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Does Truth Promote Peace? Toward a Greater Understanding of Truth Commissions as Transitional Justice Mechanisms in Post-Conflict Countries

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Does Truth Promote Peace? Toward a Greater Understanding of Truth Commissions
as Transitional Justice Mechanisms.

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2017

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For Stephanie and Elliott

ABSTRACT

Does Truth Promote Peace? Toward a Greater Understanding of Truth Commissions as Transitional Justice Mechanisms.

This study explores the societal effects of transitional justice mechanisms in post-conflict countries. In particular, an emphasis is placed on exploring whether truth commissions, which are suggested in virtually all post-conflict situations today, have a positive or negative effect on key indicators, such as democracy, human rights, economic development, and the durability of peace. Three central research questions are examined. First, do truth and reconciliation commissions “work”? In other words, are they associated with a reduction in communal violence and improvements in democratic institutions, human rights protections, and economic development? Second, must truth commissions be coupled with transitional justice mechanisms that are retributive in nature in order to exhibit a positive societal effect? For example, if policymakers couple a truth commission with a human rights criminal tribunal, will this increase its efficiency and societal effect? Third, and finally, are top-down approaches to transitional justice, such as truth commissions, becoming increasingly obsolete in the 21st century in comparison to more localized, traditional dispute resolution mechanisms?

A mixed-method approach is used to explore these three central research puzzles. The quantitative section of this study uses a dataset on more than 1,100 transitional justice mechanisms between 1970 and 2010 to examine the first two research questions. The qualitative aspect of this study uses Rwanda’s *gacaca* courts as a case study to explore the effectiveness of bottom-up versus top-down approaches to transitional justice. These community-based courts were the face of Rwanda’s ambitious transitional justice project and charged with investigating all crimes committed during the genocide. To assess their effect, survey and interview data are used to draw connections and an overall picture of public perceptions toward *gacaca* and other forms of transitional justice in post-genocide Rwanda.

This study finds evidence to suggest that truth commissions are unlikely to produce positive societal outcomes if used in isolation from other transitional justice

mechanisms. Further, this study finds some, albeit limited, evidence to suggest that truth commissions, when paired with reparations, do appear to be associated with positive societal effects in the forms of increased levels of democratization, reduced levels of communal violence, and increased levels of wealth in post-conflict countries. The Rwandan case study, moreover, indicates that top-down approaches will likely fail to accomplish their goals if they do not provide tangible results at the local-level. The key theme in the survey and interview data is that *gacaca*, while imperfect, was a country-specific solution to a country-specific problem using a country-specific transitional justice mechanism. More importantly, this case study suggests that we must continue to rethink how transitional justice is being implemented in situations marked by past periods of violence and instability at the local level. A mixture of bottom-up and top-down approaches appear to be better situated to meet the specific needs and desires of various stakeholders that are influential in shaping peace, justice, and reconciliation.

Key words: Transitional Justice, Truth Commissions, Restorative Justice, Retributive Justice, Gacaca Courts

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William Tecumseh Sherman famously commented that war is “hell.” The same can be said about writing a dissertation.

Eric Bruce Royer
November 22, 2017

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LIST OF ABBREVIATIONS

ACP	Ardoyne Commemoration Project
CoW	Correlates of War
CIRI	Cigranelli-Richards Index
DDR	Disarmament, Demobilization, and Reintegration
DiD	Difference-in-Difference
DRC	Democratic Republic of Congo
ECCC	Extraordinary Chambers in the Courts of Cambodia
ELN	National Liberation Army
FAR	Forces armées rwandaises
FARC	Revolutionary Armed Forces of Columbia
IDP	Internally Displaced Person
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICCPED	International Convention for the Protection of All Persons from Enforced Disappearance
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
IGO	Intergovernmental Organization
INGO	International Nongovernmental Organization
ISIS	Islamic State in Iraq and Syria
GDP	Gross domestic product
GNI	Gross national income
GNP	Gross national product
HRW	Human Rights Watch
LDC	Less Developed Country

LOAC	Laws of Armed Conflict
MRND	National Revolutionary Movement for Development
NURC	National Unity and Reconciliation Commission
NRA	National Resistance Army
NRM	National Resistance Movement
OLS	Ordinary Least Squares
PHYSINT	Physical Integrity Index
PRIO	Peace Research Institute of Oslo
PTS	Political Terror Scale
R2P	Responsibility to Protect
RPF	Rwandan Patriotic Front
RRB	Rwanda Reconciliation Barometer
SATRC	South Africa Truth and Reconciliation Commission
TDC	Truth and Dignity Commission
UCDP	Uppsala Conflict Data Program
UN	United Nations
UNAMIR	United Nations Assistance Mission in Rwanda
UNCAT	United Nations Convention against Torture

CHAPTER 1: INTRODUCTION

1.1 A Tale of Two Post-Conflict Societies

Colombia has the unfortunate distinction of hosting the longest running insurgency in the post-World War II international system. Decades-old violence between the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), drug traffickers, criminal organizations, and the national government has killed an estimated 220,000 civilians and displaced six million (Patterson 2016, 4). As a consequence of this fighting, generations of Colombians have been haunted by kidnappings, forced displacement, summary executions, and retaliatory attacks from both government and rebel forces alike. In September 2016, FARC leaders and government officials agreed to a sweeping peace framework intended to formally bring an end to violence. This framework was predicated on four main themes: (1) FARC would be transformed into a political party in Colombia's multi-party political system; (2) criminal trials would be held for egregious offenders of human rights abuses; (3) amnesty would be provided for rebels who turned in their arms; and (4) a truth commission would investigate allegations of misconduct and abuses perpetrated by both government and rebel forces. In a surprising turn of events, Colombian voters narrowly rejected the terms of this peace framework in a national referendum expressing their discontent with the parameters of the agreement and their fear that the peace process would not end a cycle of impunity. A revised peace framework, which was subsequently signed in November

2016, has since been plagued by problems associated with disarming, demobilizing, and reintegrating (DDR) roughly 7,000 former rebels. These complications, coupled with a failure to receive a popular mandate for the revised peace framework, have created obstacles toward societal reconciliation and the establishment and consolidation of an enduring and durable peace.

Tunisia, like Colombia, is also a post-conflict country¹ in a precarious state. Although popular uprisings led to the ousting of an entrenched autocrat, the subsequent transition to democracy has opened a Pandora's Box of past crimes, abuses, and atrocities perpetrated against regime opponents and political opposition by state security forces and former government officials. A central component of the Tunisian political transition is the Truth and Dignity Commission (TDC), which, as a constitutionally-mandated truth commission, has the power and authority to investigate human rights abuses suffered by ordinary Tunisians and opposition figures under repressive governments since 1966. This commission, which formally began its operations in November 2016, has collected testimony from thousands of individuals who were victims of abuses and, upon completion, will recommend institutional reforms to ward off future troubles. The choice of a truth commission to become the bedrock of government efforts to address past human rights abuses, however, has been controversial since it has limited the ability of the transitional government to try, sentence, and punish thousands of former regime

¹ A post-conflict country is a country that is emerging from a period of political turmoil, state repression, or civil war. The term "post-conflict" only implies that physically hostilities and armed violence have ceased; it does not necessarily imply that the underlying, or root causes, of a conflict have been addressed. The term post-conflict does suggest a "window of opportunity" for peace as Fischer (2004, 2-3) and Hamre and Sullivan (2002, 90) suggest.

officials guilty of committing sweeping, widespread human rights abuses. Further, political and business elites that benefited from corrupt ties with the former government mostly remain in positions of power. Both of these facets have hindered Tunisia's tenuous political transition and fomented underlying grievances among ordinary Tunisians who desire justice for crimes committed against loved ones, friends, and acquaintances.

The post-conflict trajectories of Colombia and Tunisia, at first glance, share very little in common. Colombia is in the process of ending a decades old civil war and protracted insurgency, whereas Tunisia is emerging from decades of autocratic, strongman rule. Colombia and Tunisia, moreover, have adopted different paths to addressing mass human rights abuses. Colombia has adopted an amnesty program, implemented provisions to promote DDR, and created an ad hoc human rights criminal tribunal and truth commission to address insecurity and bring justice to victims and their families. Tunisia, on the other hand, has largely framed its political transition around a truth commission modeled after the South African Truth and Reconciliation Commission (SATRC).² The goal of this commission is to establish an official, impartial history and restore a lost balance between victims and perpetrators, many of which remain in office or hold positions in Tunisia's state security apparatus. The success of Tunisia's peace process, as a result, largely hinges on whether the TDC can effectively dispense

² This commission was established to investigate widespread human rights abuses that occurred during South Africa's apartheid regime between 1960 and 1994. Over the duration of its operations, it collected testimony from more than 20,000 witnesses, 2,000 of which appeared publicly (Quinn and Freeman 2003, 1121). More than 30 TRCs have been created since, mainly as a key component of modern day peacebuilding operations, as illustrated by the Colombian and Tunisian peace process and democratic transition, respectively.

restorative justice³ in such a way that is acceptable to all stakeholders involved in its political transition. More importantly, its transition hinges on whether victims accept the outcomes of the TDC and view its operations as satisfactory toward their individual needs. Colombia's peace process, on the other hand, hinges on the success of several mechanisms that blend restorative and retributive justice⁴ with the intended goal of delivering a sense of closure to victims and their families and punishing those who were culpable for abuses committed often decades ago.

Although their post-conflict trajectories appear to have little overlap, efforts by key stakeholders, government officials, third-party donors, and intergovernmental organizations (IGOs) and international nongovernmental organizations (INGOs) in both Columbia and Tunisia are similar in many respects. First, key stakeholders in both countries realize the importance of addressing past human rights abuses in some form or another as a clear building block for moving forward politically, socially, and economically. In his 2016 Nobel Peace Lecture, Colombian President Juan Manuel Santos stressed that even though the peace process did not address all societal concerns or problems associated with the insurgency completely, it provided a path forward for victims to learn the truth and begin the process of healing.⁵ In November 2016, Chairwoman of the TDC, Sihem Ben Sedrine, commented, moreover, that “we need to

³ Restorative justice (i.e., reparative justice) places an emphasis on restoring a lost balance between victim and perpetrator and rehabilitating and reintegrating perpetrators back into society (Braithwaite 1999; Olson and Dzur 2004).

⁴ Retributive justice (i.e., punitive or corrective justice) entails punishing perpetrators of human rights abuses, often holding them criminally liable for their wrongdoings (Minow 1998, 12).

⁵ Santos's Nobel Lecture is available at:
https://www.nobelprize.org/nobel_prizes/peace/laureates/2016/santos-lecture_en.html

expose these testimonies [of key perpetrators of human rights abuses] for history. The Tunisian people are tolerant, but they are tolerant after knowing the truth ... Tunisia will no longer accept human rights violations.”⁶

A second thread that unites the post-conflict trajectories of Colombia and Tunisia is how both have struggled immensely with the delicate question of how to best address past abuses in such a way that promotes social reconciliation instead of creating underlying grievances and animosities that have the potential to reignite conflict. Any effort to address past abuses holds the potential to rekindle the negative emotions of hate, anger, and revenge. Although key stakeholders agree that addressing the past is crucial for moving forward, respective efforts in each country have been a harbinger for painful memories. These efforts, moreover, have conjured different views toward the competing values of vengeance and forgiveness.⁷

A third key thread that unites both of these post-conflict societies is the potential for the overall peace process to be derailed by factions unwilling to agree to the terms of their respective transition, the ability of political, economic, and social elites to mobilize against or try to frame the peace process in their favor, and lingering power dynamics and entrenched institutions, which make it difficult to completely move forward. These three

⁶ Quote was obtained from a Reuters news story covering the beginning of testimony at the TDC. The full story is available at: <http://www.reuters.com/article/us-tunisia-rights-idUSKBN13C2IF>.

⁷ Martha Minow (1998) coined the term “vengeance and forgiveness” to describe the dilemma post-conflict countries face when dealing with past (and increasingly contemporary) human rights abuses. Minow uses the statement to describe how a violent reaction to past abuses in the form of “vengeance” will not heal the trauma of mass violence. She also notes that the “saintliness” of forgiveness is not sufficient on its own when dealing with injustice and a past legacy of abuse.

factors, together, illustrate not only the complications associated with the post-conflict transitions of Colombia and Tunisia, but the long and tumultuous road any country emerging from a period of civil war, state repression, or political instability in the contemporary world faces when attempting to deal or cope with a violent past.

1.2 Purpose Statement

Post-conflict countries are confronted with a host of institutional challenges that hold the potential to derail peace and reignite renewed violence. Although physical hostilities may cease and belligerents may agree to basic provisions contained in a peace agreement or negotiated settlement, they often use the threat of violence to seek better terms and “spoilers” hold the potential to hijack the peace process for private gain (Stedman 1997; Collier and Hoeffler 2004). Spoilers, as defined by Stephen John Stedman (1997, 5), are individuals, groups, or segments of society that “believe that peace emerging from negotiations threatens their power, worldview, and interests, and use violence to undermine attempts to achieve it.”

Further complicating matters, post-conflict societies are plagued by weak institutions, poverty, insecurity, the absence of the rule of law, low levels of social capital, crumbling infrastructure, and weak transitional governments that lack legitimacy and the ability to exercise authority through nonviolent means (de Greiff and Duthie 2009). In most cases, these societies lack basic judiciaries that can mediate disputes, proper education and health systems, and economic opportunities for former combatants. As Donald Horowitz (2008, 1214-1215) comments, these societies are marked by the

absence of basic mechanisms to prevent intergroup tensions and disparities, which inevitably rise between groups in the aftermath of multipolar conflicts.

Contributing to these institutional failures, post-conflict countries are also confronted with the difficult task of addressing past human rights abuses that often stand in the way of political and social reconciliation. These abuses can range from forcible displacement to torture, sexual violence, and extrajudicial killings. A failure to address these past abuses not only may prevent the establishment of a just or inclusive peace as a growing chorus of *jus post bellum* theorists suggest (Orend 2002; Walzer 2002; Williams and Caldwell 2006; Philpott 2012), but also possibly explain why one-fifth to one-third of all post-conflict societies relapse into armed violence within five years and about half of all post-conflict countries revert back to armed violence within a decade (Collier et al. 2003; Collier and Hoeffler 2004, 572-581).⁸

The purpose of this study, then, is to examine how we can devise and implement durable, effective, and robust transitional justice processes that can allow post-conflict countries to address their dark pasts. In particular, I wish to shed light on how these countries can attempt to mitigate past human rights abuses in order to move forward politically, socially, and economically through the use of a methodologically rigorous research design. Transitional justice, as a conception of justice associated with the post-conflict period, refers to any legal or non-legal mechanism that is adopted in the post-conflict stage to address systematic and widespread human rights violations that occurred

⁸ Walter (2004, 371) estimates that 36 percent of civil wars between 1945 and 1996 experienced renewed warfare, which is slightly higher than the estimate from Collier and Hoeffler (2004).

during past, and sometimes contemporary, periods of violence, instability, or armed hostilities (de Greiff 2009; Teitel 2000; Hayner 2001; Olsen et al. 2010; Wiebelhaus-Brahm 2010; Stewart and Wiebelhaus-Brahm 2017). The goal of transitional justice is to shed light on past abuses but also repair a torn social or societal fabric in order to move forward. The mechanisms in which to do so vary dramatically in the world today and can range from criminal tribunals⁹ and truth commissions¹⁰ to amnesty programs,¹¹ lustration policies (i.e., vetting, exile, or purging processes),¹² and reparations.¹³ In virtually any post-conflict situation, one or more of these mechanisms is adopted by a transitional government, a neutral third-party mediator, or an IGO as a means of signifying a

⁹ Criminal tribunals formally charge perpetrators with human rights violations (e.g., crimes against humanity, war crimes, acts of genocide) with the goal of holding them legally accountable or liable for their past actions. Posner and Vermeule (2004, 766) comment that “perpetrators are charged with crimes and then provided with lawyers, the chance to defend themselves, the opportunity to cross-examine witnesses, and other procedural protections.” Criminal tribunals are usually “ad hoc,” meaning that they exist for an abbreviated period of time. Criminal tribunals, moreover, are typically perceived as an extension of the Nuremburg trials and, thus, a Western form of justice.

¹⁰ Hayner (1994, 558) defines truth commissions as “bodies set up to investigate a past history of violations of human rights in a particular country - which can include violations by the military or other government forces or armed opposition forces.” These bodies are usually ad-hoc and focus on a specific period of human rights abuses. For example, Chile’s National Commission for Truth and Reconciliation in 1990 (Rettig Commission) documented more than 3,400 cases of torture, kidnapping, assassinations, and targeted killings by security forces under the government of Augusto Pinochet as part of political purges between 1974 and 1977 (Weissbrodt and Fraser 1992).

¹¹ Porter (2015, 82-83) defines amnesty programs as those that grant immunity from criminal prosecution to former combatants in exchange for disclosing their role in orchestrating human rights abuses.

¹² Lustration policies (i.e., political purges) are intended to formally prevent perpetrators of state repression or human rights abuses from holding public office or positions in a country’s security apparatus (Mayer-Rieckh and de Greiff 2007). See David (2003) for a discussion on the implementation and effects of lustration policies in the Czech Republic and Poland, which had the intended goal of prohibiting former communist regime members and their sympathizers from holding public office or positions in government.

¹³ Olsen et al. (2010, 806) define reparations as a “state’s official grant of monetary payments, property, or other forms of restitution of monetary value to victims, or to relatives of victims, or past human rights violations.”

departure, or break, from a past period of state repression or widespread impunity. More importantly, these transitional justice mechanisms are usually devised in such a way to provide a sense of closure to victims or their families.

Despite a burgeoning literature on the topic in recent decades, our understanding of transitional justice as well as the outcomes associated with different transitional justice mechanisms remains an incomplete enterprise. Some scholars place an emphasis on utilizing mechanisms that promote accountability for past crimes, such as criminal tribunals or lustration policies (e.g., Huyse 2003; Sikkink and Walling 2007; Wigglesworth 2008). Other scholars place an emphasis on adopting mechanisms that are more victim-centered and “buy off” perpetrators in exchange for immunity from post-war prosecution, such as reparations, exiles, or amnesties (e.g., Aron 1981; Fearon 2005). Still others place an emphasis on adopting mechanisms that allow victims to know the truth about what transpired to their loved ones in the form of truth commissions (Hayner 2001; Kerr and Mobekk 2008; Kashyap 2009; Porter 2015). Further complicating matters is the fact that these mechanisms vary considerably in their application and implementation, with some criminal tribunals and truth commissions, for example, being ad hoc in nature (e.g., the International Criminal Tribunal for Rwanda) and others existing alongside an established criminal justice system for an extended period (e.g., Extraordinary Chambers in the Courts of Cambodia) or implemented as a permanent organ of a newly established government (e.g., National Unity and Reconciliation Committee for Rwanda).

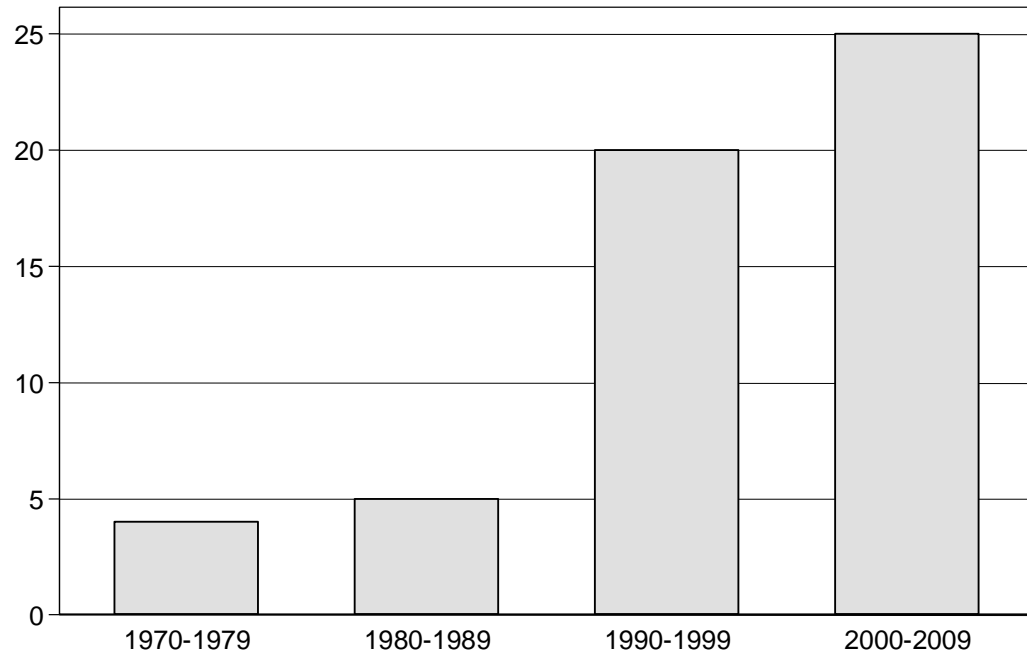
This study attempts to build on our understanding of what conditions the success of transitional justice by focusing primarily on the application and effectiveness of truth commissions both spatially and across time. In Colombia and Tunisia, truth commissions are a vital component of the overall peace process and a mechanism to establish an official, authoritative record of what transpired. These two cases, moreover, highlight a growing norm in favor of establishing the “truth” in the post-conflict stage. To increase our understanding of these mechanisms, this research is structured around two key puzzles. First, do truth commissions exhibit a positive or negative effect on post-conflict indicators? In particular, do these bodies increase the durability of peace and the prospects for economic development in post-conflict countries? Do they lead to improvements in democratization, end a cycle of impunity, and help improve the track record of human rights protections in the post-conflict countries they operate in? More importantly, should we expect variation between post-conflict countries that adopted truth commissions versus those that did not? Second, must truth commissions be coupled with other transitional justice mechanisms to be effective? In particular, should truth commissions, as a tool of restorative justice, be coupled with other mechanisms that are more retributive or punitive in nature to exhibit a positive social effect? In the cases above, Colombia adopted a truth commission in conjunction with ad hoc criminal proceedings and amnesty program. Tunisia, on the other hand, has relied exclusively on a truth commission to promote transitional justice in the post-conflict stage. Will this variation in design and application lead to different societal outcomes in one post-conflict situation in comparison to the other?

