find some evidence that transitional justice, specifically amnesties, may aid in securing peace when used during conflict. Of the 36 conflicts that terminated in a peace agreement, half (18) granted amnesties to rebels before the conflict ended. In other cases, states use amnesties to successfully demobilize guerrilla groups or factions, which may have the effect of lessening the intensity of the conflict.

### **Conclusion**

The evidence presented in this article informs our understanding of transitional justice used in post-conflict settings. In particular, we find that countries increasingly use transitional justice in such contexts. Over half of the cases of civil war in the data base employed at least one form of transitional justice mechanism,

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<sup>50</sup> As noted above, we code a new, separate conflict after a five-year gap between years of at least 25 battle deaths.

with a third using more than one mechanism. This trend, alone, is largely understudied and worthy of additional research.

This analysis also uncovers how characteristics of the conflict and its termination influence transitional justice choices. Our findings further demonstrate that during conflict, high death totals, the duration of the conflict, and the nature of the war increase the likelihood that a country will adopt transitional justice. Higher death totals predict trials and amnesties for state agents. This finding suggests that states approach the peace process by balancing accountability for some perpetrators with amnesties for others. The long duration of the conflict increases the likelihood that states will adopt all types of mechanisms. This may either reflect the balance discussed above, sequencing, or experimenting with different efforts to promote peace. Additional research is necessary to determine the relationship of these mechanisms to each other. Finally, we show that states use amnesties to resolve ongoing revolutionary wars, not trials, as expected. States appear to recognize that the only successful mechanism for demobilization of revolutionary forces is a negotiated amnesty, rather than the threat of accountability.

The post-conflict setting, however, generated a different set of findings. Countries experiencing high levels of battle deaths and protracted wars tended to adopt accountability measures. Such cases likely produce the necessary moral outrage to heighten pressure for trials. War fatigue may also explain the desire to punish those engaged in violence and to deter future violations. The finding on UN peacekeepers provides insight into the role of international forces behind transitional justice. They play no statistically significant role with regard to transitional justice during the conflict. After the conflict, however, they prove significant in promoting amnesty and trials. The international community, in other words, has not presented a clear and unambiguous accountability norm as some of the literature suggests. Moreover, while the existing literature assumes that African states emerging from war face pressure to

hold perpetrators accountable due to this global norm, our research suggests less, rather than more, accountability in Africa and Asia than in other regions of the world.

The frequent use of amnesties after civil war is a noteworthy finding. Indeed, it suggests that there is a role for amnesty in conflict termination, despite claims that it may inhibit peace. While other transitional justice mechanisms also play a role in post-conflict settings, the consistent use of amnesty—even in the presence of international actors—suggests amnesty may play a complementary role to accountability mechanisms. Uncovering how amnesty works in tandem with other transitional justice mechanisms would be a fruitful avenue of future research. This analysis also demonstrates that transitional justice has neither advanced nor deterred peace in civil war contexts. Future research might determine its impact on other important areas affecting post-conflict societies, specifically crime, citizen trust in the government, human rights abuses, and rule of law.

### Appendix: Civil War Cases, 1970-2005

Afghanistan (1978-2005)	Burundi (1991-2005)
Algeria (1991-2005)	Cambodia (1967-1998)
Angola (1975-2002)	Cameroon (1984)
Angola (1991-2005: Cabinda)	Central African Republic (2001-2005)
Argentina (1974-1977)	Chad (1966-2005)
Azerbaijan (1992-1994: Nagorno)	Chile (1973)
Azerbaijan (1993-1995)	Colombia (1964-2005)
Bangladesh (1975-1992: Chittagong)	Congo, Democratic Republic of the (1977-1978)
Bosnia and Herzegovina (1992-1995: Serbia)	Congo, Democratic Republic of the (1996-2005)
Bosnia and Herzegovina (1993-1994: Croatia)	Congo, Republic of the (1993-2002)
Bosnia and Herzegovina (1993-1995: Western Bosnia)	Côte d'Ivoire (2002-2004)
Burkina Faso (1987)	Croatia (1992-1995: Serbia)