1.3 Why Study Truth Commissions?

Since the 1970s, approximately 50 truth commissions and commissions of inquiry have been established worldwide in countries as disparate as South Africa, El Salvador, South Korea, East Timor, Haiti, and Liberia.¹⁴ Today, truth commissions have been popularized as an attractive mechanism for transitional justice, one that is capable of bringing disparate parties together through the establishment of an official, impartial history of events. **Figure 1** illustrates the proliferation of truth commissions in today's post-Cold War international system, from a low of four truth commissions between 1970 and 1979 to a high of 25 between 2000 and 2009. A critical juncture in the application of truth commissions is the South Africa TRC, which was created in 1995 and garnered mass international attention for its use in uncovering crimes and abuses committed during South Africa's apartheid regime. In total, this commission collected testimony from 20,000 individuals, named individual perpetrators, and recommended reparations to victims of state repression (Gibson 2006). The SATRC is widely viewed as being an important stepping stone for racial reconciliation and, more importantly, a catalyst for the consolidation of democracy, improvements in human rights, and impressive domestic economic growth rates since the mid-1990s (Gibson 2006; Bickford 2007; Gibson 2009).

¹⁴ A list of all truth commissions between 1974 and 2010 can be found in **Appendix A**.

Figure 1: Frequency of Truth Commissions, 1970-2009



This proliferation of truth commissions has also been aided by a growing international norm that families should be guaranteed the basic right of knowing what transpired, or happened, to their loved ones as part of any peace or politically-motivated transitional process. This right to know the truth about abuses suffered, the identity of individual perpetrators, or the fate and whereabouts of loved ones is enshrined in the Additional Protocol I to the Geneva Conventions, the International Convention for the Protection of all Persons from Enforced Disappearances (ICCPED), and the United Nations Convention against Torture (UNCAT). These treaties, however, lack compliance mechanisms and no specific international convention has been reached on the topic.

Based on cumulative figures in **Table 1**, the frequency of truth commissions pales in comparison to the frequency of criminal trials and amnesties in today's post-Cold War

international system; however, the percentage increase in the adoption of truth commissions (as well as reparations and lustrations) has increased dramatically over both trials and amnesties over this period (see **Table 2**). Despite only comprising 7 percent of all transitional justice mechanisms since 1989, there has been a 400 percent increase in the number of truth commissions between 1989 and 2010 compared to 1970 and 1988. The frequency of trials has increased marginally (28 percent), while there has been a 0.6 percent decrease in the usage of amnesties over this period. Reparations and lustration policies have also increased dramatically in today’s post-Cold War international system (1850 percent and 115 percent respectively), yet their usage is largely isolated to Eastern European or Latin American countries transitioning away from authoritarian regimes as part of the Third Wave of Democratization (see **Table 3**). Truth commissions, on the other hand, have proliferated in Asia, Africa, and Latin America and are recommended in virtually every post-conflict country today, making them truly an international tool for transitional justice rather than a Western or Latin American solution to addressing a legacy of human rights abuses.

Table 1. Frequency of Trials, Amnesties, Truth Commissions, Reparations, & Lustration Policies, 1989 - 2010

<i>Type</i>	<i>Number</i>	<i>Percentage</i>
Criminal Tribunals	147	24
Amnesties	355	58
Truth commissions	45	7
Reparations	39	6
Lustration Policies	28	5
Total	614	100

Table 2. Percent Change in Frequency of Trials, Amnesties, Truth Commissions, Reparations, & Lustration Policies, 1970 - 2010

<i>Type</i>	<i>1970-1988</i>	<i>After 1989</i>	<i>Percent Change</i>
Trials	115	147	+28
Amnesties	357	355	-0.6
Truth commissions	9	45	+400
Reparations	2	39	+1850
Lustration Policies	13	28	+115

Table 3. Frequency of Trials, Amnesties, Truth Commissions, Reparations, & Lustration Policies by Region, 1989 - 2010

<i>Type</i>	<i>Asia</i>	<i>Africa</i>	<i>Latin America</i>	<i>North America</i>	<i>W. Europe</i>	<i>E. Europe</i>	<i>Oceania</i>
Trials	26	34	23	11	11	41	1
Amnesties	130	134	43	0	5	41	2
Truth commissions	12	15	14	0	2	2	0
Reparations	4	6	10	0	7	11	1
Lustration Policies	2	4	7	0	1	14	0

What's troubling about this proliferation of truth commissions is the absence of empirical data to determine whether they actually make a societal difference or not. In particular, we lack spatial and temporary data needed to determine whether truth commissions exhibit a positive or negative effect on democracy, human rights, economic development, and the durability of peace. Even more problematic, truth commissions vary dramatically in terms of costs and the time that is needed to complete their investigations. El Salvador's truth commission in 1993, for example, cost upwards of \$2 million and took eight months to wrap up its proceedings (USIP 2017). South Africa's TRC, on the other hand, cost upwards of \$29 million and required more than two years to complete investigations into apartheid-related abuses and crimes (Economist 1997).

The majority of research we do have is largely case-study driven.¹⁵ Extant studies, moreover, tend to choose commissions that represent the opposite sides of the spectrum when arguing the benefits or pitfalls associated with adopting these bodies. Eric Wiebelhaus-Brahm (2010, 129) states “one obvious problem within the literature is that, in general, it is dominated by a few high-profile truth commission cases such as South Africa.” This means that proponents of truth commissions largely point to the success of South Africa’s TRC when making generalizations about the positive effects of truth commissions. Opponents, on the other hand, only focus on failures, such as Uganda’s truth commissions in 1974 and 1986 respectively,¹⁶ when noting the inherent limitations and weaknesses associated with these bodies. This reliance on case studies on both sides creates concerns related to selection bias and selecting on the dependent variable, both of which increase the potential for erroneous inferences being made in extant studies.

Studies that have attempted to examine their effect geographically or as part of large-N studies have helped alleviate this small-N nature of the literature; however, these quantitative-based studies use different and often competing methods, datasets, and

¹⁵ A majority of transitional justice research, in general, is qualitative and case-study driven. This is especially true for research on truth commissions. As a consequence, the study of truth commissions and transitional justice, overall, continues to lag behind other key topics in the study of international conflict, such as the causes of interstate and intrastate wars, territorial disputes, or alliance formation.

¹⁶ Idi Amin (i.e., The Butcher) is credited with creating the first truth commission to investigate crimes committed by his own security and police forces upon taking power. Yoweri Museveni, leader of the National Resistance Movement (NRM) also created a truth commission upon taking power in 1986 to illustrate his government’s break with the Amin and Obote governments, which were associated with notoriously cruel and inhumane human rights abuses. Both truth commissions are widely argued to be tools used by successive governments to shore up legitimacy and to pay lip service to calls to end a cycle of impunity. In both cases, the work of both commissions was hampered by financial problems and their recommendations largely fell on deaf ears.

indicators, which further contributes to contradictory results and findings. Further, few studies have attempted to parse out the societal effects or consequences of truth commissions in combination with other mechanisms in a rigorous, systematic way. Those that do so only focus on democracy or human rights protections as critical dependent variables, or focus on the conditions in which a certain combination of mechanisms is likely to be adopted over others (e.g., Olsen et al. 2010). Separating cause from effect, on the other hand, has remained notably elusive in extant studies.

These limitations in existing studies causes conceptual and theoretical debates to linger without definitive evidence to suggest that these bodies matter or not. In practical terms, it seems entirely plausible that uncovering the past can promote healing and societal reconciliation. It also seems entirely plausible that uncovering the truth about past atrocities can foment debilitating feelings of hate, anger, and revenge. If there is evidence to conclude that truth commissions “work,” meaning that they have positive effects on post-conflict indicators then they should be adopted more vigorously in societies coming to terms with social strife. If they actually exhibit negative outcomes, a more vibrant and critical discussion must emerge when post-conflict societies plan on adopting a truth-seeking mechanism as part of their transitional process.

How to promote peace and address a legacy of human rights abuses in war’s last phase is hardly a new topic or question in the fields of international peacebuilding and transitional justice. Several influential studies in recent years have yielded important, empirical insight into what conditions peace and the strategies in which post-conflict countries can use to promote transitional justice through the use of statistical analyses,

case study analyses, or historical analyses (e.g., Hayner 2001; Elster 2004; Sikkink and Walling 2007; Fletcher et al. 2009; Kim and Sikkink 2010; Meernik et al. 2010; Olsen et al. 2010; Wiebelhaus-Brahm 2010). To contribute to an already impressive body of literature, the objective of this study is to examine the effectiveness of truth commissions in combination or in conjunction with other transitional justice mechanisms to build on a small subset of this literature (e.g., Olsen et al. 2010). In particular, this study isolates the effects of truth commissions in different combinations and examines the societal outcomes of these combinations on common societal outcomes, such as democracy and human rights, as well as additional outcomes in the form of economic development and the durability of peace. By doing so, the goal is to unite studies that have sought to explore the effectiveness of truth commissions alone (e.g., Wiebelhaus-Brahm 2010) with those that have examined the effect of transitional justice mechanisms in a broader sense (e.g., Sikkink and Walling 2007; Kim and Sikkink 2010; Olsen et al. 2010).

In undertaking this project and topic, the intent is to produce a better understanding of the ways in which we can promote an enduring and durable peace that is built on the foundations of ending a cycle of impunity, improving human rights, and promoting societal reconciliation. We desperately need to further our understanding of transitional justice and, in particular, the role that truth commissions play in this process as a consequence of the changing nature of contemporary global violence itself. In contrast to wars fought between countries on accepted battlefields using conventional weaponry, conflicts today are localized in so-called “zones of war” and involve extremely personalized violence that is often perpetrated along ethnic or religious lines (Singer and Wildavsky 1996; Kaldor 2006). Civilian populations are now caught in the

cross-hairs of this violence and directly targeted as a means to sow fear and exert control over an increasingly evolved battlefield (Kaldor 2006; de Nevers 2006; Banks 2011; Kaldor 2013).

This changing nature of global violence means that civilian populations are increasingly subjected to widespread and repeated human rights abuses. The United Nations (UN), for example, estimates that 60,000 women were raped at some points, if not repeatedly, during Sierra Leone's civil war (1991-2002), that 60,000 women were raped in Bosnia between 1992 and 1995, and that anywhere between 100,000 to 250,000 women were raped over a three-month period during the Rwandan genocide in 1994 (UN 2014, 1). Coupled with this sexual violence, millions were displaced either internally or externally during these conflicts, creating mass humanitarian crises that are still being felt today in places such as the DR Congo. Not only does this changing nature of global violence complicate international peacebuilding strategies and laws of warfare governing interstate conflict, or conflicts between nation-states, it also creates complications for transitional justice mechanisms that are ill-prepared to deal with human rights abuses committed on a mass scale (Banks 2011; Richemond-Barak 2011; Zoli 2011).

1.4 Central Research Questions

A burgeoning literature in recent decades has provided important insight into the effect of transitional justice and other conflict resolution mechanisms in post-conflict countries. Our understanding of transitional justice, for example, has been strengthened by those that have identified historical and regional variation in the usage of certain mechanisms (e.g., Elster 2004, Sikkink and Walling 2007) or even collect information on

transitional justice on a global scale (e.g., Binningsbø et al. 2005). We have also benefited immensely from studies examining variation in outcomes across regime-type, conflict-type, and victory-type (e.g., Wiebelhaus-Brahm 2010; Olsen et al. 2010). To build on an already impressive body of literature, this study is framed around the three central research questions identified in the purpose statement above:

1. First, are truth commissions independently associated with positive societal outcomes (e.g., democracy, human rights, economic development, and peace) in countries emerging from periods of instability, state repression, or armed violence?
2. Second, must truth commissions be coupled with transitional justice mechanisms that are retributive in nature (e.g., criminal tribunals, reparations, lustration policies) in order to exhibit a positive societal effect?
3. Third, and finally, are top-down approaches to transitional justice, such as truth commissions, increasingly becoming obsolete as a consequence of shifting conflict trends (e.g., increased frequency of intrastate conflicts over interstate conflicts, the rise of low-intensity conflicts, etc.) and the changing nature of global violence?

The first question is hardly new; however, adopting this research question enables this study to contribute to and build upon extant studies that have sought out the difficult task of isolating the effect and outcomes of truth commissions either through quantitative, historical, or case-study research designs. Not surprising, consensus on whether truth commissions actually “work” is far from homogenous. As described in greater detail in

Chapter 2, different camps have formed around the utility of truth commissions and truth-seeking processes, with a number of scholars (e.g., Scharf 1997; Boraine 2000; Hayner 2001; Abrams and Hayner 2002) advocating on behalf of establishing the truth in any post-conflict situation and a growing number of scholars (e.g., Popkin and Roht-Arriaza 1995; Snyder and Vinjamuri 2003; Mendeloff 2004; Ingelaere 2009) advocating against the use of truth commissions and similar ad hoc bodies. Several quantitative studies, moreover, have found contradictory results when testing the effect of truth commissions on levels of democracy or human rights protections (e.g., Wiebelhaus-Brahm 2010; Olsen et al. 2010).

The second question is framed for a broader audience -- scholars and practitioners who are concerned with the effect of transitional justice as a whole. This question builds on extant studies that have begun the tedious and complicated task of exploring the individual effects and outcomes of various transitional justice mechanisms and, more importantly, parsing out the effect that certain mechanisms have in concert with others (e.g., Olsen et al. 2010; Wiebelhaus-Brahm 2010). By framing the second question around the theme of retributive versus restorative effects, this study seeks to build on extant studies by empirically testing whether this relationship must hold true in post-conflict societies today.

The third question is framed for scholars who have questioned the discourse surrounding the top-down nature, or the “cookie-cutter” approach, of transitional justice. The conventional wisdom in the transitional justice literature is that there is not a one-size-fits-all solution or approach that can be applied uniformly across continents (e.g.,

UN 2010) and even within countries (e.g., Taylor 2015). Borrowing from scholars that have questioned the dominant discourse of “liberal” peacebuilding in the field of international peacebuilding (e.g., Paris 1997; Barnett 2006; Newman et al. 2009; Paris 2009; Richmond 2011), there is now a growing view that top-down approaches may be flawed since they are easily manipulated by elites for personal gain or susceptible to the detrimental effect of spoilers (Austesserre 2006; Waldorf 2006; Lundy and McGovern 2008; Fletcher 2009; Baines 2010; Mac Ginty and Richmond 2013; MacDonald 2015; Baker and Obradovic-Wochnik 2016).

Top-down approaches to transitional justice can be thought of as those that place an emphasis on social reconciliation, the pursuit of justice, and the establishment of an official, authoritative record at the national-level. Bottom-up approaches, on the other hand, can be thought of as being less institutionalized and instead focused on repairing social relationships and promoting psychological healing among victims at the grassroots level. The purpose of this last question, then, is to critically assess whether top-down approaches to transitional justice are increasingly becoming obsolete in the 21st century due to the changing nature of global violence itself, which has become increasingly localized. Since a robust debate has emerged between scholars of international peacebuilding over the utility and effectiveness of top-down peacebuilding strategies in comparison to bottom-up approaches, this third research question represents an attempt to bridge parallel critiques in two sets of closely linked literatures.

A mixed-method research design is used to explore and provide empirical evidence for each of these three research questions (see Chapter 3). The quantitative

section of this study utilizes a dataset on approximately 1,100 transitional justice mechanisms between 1970 and 2010 to test the effects of truth commissions, reparations, amnesties, criminal tribunals, and lustration policies on post-conflict indicators, such as democracy, human rights, per capita gross domestic product (GDP), and the duration of peace. These data are used to provide important insight into the first two research questions. The qualitative section of this study uses Rwanda as a critical case study to provide insight into the third question. Rwanda, which has engaged in extensive “social reengineering” projects since the Rwandan genocide, is used since it adopted a hybrid approach to transitional justice in the form of local, grassroots courts called *gacaca* and an internationally-backed, top-down criminal tribunal. Rwanda, as a result, is an excellent case study for providing insight into how contemporary post-conflict countries have grappled with the thorny question of how to address past abuses, at what level this should be done (especially when violence is perpetrated on a mass scale), and what the best strategy for moving forward after traumatic violence might be.

1.5 Theoretical Framework & Hypotheses

This study begins with the conventional wisdom that adopting more than one transitional justice mechanism improves the net effect of transitional justice as a whole in post-conflict countries (UN 2010). This study theorizes that truth commissions, alone, are unlikely to produce positive societal outcomes despite their growing popularity and application in virtually every contemporary, post-conflict situation (e.g., Tunisia). This study bases this view on the belief that the proceedings of truth commissions may not

deliver a sense of justice or closure to victims or their families. This lack of victim-centered justice, as a result, is not likely to exhibit lasting societal effects.

Truth commissions, without a doubt, offer an invaluable forum to collect the testimony of thousands of individuals. Further, these bodies hold the potential to promote psychological and societal healing by uncovering the truth about past abuses and being a catalyst for repairing intergroup relations, which can lead to improvements in levels of democracy, human rights, economic development, and the durability of peace. Finally, truth commissions can play an essential role in the post-conflict stage by dispelling myths and identifying perpetrators, thus administering a form of “shock therapy” by forcing transitional societies to confront structural and institutional weaknesses that made past injustices and violence possible, as was the case with the South African TRC.

With that said, this study argues that truth commissions are unlikely to promote positive societal transformation by themselves due to their restorative nature. We should not expect post-conflict countries that adopt truth commissions in isolation from other transitional justice mechanisms to experience measurable increases in levels of democratization, economic development, human rights protections, or the durability of peace since their effects are likely time-sensitive and can be muted after their proceedings, outcomes, and recommendations come to a close. This study advances the view that these bodies must be coupled with other transitional justice mechanisms to have a positive effect as a consequence of their lack of a punitive element or ability to punish perpetrators for past transgressions. If this view is correct, we should not expect the Tunisian TDC to impose positive societal outcomes since it lacks retributive elements.

Five hypotheses are framed from this theoretical argument in response to each of the three research questions above:

H₁: In a comparison of post-conflict countries, countries that adopt only a truth commission are less likely to experience advancements, or improvements, in levels of democratization in comparison to those that adopt a truth commission in combination with one or more retributive mechanisms.

The first hypothesis suggests that truth commissions alone are unlikely to become a catalyst for improvements in democratic institutions or processes. If coupled with retributive mechanisms, on the other hand, then we should expect truth commissions to exhibit a positive effect on levels of democracy in post-conflict countries. Democratic institutions are those that allow for multiple groups to participate in governance, while democratic processes are those that allow for elected officials to be held accountable by ordinary citizens at regular intervals and protect basic, individual civil liberties (Dahl 1974; Zakaria 1997; Dahl 1998; Przeworski 2000).

H₂: In a comparison of post-conflict countries, those that only adopt a truth commission are less likely to experience improvements in human rights protections in comparison to those that adopt a truth commission in combination with one or more retributive mechanisms.

Similar to H₁, this second hypothesis suggests that the effect of truth commissions on human rights will be negated unless they are coupled with retributive mechanisms. In other words, we should not expect truth commissions to end a cycle of impunity or lead to the institutionalization of greater human rights protections over time unless they are used in conjunction with retributive mechanisms. These latter can range from criminal trials, reparations, or lustration policies.

H₃: In a comparison of post-conflict countries, those that only adopt a truth commission are less likely to experience improvements in economic development in comparison to those that adopt a truth commission in combination with one or more retributive mechanisms.

The third hypothesis suggests that a positive relationship may exist between truth commissions and levels of economic development in post-conflict societies as long as they are coupled with retributive elements. The logic behind this hypothesis is that restorative and retributive mechanisms are an important harbinger for improving a climate of economic investment or creating incentives for the transfer of capital and services into post-conflict countries. More importantly, this study advances the view that both types of mechanisms are needed to address, mitigate, and ultimately alleviate patterns of inequality, economic discrimination, and marginalization that largely contributed to the onset of violence to begin with.

H₄: In a comparison of post-conflict countries, those that only adopt a truth commission are less likely to remain at peace than those that adopt truth commissions in combination with one or more retributive mechanisms.

The fourth hypothesis suggests that the durability of peace in post-conflict countries is tied to a combination of restorative and retributive mechanisms. In this case, we should not expect truth commissions alone to affect the durability of peace in post-conflict countries unless they are coupled with mechanisms that can punish perpetrators for their past transgressions. Post-conflict countries that adopt truth commissions in conjunction with punitive mechanisms, such as trials or lustrations, should be expected to experience reduced levels of societal violence in comparison to those that do not.

H₅: Post-conflict countries that only adopt top-down approaches are less likely to experience improvements in levels of societal peace, democratization, economic

development, and human rights in comparison to those that combine top-down approaches with grassroots level mechanisms.

The sixth, and final, hypothesis addressed in this study suggests that we should expect countries that adopt both traditional, top-down approaches with hybrid, bottom-up approaches to experience more positive societal outcomes versus those that only adopt top-down or bottom-up approaches. This hypothesis is based on the belief that top-down approaches are necessary, yet increasingly incapable of dispensing justice on a mass scale and, more importantly, a form of justice that is easily accessible to individuals. The key component of this hypothesis is that a combination of these mechanisms is required versus one being a “better” approach than the other.

1.6 Conceptual Definitions

To operationally and conceptually define key variables at the onset to avoid confusion, several key terms and descriptor variables are defined in this section. *Peace*, which is associated as a “post-conflict peace” in this study, is narrowly defined as a situation in where there is an absence of armed violence between two or more belligerents, often termed a minimalist or negative conception of peace.¹⁷ This conceptual definition of peace excludes more substantive, or “positive” definitions of peace, which are associated with social justice marked by the absence of structural violence in the form of poverty, inequality, or discrimination (Galtung 1965). A negative peace, as a result, may not necessarily address the underlying sources of conflict, such as social, political, or cultural injustice. *Justice* is framed exclusively in a legalistic manner and is defined as a

¹⁷ Galtung (1965) terms a “negative peace” as one in where there is merely the absence of war or physical violence.

situation in where fairness and equity are administered to victims and perpetrators alike the post-conflict stage (Elster 2004, 135-139). *Reconciliation* is defined in interpersonal, sociopolitical, and institutional terms, with *interpersonal reconciliation* defined as a situation in where victims and perpetrators have taken the steps necessary to peacefully coexist and to move forward with their lives (Philpott 2012: 5-6). *Socio-political reconciliation* refers to a situation in where disparate groups in society, which have often been at odds with one another, are willing to put aside their grievances in favor of working together as part of a pact. *Institutional reconciliation*, moreover, occurs when post-conflict countries creates institutional frameworks, both formal and informal, that protect the individual rights of citizens and try to rebuild trust and popular acceptance with the ultimate goal of citizens taking part in the decision-making process by formally participating in new institutions or by holding government officials accountable. Finally, a *post-conflict society* describes any country that is emerging from a period of political instability, armed conflict, civil war, or state repression and is positioned somewhere along a continuum between the extremes of war, defined in this study as a conflict that exceeds 1,000 annual battle-related deaths, and peace. Despite the potential for post-conflict societies to be situated anywhere along this continuum, they usually exhibit one of the following conditions: (1) a cease-fire between two or more parties; (2) a peace agreement or negotiated settlement usually with third-party monitoring; (3) the absence of physical hostilities measured by less than 1,000 annual battle-related deaths; or (4) a disarmament agreement that calls for opposition forces to lay down their weaponry. As Elisabeth Porter (2015: 3) comments, the term post-conflict is extremely difficult to conceptualize due to the fact that even when physical hostilities have ended, often a

culture of violence and impunity persists and underlying tensions between belligerents endure, which have the potential to become the proximate cause for future conflict.

1.7 Plan of Study

This study is composed of six chapters, with this chapter serving as the introduction. Chapter 2 is a detailed literature review that is structured around four key themes. The first part surveys the changing nature of global conflict trends, with a particular emphasis placed on examining the “new war” thesis. New wars scholars, notably Mary Kaldor (2006), posit that this changing nature of global violence requires fundamental shifts in how we view and approach the post-conflict stage. The second part surveys scholarly debate over the nature and conduct of international peacebuilding efforts in the 20th century, and whether peacebuilding strategies developed for state-centric conflicts will be effective when dealing with contemporary, modern conflicts best characterized as internationalized civil wars or mixed conflicts. The third part surveys a burgeoning literature on transitional justice and studies that have attempted to isolate the effects of different mechanisms on post-conflict societal indicators, such as democracy or human rights. The fourth, and final, section surveys critical discussions concerning the effectiveness of truth commissions and truth-finding processes in post-conflict countries.

The mixed-method research design used to explore and provide empirical answers to the research questions identified in this chapter is detailed in Chapter 3. Chapter 3 itself is split into five sections. The first section provides the rationale for using a mixed-method approach. The second describes the original dataset developed for this study, the quantitative models developed, and the variables employed in these models to test the

effect of truth commissions and other forms of transitional justice. The third section describes the case-study design and the fourth section offers a brief synthesis, or synopsis, of the mixed-method research design.

Chapter 4 presents the statistical tests and their results. The chapter begins by presenting the results from four models that test the effect of truth commissions on: (1) levels of democratization; (2) human rights protections; (3) levels of economic growth; and (4) the durability of peace when holding other transitional justice mechanisms constant. The second section then presents the results from the four models that test the effect of truth commissions on these indicators when combined with other mechanisms. The third section provides a brief, yet clear synthesis of these key findings.

Chapter 5 presents the Rwandan case study. In particular, this chapter critically assesses survey and interview data collected from *gacaca* participants to shed insight into the third research question and fifth hypothesis. These data provide a complicated tale of post-conflict building in the aftermath of extremely personal and localized violence. Chapter 6 acts as the concluding chapter in this study by summarizing the key results found, discussing the implications of these results independently of and in relation to extant studies on transitional justice, and directing attention to future areas of research and discovery. This chapter also discusses and acknowledges the limitations associated with this project as well as the practical applications of the findings.

CHAPTER 2

LITERATURE REVIEW

2.1 Introduction

The chapter provides an exhaustive review of the scholarly literature as it relates to truth commissions and the topic of transitional justice in a broader sense. To do so, key puzzles and findings raised in extant studies on international conflict, international peacebuilding, and transitional justice are discussed and dissected. The purpose of structuring this review in this way is to provide an important foundation for key debates that linger in the literature and also show how fragmented and decentralized the literature actually is, which at times creates obstacles toward our understanding of what conditions peace in war's last phase and the role that different transitional justice mechanisms, including truth commissions, play in this complicated and often messy process. A review of this literature also shows how divided extant studies are in terms of research designs, research questions, and methodological approaches, which makes comparisons difficult and creates complications for the establishment of a basic foundation that can provide a path forward when trying to understand the effect of truth commissions and transitional justice in the 21st century.

There are four parts to this literature review. The first section surveys the changing nature of global violence and the "new wars" thesis. The second section examines the international peacebuilding literature and, in particular, hones in on critical debates over the goals, effectiveness, and direction of peacebuilding efforts in the 21st century. In this section, special attention is placed on critiques of "liberal peacebuilding."

The third section surveys extant studies on transitional justice and focuses on several key debates that linger. For example, scholars remain divided on the question of whether it is better to seek retributive justice, or whether it is better to structure transitional justice around restorative means. The fourth section specifically focuses on extant studies that examine the utility and effectiveness of truth commissions as a form of transitional justice in the 21st century. This chapter concludes with a brief synthesis of these various discussions. The literature review itself is structured in such a way to “peel” away different layers to identify gaps and limitations in our knowledge.

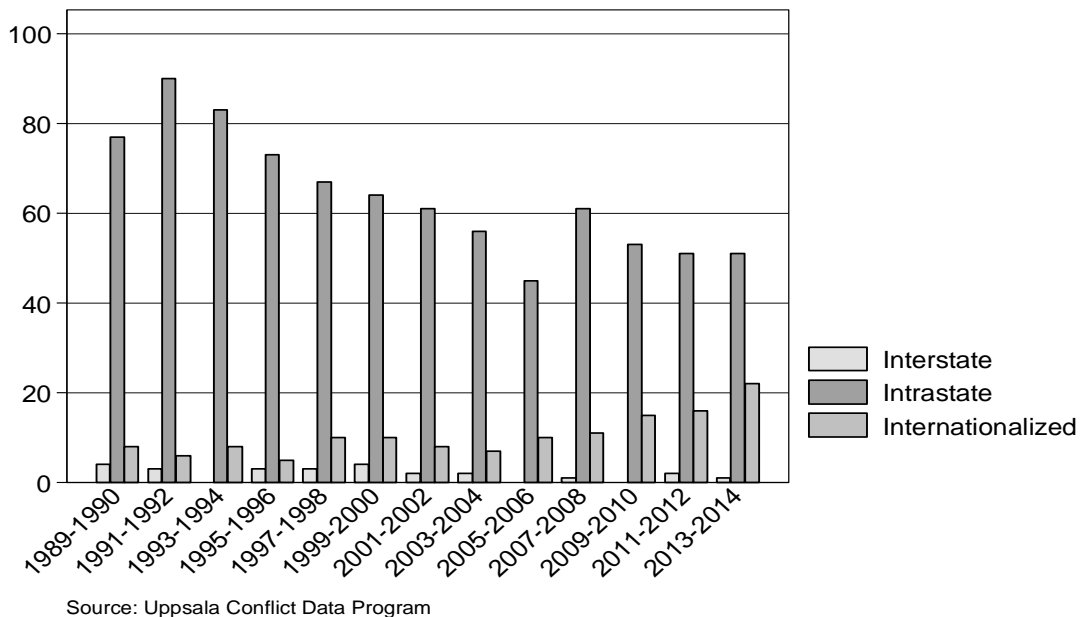
2.2 The Changing Nature of Global Violence

Contemporary violence and warfare¹⁸ is fundamentally different from the violence that marked much of the 20th century. Time-series data in **Figure 2** illustrate that interstate wars have virtually ceased to exist in today’s post-Cold War international system. Andrew Mack (2005, 22-23) was one of the first conflict scholars to estimate that

¹⁸ Wars can be categorized based on the nature of the actors and type of violence involved. Interstate wars involve organized violence between two or more state actors, whereas intrastate conflicts (i.e., civil wars) involve militarized violence between one or more state actors and one or more non-state actors within the geographic confines of a single state (Wallensteen and Sollenburg 2001, 643). As a consequence of most intrastate conflicts no longer being confined to the territory of one state, Jel Odermatt (2013, 29) uses the term mixed or internationalized civil wars to describe armed conflicts between governments and non-state actors such as rebel groups, separatist movements, or paramilitary groups that take place predominantly within the territory of one state but spill over into another, with the latter often receiving financial, logistical, or military assistance from external state actors or donors. The various Islamic groups fighting in Syria, which are receiving financial support from Saudi Arabia, Qatar, and the UAE, are an example. Finally, J. Martin Rochester (2012, 146) uses the term extra-state wars to describe those that involve “unconventional security threats posed by non-state actors, including transnational terrorist and criminal organizations, which can potentially disrupt national order and world order through skyjackings, drug trafficking, cyberspace interference, and other means.”

intrastate and internationalized intrastate armed conflicts, or civil wars, now comprise more than 95 percent of contemporary conflicts and wars. Of the 52 conflicts in 2015, for example, only one was classified as an interstate conflict by the Uppsala Conflict Data Program. Civil wars, or conflicts within the geographic boundaries of a nation-state between a government and a non-government actor, have become the primary form of global violence (Mack 2005; UCDP 2017). Pure civil wars, moreover, are increasingly being replaced by internationalized, or hybrid civil wars that combine multiple actors and are fought along the polarizing lines of religion, race, and ethnicity in conjunction with economic exploitation in the form of natural resource extraction (Collier and Hoeffler 2004). Still further, regional variations now exist in conflict and peace trends, with most conflicts now located in “zones of war” in parts of Asia, the Middle East, and Sub-Saharan Africa, and “zones of peace” being in parts of Western Europe, North America, and Latin America (Singer and Wildavsky 1993; Pinker 2011).

Figure 2: Frequency of Armed Conflict by Type, 1989-2014



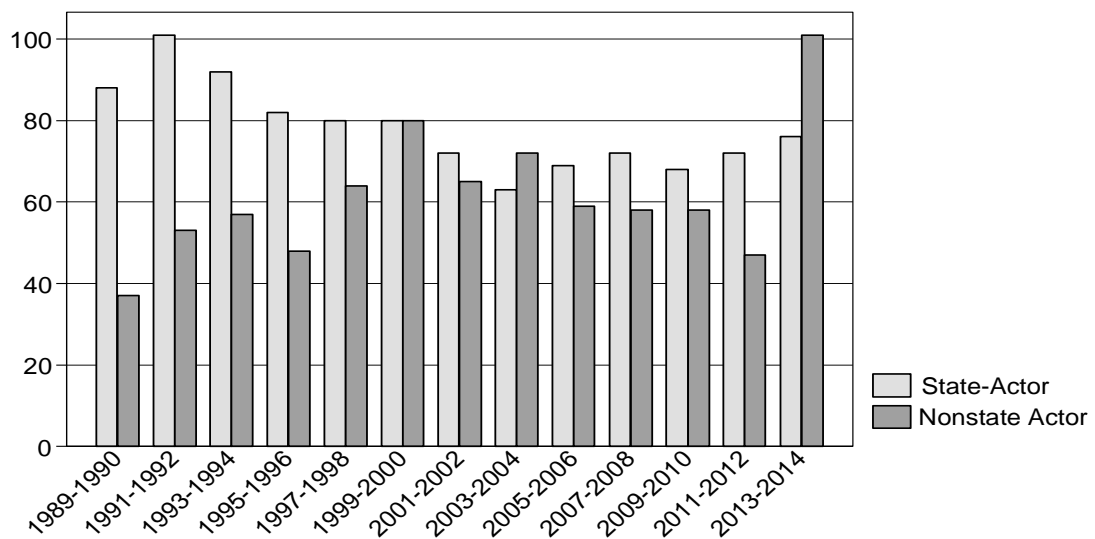
These evolving conflict trends mean that most wars today are fought within, not between, states and are localized in the poorest and underdeveloped parts of the world. Although decline of violence theorists (e.g., Pinker 2011; Goldstein 2011) provide evidence to suggest that all forms of violence are declining worldwide, contemporary warfare differs dramatically from wars between nation-states or traditional civil wars decades ago, which were marked by conventional weapons on well-defined battlefields (Mack 2005; Banks 2011; Pinker 2011; Goldstein 2011). Today's conflicts are low-intensity in nature, which means that irregular tactics are utilized and formal battles are rare, which can cause these conflicts to fester for long periods of time. Despite being labeled as low-intensity, however, the relapse rate for these types of conflicts, if they do end, has increased dramatically in comparison to conflicts in the first half of the 20th century (Collier and Hoeffler 2004; Walter 2004).

This changing nature of global violence can also be seen by the fact that contemporary conflicts are increasingly asymmetrical in nature, with non-state actors as the dominant agents as illustrated by **Figure 3**. To offset their military disadvantage vis-à-vis state actors in asymmetric warfare, these actors often utilize guerrilla tactics, employ irregular, nonconventional weaponry, and deliberately target civilian populations through unlawful means to create fear.¹⁹ Civilian populations, as a consequence, are

¹⁹ According to de Nevers (2006, 369), “wars today range from wildly unbalanced conflicts pitting highly trained and technologically sophisticated armies like that of the United States against irregular combatants on horseback, to conflicts in which paramilitaries and criminals intermingle and terrorize local populations to achieve their own goals.” Under international humanitarian law, belligerents are expected to respect the principles of military necessity, proportionality, distinction, and the avoidance of undue suffering. In particular, they are required to clearly distinguish themselves from civilian populations, avoid using weaponry that inflicts disproportionate suffering, and

disproportionately affected by modern violence both directly and indirectly. In terms of the former, Joshua Goldstein (2011, 26) states that “killing and causing the suffering of civilians can serve military goals such as displacing a hostile population from coveted land, or punishing a population for supporting insurgents.” In terms of the latter, civilians often face hardship long afterward in the form of being widowed or losing loved ones, being forced from their homes, towns, or cities as refugees, or psychological trauma. In a reversal of civilian to military battle-related deaths in World War I, Charles Kegley and Shannon Blanton (2010, 509) note that civilian casualties now outnumber military casualties by a ratio of nine to one.

Figure 3: Frequency of State-Actor Based and Nonstate-Actor Based Conflicts



Source: Uppsala Conflict Data Program

avoid conducting military operations in heavily populated civilian areas. For a discussion on how new wars play havoc with laws of armed conflict, see Banks (2011) and Rochester (2016).

To describe these evolving conflict trends, “new wars” theorists (e.g., Kaldor 2004; Hammes 2005; de Nevers 2006; Duffield 2014) argue that modern warfare is distinct in several ways from conventional warfare between nation-states that shaped the nature of global violence for much of international relations history, including the 20th century.²⁰ Mary Kaldor (2006, 2), who coined the term “new wars” to describe the nature of conflict in today’s post-Cold War international system, posits that modern conflicts blur “distinctions between war (usually defined as violence between states or organized political groups for political motives), organized crime (violence undertaken by privately organized groups for private purposes, usually financial gain), and large-scale violations of human rights (violence undertaken by states or political organized groups against individuals).” Of particular importance to Kaldor (2013, 3) is the changing nature of the belligerents involved -- ranging from rebel groups and private security contractors to warlords, jihadists, and children -- their goals, the methods they employ, and how they finance their war efforts.²¹ Mark Duffield (2014, 14-15) builds on this terminology by stating that new wars are defined by local-global connections that work through and within states.²²

²⁰ This “new wars” literature is extensive. We have especially benefited from Hammes (2005); de Nevers (2006); Kaldor (2006); Lind et al. (2008); Kaldor (2013).

²¹ “Weak states” can be defined as those that are rife with corruption, fragile government institutions, and limited rule of law. A key feature of “failed states” is their inability to provide security and public goods and exercise sovereignty over a territory with defined borders (Rotberg 2004, 2-21). Most intrastate conflicts are concentrated in states where transnational terrorist organizations operate freely, including Afghanistan, Somalia, Iraq, Syria, and Yemen.

²² Duffield (2014, 14) argues that “new wars can be understood as a form of non-territorial network war that works through and around states.”

Coupled with the breakdown of key distinctions between combatants and noncombatants in today's new battlegrounds that are fought in urban jungles, crowded markets, schools, and public transit systems, most ongoing and reoccurring wars are sustained through the contracting out of organized violence and financed through the establishment of war economies (Collier and Hoeffler 2004; Banks 2011; Andreas 2014; Duffield 2014). The illicit trade of small arms, antiquities, precious resources, drugs, and human trafficking make contemporary warfare "good business."²³ In sum, Kaldor (2007, 185) notes the factors that fuel violence, namely "fear and hatred, a criminalized economy that profits from violent methods of controlling assets, weak illegitimate states, or the existence of warlords and paramilitary groups," persist and are often strengthened long after overt hostilities cease. Duffield (2014, 14) comments that new wars have "allowed warring parties to forge local-global networks and shadow economies as a means of asset realisation and self-provisioning."

For conceptual purposes, it is important to note that economic gain, quasi-private criminal combatants, plunder, ethnic cleansing, terrorism, and guerrilla tactics are hardly new developments in the history of warfare.²⁴ Further, numerous scholars critique the

²³ See the "greed and grievance" thesis advanced by Collier and Hoeffler (2004). Also see Andreas (2014) for a discussion on how smuggling practices and quasi-private criminal combatants played a critical role in the outbreak, persistence, and termination of conflict in Bosnia between 1992 and 1995.

²⁴ Stacey (1994, 27-39) provides an excellent discussion on how wars between Christian belligerents in Europe and between Christian and non-Christian belligerents elsewhere during the Middle Ages was marked by the indiscriminate killing of combatants and noncombatants alike (*bellum romanum*). In the 16th century, large swaths of territory in Europe were subjected to conflicts marked by indiscriminate killing and plunder, moreover. Also see Boot (2013) and Kaplan (2015) for a detailed discussion on the historical evolution of asymmetric warfare as a tool of the "weak" as well as the use of terrorism as a weapon to create fear among civilian populations throughout human

very foundations of the news wars thesis by arguing that there is nothing “new” about contemporary violence (Kalvyas 2001; Berdal 2003; Newman 2004; Darabont 2010; De Waal 2012). What makes modern conflicts “new” is that they have replaced conventional warfare between regular armies of nation-states as the primary form of global violence in today’s post-Cold War international system that remains structured around state interactions. These conflicts blur distinctions between regular and irregular, internal and external, and public and private, causing contemporary global violence to represent a vivid departure from a traditional “Clausewitzian,” or state-centric, view of warfare. The latter has dominated thinking about the causes of war and how we can promote a durable and sustainable peace once overt violence and hostilities end.²⁵ As Renée de Nevers (2006: 378) writes, the key point about new wars is not to debate whether terrorism, guerrilla warfare, criminality, and greed are new, rather how modern conflicts in a radically new global setting deviate from the “European model of war involving state armies of soldiers meeting on a battlefield” that engage in stylized conflict using acceptable weapons. Even more importantly, contemporary wars are often spawned by state-failing and denationalization²⁶ processes, which may cause “winning” in a strategic military sense to no longer be a key objective for belligerents involved.

Although terminology and conceptual definitions are bitterly contested in extant studies, the former conflicts in the Balkans and Sierra Leone as well as the protracted

history. Boot (2013, 100) goes as far as to argue that conventional warfare is a recent innovation and the exception rather than the norm when viewed historically.

²⁵ Clausewitz’s conception of war is based on symmetric conflicts between state armies of roughly equal military strength and comparable organizational structures.

²⁶ Denationalization refers to attempts to break apart a national identity, whether it is based on a shared heritage, culture, religion, race, or ethnicity.

conflicts in the Democratic Republic of Congo (DRC), Afghanistan, Syria, Iraq, and Ukraine today mark the specific contours of new wars. Peter Andreas (2004) finds that ethnic and religious conflict between Bosnian Serbs, Croats, and Muslims was predominantly orchestrated by paramilitary groups who profited from plunder, hostage-taking, and establishing black markets in weapons and human trafficking, thus adding a local-global profit-dimension to an already complicated ethnic and religious divide. Along with perpetrating violence to secure lucrative financial gains, Andreas finds that these groups purposely recruited criminals into their ranks and utilized ethnic cleansing, sexual violence, and forced deportation as tactical strategies. de Nevers (2006) finds that mercenaries figured prominently in Sierra Leone's internationalized civil war, with private security contractors hired to train government forces, protect natural resources that could be utilized to sustain future hostilities, and conduct military operations.²⁷ Ongoing violence in the DRC today is characterized by both government and rebel forces relying on outside financial, military, and logistical assistance and the trade of precious resources to fuel war efforts. Not only are decisive battles rare, Séverine Austesserre (2006: 6-8) finds that civilian populations are purposively targeted through violence or servitude to create fear and exercise control over territory.

In Afghanistan, de Nevers (2006) argues that even after a multinational coalition toppled the Taliban and aided in the establishment of a new national government, warlords remain the principal agents of political authority and violence festers as a consequence of these warlords having financial incentives to benefit from a lucrative,

²⁷ de Nevers (2006, 380-382) provides an excellent discussion on the role private security contractors, many of whom were former military personnel from South Africa and the United Kingdom, played in conducting asymmetric warfare in Sierra Leone's civil war.

multibillion dollar opium economy.²⁸ In Syria and Iraq, the Islamic State of Iraq and Syria (ISIS) utilizes foreign mercenaries, funds itself through the sale of priceless antiquities and petroleum in black markets, and targets different ethnic and religious groups through illegal slavery, sexual violence, beheadings, and ethnic cleansing. As a consequence of incentives to continue fighting in order to protect lucrative markets, thousands of civilians have been displaced while ancient hatreds along religious and ethnic lines have become the focal point of violence. Finally, Russian-backed separatists and government-backed militia groups in Eastern Ukraine purposively violate laws of armed conflict (LOAC) to gain a strategic advantage. Doing so has caused civilian populations to be disproportionately affected by food-shortages and indiscriminate violence, while hostilities continue as these groups resist negotiated settlements out of concerns they may be charged with crimes against humanity once overt hostilities end.

2.3 Why Are These Changing Conflict Trends Important?

Efforts at resolving conflicts on the international stage are complicated by these changing conflict dynamics. In a UN (2014) report titled “Major Recent Trends in Violent Conflict,” it is estimated that 90 percent of UN peacekeeping forces are deployed in scenarios marked by low-intensity conflict, which has contributed to the evolution of international peacebuilding away from “peacekeeping” to third generation “peace enforcing” missions (Diehl et al. 1998; Doyle and Sambanis 2007; Sloan 2011). As Duffield (2014, 16) argues, “new wars have blurred distinctions between people, army, and government and, at the same time, forged new ways of projecting power through

²⁸ For a discussion on how Afghanistan fits the contours of the new wars thesis, see de Nevers (2006, 379).

non-territorial public-private networks and systems.” As a result, it is now increasingly difficult to address underlying causes of conflict or to create the conditions necessary for the establishment of orderly, peaceful societies in light of the fragmented nature of contemporary violence and the disparate actors involved.