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- Egypt (1993-1998)  
El Salvador (1972)  
El Salvador (1979-1991)  
Eritrea (1997-2003)  
Ethiopia (1964-1991: Eritrea)  
Ethiopia (1976-1991)  
Ethiopia (1976-2005: Ogaden)  
Ethiopia (1977-1991: Oromiya)  
Ethiopia (1989-1996: Afar)  
Ethiopia (1996-1999: Somali)  
Ethiopia (1999-2005: Oromiya)  
Federal Republic of Yugoslavia (1998-1999: Kosovo)  
Gambia (1981)  
Georgia (1991-1993)  
Georgia (1992: South Ossetia)  
Georgia (1992-1993: Abkhazia)  
Georgia (2004: South Ossetia)  
Ghana (1981-1983)  
Guatemala (1965-1995)  
Guinea (2000-2001)  
Guinea-Bissau (1998-1999)  
Haiti (1989-1991)  
Haiti (2004)  
India (1969-1971)  
India (1978-2005: Tripura)  
India (1982-2005: Manipur)  
India (1983-1993: Punjab/Khalistan)  
India (1989-2004: Bodoland)  
India (1989-2005: Kashmir)  
India (1990-2005)  
India (1990-2005: Assam)  
India (1992-2005: Nagaland)  
Indonesia (1975-1998: East Timor)  
Indonesia (1976-1978: West Papua)  
Indonesia (1990-1991: Aceh)  
Indonesia (1999-2005: Aceh)  
Iran (1979-1980: Arabistan)  
Iran (1979-1996: Kurdistan)  
Iran (1979-2005)  
Iraq (1961-1996: Kurdistan)  
Iraq (1982-1996)  
Iraq (2004-2005)  
Israel (1949-2005: Palestine)  
Kenya (1982)  
Laos (1959-1973)  
Laos (1989-1990)  
Lebanon (1975-1976)  
Lebanon (1982-1990)  
Lesotho (1998)  
Liberia (1980)  
Liberia (1989-2003)  
Macedonia (2001)  
Madagascar (1971)  
Malaysia (1974-1975)  
Malaysia (1981)  
Mali (1990-1994: Azawad)  
Mexico (1994-1996)  
Moldova (1992: Dniester)  
Morocco (1971)  
Morocco (1975-1989: Western Sahara)  
Mozambique (1977-1992)  
Myanmar (1948-1994)  
Myanmar (1949-2005: Karen)  
Myanmar (1959-2005: Shan)  
Myanmar (1961-1992: Kachin)  
Myanmar (1992-1996: Karenni)  
Myanmar (1997: Wa)  
Nepal (1996-2005)  
Nicaragua (1978-1989)  
Niger (1992-1997: Air and Azawad)  
Niger (1996-1997: Eastern Niger)  
Nigeria (1967-1970: Biafra)  
Nigeria (2004: Niger Delta)  
Nigeria (2004: Northern Nigeria)  
North Yemen (1962-1970)  
North Yemen (1980-1982)  
Oman (1972-1975)  
Pakistan (1971: East Pakistan)  
Pakistan (1974-1977: Baluchistan)  
Pakistan (1990-1996)  
Panama (1989)

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Papua New Guinea (1989-1996: Bougainville)	Sri Lanka (1989-1990)
Paraguay (1989)	Sudan (1963-1972: Southern Sudan)
Peru (1981-1999)	Sudan (1971-1976)
Philippines (1969-2005)	Sudan (1983-2005)
Philippines (1970-2005: Mindanao)	Syria (1979-1982)
Romania (1989)	Tajikistan (1992-1998)
Russia (1993)	Thailand (1974-1982)
Russia (1994-2005: Chechnya)	Thailand (2003-2005: Patani)
Russia (1999: Dagestan)	Togo (1986-1991)
Rwanda (1990-2002)	Trinidad and Tobago (1990)
Saudi Arabia (1979)	Tunisia (1980)
Senegal (1990-2003: Cascamance)	Turkey (1984-2005: Kurdistan)
Sierra Leone (1991-2000)	Turkey (1991-1992)
Somalia (1978-2005)	Uganda (1971-2005)
South Africa (1966-1988: Namibia)	United Kingdom (1971-1991: Northern Ireland)
South Africa (1981-1988)	United Kingdom (1998: Northern Ireland)
South Yemen (1986)	United States (2001-2005)
Soviet Union (1990: Azerbaijan)	Uruguay (1972)
Soviet Union (1990-1991: Nagorno-Karabakh/Armenia)	Uzbekistan (2000-2004)
Spain (1980-1981: Basque)	Venezuela (1992)
Spain (1987-1992: Basque)	Yemen (1994: South Yemen)
Sri Lanka (1971)	Yugoslavia (1991: Croatia)
Sri Lanka (1984-2005: Eelam)	Zimbabwe (1967-1979)