Of further importance, civilian populations are subject to extreme and disproportionate violence perpetrated along religious, ethnic, and racial lines through the use of irregular tactics, which makes the establishment of peaceful, orderly post-conflict societies an extremely daunting task. As John Paul Lederach (1996, 18) notes, “deep-rooted and long-standing animosities that are reinforced by high levels of violence and direct experiences of atrocities” often derail peace efforts and those geared toward promoting reconciliation.²⁹ Coupled with this disproportionate violence, war-shattered societies in the world today often remain embroiled in a “conflict trap” due to basic needs like food, water, shelter, and security being unmet and former warlords, paramilitary commanders, or sympathizers of an oppressive regime being granted positions of power in transitional governments. These realities on the ground challenge existing strategies to mitigate and prevent reoccurring violence.³⁰ Similar to the obstacles created by these

²⁹ Lederach’s (1996, 7-10) work on peacebuilding in post-Cold War conflicts is one of the first to note how the changing nature of global violence complicates efforts at building peace, even though he does not use the term “new wars.”

³⁰ The international community has traditionally relied on state-centric approaches such as peacekeeping and diplomacy to mitigate the adverse effects of interstate war. DeShaw Rae (2009) points out that the three foundational elements of peacekeeping include: (1) the minimum use of force; (2) consent and deployment based on full agreement of all parties; and (3) impartiality. Posing a critique to the ability of these traditional approaches to build peace in the aftermath of civil strife, Lederach (1996, 16) writes, “we persist in relying on traditional statist diplomacy, despite its inadequacies in responding to the nature of conflicts today.” Along with peacebuilding, new wars play havoc with international rules governing warfare that remain tailored to interstate conflicts. For a

changing conflict trends for LOAC (see Banks 2011; Corn 2011; Rose 2011; Jensen 2011; Richemond-Barak 2011), these trends are also felt in the war's last phase. As a result, devising ways of responding to these changing dynamics of global violence as well as determining how to build peace when hostilities have ended remain topics of considerable interest and debate.

2.4 What is Peacebuilding?

Peacebuilding³¹ represents a post-conflict enterprise that includes actions undertaken after the immediate termination of armed hostilities to mitigate, address, and ultimately remove underlying causes of conflict. Initially defined by former UN Secretary-General Boutros Boutros Ghali (1992, 5) as “action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict,” peacebuilding is a robust and holistic approach adopted by the international community to eliminate various social, economic, political, and security dilemmas that directly threaten the establishment of a sustainable and durable peace in the post-conflict stage. As Roland Paris (1997, 55) writes, peacebuilding operations involve a variety of actors -- ranging from IGOs and INGOs to third-party donors and individual states -- that are tasked with monitoring cease-fires, disarming belligerents, monitoring and conducting elections, providing humanitarian assistance, rebuilding and training security forces, repatriating refugees, rebuilding bridges and infrastructure, demining conflict zones, and overseeing interim government activities. Although an emphasis is placed on

discussion on how these rules are becoming increasingly obsolete, see Banks (2011, 9-15) and Rochester (2016).

³¹ Peacebuilding and post-conflict peacebuilding are used interchangeably in the literature.

improving security and humanitarian conditions initially, peacebuilding operations are structured in such a way to build effective and legitimate state institutions, broaden political participation, deepen civil society, and create pluralistic institutions that weave various ethnic and religious groups together into the fabric of society (Doyle and Sambanis 2000, 779).

These various activities illustrate that peacebuilding is both an ongoing and sequential process that contains short-term and long-term goals (Lederach 1996; Jeong 2005; Berdal 2009; Philpott 2012). The short-term goals of peacebuilding are to provide security guarantees and mitigate the detrimental effect of spoilers, whereas the long-term goals of peacebuilding are to build effective and legitimate state institutions, repair economic structures, broaden political participation, establish nonviolent dispute resolution mechanisms, and remove negative emotions of anger, fear, and humiliation (Stedman 1997). These activities also illustrate that peacebuilding is a preventive tool with the intended goal of healing deep-seated wounds that inevitably fester even after overt hostilities end (Cravo 2017, 48). Peacebuilders, in the form of international peacekeepers and personnel with INGOs, often are tasked then with the difficult goals of not only preventing renewed violence but also addressing the root causes of the violence itself. Picking up the pieces after the dust has settled, as a result, has become the chief source of growth and need for UN over the past two decades (Weiss 2013; de Soto and del Castillo 2016). As of September 2017, 71 peacebuilding operations have been authorized since 1948 with 58 of those operations occurring since 1988 (UN 2017).

Although the main goal of peacebuilding is to prevent future violence, considerable debate exists among scholars, practitioners, and policymakers over the goals, objectives, and strategies of peacebuilding. As Rob Jenkins (2013, 19) suggests, the key contentions refer to the “when, what, how, and who – that is, the period during which peacebuilding takes place, the type of peace sought, the methods employed to attain it, and the key actors in the peacebuilding enterprise.” Drawing upon the distinctions between “positive” and “negative” peace conceived by Johan Galtung (1965), securing an end to overt hostilities and violence can be considered an achievement in itself (negative peace). Unfortunately, the threat of violence does not end when arms are laid down, when belligerents are demobilized, or when peace agreements are signed. A growing consensus has emerged that building inclusive economic, legal, social, and political institutions as well as eliminating “structural violence” in the form of inequality, poverty, and discrimination is often necessary for preventing underlying sources of conflict from becoming the proximate causes for renewed violence (positive peace) (Lederach 1996; Doyle and Sambanis 2000, 2006; Chandler 2004; Jeong 2005; Porter 2007; Porter 2015).

In spite of this growing awareness that negative peace is fragile, consensus on how to cultivate positive peace in the aftermath of civil strife remains problematic. Some scholars contend that reengineering post-conflict societies requires deepening intergroup harmony, repairing social dynamics, and facilitating dialogue between former adversaries. Lederach (1996: 84), for example, argues that transforming a “war-system characterized by deeply divided, hostile, and violent relationships into a peace-system characterized by just and interdependent relationships with the capacity to find

nonviolent mechanisms for expressing and handling conflict” is critical for promoting peace. Elisabeth Porter (2007, 34) further argues that the goal of peacebuilding is to “build positive relationships, heal wounds, reconcile antagonistic differences, restore esteem, respect rights, meet basic needs, enhance equality, instill feelings of security, (and) empower moral agency.” Ho-Won Jeong (2005) suggests that long-term peace can only be cultivated by facilitating complex interdependencies and dialogue between opposing societal groups.

Other scholars instead emphasize the need for peacebuilding operations to promote state-building³² through rebuilding physical infrastructure, facilitating socioeconomic reforms, and establishing democratic institutions (Doyle and Sambanis 2000; Chandler 2004; Collier and Hoeffler 2004; Doyle and Sambanis 2006; Skarlato et al. 2013). Michael Doyle and Nicholas Sambanis (2006), for example, argue that peacebuilding operations can meet the needs of their every-changing missions by restructuring corrupt security forces, weak legal systems, and unresponsive political institutions. Peacebuilding operations, moreover, are also more likely to be successful when they are paired with peace agreements (Doyle and Sambanis 2000). Seth Kaplan (2008) posits that state-building activities can generate legitimacy and accountability for a transitional government, both of which are critical for the nurturing of peace, stability, and resiliency over an extended period of time as well as bring an end to physical hostilities in the short-term. Paul Collier and Anke Hoeffler (2004) further argue that state-building can alleviate government deficiencies, which can reduce the high

³² The terms state-building and nation-building are used interchangeably in the literature. State-building, in its simplest form, refers to actions undertaken to reform and strengthen state institutions that are either missing or severely eroded (Caplan 2005).

opportunity costs of war and increase incentives among warring parties to remain at peace. Finally, Charles Call and Vanessa Wyeth (2008) contend that stable, legitimate, and effective institutions that are responsive to citizen needs and capable of providing basic services increases the probability of a war-torn country remaining at peace.

2.5 Are Current Approaches to Peacebuilding Flawed?

Coupled with this disagreement over what peacebuilding operations should look like, the means of building peace in post-conflict societies are also contested.³³ Critics and proponents hone in on the “liberal” discourse of peacebuilding operations. Based on a long history of Western thinking about what conditions peace both within and between states, the liberal peace thesis holds that liberal democracy,³⁴ free-market economies,³⁵ and the institutionalization of the rule of law are critical for building peaceful societies (Russett and Oneal 2001).³⁶ The logic behind implementing liberal reforms in post-conflict societies, as Caroline Hartzell (2014, 378) comments, rests on the belief that “market democracies and related institutions are thought to help support a durable peace by fostering restraint, tolerance for others, predictability, justice, a sense of security, and

³³ Peacebuilding operations in Namibia, El Salvador, Mozambique, and East Timor are considered success stories. Peacebuilding operations in the DRC, Somalia, and Cyprus, on the other hand, are considered failures since they failed to prevent belligerents from resorting back to the use of armed violence to achieve better terms.

³⁴ Zakaria (1997) defines liberal democracies as those promote free, fair, and competitive elections, protect basic civil liberties, and are marked by independent media and judiciaries.

³⁵ Free market ideology, or “market fundamentalism,” is predicated on the belief that privatization, deregulation, and laissez-faire economics promote development, increased investment, and prosperity (Stiglitz 2003).

³⁶ In Iraq and Afghanistan, neoliberal principles have been applied extensively with the hope that democratic and free-market reforms will promote a self-sustaining and enduring peace for generations to come.

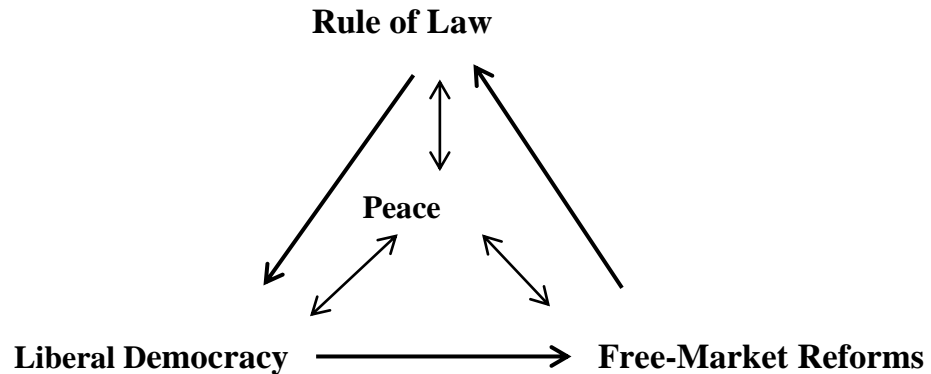
prosperity, on the one hand, and minimizing the potential for governmental abuse and arbitrary action on the other hand.”

Proponents defend incorporating liberal principles into peacebuilding operations in several ways (Rummel 1997; Paris 1997; Doyle and Sambanis 2000; Paris 2009; Paris 2010). R.J. Rummel (1997, 85), for example, argues that creating liberal institutions makes post-conflict countries less prone to civil unrest and other forms of domestic dysfunction, including “revolutions, bloody coup d’états, political assassinations antigovernment terrorist bombings, guerilla warfare, insurgencies, civil wars, mutinies, and rebellions.” Michael Doyle and Nicholas Sambanis (2000, 779-780), moreover, comment that pluralistic state institutions, the rule of law, and higher levels of economic development can explain why some post-conflict countries remain at peace while others relapse back into armed hostilities. Roland Paris (1997, 2009, 2010) staunchly defends the liberal approach to international peacebuilding by arguing that there is no effective alternative. Electoral reforms and privatization efforts may fall short; however, Paris comments (2010, 362) that the “challenge today is not to replace or more “beyond” liberal peacebuilding but to reform existing approaches within a broadly liberal framework.” According to proponents, then, the post-conflict stage represents a critical window, or juncture, to implement key political, social, and economic reforms that can cure post-conflict countries by bringing disparate actors and former belligerents into the fold and creating incentives for warring parties to peacefully coexist through creating positive-sum institutions. Echoing Francis Fukuyama (1992), who defiantly claimed the “end of history,” champions of this liberal discourse suggest that structuring peacebuilding operations around the implementation of elections, the building of state

institutions, and the opening of markets is the only way to repair war-torn societies.³⁷

This logic of the liberal approach to peacebuilding is depicted in **Figure 4**.

Figure 4: The Liberal Peacebuilding Approach



Critics, on the other hand, posit that contemporary peacebuilding operations are ill-prepared to deal with their ever-expanding missions and liberal peacebuilding strategies, sometimes labeled liberal interventionism or liberal internationalism, are structured around incompatible and often conflicting goals (Barnet 2006; Cooper 2007; Chandler 2008; Pugh et al. 2008; Richmond 2011). Instant liberalization, or quickly promoting neoliberal principles in post-conflict societies through democratization as well as marketization, may actually may be doing more harm than good. This is largely a consequence of unintended socioeconomic and political disparities in the short-term, which raise the specter of renewed violence due to growing tensions between winners

³⁷ Fukuyama (1992) posited that the end of the Cold War represented a triumph for liberalism and constitutional democracy over its ideological counterparts – fascism and communism – in the 21st century.

and losers in markets and political processes.³⁸ Michael Barnett (2006, 89), for example, suggests that liberal reforms are detrimental since they lack the “necessary institutional framework or civil culture to absorb the potential pressures associated with political and market competition.” Kirsten Howarth (2014) suggests that liberal democratic and economic reforms produce unequal outcomes, which creates a cycle of interpersonal violence and crime in post-conflict societies. In response to Paris’ critical defense of liberal peacebuilding, Neil Cooper, Mandy Turner, and Michael Pugh (2011) argue that promoting free markets and strengthening instruments of state coercion through “capacity building” leave little room for improvements in democracy and human rights.

The claims of these critics are backed by recent empirical research, which shows a negative relationship between elections and the durability of peace or neoliberal economic reforms and peace. In a recent study on post-conflict elections, Thomas Flores and Infran Nooruddin (2012, 558) find that those held within the first year after armed hostilities end actually increase the probability of renewed violence when holding other predictor variables, such as type of victory or geographic region constant. Despite the normative appeal of replacing bullets with ballots, they posit that this is largely a consequence of former enemies using their newfound power to punish their opponents. Hartzell, Matthew Hoddie, and Molly Bauer (2010) also find evidence to suggest that neoliberal reforms enacted immediately following the cessation of violence exacerbate

³⁸ Barnett (2006: 89) argues that liberal peacebuilding strategies are actually sowing the seeds for renewed violence since post-conflict societies “do not have the necessary institutional framework or civil culture to absorb the potential pressures associated with political and market competition.” Paris (1997: 56) notes that “paradoxically, the very process of political and economic liberalization has generated destabilizing side effects in war-shattered states, hindering the consolidation of peace and in some cases even sparking renewed violence.”

tensions between winners and losers in markets, which increases the likelihood of fighting reigniting. Roger Mac Ginty (2011, 7-8) in a provocative critique of reengineering societies through establishing electoral democracies finds that in four post-conflict settings (Bosnia-Herzegovina, El Salvador, Kosovo, and Mozambique) turnout rates in parliamentary elections drop significantly after a peace accord is signed or as elections become more entrenched.³⁹

Other critics question the top-down nature of mediation in peacebuilding operations (Belloni 2001; Austesserre 2009; Pugh 2009; Labonte 2012; Mac Ginty and Richmond 2013). To these critics, top-down mediation tends to fortify the privileged status of predatory elites that largely contributed to the onset of violence. Michael Pugh (2009), for example, suggests that top-down peacebuilding strategies lock, or freeze, conflicts in place by ignoring local concerns, marginalizing local power-brokers, and making civilian populations more vulnerable to social divisions and intergroup tensions. Melissa Labonte (2012, 90) finds that top-down political reforms in Sierra Leone enabled political elites at the national-level to regain control over decision-making processes at the expense of local councils. Austesserre (2009, 249) also finds that peacebuilding operations in the DRC have failed as a consequence of political and economic reforms failing to resolve local grievances over land, resources, and administrative power that have traditionally been a source of violent conflict throughout modern Congolese history. Roger Mac Ginty and Oliver Richmond (2013) support more localized peacebuilding

³⁹ Mac Ginty finds that turnout rates decreased in Kosovo in 1998 from approximately 71 percent to 37 percent in 2006, from 90 percent in El Salvador in 1997 to 54 percent in 2009, from 50 percent in Kosovo in 2004 to 45 percent in 2007, and from 88 percent in Mozambique in 1994 to 36 percent in 2004.

strategies due to realities on the ground, in where local actors are often the first source, and final, source of peacebuilding efforts and since infighting behind major players or actors in most international peacebuilding operations lead to a loss of confidence in a particular mission's public image or legitimacy.

To improve the track record of peacebuilding, even if it remains a liberal endeavor, Mac Ginty (2011) proposes "hybrid peacebuilding," which entails the use of liberal peacebuilding mechanisms but in conjunction with input of local actors or agents that are capable of providing incentives to partake and participate in peacebuilding activities. Barnett (2006) proposes a "republican peacebuilding," which places an emphasis on deliberation, constitutionalism, and representation to build legitimacy for the peacebuilding process and address the underlying concerns of all belligerents involved instead of relying on instant liberalization. Labonte (2012) and Austesserre (2009) propose yet another model, which is predicated on the utilization of INGOs and other third-party actors at the local level to increase the legitimacy of peacebuilding operations and incorporate local concerns that are often neglected at the national-level, yet become the proximate causes for future conflict. Finally, Jonathan Goodhand (2006)⁴⁰ as well as Carrie Manning and Monica Malbrough (2010)⁴¹ are advocates for approaches that take into account regional differences and variations in peace processes worldwide, with a particular emphasis placed on incorporating regional donors or region-specific actors that have country-specific experience, knowledge of domestic political actors and institutions,

⁴⁰ Goodhand (2006) is a proponent of "regional peacebuilding," largely through regional organizations, rather than the cookie-cutter approach that has been used to describe liberal peacebuilding.

⁴¹ Manning and Malbrough (2010, 143-169) cite the success of third-party, regional actors in Mozambique as evidence for the success of regional-specific approaches.

and a shared commitment to successful outcomes in comparison to UN-directed operations.

2.6 Transitional Justice as Peacebuilding in the 21st Century

A subset of this peacebuilding literature stresses the importance of addressing past human rights abuses and demands of justice by victims against those they regard as perpetrators as a way of maintaining peace (Minow 1998; Tutu 1999; Teitel 2000; Teitel 2003; Posner and Vermeule 2004; Philpott 2012; Porter 2015). As an academic topic, scholars are increasingly concerned how post-conflict societies come to terms with violence, oppression, and massive human rights abuses committed during periods of state repression, political instability, or armed conflict. A key area of analysis is how transitional societies employ different transitional justice⁴² mechanisms-- ranging from criminal tribunals and political purges to amnesty, reparations, and truth commissions -- to address past wrongs, hold those who are guilty of perpetrating atrocities accountable, and prevent the repetition of abuses in the future (Elster 2004). The roots of modern transitional justice can be traced to international efforts to develop international criminal law in response to the near extermination of European Jews at the hands of the Nazis as well as war crimes perpetrated by the Japanese during the Second World War in the

⁴² Teitel (2000, 11) defines transitional justice as a conception of justice associated with periods of political change, characterized by legal responses to confront wrongdoings committed during periods of upheaval. Olson, Payne, and Reiter (2010, 805) expand this definition of transitional justice by noting how it encompasses an “array of processes designed to address systematic or widespread human rights violations committed during periods of state repression or armed conflict.”

Nuremberg and Tokyo war crimes tribunals respectively.⁴³ Although the roots of transitional justice can be traced to these two international criminal tribunals, transitional justice as a conception of post-conflict justice truly emerged during the 1980s as various political transitions in Latin America attempted to deal with past human rights abuses and, more importantly, thousands of “disappeared” under the oppressive reign of military governments in Chile, Argentina, and Brazil (Arthur 2009). This view of transitional justice as a critical component of international peacebuilding efforts was finally realized in the aftermath of the Cold War, which effectively gave a “green light” for the international community to pursue ambitious transitional justice projects in response to mass violence in places such as Bosnia and Rwanda. Once considered merely instruments to promote victor’s justice, transitional justice mechanisms began to be viewed as appropriate strategies for post-conflict countries to deal with legacies of past abuses (Subotic 2009, 166).

Over time, scholars have shifted their focus to studying how and when different transitional justice mechanisms are employed and what factors impede or provide the foundations for the success of these mechanisms. For example, should a post-conflict society utilize trials to punish perpetrators, or should they offer amnesty to those who are willing to lay down their arms, confess their crimes, demobilize, and seek reconciliation in their former communities? Does offering amnesty, moreover, satisfy victims’ demands for justice, or does it create new grievances?

⁴³ For a discussion on how the field of transitional justice has evolved, see Posner and Vermeule (2004) and Fischer (2011).

The basic premise behind transitional justice is that peace can only be cultivated by addressing painful memories and past suffering. As Porter (2015, 10) writes, “the objectives of transitional justice are twofold: to deal with the past in confronting the legacies of human rights abuses and human suffering, ensuring accountability for past injustices while maintaining peace, the rule of law, and democratic processes; and also, to move into the future, including fostering reconciliation.” Although transitional justice can be viewed as retrospective due to an emphasis being placed on punishing wrongdoers or compensating victims, the prospective, or forward-looking dimension, of transitional justice offered by Porter is important since it promotes the idea that confronting the past is an essential ingredient for moving forward.⁴⁴ Minow (1998, 2) similarly comments that post-conflict societies “have to struggle over how much to acknowledge, whether to punish, and how to recover.”

In today’s post-Cold War landscape, transitional justice mechanisms have increasingly become embedded in peacebuilding operations. This proliferation is largely a consequence of shifting international attitudes that perpetrators must be held responsible for their actions in war and noncombatants must be afforded basic protections from the violence that is perpetrated. This proliferation has also been aided by a growing body of scholarship that stresses the need for a “just” peace to be established to prevent a cycle of renewed violence (Walzer 1992; Rawls 1999; Orend 2002; Bass 2004; Walzer 2004; Williams and Caldwell 2006; Stahn 2007; Williams 2014). Despite being underdeveloped in the Just War tradition, a cornerstone of *jus post bellum* (“justice after

⁴⁴ For a discussion on how transitional justice is criticized as being backward thinking, see Posner and Vermeule (2004, 766) and Porter (2015, 10-12).

war”) is the assumption that restoring basic human rights protections and addressing a legacy of past human rights abuses is necessary and sufficient for an enduring and durable peace to take root. Similar to a revolution in ideas concerning international peacebuilding, scholars also began to view transitional justice along transformative lines, meaning that transitional justice, like peacebuilding, is both a short-term and long-term process that links the past to the future (Lambourne 2009).

As Michael Walzer (1992) notes, considerations about ending a war justly are of equal importance to considerations as to whether a war was started for just reasons (*jus ad bellum*) or whether that war was fought justly (*jus in bello*). John Rawls (1999, 98) also discusses postwar obligations and contends that “the enemy’s people are not to be held as slaves or serfs after surrender, or denied in due time their full liberties.” Building on the work of Walzer and Rawls, which remain the most influential on the topic, Robert Williams and Dan Caldwell (2006, 309) argue a “just peace exists when the human rights of those involved in the war, on both sides, are more secure than they were before the war.” Brian Orend (2002, 55) further comments that a just peace is one in where “human rights to life and liberty and community entitlements to territory and sovereignty” are established. Finally, Carsten Stahn (2007, 936) argues that “a fair and just peace settlement will ideally endeavor to achieve a higher level of human rights protection, accountability, and good governance than in the period before the resort to armed force.”

2.7 Vengeance or Forgiveness?

Transitional justice mechanisms in post-conflict societies assume two broad forms: retributive justice and restorative justice. When pursuing retributive justice,

perpetrators of human rights abuses are held accountable through criminal prosecution and punishment through courts of law and ad hoc war crimes tribunals (trials), through ineligibility for public office (lustration), or through being forced to repay victims, usually through monetary compensation.⁴⁵ The rationale behind retributive justice is that some abuses are so heinous that perpetrators must be punished due to the extent of the harm inflicted by their actions. If not, past injustices will remain unaddressed and a cycle of impunity will continue, increasing the prospects for armed violence reigniting. As Minow (1998, 12) writes, retributive justice “reflects a belief that wrongdoers deserve blame and punishment in direct proportion to the harm inflicted,” in the hope that doing so will deter abuses in the future and establish a society that upholds the virtue of human rights and the rule of law. A central assumption of retributive justice, then, is the idea that those responsible for organizing, orchestrating, or actually carrying out acts of mass violence should not “get away with” their crimes and only a legal response -- one that is capable of handing down punishments for these crimes -- is capable of creating the conditions necessary for peace, societal stability, and reconciliation (Stover and Weinstein 2004; Fletcher 2005).

⁴⁵ As a form of retributive justice, Posner and Vermeule (2004, 766) note that in criminal trials “perpetrators (are) charged with crimes and then provided with lawyers, the chance to defend themselves, the opportunity to cross-examine witnesses, and other procedural protections.” In their most basic form, lustration policies (i.e., political purges) are intended to formally prevent perpetrators of state oppression or human rights abuses from holding public office or positions in a country’s security apparatus. For a discussion on the role of lustration policies in transitional justice literature, see Mayer-Rieckh and De Greiff (2007). Also see David (2003) for a discussion on the role of lustration policies in the Czech Republic and Poland to impose legal disabilities on former communist regime members and their sympathizers. Olsen, Payne, and Reiter (2010, 806) define reparations as a “state’s official grant of monetary payments, property, or other forms of restitution of monetary value to victims, or to relatives of victims, of past human rights violations.”

Restorative justice, on the other hand, takes the form of amnesties, pardons, public memory projects, and truth commissions.⁴⁶ In contrast to retributive justice, the goal of restorative justice is to heal and reintegrate victims and perpetrators into society. As John Braithwaite (1999) notes, “restorative justice is about restoring victims, restoring offenders, and restoring communities.” Susan Olson and Albert Dzur (2004, 139) further offer that restorative justice is victim-centric and decenters the focus on offenders to broader institutional weaknesses and social disparities that made violence possible. The underlying goal is to right a balance between groups bitterly divided along the polarizing lines of ethnicity, class, religion, or race to advance reconciliation and, more importantly, to allow individuals an opportunity to recover from past trauma.

In the transitional justice literature, widespread debate exists between the values of “vengeance” and “forgiveness” and which is more compatible with the lofty goals of peace, justice, and reconciliation in post-conflict societies (Minow 1998). These competing visions of what justice entails, as a result, has created a healthy debate concerning what type of mechanism should be used and under what contexts. To some scholars, retributive justice contributes to reconciliation more so than restorative justice mechanisms (Huyse 2003; Sikkink and Walling 2007; Wigglesworth 2008). Luc Huyse (2003: 98), for example, posits that retributive justice can help post-conflict societies move forward by preventing perpetrators of abuses from returning to power and ending a

⁴⁶ Porter (2015, 82-83) notes that amnesties, as a form of restorative justice, often grant immunity from criminal prosecution to former combatants in exchange for disclosing their role in orchestrating human rights abuses or human suffering. Already defined above, Hayner’s (1994, 558) definition of truth commissions is widely accepted: truth commissions are “bodies set up to investigate a past history of violations of human rights in a particular country – which can include violations by the military or other government forces or armed opposition forces.”

cycle of impunity. Kathryn Sikkink and Carrie Booth Walling (2007) broadly assess the impact of retributive justice mechanisms in Latin America and conclude that these mechanisms have contributed to democratic consolidation and increased human rights protections. Gillian Wigglesworth (2008) further argues that retributive justice mechanisms foster reconciliation by making it difficult for heads of state and other important political and military leaders to avoid facing legal consequences for their actions, which allows post-conflict societies to prevent a repetition of abuses. Hunjoon Kim and Kathryn Sikkink (2010) argue that trials do indeed promote positive societal outcomes, especially positive human rights outcomes, since they promote accountability that socially ostracize violations and the potential for a future repetition of abuses. Somewhat refuting the findings of Sikkink and Walling (2007) and the overall arguments advanced by scholars that favor trials as a form of retributive justice, James Meernik, Angela Nichols, and Kimi King (2010) find little evidence to suggest that trials make much of a positive or negative difference when examining the effect of domestic and international prosecutions in post-conflict countries between 1982 and 2007.

On the other hand, other scholars contend that restorative justice mechanisms represent a more viable long-term option for promoting reconciliation since they can repair broken relationships and promote societal healing (Hayner 1994; Goldstone 1995; Nino 1996; Minow 1998; Kritz 1999; Tutu 1999; Rotberg and Thompson 2000; Hamber 2001; Mamdani 2001; Amstutz 2005; Roman and Choi Yuk-ping 2005; Kerr and Mobekk 2007; Clark 2008; Kashyap 2009; Porter 2015). Rachel Kerr and Eirin Mobekk (2007, 4), for example, contend that restorative justice mechanisms ensure that past wrongs will never happen again by strengthening the rule of law, which delivers justice

and lessens a desire for vengeance. Rina Kashyap (2009, 453) contends that restorative justice “identifies the opportunity to tell the story of what happened, as a primary need of the victim,” which gives victims a sense of justice and allows them the opportunity to forgive. Porter (2015, 14) further notes that for harms that can reasonably be addressed through restorative justice, “accountability for wrongdoing is recognized, but the target of justice lies in achieving a right relation between the victim and perpetrator – that is, some degree of reconciliation.” Finally, Janine Clark (2008) finds that restorative justice processes in Rwanda and the former Yugoslavia have initiated and furthered reconciliation more so than retributive processes. Examining the effectiveness of reparations in the Czech Republic, Roman David and Susanne Choi Yuk-ping (2005) also find that reparations to victims of human rights violations can provide sociopolitical redress, whereas retributive justice mechanisms rarely deliver reconciliation. To these scholars, retributive justice holds the potential to destabilize fragile post-conflict societies by provoking hostile attitudes and new grievances.

2.8 Is Transitional Justice Flawed?

Coupled with this disagreement over the appropriate nature of transitional justice processes, other scholars question whether transitional justice mechanisms are compatible with peace and reconciliation to begin with. Some scholars hail the pacifying effect of transitional justice mechanisms and their ability to alleviate volatile emotions and advance healing (Goldstone 1996; Sikkink and Walling 2007; Olsen et al. 2010; Nettelfield 2010; Porter 2015). Richard Goldstone (1996), for example, argues that transitional justice mechanisms compliment peace by strengthening judicial systems and

the rule of law. Lara Nettelfield (2010) further finds that transitional justice mechanisms, notably ad hoc tribunals, have contributed to democratization and peaceful transitions in Bosnia and Herzegovina.

Other scholars instead argue that transitional justice mechanisms undermine the peace they are intended to create and are frequently manipulated for personal and political gain (Kiss 2006; Minkkinen 2007; Leebaw 2008; Lundy and McGovern 2008). Csilla Kiss (2006, 927), for example, finds that transitional justice mechanisms employed in Hungary failed as a consequence of them diverting “attention from ongoing difficulties in the country, especially social issues deriving from inherited economic problems ... as well as from financial and economic management committed in the course of privatization and social reform.” Bronwyn Leebaw (2008) argues that transitional justice processes are susceptible to revenge or victor’s justice, which creates the question of “whose” justice is being served. Panu Minkkinen (2007) also points out that transitional justice mechanisms fail to address resentment, which causes underlying feelings of anger, hate, and animosity to fester well beyond the immediate termination of violence.

Along with this critique that transitional justice may actually undermine the peace it is intended to build, some scholars, applying criticisms levied against liberal peacebuilding, question the dominant, legalistic discourse of transitional justice. Rama Mani (2002) argues the legalistic nature of transitional justice and its emphasis on redressing direct human rights abuses often leaves structural injustices in place that

contributed to the conflict to begin with.⁴⁷ Patricia Lundy and Mark McGovern (2008), moreover, raise concerns over the top-down nature of transitional justice processes, which they argue are not inclusive and participatory in nature. Using the Ardoyne Commemoration Project (ACP) in Northern Ireland as a case study, Lundy and McGovern (2008, 284-291) trace how community-inspired, truth-telling strategies incorporated participation of various stakeholders and created a “victim-centered” agenda, which contributed to wider goals of nation-building, social reconciliation, and conflict de-escalation. Laurel Fletcher and Harvey Weinstein (2004, 29-48) also shed light on the shortcomings of top-down approaches by suggesting that publics within countries of top-down approaches often perceive that these efforts constitute an external solution or are externally imposed without local input, which undermines the legitimacy of state-level trials, truth commissions, or amnesty programs that often accompany DDR processes. Andrea Kupfer Schneider (2009, 298) comments that this lack of local input into the truth commission in El Salvador was ultimately a harbinger for its ineffectiveness considering that it “consisted entirely of international commissioners and staff members, purposely excluding Salvadoran natives because of the civil war.” Paul Gready and Simon Robins (2014) also build on this argument by noting that a key limitation associated with transitional justice processes is that they are dominated by a few stakeholders externally as well as internally. Externally, these processes are controlled by key IGOs and INGOs, such as the UN or Human Rights Watch (HRW), while internally, only a small number of citizens, in most cases, participate as witnesses, defendants, or

⁴⁷ Mani (2002), in particular, argues that focusing only on direct abuses committed by allowing victims to identify perpetrators in trials or truth commissions negates the ability of mechanisms to address underlying grievances, animosities, or tensions that hold the potential to rekindle future violence and acts of human rights abuses.

through the giving of testimony (Gready and Robins 2014, 343). Jack Snyder and Leslie Vinjamuri (2003) also critique the top-down, legalistic nature of transitional justice processes by noting that they often come to embody the inter-group tensions that were meant to remedy. In their study of the ICTY, for example, Snyder and Vinjamuri (2003, 21) find that the ICTY reinforced ethnic cleavages, evident by the fact that “many Serbs complained that the tribunal unfairly targets Serbs, while many Croats have argued that their group has been unfairly singled out.” Further, the authors (2003, 22) use survey data to argue that the ICTY marginalized Bosnia’s domestic court system by imposing international standards that were not well understood or accepted, thus undermining efforts at delivering justice and reconciliation. Kieren McEvoy (2008, 17), thus, calls for a “thicker” understanding of transitional justice, one that acknowledges how its legalistic discourse causes it to be “something rooted firmly in the formal mechanisms and institutions of international criminal justice rather than in the communities most affected by the conflict.”

A final critique of the political-legal, top-down discourse surrounding transitional justice comes from Erin Baines (2010) who suggests that trying to administer formal transitional justice through existing state institutions actually exacerbates conflict and injustices by ignoring processes independent of the state that are better situated to promote social healing and reconciliation at the micro-level. In particular, Baines (2010: 411) argues that the “process of social reconstruction often takes place at the micro level, amongst the war-affected themselves and firmly outside the formal institutions [utilized as part of transitional justice processes today].” In her study of conflict resolution and reconciliation processes in Northern Uganda, Baines (2010: 417-428) finds that moral

and spiritual based processes in Acholi-land were better situated to promote spiritual and therapeutic healing as well as social reconstruction. More importantly, Baines (2010: 412) finds that these processes provided a sense of closure to people who fell into ambiguous victim-perpetrator statuses that included “bystanders, collaborators, informants, forced perpetrators, forced combatants, victims-turned-perpetrators, and perpetrators-turned-victims.” What separates Baines (2010) from Mani (2002), Lundy and McGovern (2008), Fletcher and Weinstein (2004), and Gready and Robins (2014) is her criticism of the emerging idea that the limitations of top-down approaches can be rectified by simply adopting bottom-up approaches in conjunction with universal mechanisms. Although Baines (2010, 412-414) agrees that top-down mechanisms are likely to create frictions in local contexts by negating or undoing processes of reconciliation already under way, Baines also acknowledges that “traditional,” grassroots approaches can be susceptible to the same pressures and limitations as well in the form of elite capture, spoilers, or failing to deliver a sense of justice to victims or their families.

The common unifier across these critiques is that the legalistic and top-down framing of transitional justice is problematic. In some cases, these mechanisms are not participatory, they are viewed as being distant and externally imposed, or they are perceived as being a tool to simply make it appear as if a transitional government has made a sharp departure from a past period of violence, instability, oppression, or conflict. Further, as Dan Bar-On (2007), Neil Kritz (2009), and Martina Fischer (2011) suggest, post-conflict justice and reconciliation efforts are extremely diverse enterprises that require both top-down and bottom-up strategies that purposively target various actors, stakeholders, and, more importantly, civil society groups in a post-conflict country in

order to be effective. The key debate that rages between these critics, then, is how we can design processes and universal mechanisms that must be implemented at the national-level while acknowledging that healing is a victim-centered enterprise that must be targeted at various levels of society (Lundy and McGovern 2008; Schneider 2009; Baines 2010). More importantly, how can we utilize top-down approaches in such a way to prevent them from undoing efforts to repair relationships between victims and perpetrators at the micro-level?

2.9 Do Truth Commissions Work?

As a form of restorative justice that places an emphasis on strengthening the rule of law, while also promoting psychological and societal healing, truth commissions have proliferated in recent decades, evident by their increasing application in a variety of societies haunted by human rights abuses in Latin America, East Asia, and Sub-Saharan Africa. This is largely a consequence of the fact that transitional societies are marked by criminality and widespread instability, which makes retributive forms of justice, such as criminal trials, hard to pursue on a massive scale. Further, South Africa's truth commission marked a turning point in global awareness that uncovering the truth, listening, and forgiveness can address past injustices and promote reconciliation at the same time. As Leebaw (2008, 102) comments, "truth commissions are no longer seen as a second rate alternative, but rather an important complement to prosecution of systematic atrocity." In most cases, truth commissions eventually blend restorative justice with retributive justice by combining psychological healing and the "truth" with the rule of law later in the transitional process.

In the literature, it is argued that clear-cut conditions must be met for truth commissions to be effective.⁴⁸ Commissions must have strong public support, include representatives of various sectors of society, and operate in impartial, transparent, and non-political ways. Commissions must also have adequate financial and material resources to collect testimony, perform investigations, and conduct public hearings. On the other hand, commissions will be toothless and impotent if they lack legitimacy and transparency among ordinary citizens, have inadequate resources, and draw their members only from elites or specific segments of society. Above all, commissions fail if they are used as a form of victor's justice or as tools to whitewash past injustices.

Despite this agreement over the factors that are thought to condition the effectiveness of truth commissions, existing studies remain far from homogenous over whether truth commissions promote positive societal transformation. On one hand, proponents argue that truth commissions can become a catalyst for reconciliation by repairing intergroup relationships, advancing human rights protections, fostering transparency and accountability, and strengthening democratic processes (Scharf 1997; Minow 1998; Boraine 2000; Lutz and Sikkink 2001; Hamber 2001; Kim and Sikkink 2010; Olsen et al. 2010; Wiebelhaus-Brahm 2010; Porter 2015). Truth commissions are particularly appealing to proponents in situations marked by transitions away from authoritarianism, in where these bodies can become an essential component of efforts to uncover crimes committed by state security forces, establish the "truth" about the nature

⁴⁸ See Gibson (2009: 125) and Hayner (1994: 558) for a more detailed discussion on metrics that have been used to examine the success and effectiveness of truth commissions.

and scope of past surveillance programs, or uncover the whereabouts of those who had been “silenced” (Lundy and McGovern 2008, 270).

Proponents of truth commissions advance the following three claims: (1) truth-seeking builds justice; (2) truth-telling can become a catalyst for societal healing and reconciliation; and (3) truth-finding promotes a culture of respect for human rights (Herman 1994; Scharf 1997; Hayner 1994; Ash 1997; Minow 1998; Hayner 2001; Abrams and Hayner 2002). In terms of the first claim, exposing past atrocities, assigning blame to perpetrators, and allowing victims to come forth and share their past injustices is viewed as an essential ingredient in the peacebuilding process. As Richard Goldstone (1996, 491) has argued, “...the public and official exposure of the truth is itself a form of justice.” Closely related to the first claim, truth-telling is perceived as being therapeutic. As Judith Herman (1994: 1) notes, “...remembering and telling the truth about terrible events are prerequisites for both the restoration of the social order and for the healing of individual victims.” Michael Scharf (1997, 379) similarly writes that “...national reconciliation and individual rehabilitation are facilitated by acknowledging the suffering of victims and their families, helping to resolve uncertain cases, and allowing victims to tell their story, thus serving a therapeutic purpose for an entire country.” Minow (2000, 244) also posits that “coming to know that one’s suffering is not solely a private experience, best forgotten, but instead an indictment of a social cataclysm, can permit individuals to move beyond trauma, hopelessness, numbness, and preoccupation with loss and injury.” Finally, truth-finding can allow post-conflict societies to develop an impartial, historical record of past abuses that are often kept secret. This is posited to be advantageous as a consequence of truth-finding educating a society about its past,

teaching a culture of respect for human rights protections, and preventing future human rights abuses. As Priscilla Hayner (1994, 607-609) comments, truth-finding “allows a society to learn from its past in order to prevent a repetition of such violence in the future.” Jeremy Sarkin (1999: 800) further argues that truth-finding can “ensure the avoidance of such human rights violations in the future and will also further the development of a human rights culture.” Of equal importance is the fact that truth commissions can correct “mythmaking” and the detrimental effects of revisionism in the future (Posen 1993; Snyder 2000; Kaufman 2001). Using complex datasets, Tricia Olsen, Leigh Payne, and Andrew Reiter (2010) and Wiebelhaus-Brahm (2010) find that truth commissions are not associated with improvements in human rights protections in post-conflict countries that adopt them. Wiebelhaus-Brahm (2010) further finds that truth commissions have no effect on levels of democratization. Kim and Sikkink (2010), using an alternative data, instead find that truth commissions, when coupled with trials, strengthen human rights protections. When examining combinations of mechanisms further, Olsen, Payne, and Wiebelhaus-Brahm (2010) later concede that the effect of truth commissions is enhanced when they are coupled with tribunals and amnesty provisions.

Despite these claims, a growing chorus of skeptics view truth-building as a potentially destabilizing force in already delicate and fragile post-conflict situations, and argue that truth commissions often fail more than they succeed (Huntington 1991; Popkin and Roht-Arriaza 1995; Brody 2001; Snyder and Vinjamuri 2003; Mendeloff 2004;

Gibson 2009).⁴⁹ Refuting the first claim above, Reed Brody (2001) comments that justice is better served through criminal courts, which now have greater authority and legitimacy in prosecuting perpetrators of human rights abuses. Margaret Popkin and Naomi Roht-Arriaza (1995, 114), moreover, argue that truth commissions in Chile, El Salvador, and Guatemala did not end a cycle of impunity since they were a poor substitute for appropriate punitive action. Arguing against the second claim, Michael Ignatieff (1996) questions whose “truth” is being told since there are different degrees of truth, which can range from “forensic truth” to “partial truth” and “hearsay.”

Even more problematic, several scholars suggest that victims may exaggerate their claims to exact revenge or even use the truth-building process for personal gain. In Rwanda, for example, Bert Ingelaere (2009) finds that truth-building processes have failed to administer justice as a consequence of victims using formal processes to seize land from alleged perpetrators as well as its Tutsi minority using them to exact revenge of certain segments of its Hutu majority. Jack Snyder and Leslie Vinjamuri (2003) further comment that truth commissions have the potential to rekindle anger, hatred, and resentment between victims and perpetrators rather than becoming a catalyst for social reconciliation. Building on the work of Sikkink and Walling, David Mendeloff (2004: 366) also notes that there is little evidence to suggest that truth commissions have deepened intergroup harmony or promoted a culture of respect for human rights in Latin America or South Africa. Although truth commissions have been vital components of the peace process in these countries, Mendeloff (2004) notes that tensions persist along the

⁴⁹ Gibson (2009, 124) embodies this view when noting that “many commissions appear to have had little, if any, impact on societal transformations” even when expectations are minimal.

polarizing lines of ethnicity, race, and religion. Finally, some scholars have argued that forgetting about the past, or promoting “collective amnesia,” is better suited for promoting healing and stability in transitional societies (Huntington 1991).

Along with these critiques, other scholars criticize how truth commissions have been utilized as a transitional justice mechanism. Glenda Mezarobba (2010) documents how Brazil’s truth commission between 1995 and 2007 did little to establish an authoritative record of what transpired during years of oppressive, military governments. Instead of being an independent, investigative mechanism, this body merely became a forum to process claims made by victims. Other scholars posit that truth commissions are susceptible to political manipulation by political elites. Examining the use of truth commissions in Serbia and Croatia, Brian Grodsky (2009) argues that truth commissions in each country respectively have been greatly undermined by political, economic, and social elites who established them in a haphazard fashion to counter international pressure for criminal prosecutions. Using the failure of the Haitian Truth and Reconciliation Commission as a case study, Joanna Quinn (2009) also comments how truth commissions can be plagued by a lack of political will, which can contribute to shortages in funding and time constraints.

2.10 Summary

This chapter focuses on four key debates in the literature as it relates to the operation of truth commissions as a form of transitional justice in post-conflict societies. The first section examined the changing nature of global violence and the new wars thesis. Contemporary global conflicts are no longer dominated or marked by state-actors

using accepted weaponry on well-defined battlegrounds. Instead, contemporary conflicts are increasingly intermittent and protracted in nature and marked by a diffuse number of state and non-state actors that may, in some cases, have incentives to see violence persist rather than come to an end through a peace agreement or negotiated settlement.

The second section surveyed extant studies on the nature and goals of international peacebuilding. While peacebuilding operations started with clear goals and objectives immediately following World War II, the evolution of international peacebuilding from keeping the peace to peace enforcing and peace building has complicated international efforts to prevent post-conflict countries from relapsing back into armed violence and instability. Today, international peacekeeping operations are structured around diverse and sometimes unrealistic goals, ranging from holding elections and rebuilding basic state institutions to fostering reconciliation between former belligerents and their supporters. Some scholars, moreover, question the liberal approach to international peacebuilding, which places a focus on shoring up democratic institutions and processes, incentivizing free market exchanges, and promoting the rule of law. To critics, this instant liberalization is actually causing more harm than good.

The third section surveyed transitional justice as both a growing norm and literature. Scholars of transitional justice argue that post-conflict countries must address past human rights abuses in some form or another in order to move forward politically, socially, and economically. If not, these societies will forever be plagued by a legacy of past abuses, atrocities, and violations that have the potential to become underlying sources of conflict in the future. With that said, scholars of transitional justice remain

divided over whether it is better to punish perpetrators for past abuses, or whether it is better to promote strategies that are more restorative in nature in order to reintegrate former perpetrators back into their communities. Scholars operating from one perspective over another, moreover, remain divided over best practices, or the mechanisms that should be adopted in post-conflict countries. Some scholars who favor retributive justice argue that criminal tribunals represent the best way forward, whereas others place an emphasis on lustrations or reparations as the appropriate mechanisms to punish perpetrators.

The fourth and final section examines the main topic in this study -- do truth commissions actually work? Even among scholars who are proponents of restorative justice, these bodies are highly controversial. Some scholars point to the operations and proceedings of high-profile cases, such as South Africa's TRC, to press the claim that truth commissions are a vital component of the peacebuilding and transitional justice processes. Other scholars point to the deficiencies associated with numerous examples of failed truth commissions, such as those in Uganda, to press the opposite claim. Regardless of these debates, we have benefited tremendously from alternative viewpoints on the effectiveness of truth commissions as a transitional justice mechanism. We have also benefited tremendously from those who have attempted to isolate the conditions in which truth commissions are more likely to exhibit a positive effect. With that said, we continue to lack the empirical evidence that is cross-national and time series in nature to judge or prove whether these bodies actually make a difference or not.

CHAPTER 3: RESEARCH DESIGN

Methods, Models, and Procedures

3.1 Introduction

This chapter describes, in detail, the mixed-method research design used to test and provide answers to each of the three research questions identified in Chapter One. The first part of this chapter discusses the merits associated with using mixed-, or multi-method, approaches in social science research. The second section frames the quantitative aspect of the study, with a particular emphasis placed on discussing the data, models, and statistical tests utilized to test each of the five hypotheses developed in Chapter 1. To do so, this section describes how each of the dependent, independent, and control variables are measured, provides descriptive statistics for these variables, and constructs the eight models developed to assess the impact of truth commissions and different combinations of transitional justice mechanisms on levels of democratization, human rights protections, economic development, and the durability of peace in post-conflict countries. The original dataset, which contains information on transitional justice mechanisms and post-conflict indicators between 1970 and 2010, is described in detail in this section as well. The third section explains the qualitative aspect of this study, with a particular emphasis placed on describing the rationale for picking Rwanda as a case study as the surveys and interviews that were developed to measure popular views and beliefs toward the *gacaca* courts. This section, in particular, discusses how the surveys were manipulated to test for automatic responses, which is critical when measuring attitudes in non-democratic countries, and reports the descriptive data for the respondents. This section also discusses how general principles of case study research designs are met to produce robust and

replicable data (Geddes 1990; Lieberman 1991; King et al. 1994; Yin 2009). A brief synthesis and overview of the key components of the quantitative and qualitative methods is offered at the end of this chapter as an easy reference for the overall research design adopted in this study.

3.2 Rationale for Mixed-Method Approaches

Multi-method and mixed-method approaches have grown in popularity and application in Political Science research over the past two decades. The former is usually characterized by a researcher adopting multiple techniques within a specific research frame, whether it is qualitative or quantitative in nature (Collier and Elman 2008). Mixed-method approaches, on the other hand, combine quantitative and qualitative research techniques, strategies, or analyses into a single research design and often involve multiple types of data collection (both numerical and qualitative) (Creswell 2003, 209). More importantly, this type of research design enables generalizations obtained from large-N studies to be complemented with thick description from small-N case studies or vice versa.

This methodological strategy has become increasingly attractive in social science research since it offers researchers the ability to examine complex research questions from diverse perspectives, which creates various avenues to test competing hypotheses or theories. As Robert Yin (2009, 63) comments, mixed-method approaches that triangulate data sources “permit investigators to address more complicated research questions and collect a richer and stronger array of evidence that can be accomplished by any single method alone.” John Creswell (2003, 4) concludes that mixed-method approaches are the

wave of the future and to “include only quantitative and qualitative methods falls short of the major approaches being used today in the social and human sciences.”

The merits of mixed-method approaches, as a methodological strategy, rest in their ability to allow researchers to address limitations and complications associated with conducting a purely quantitative or qualitative study, which helps explain why these approaches have proliferated (King et al. 1994; Creswell 2003; Maxwell 2005; Yin 2009). A common critique of quantitative-driven research designs is that they force researchers to frame research questions around those that can be tested through the use of statistical or numerical data. Critics of quantitative research designs also raise concerns over the growing complexity and sophistication of statistical methods in social science research, causing some to question whether quantitative research designs are actually producing useful and relevant knowledge regarding political phenomena. A common critique of qualitative studies, on the other hand, is that they are plagued by issues related to reliability, validity, and replication. For example, can one researcher replicate and produce the same results collected by another researcher across time and across different geographic or cultural settings? Critics also raise concerns over the small-N nature of qualitative studies, which may cause researchers to make erroneous inferences about a larger population of cases based on a small subsample of cases. Finally, some critics question the external validity of qualitative research designs and, in particular, those that utilize case studies to test competing hypotheses or theories. Barbara Geddes (1990), for example, has improved our understanding of comparative case study analysis by highlighting how seminal studies are possibly rooted in erroneous conclusions or assumptions as a consequence of a researcher picking cases or observations that already

prove or disprove a particular value of a dependent variable (i.e., selecting on the dependent variable).

The merits of mixed-method approaches, then, rest in their ability to mix different types of data or nest one method within another to provide additional insight into different research questions and hypotheses (Jick 1979; Creswell 2003). Statistical studies often lack “thick description,”⁵⁰ while qualitative studies -- ranging from case study research and interview-based research to participant observation or survey-based research designs -- often lack generalizability or replicability. Qualitative-driven studies, moreover, often suffer from the lack of empirical, testable data researchers can use to clearly test the effects of different theories and variables. By combining quantitative and qualitative techniques, this allows researchers to make inferences about a large number of cases in a population through quantitative analyses, and then explore outliers or anomalies through case studies or other qualitative techniques. It is important to note, however, that mixed-method approaches create extensive challenges for researchers. As John Creswell (2003, 210) comments, combining different methodological approaches often involves “extensive data collection, the time-intensive nature of analyzing both text and numeric data, and the requirement for the researcher to be familiar with both quantitative and qualitative forms of research.”

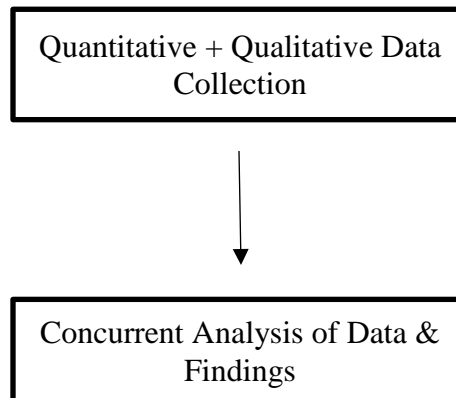
⁵⁰ Geertz (1973) comments that thick description entails not just describing a research phenomenon in interest, but also establishing sufficient detail and background context to determine whether the conclusions reached in one particular case are potentially transferable to other cases, settings, or situations. Thick description, then, goes beyond just providing a superficial account of a particular phenomenon of interest with the goal of complex analysis of the particularities of a case.

Out of the various mixed-method approaches available,⁵¹ this study adopts a concurrent transformative design strategy to gain a better understanding of what impact truth commissions have in post-conflict countries (see **Figure 5** below). This method involves collecting and analyzing quantitative and qualitative data simultaneously (Creswell 2003, 214). The hallmark features of this approach is the development of a theoretical framework, or perspective, in the initial stages of a study, which then guides the research questions, hypotheses, and data analysis that is performed. The goal, or objective, of this type of inquiry is to use theory to frame a research design and then use both quantitative and qualitative research strategies to provide empirical answers to the research questions being posed through this framework. Concurrent approaches are different from sequential strategies in the fact that the former places on emphasis on collecting and analyzing data simultaneously, while the latter places an emphasis on collecting and analyzing one type of data first and the other second (i.e., it places an emphasis on one type of method over the other).

Figure 5: Concurrent Transformative Research Design



⁵¹ Other mixed-method research design types include: (1) sequential explanatory design models; (2) sequential exploratory design models; (3) sequential transformative design models; (4) concurrent triangulation design models; and (5) concurrent nested design models (Creswell 2003).



By adopting a mixed-method approach, the aim of this study is to provide a more comprehensive examination of what conditions the effectiveness of truth commissions as a form of transitional justice in the past as well as to provide insight into how to improve their performance in 21st century conflicts. The study, however, does not intend to establish clear cause-effect relationships between truth commissions and any of the dependent variables examined. Instead, the objective is to examine the societal effect of truth commissions from various perspectives and utilize multiple techniques to survey whether there is evidence to suggest that truth commissions are tied to positive societal outcomes or not. Further, the quantitative models used in this study incorporate various time intervals with the intent of mimicking difference-in-difference (DiD) models in both quantitative and qualitative research designs, which are increasingly becoming an attractive strategy for determining whether complex linkages exist when holding multiple variables constant. The inability to differentiate between truth commissions actually causing an outcome or merely being associated with an outcome remains an open source of debate and a critical limitation in extant studies. By combining quantitative models

with a case study, the goal of this study is provide additional, empirical insight into what conditions peace, justice, and reconciliation in war's last phase.

3.3 Quantitative Research Design: Statistical Data, Variables, & Model Specification

Brief Summary of Research Questions & Hypotheses

The quantitative aspect of this study uses data on transitional justice mechanisms and various societal indicators in post-conflict countries between 1970 and 2010 to assess the impact of truth commissions and their performance in relation to other transitional justice mechanisms. More importantly, the data were collected in such a way to provide empirical insight into each of the three main research questions that guide the nature of inquiry in this study and to test each of the five hypotheses derived from the main theoretical argument in Chapter 1. These research questions and the five hypotheses derived from them are summarized in **Table 4** below.

Table 4. Review of Research Questions & Hypotheses

Summary of Research Questions	
<i>RQ1</i>	Do truth commissions produce positive societal outcomes in the form of democratization, economic development, human rights protections, and the durability of peace?
<i>RQ2</i>	Must truth commissions be coupled with transitional justice mechanisms that are retributive in nature (e.g., criminal tribunals, lustrations, reparations) in order to be effective?
<i>RQ3</i>	Are top-down approaches to transitional justice, such as truth commissions, increasingly becoming obsolete?

Summary of Study Hypotheses, Key Variables, & Purported Direction of Relationships			
H1	<i>Post-conflict countries that adopt truth commissions alone are less likely to experience advancements, or improvements, in levels of democratization in comparison to those that adopt truth commissions in combination with one or more retributive mechanisms.</i>		
	<u>Dependent Variable</u> Democracy	<u>Independent Variable</u> Truth commission	<u>Direction</u> Negative
H2	<i>Post-conflict countries that adopt truth commissions alone are less likely to experience improvements in human rights protections in comparison to those that adopt truth commissions in combination with one or more retributive mechanisms.</i>		
	<u>Dependent Variable</u> Human Rights	<u>Independent Variable</u> Truth commission	<u>Direction</u> Negative
H3	<i>Post-conflict countries that adopt truth commissions alone are less likely to experience improvements in economic development in comparison to those that adopt truth commissions in combination with one or more retributive mechanisms.</i>		
	<u>Dependent Variable</u> Economic development	<u>Independent Variable</u> Truth commission	<u>Direction</u> Negative
H4	<i>Post-conflict countries that adopt truth commissions alone are less likely to remain at peace in comparison to those that adopt truth commissions in combination with one or more retributive mechanisms.</i>		
	<u>Dependent Variable</u> Durability of peace	<u>Independent Variable</u> Truth commission	<u>Direction</u> Negative
H5	<i>Post-conflict countries that combine top-down approaches with grassroots level mechanisms are more likely to experience improvements in levels of societal peace, democratization, economic development, and human rights in comparison to those that only adopt top-down mechanisms.</i>		
	<u>Dependent Variables</u> Democracy, economic development, human rights protections, durability of peace	<u>Independent Variable</u> Top-Down Mechanism + Grassroots (i.e., Local or Bottom-Up) Mechanism	<u>Direction</u> Positive

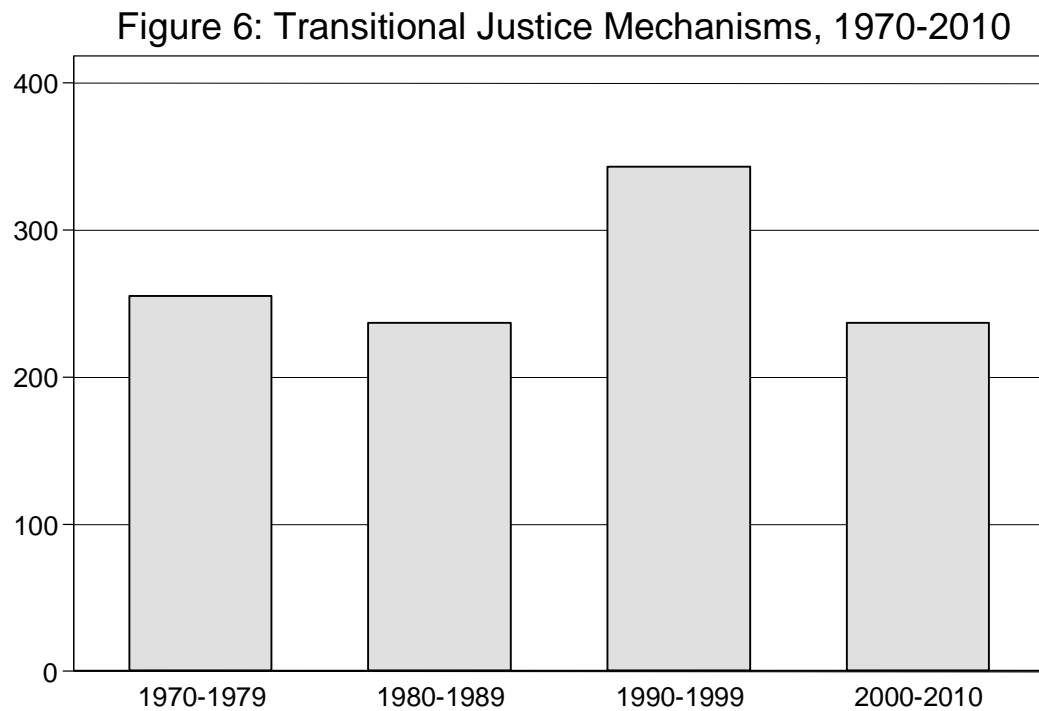
Transitional Justice Dataset

The dataset created for this study contains information on 1,110 transitional justice mechanisms in 141 countries between 1970 and 2010. The unit of analysis is a specific transitional justice mechanism during this period.⁵² As a consequence of using specific transitional justice mechanisms as the unit of analysis, multiple mechanisms can exist in a given year for a specific country. For example, a truth commission and two amnesty programs are coded for Algeria in 2006. Five amnesty programs, moreover, are coded for Afghanistan in 1979. Start and end dates are included for each transitional justice mechanism included in the dataset, which allows for the creation of time-specific variables in the data.

Five transitional justice mechanisms are included in the dataset: (1) truth commissions; (2) reparations; (3) lustration policies; (4) criminal tribunals; and (5) amnesties. Of the 1,100 mechanisms included, 54 are truth commissions (5%), 41 are reparations (4%), 41 are lustrations (4%), 262 are criminal tribunals (24%), and the remaining 712 are cases involving amnesties (64%). As illustrated in **Figure 6** below, transitional justice mechanisms peak between 1990 and 1999, with 343 mechanisms in

⁵² Information on specific transitional justice mechanisms was compiled from the Transitional Justice Data Base Project (available at: <http://www.tjdbproject.com/>). This project maintains the dataset used by Tricia Olsen, Leigh Payne, and Andrew Reiter for their groundbreaking work on transitional justice mechanisms. The only data that was copied from this dataset was information on transitional justice mechanisms between 1970 and 2010. Data on political, economic, and social indicators for each mechanism were individually coded by the author.

operation during this time period in comparison to 255 between 1970 and 1979, 276 between 1980 and 1989, and 237 between 2000 and 2010.



In the universe of transitional justice, it is important to note that more than just these five mechanisms exist; however, these are the most commonly used and adopted transitional justice mechanisms in post-conflict societies historically, which warrants attention on their application and outcomes. This is not to say, though, that these are the only transitional justice mechanisms that post-conflict societies have an ability to choose from. Public memorial projects, institutional reforms, and the restructuring of educational systems or educational material in primary schools, for example, represent transitional justice mechanisms in of themselves that have drawn increased scrutiny in recent years

(Bassiouni and Rothenberg 2008). Reliable and accurate data on the usage of mechanisms outside of these five main mechanisms is problematic to obtain and code.

Each observation in the dataset has country-year specific information as well as a unique Correlates of War (CoW) identification marker. In addition, information on the target of a particular mechanism and whether a mechanism itself is domestic, international, or hybrid (type) is included for each observation. For example, mechanisms that are coded “1” for target are those that were aimed at state actors, while mechanisms coded “2” are those that target non-state actors. Domestic mechanisms, moreover, are those that were directed within a country against domestic agents. International mechanisms are those that were created either by an IGO or transitioning government as part of a multi-government brokered peace agreement or those that target individuals from multiple countries of origin. The codebook for the dataset, which contains detailed information on how specific variables are coded, is available in **Appendix B**.⁵³

In the dataset, coverage of transitional justice mechanisms begins with 1970 since this marks the beginning of the Third Wave of Democratization (Huntington 1993). This ‘Third Wave’ was characterized by transitions to democracy in Western Europe beginning with Greece (1974), Portugal (1974), and Spain (1975) and those that would later occur in Latin American and Eastern European countries during the 1980s and early 1990s. In all of these geographic regions, political transitions followed the collapse of oppressive and often brutal military, despotic, or communist regimes that forcefully

⁵³ The appendix contains information on mechanism coding for each of the variables included in the dataset. The appendix itself is structured in such a way to provide a clear, yet comprehensive overview of the data itself.

denied basic human rights and civil liberties to their citizenry over an extended period of time. Even though Paige Arthur (2009) traces the roots of transitional justice to political transitions beginning in the 1980s, this study expands this boundary to transitions that occurred in the 1970s.

Variables

Several dependent, independent, and control variables are utilized in this study. Most of these variables are measured in ways similar to extant studies to promote methodological consistency. For example, scholars assessing the impact of different transitional justice mechanisms on human rights protections often utilize indices available from either the Cingranelli-Richards (CIRI) dataset or the Political Terror Scale (PTS) produced from yearly reports compiled by Amnesty International and the US State Department. To further promote methodological consistency, this study measures democracy, economic development, human rights protections, and the durability of peace in almost identical terms using the same databases (e.g., World Bank Project and the Polity IV database) as past quantitative studies (e.g., Kim and Sikkink 2010; Olsen et al. 2010; Meernick et al. 2010; Wiebelhaus-Brahm 2010). The decision to do so was informed by the belief that measuring these variables in alternative ways would create further methodological divisions in an already nascent, messy, and convoluted literature marked by studies that find evidence to suggest that truth commissions (or amnesties or trials) promote human rights and others that argue the opposite. By using the same measures as those used in past studies, this provides an important baseline for comparison. Using similar measures also represents a path forward for future researchers

interested in the societal effects of truth commissions as well as other transitional justice mechanisms.

Dependent Variables

Four dependent variables are used in this study: (1) democracy; (2) human rights protections; (3) economic development; and (4) the durability of peace. Each of these variables are described, in detail, below and descriptive statistics are provided in **Table 5** (see pp. 18-19). For each dependent variable, measures are available for the year prior (pre), the year of (event), the year after (post), five years after (five-year), and ten years after (ten year) for each transitional justice mechanism. For example, democracy scores for Morocco, which adopted an amnesty program in 1980, are available for 1979, 1980, 1981, 1985, and 1990. The goal of structuring the dataset in this way is to mimic DiD analyses that incorporate a temporal analysis of the data to not only track the immediate societal effects associated with a particular mechanism, but also their societal outcomes on various indicators over a much longer time period. The first time interval is used as an additional strategy to determine whether different mechanisms matter or not in the countries they are adopted and to determine whether the effect of these mechanisms is increasing or decreasing in intensity. If the coefficient, for example, is negative the year prior and remains negative over the other four time periods for a particular mechanism, this might indicate a relationship that is tenuous at best. If the coefficient is negative and then becomes positive after a particular mechanism is adopted, this might suggest this mechanism is having some type of effect.

Dependent Variable 1: Democracy

Democracy⁵⁴ is measured through Polity IV scores available from the Polity Project database. Polity IV scores are country-specific and combine democracy and authoritarian scores on a 21-point scale ranging from -10 to +10, with -10 to -6 indicating a purely authoritarian or autocratic government, -5 to +5 indicating an “anocracy,”⁵⁵ and +6 to +10 indicating an electoral democracy. To allow for additional statistical tests (e.g., ordered logit), additional variables that consolidated these scores into three categories were included in the dataset. Countries with a Polity IV score between -10 and -6, for example, were coded “1,” countries with a Polity IV score between -5 and +5 were coded “2,” and countries with a Polity IV score between +6 and +10 were coded “3” for each of the three new variables. Collapsing these scores into these three additional variables provided an avenue to test whether results varied between different statistical techniques.

⁵⁴ Democracy is a notoriously difficult concept to define, let alone measure. In this study, democracy is associated with the concept of “liberal democracy,” which is defined as a system of government that is marked by a free press, ensures free, fair, and competitive elections, provides mechanisms or avenues to hold political leaders accountable, and provides for basic political rights and civil liberties (e.g., equal access to voting, freedom of expression, freedom of assembly, freedom of religion) (Dahl 1956).

⁵⁵ The Polity IV Project defines anocracies as regimes that are somewhere between autocracies (political power is completely concentrated in the hands of a few) and democracies (political power is held by governing elites who are accountable to citizens through elections, interest groups, civil society, etc.). Anocracies, as a result, combine features of both regime types together. Following the definition of liberal democracy above, anocracies can be best thought of as “illiberal democracies.” According to Zakaria (1997, 22) illiberal democracies are marked by governments that come to power through elections, which may be free and fair, but once in power, ignore constitutional limits on executive power, deprive citizens of basic political rights and civil liberties, intimidate opposition, and exercise control over mass media. Levitsky and Way (2010) have recently used the term “competitive authoritarianism” to describe hybrid regimes that fall somewhere between democratic and authoritarian regimes.

The median value⁵⁶ for the raw Polity IV scores at each time interval in **Table 5** (-4, -3, -3, 0, and 3 respectively) indicates that most of the observations in the dataset are anocracies. Further, the pre, event, and post democracy scores (-4, -3, and -3) are lower than the five-year and ten-year measures (0 and 3) even though all five measures had similar standard deviations (6.9, 6.5, 6.9, 6.9, and 6.8 respectively). This high standard deviation for all five time intervals indicates high variation in Polity IV scores. These higher polity scores also seem to highlight shifting trends in regime types and a move away from authoritarianism to democracy over the period covered in the dataset.

Polity IV scores were utilized over other measures, such as those available from Freedom House,⁵⁷ for two design reasons. First, Polity IV scores measure democracy based on six component measures in three broad areas: (1) the existence of institutional constraints on executive power; (2) the existence of institutional and procedural elements that allow citizens to express preferences and hold leaders accountable; and (3) the guarantee of civil liberties. Second, Polity IV scores are the most widely used measures of democracy in extant studies. Long time-series data exists for Polity IV scores (1800-2015), which has caused this index to become the academic standard for measures of democratization, particularly in studies in International Relations.

⁵⁶ The median value is reported since the data are skewed (i.e., a large number of countries (~50) with a perfect democracy score of 10 are pulling the data (and the mean) to the right).

⁵⁷ Freedom House ranks countries, annually, on a democracy index based on civil liberties and political rights. In both categories, scores range from 1 (most free) to 7 (least free). The annual Freedom in the House Report presents these scores and offers a cumulative, or aggregate, score for individual countries on 25 different measures. The annual report also classifies countries as “free,” “partly free,” and “not free” based on these measures.

Polity IV scores are not perfect, however. Polity scores are missing for certain countries or for certain periods in the dataset. For example, there are no data for Bosnia and data are missing for both Afghanistan (1979-1988, 2001-2010) and Lebanon (1990-2004) due to the presence of ongoing conflicts in each country. Polity scores also exhibit dramatic shifts. For example, Hungary had a combined Polity score of -7 in 1987, following by a score of 10 in 1990. Haiti, moreover, had a score of -7 in 1993, which was then followed by a score of 7 in 1995, and score of 2 in 2000. South Africa also yielded a perfect score of 10 even during apartheid, which indicates that Polity IV scores may not accurately measure commonly perceived views of liberal democracy. Regardless of these conceptual and measurement problems, polity scores are strongly correlated with other measures of democracy (e.g., Vanhanen Index of Democratization, Cheibub and Gandhi's Classification Regime Index).

Dependent Variable 2: Human Rights

Human rights protections in the dataset are measured through the Physical Integrity Rights Index (PHYSINT) available from the CIRI Human Rights Dataset. This index measures government protection of human rights through indices that rank countries based on the incidence of torture, extrajudicial killings, political imprisonment, and disappearance. The PHYSINT index ranges from 0 to 8, with 0 indicating the absence of government respect for human rights in these four areas and 8 indicating full government respect for human rights. Physical Integrity scores for all five time intervals had similar standard deviations (2.3, 2.3, 2.3, 2.2, and 2.1 respectively) as illustrated in **Table 5**, which indicates minimal variation in human rights scores across countries

included in the dataset. It is important to note, however, that PHYSINT scores are missing for a sizeable number of observations for all five time intervals in the dataset (368, 322, 299, 215, and 257 respectively).

This index is an increasingly attractive measure of human rights since it examines the performance of particular governments in these four areas and provides a cumulative score based on their collective performance in each of these four areas. Similar to Polity IV scores, moreover, PHYSINT scores are commonly used to measure human rights protections in extant studies. With that said, there are limitations associated with this index as well. First, Physical Integrity scores are only available after 1981, which accounts for the large frequency of missing values in the dataset.⁵⁸ Second, PHYSINT scores are often unavailable during active periods of conflict or armed hostilities, which means that data are missing for active conflicts in the dataset, such as for the DRC (1995-present), Bosnia (1995-1999), Iraq (2003-present), and Somalia (1993-present). These missing data are clearly problematic; however, Physical Integrity scores are utilized over other measures, such as PTS data available from Amnesty International, since these two limitations affect alternative measures as well. PTS data, for example, is only available after 1976.

Dependent Variable 3: Economic Development

Economic development is measured through annual gross domestic product (GDP) per capita data (constant \$US) available through the World Bank's World Development Indicators Database. GDP per capita is a measure of all economic activity

⁵⁸ All observations between 1970 and 1980 were coded as missing.

by an individual country's citizens and corporations both within and outside of its borders divided by its total population. This per capita measure is important because it provides economic data on the average household in a particular country. Out of the several economic indicators available to economists and academics alike, data on GDP per capita has become the favored approach, or standard, for measuring differences or variation in economic development and facilitating comparisons or investigating differences between two or more countries' economies over other economic indicators, such as gross national product data (GNP) (i.e., gross national income (GNI)). To promote comparisons, data on GDP per capita is measured through constant \$US. Similar to the other three dependent variables, data on GDP per capita is available one year prior, the year of, one year after, five years after, and ten years after for each transitional justice mechanism included in the dataset.

The GDP per capita for countries in the dataset varies between different time intervals. Pre, event, and post GDP per capita is much lower than (\$714, \$736, and \$807) than the GDP per capita five-years and ten-years after for each observation (\$955, and \$1,044 respectively). The data also illustrate that most countries in the dataset fall into the low-income or lower-middle income economies (LDCs) categories⁵⁹ utilized by the World Bank when classifying and evaluating the performance of economies around the world.

⁵⁹ The World Bank develops for economic categories: (1) low-income economies; (2) lower-middle income economies; (3) upper-middle-income economies; and (4) high-income economies. Using the World Bank Atlas method (which is a conversion factor), LDCs are those with a GNP per capita of \$1,005 or less in 2016. The World Bank LDCs are highly concentrated in Sub-Saharan Africa and parts of South Asia.

Dependent Variable 4: Durability of Peace

The last dependent variable, peace, is coded as a dummy variable indicating whether active conflict occurred in a country for a specific year. An observation is coded “1” if armed conflict or violence occurred in a given year or “0” if armed conflict or violence did not occur within a calendar year. The threshold adopted in this study is the 25-annual battle-related deaths utilized by the Uppsala Conflict Data Program (UCDP). The UCDP adopts a much narrower threshold for violence in comparison to other databases that measure and code incidences of armed violence and hostilities worldwide. The UCDP provides country-year specific information on armed conflicts by using a 25 annual battle-related deaths as a benchmark for whether armed violence exists in a country or not. This threshold was used over others, such as the CoW, since it is more likely to catch low-intensity conflicts that may slip through other conflict trackers.

As shown in **Table 5**, 36 percent of cases experienced armed conflict in the year prior. 37 percent and 33 percent of cases experienced armed conflict in the event year and post year intervals respectively. For the five-year and ten-year intervals, 32 percent and 28 percent of cases respectively experienced armed conflict.

Table 5. Descriptive Statistics for Democracy, Human Rights, & Economic Development

Variable (N)	Mean	Median	Std. Dev	Min	Max	Missing
Polity IV Pre (1053)	-1	-4	6.8	-10	10	57
Polity IV Event (1073)	-1	-3	6.5	-10	10	37
Polity IV	0	-3	6.9	-10	10	36

Post (1074)						
Polity IV 5 (1010)	1	0	6.9	-10	10	100
Polity IV Ten (888)	1	3	6.8	-10	10	222
GDP per capita Pre (997)	2547.7	714	5473.8	70.9	41921.8	113
GDP per capita Event (1014)	2646.9	736.4	5729.8	72.9	44307.9	96
GDP per capita Post (1016)	2857.7	807	6259.4	65.5	52531	94
GDP per capita 5 (966)	3490.2	954.8	7081.7	125.1	48401.4	144
GDP per capita 10 (835)	3740.6	1043.6	6950.2	66	53324.4	275
PHYSINT Score Pre (742)	4	4	2.3	0	8	368
PHYSINT Score Event (788)	4	4	2.3	0	8	322
PHYSINT Score Post (811)	4	4	2.3	0	8	299
PHYSINT Score 5 (895)	4	4	2.2	0	8	215
PHYSINT Score 10 (853)	4	4	2.1	0	8	257
Conflict Pre (1092)	0.36	0	0.5	0	1	18
Conflict Event (1101)	0.37	0	0.5	0	1	9
Conflict Post (1100)	0.33	0	0.5	0	1	10
Conflict 5 (1055)	0.32	0	0.5	0	1	55
Conflict 10 (921)	0.28	0	0.4	0	1	189

Note: Raw Polity IV scores are depicted above. GDP per capita is in thousands of dollars (constant \$US).

Independent Variables

All five transitional justice mechanisms included in the dataset are utilized as independent variables. Each variable is coded as a dummy variable, with “1” indicating the existence of a particular transitional justice mechanism and “0” indicating the absence of this indicator. Observations that qualify as truth commissions are those that are marked by an independent, temporary body officially sanctioned by a state actor or IGO to investigate past human rights abuses. Observations that are coded as criminal trials or tribunals are those that are marked by criminal proceedings created to hold perpetrators of human rights abuses accountable for their actions. To qualify as a lustration policy or political vetting mechanism, an observation must include some type of provision that legally prohibits active or former government officials or those directly tied to a government from holding political office for some time period based on past violations of human rights abuses. Observations that are coded as reparations are those that include the transfer of monetary payments, property, or other forms of restitution to victims or their families for past human rights abuses. Finally, observations coded as amnesties are those that involve an official, state-sanctioned policy that declares eligible individuals will not be prosecuted or held criminally liable for their role in orchestrating or perpetrating past human rights abuses as long as they meet certain conditions.

Dummy variables are created for different combinations of mechanisms. In particular, a set of four variables combining truth commissions with other mechanisms

were created. For example, a dummy measuring whether a country adopted a truth commission in combination with an amnesty program was included. Another is dummy measuring whether a country adopted a truth commission in combination with a criminal tribunal was also created. Overall variables indicating the presence of a restorative mechanism, a retributive mechanism, and a combination of at least one restorative and one retributive mechanism was also included. In all of these cases, a variable is coded “1” if a particular combination exists and “0” if such a combination does not exist.

Control Variables

The four dependent variables described above are used additionally as controls in each of the eight models below. Conceptually, it makes sense to control for each of these variables to determine whether they are correlated. For example, studies on democratization suggest that transitional societies that are wealthy are more likely to become successful democracies than those that are poor (Lipset 1959; Bilson 1982; Bollen 1993; Olson 1993; Londregan and Poole 1994; Leblang 1996). Several studies have also advanced links to suggest that democracies are more likely to protect basic human rights over non-democracies (Poe and Tate 1994; Hofferbert and Cingranelli 1996; Poe et al. 1999; Keith 2002; de Mesquita et al. 2003). The data also seem to provide evidence that such links exist, as suggested by the reported collinear figures in **Table 6** below.⁶⁰ Although these figures do not suggest that any of these variables are

⁶⁰ Pre measures for each variable are only reported in this table. These figures do not change much when taking into account different time intervals. Democracy and human rights scores and democracy and GDP per capita ten years after, for example, are not highly collinear (correlation coefficient $r = 0.30$ & 0.38 respectively).

strongly correlated with one another,⁶¹ there does appear to be weak and moderate relationships between several of the variables. For example, a moderate negative relationship exists between human rights and conflict, while a moderate positive relationship exists between democracy and per capita GDP.

Table 6: Correlation between Democracy, Human Rights, GDP per capita, & Conflict Pre Measures

Variable 1	Variable 2	Correlation
Democracy	Human Rights	0.30
Democracy	GDP per capita	0.42
Democracy	Conflict	-0.01
Human Rights	GDP per capita	0.32
Human Rights	Conflict	-0.57
GDP per capita	Human Rights	0.32
GDP per capita	Conflict	-0.07

In addition to all four dependent variables being included as controls, several other additional control variables are included. Region is included since extant studies have highlighted regional differences in the frequency, adoption, and success of different transitional justice mechanisms (e.g., Sikkink and Walling 2007; Olsen et al. 2010; Wiebelhaus-Brahm 2010). In the dataset, 35% and 38% of the total amnesties included

⁶¹ A correlation coefficient between 0.30 (+/-) and 0.50 (+/-) generally indicates a weak linear relationship between two variables. A value between 0.50 (+/-) and 0.70 (+/-) indicates a moderate relationship. Any value above 0.70 suggests a strong linear relationship exists between two variables.

are concentrated in Asia and Africa respectively. Lustration policies, moreover, tend to be concentrated in Eastern Europe (34%), while trials are heavily concentrated in Africa (38%). Reparations, on the other hand, are evenly spread across the regions⁶² included in the dataset. The target of particular mechanisms is also included for purposes of determining whether the success of mechanisms vary based on whether they are directed against state actors or non-state actors. By including these additional controls in the dataset, the goal is to parse out the effect of truth commissions as well as other transitional justice mechanisms as much as possible.

Model Specification

Eight different statistical models are tested. The first model uses a logit analysis to measure the impact of truth commissions as well as other transitional justice mechanisms on the durability of peace. The second, third, and fourth models test the impact of truth commissions as well as other transitional justice mechanisms on democracy, human rights, and economic development through ordinary-least squares (OLS) analyses that incorporate five different time-intervals. The fifth, sixth, seventh, and eighth models use the same dependent variables and statistical analyses as the first four models; however, these test different combinations of transitional justice mechanisms. In particular, four combinations are tested to determine whether truth commissions are more effective in they are paired with one mechanism over another. Similar to each of the first four models, the dependent variable is manipulated at different time intervals to mimic a DiD model in these models.

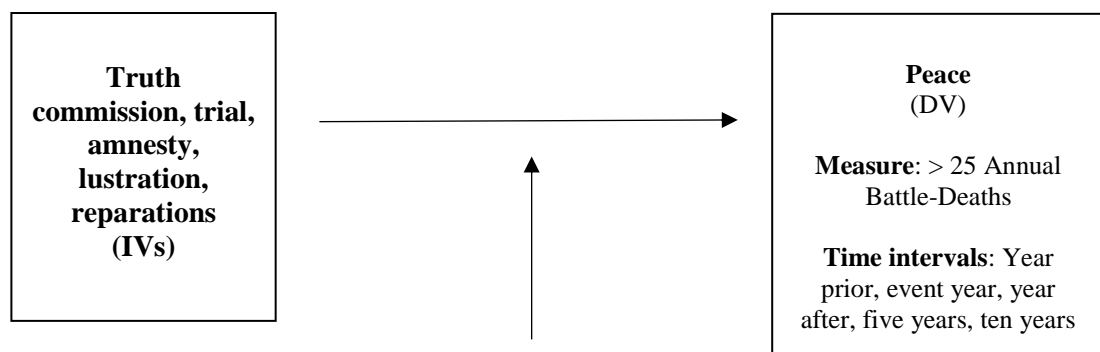
⁶² Seven regions are coded: (1) Asia; (2) Africa; (3) Latin America; (4) North America; (5) Western Europe; (6) Eastern Europe; (7) Oceania.

Model One: Peace Outcomes for Specific Mechanisms

The first model is depicted in **Figure 7**. The dependent variable is the durability of peace, which is measured by the absence of 25 annual battle-deaths. This variable is a dummy variable, with “1” equaling the presence of at least 25 annual battle-deaths in a given country for a given conflict; “0,” on the other hand, equals the absence of armed hostilities measured by more than 25 annual battle-related deaths. The key independent, or predictor, variables are truth commissions, trials, amnesties, lustrations, and reparations. All five of these variables are binary, with “1” indicating the presence of a mechanism and “0” representing the absence of this mechanism for a country-specific observation. Geographic region, per capita GDP, regime type, CIRI scores, and the target of a mechanism (state, non-state, or both) are included as controls.

The aim of this model is to determine whether truth commissions reduce the propensity of belligerents to resort back to the use of armed violence or hostilities to settle lingering grievances or underlying tensions. A logit model is utilized to test for the durability of peace at five different intervals (pre-event year, event years, post-event year, five-years after event year, and ten-years after event year) due to the binary nature of the dependent variable. To ensure the best model fitness, probit models were also run for each of the five models.

Figure 7: Multivariate Model of Peace Outcomes



**Region, GDP per capita,
Regime Type, Human Rights
Score, Target of Mechanism,
(CVs)**

Model Two: Democracy Outcomes for Specific Mechanisms

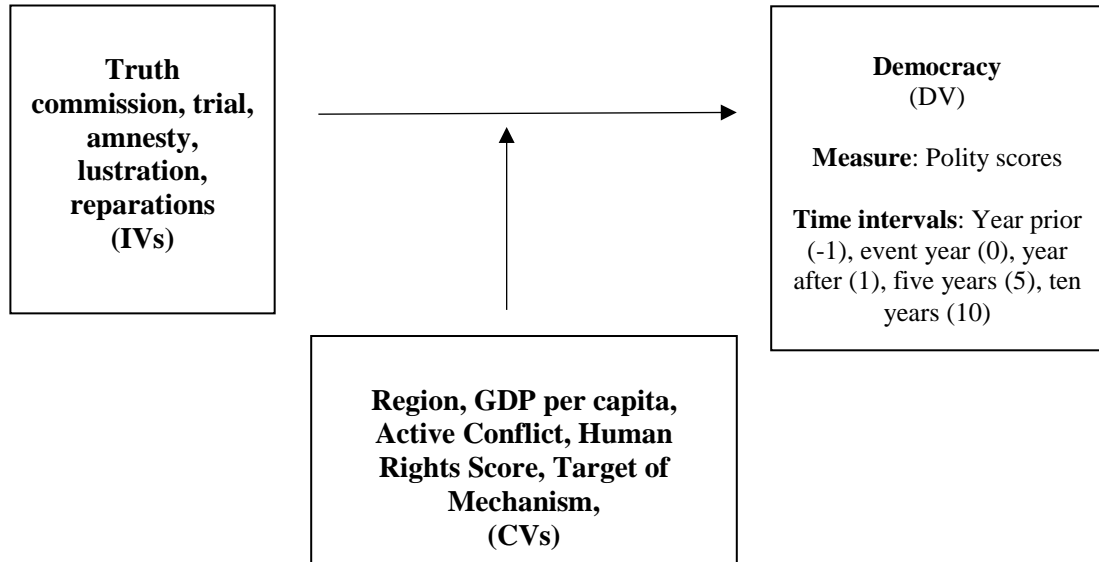
The second model, depicted in **Figure 8**, is structured in such a way to test the democratic outcomes associated with truth commissions, trials, amnesties, lustrations, and reparations. The five intervals used in Model 1 are also utilized in this model. An OLS model of the following form is developed:

$$Y_i Democracy = B_0 + B_1 TC + B_2 Trials + B_3 Amnesty + B_4 Reparation + B_5 Lustration + B_6 Cj + E_{it}$$

The coefficient $Y_i Democracy$ is an estimate of the effect on democracy and represents the raw (-10-10) and recoded polity scores (1-3) for an observation included in the dataset. The coefficient B_0 represents the constant (or intercept), $B_1 TC$ represents the dummy truth commission variable, $B_2 Trials$ represents a dummy trial variable, $B_3 Amnesty$ represents a dummy amnesty variable, $B_4 Reparation$ represents a dummy reparations variable, $B_5 Lustration$ represents a dummy lustration variable, $B_6 Cj$ represents the added control variables, and E_{it} represents the error term for each unit at each time period. To ensure the best model fitness and also to evaluate whether results

differ based on a particular statistical test, an OLS model and an ordered logit model (using the recoded DV) are used to investigate whether variation exists in the results.

Figure 8: Multivariate Model of Democracy Outcomes



Model Three: Human Rights Outcomes for Specific Mechanisms

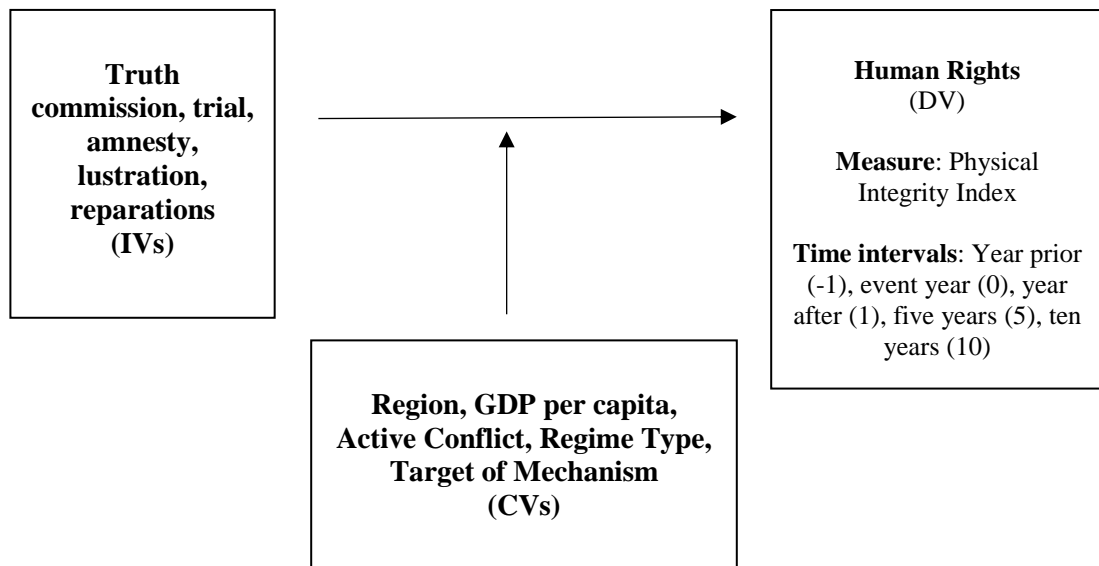
The third model is depicted in **Figure 9**. This model is structured in such a way to evaluate the human rights outcomes of truth commissions, trials, amnesties, lustrations, and reparations over five time intervals. An OLS model of the following form is tested:

$$Y_i HumanRights = B_0 + B_1 TC + B_2 Trials + B_3 Amnesty + B_4 Reparation + B_5 Lustration + B_6 Cj + E_{it}$$

In the model, the coefficient $Y_i HumanRights$ gives an estimate of the human rights effect and measured through Physical Integrity scores. The coefficient B_0 represents the constant (or intercept), $B_1 TC$ represents the dummy truth commission variable, $B_2 Trials$

represents a dummy trial variable, $B_3Amnesty$ represents a dummy amnesty variable, $B_4Reparation$ represents a dummy reparations variable, $B_5Lustration$ represents a dummy lustration variable, B_6Cj represents the added control variables, and E_{it} represents the error term for each unit at each time period. An OLS model is utilized since the DV ranges from 0 to 8.

Figure 9: Multivariate Model of Human Rights Outcomes



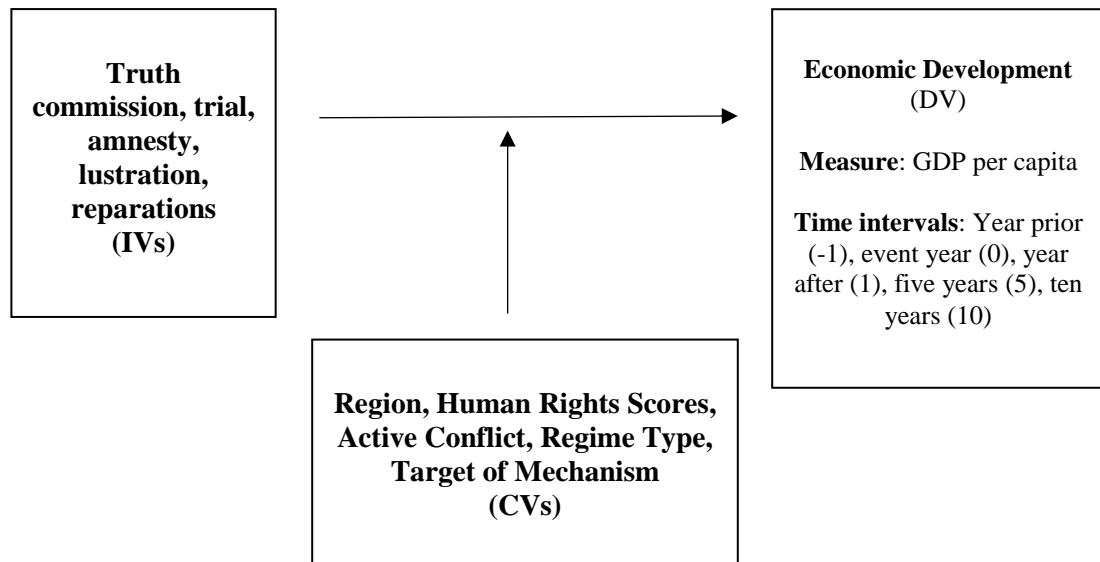
Model Four: Economic Outcomes for Specific Mechanisms

The fourth model is depicted in **Figure 10**. This model tests the economic outcomes associated with truth commissions, trials, amnesties, lustrations, and reparations over five time intervals. An OLS model of the following form is tested:

$$Y_iGDP\ per\ capita = B_0 + B_1TC + B_2Trials + B_3Amnesty + B_4Reparation + B_5Lustration + B_6Cj + E_{it}$$

Y_iGDP represents GDP per capita (constant \$US), B_0 represents the constant (or intercept), B_1TC represents the dummy truth commission variable, $B_2Trials$ represents a dummy trial variable, $B_3Amnesty$ represents a dummy amnesty variable, $B_4Reparation$ represents a dummy reparations variable, $B_5Lustration$ represents a dummy lustration variable, B_6Cj represents the added control variables, and E_{i_t} represents the error term for each unit at each time period. An OLS model is selected due to the continuous nature of the dependent variable.

Figure 10: Multivariate Model of Economic Outcomes

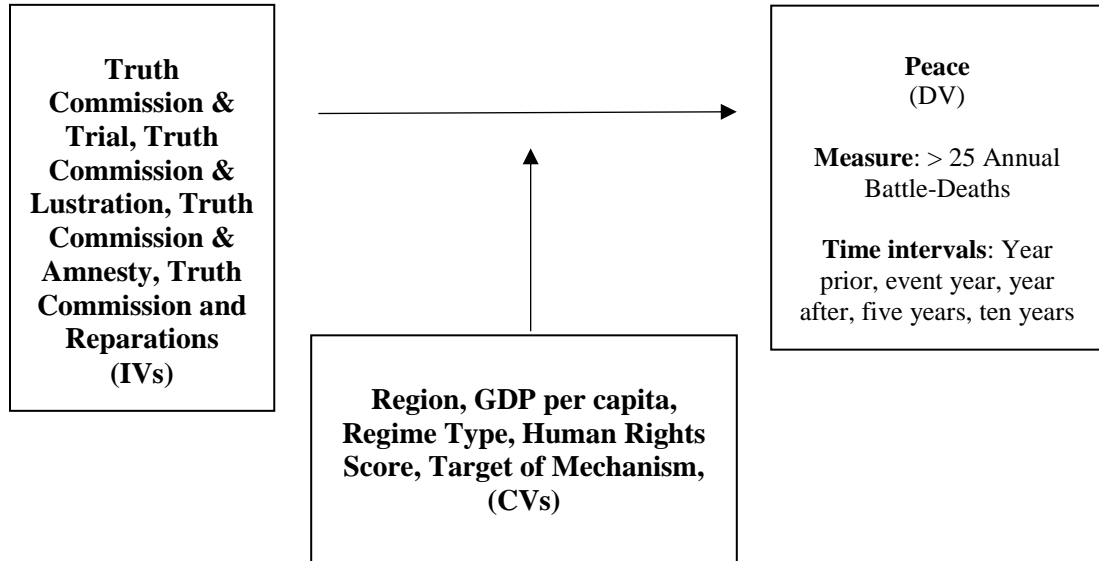


Model Five: Peace Outcomes for Combinations of Transitional Justice Mechanisms

The fifth model, in **Figure 11** below, mirrors Model 1 to estimate the pacifying effects of transitional justice mechanisms. The only difference is that this model uses combinations of truth commissions with other transitional justice mechanisms as the predictor variables. These new predictors are binary in nature, with “1” indicating the presence of both mechanisms. Similar to Model One, a logit model is utilized to test the

impact of these different combinations over five different time intervals. Probit models were also run alongside these models to test for variation in the results.

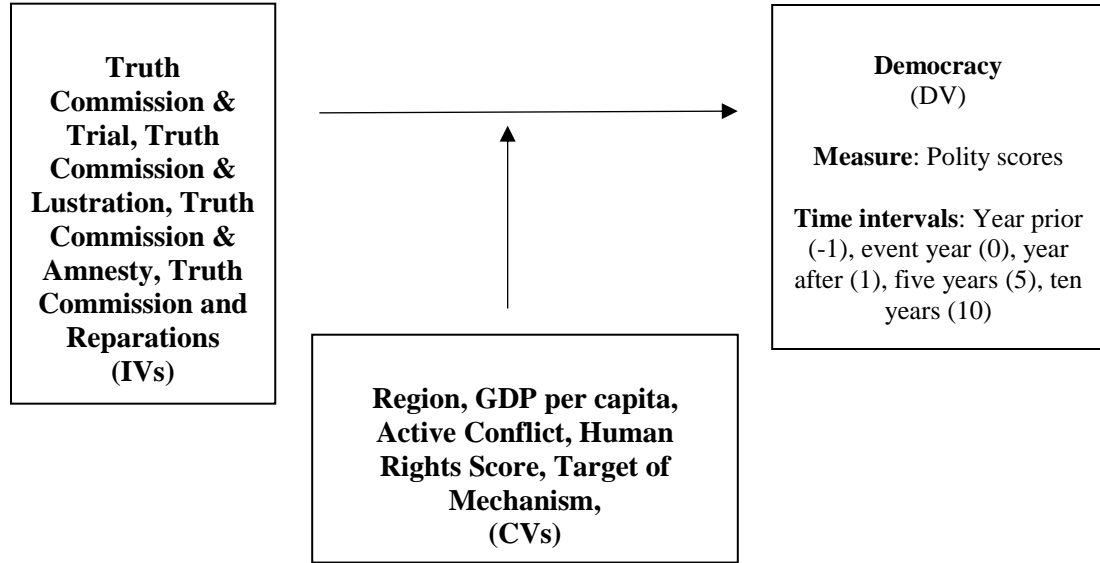
Figure 11: Multivariate Combination Model of Peace Outcomes



Model Six: Democracy Outcomes for Combinations of Transitional Justice Mechanisms

The sixth model, as depicted in **Figure 12**, mirrors Model Two to estimate the democratic effects and outcomes of truth commissions in conjunction with other transitional justice mechanisms. Similar to Model Five, specific combinations of truth commissions and other mechanisms are utilized as the predictor variables. The same vector of control variables and time intervals are used as all of the other models. The same OLS model used in Model 2 to estimate the democratic outcomes of each transitional justice mechanism separately is used in this model to test the effects of different combinations of truth commission mechanisms on democratic outcomes.

Figure 12: Multivariate Combination Model of Democracy Outcomes

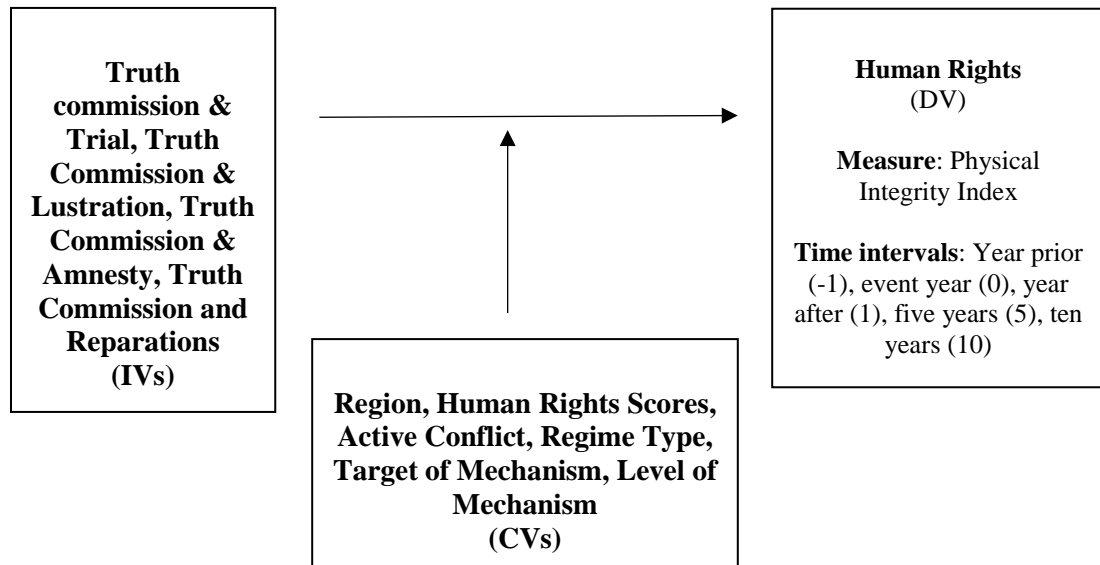


Model Seven: Human Rights Outcomes for Combinations of Transitional Justice

Mechanisms

The seventh model, depicted in **Figure 13** mirrors the third model; however, it is manipulated to estimate the human rights effects of truth commissions in conjunction with other mechanisms. The dependent variable remains the same as in Model Three and the same vector of control variables and time intervals are included. An OLS model, moreover, is used to estimate the human rights effects of these four combinations. This model is identical to the model used in Model Three; however, instead of treating each transitional justice as a key independent variable individually, the different combinations of mechanisms are included as the predictor variables in this model.

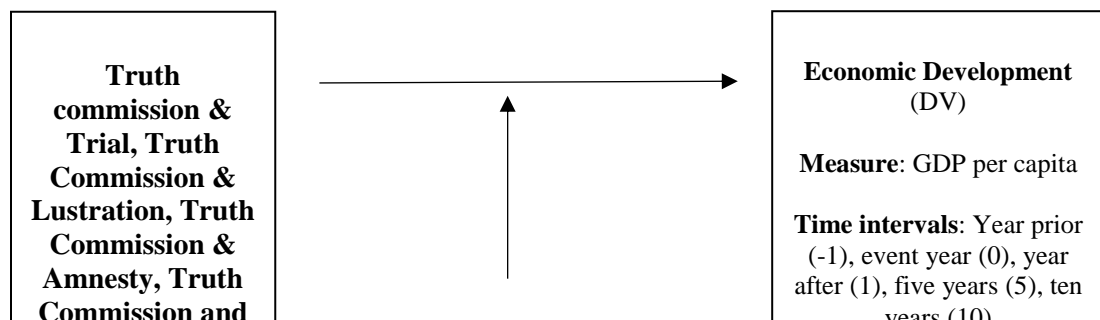
Figure 13: Multivariate Combination Model of Human Rights Outcomes



Model Eight: Economic Outcomes for Combinations of Transitional Justice Mechanisms

The eighth, and final, model depicted in **Figure 14** estimates the economic effects associated with truth commissions in conjunction with other transitional justice mechanisms. The dependent variable is the same as Model Four. The same combinations of predictor variables are used as well as the same vector of control variables and time intervals. An OLS model, moreover, is used to estimate these economic effects. This model is identical to the model used in Model Four; however, instead of treating each transitional justice as a key independent variable individually, the different combinations of mechanisms are included as the predictor variables in this model.

Figure 14: Multivariate Combination Model of Economic Outcomes



**Region, Human Rights Scores,
Active Conflict, Regime Type,
Target of Mechanism, Level of
Mechanism
(CVs)**

3.4 Case Study Research Design

To explore the critical question of whether top-down approaches to transitional justice are becoming increasingly obsolete in the 21st century, Rwanda's *gacaca* courts are utilized as a case study to explore the intersections and obstacles to peacebuilding and transitional justice. These courts represent a hybrid, bottom-up approach to transitional justice that was utilized in conjunction with traditional, top-down approaches in the form of an international criminal court that was created by the UN following the events that unfolded during the Rwandan genocide. These courts can also be considered hybrid in nature since they dispensed both retributive and restorative justice by punishing those guilty of committed crimes during the genocide and by promoting reconciliation for those who came forward and confessed their crimes. The genocide, coupled with a broader civil war between 1990 and 1994, led to the forcible displacement of roughly half of Rwanda's population and killed approximately 10 percent of Rwanda's total population (Moghalu 2005, 17). Thousands of women were also subjected to sexual violence with 70 percent of survivors being infected with HIV (Amnesty International 2004, 3).

Although a hybrid-approach was adopted, the *gacaca* courts became the face of transitional justice in a battered and war-torn society marked by extreme violence perpetrated at the local level. According to Coel Kirkby (2006, 100), the goals of *gacaca* were to: (1) establish the truth about crimes that were committed during the genocide; (2) speed up the prosecutions of accused perpetrators who had languished in jail without formally being charged; and (3) end a cycle of impunity and promote reconciliation and unity among Rwandans. Despite their success in trying large numbers of perpetrators, these courts quickly became a source of contention and controversy. Jeremy Sarkin (2001, 161) comments that the limited jurisdiction of the courts caused them to only focus on crimes committed by Hutu and not those committed outside of the genocide by Tutsi. Bert Ingelaere (2009) comments that these courts inhibited reconciliation and prospects for national unity since they were used by the Rwandan government as a tool for political manipulation.

Survey & Interview Design

The *gacaca* courts represent a unique case study to explore the intersections between peace, justice, and reconciliation and, more importantly, to evaluate the impact and effectiveness of bottom-up approaches to transitional justice compared to top-down approaches and vice versa. To test public perceptions of the *gacaca* process and the overall transitional justice process in post-genocide Rwanda, this study administered a survey to 27 *gacaca* court participants between June and July 2016. Of the 27 that participated, 12 agreed to participate in a longer, semi-structured interview that examined key themes, questions, and values in a more in-depth, but informal manner. Two versions

of the survey were administered to manipulate wording in order to test whether Rwandans have been conditioned to think or perceive of *gacaca* in certain ways. The rationale for using two versions was to determine whether different wording affected participant responses and to also safeguard against participants mistaking the meaning or application of certain words in particular questions. Each semi-structured interview followed the same prompt and focused on three critical themes: (1) whether *gacaca* promoted justice; (2) whether *gacaca* contributed to reconciliation both nationally and at the village-level; and (3) whether alternative mechanisms, other than *gacaca*, were more capable of dispensing justice, uncovering the truth, and allowing individuals to move forward. The study protocol is available in **Appendix D**. Both versions of the survey are available in **Appendices F** and **G** respectively. Finally, the interview prompt is available in **Appendix E**.

66 percent of the surveys and approximately two-thirds of the study interviews were conducted in Ruhengeri (18 surveys, 8 interviews); the remaining 40 percent of the surveys and one third of the interviews were conducted in Kigali (9 surveys, 4 interviews). Ruhengeri was a focal point early on in the civil war between the RPF and the Rwandan government and RPF forces used this border area as a staging area to conduct attacks in Rwandan territory from Uganda. In the waning days of the genocide, this was also one of the main routes the *Interahamwe* used when fleeing to the DRC. Due to its status as a staging point for RPF-led incursions as well as the “exit point” for the *Interahamwe* as they fled Rwanda, unthinkable acts of violence and cruelty were committed against civilians. The proximity of Ruhengeri to the DRC and Ugandan borders also makes it susceptible to inter-ethnic tensions with Tutsi families now

occupying homes and land once occupied by Hutu before the civil war and genocide. Kigali, on the other hand, was the site of countless atrocities committed at the beginning of the genocide. As noted above, Interahamwe and government soldiers manned roadblocks and checkpoints in the capital during the early stages of the genocide, which effectively trapped and limited the movement of Tutsi and moderate Hutu opposed to the killings. Like Ruhengeri, streets throughout Kigali were the site of horrendous murders and other human rights violations by both Interahamwe and other militias allied with the Hutu Power movement as well as RPF soldiers.

In total, a sample of 60 individuals was initially identified during the planning stages of the research to participate in both the survey and interview. These 60 individuals were randomly selected among a list of 95 *gacaca* participants identified by two *gacaca* court judges. These judges were identified through contacts established during the initial research design stage through American nongovernmental organizations working in the country. One judge presided over cases in Ruhengeri, while the other judge presided over cases in Kigali. Those targeted to participate in the survey and interviews were Rwandans that either were involved in *gacaca* proceedings as plaintiffs, defendants, and witnesses or those who were regular attendees to weekly meetings. Approximately 18.5 percent of the respondents were participants in *gacaca* cases, another 18.5 percent were witnesses in *gacaca* cases, and the remaining 63 percent were those that attended *gacaca* proceedings on a regular basis.

Of the 60 individuals initially identified, only 27 were able to participate during the time frame identified above (45 percent response rate) and of these 27, only 12 agreed

to take part in a longer, more substantive interview (44 percent response rate). These response rates were negatively affected by the inability of the author to receive ethics approval from the Rwandan National Ethics Committee as well as a research permit from the Rwandan Ministry of Education, which prevented the ability to administer surveys and interviews to government officials and those officially tied to the *gacaca* proceedings through a direct, government link. Approximately half of those that did not participate were omitted for this reason. The other half were omitted since they either refused to participate when contacted at a later point or due to logistical reasons preventing the author from administering the survey or interview (if they agreed to take part in this aspect of the study) in person. For non-disclosure reasons, all participants are not directly identified and several measures have been taken to shield their identity. The interview methods table can be found in **Appendix H**.

The survey and study interview included questions that asked respondents' sociodemographic characteristics. The survey and study interview did not ask a respondents' ethnicity (whether they were Tutsi or Hutu) since doing so is prohibited by law in Rwanda. This basic demographic information is found in **Table 7** below. The median age of the survey respondents was 35 years old, which is significantly higher than the national median age of 19 years old.⁶³ Males were over-represented in the sample, with 59 percent of respondents being men. This is higher than the national ratio in which men comprise roughly 51 percent of the population. Approximately three out of four respondents had a primary school education, which is similar to demographic data

⁶³ All demographic data used for comparison was compiled from databases administered by the World Bank.

contained in existing studies (Thompson 2002; Rettig 2008; Pozen et al. 2014). Further, those working in the education (5) and nonprofit or nongovernmental sectors (9) were over-sampled, which is a consequence of the fact that one of the *gacaca* judges is the founder of a nongovernmental organization group, while the other was a principal of an elementary school that receives assistance from an American-based INGO in the form of a cow project.

Table 7: Demographic Information of *Gacaca* Survey Respondents

Survey Demographic Information	<i>N</i>	%
Sex		
Male	16	59
Female	11	41
Age		
18-25	1	4
26-33	5	18.5
34-41	11	41
42-49	4	15
50-57	3	11
58-65	2	7
65+	1	4
Education		
Primary	20	74
Secondary	3	11
Post-Secondary	4	15
Occupation		
Nongovernmental	9	33
Education	5	19
Tourism	5	19
Transportation	4	15
Agriculture	3	11
Other	1	4
Residence		
Ruhengeri	18	66
Kigali	9	33

Type		
<i>Gacaca</i> Participant (Judge, accuser, defendant)	5	18.5
<i>Gacaca</i> Witness	5	18.5
<i>Gacaca</i> Attendee	17	63

Note: Numbers may not add up perfectly due to rounding.

Study eligibility required participants to be at least 18 years of age and understand and agree to an informed consent form. The average time for a respondent to complete either form of the survey was approximately 10 minutes. The average length of each interview was approximately 45 minutes. If a participant had trouble understanding a particular question or a topic on the survey or during the interview, further clarification was provided. All of the surveys were administered in paper-form, which required the participant to fill out the survey by hand. The surveys were administered in this fashion to shield a participant's responses⁶⁴ and to ensure proper coding at a later time. All surveys were destroyed approximately a month after the study was conducted. For some interviews, a translator was used if language barriers proved too difficult to overcome. For some respondents, their proficiency in English was limited and they preferred, instead, to conduct the interview in French.

Measures

Attitudes and perceptions toward gacaca were measured in the survey through a three-point response option ranging from “agree” to “disagree,” with the additional

⁶⁴ The author perceived that written survey forms would shield individual responses to questions on the survey. The use of a paper-form was also a necessity considering that the author did not receive a government-issued research permit.

response of “I don’t know.” This response option was utilized rather than a traditional five-point response option for purposes of simplicity and efficiency. The questions were structured in such a way to measure a vast constellation of attitudes toward *gacaca*. The questions were also structured in such a way to measure attitudes and beliefs toward *gacaca* processes, procedures, and outcomes. For example, the question “did *gacaca* promote national unity” was utilized to measure attitudes and perceptions toward outcomes and processes associated with *gacaca*. The questions, “there was a large amount of false testimony or accusations,” “people told lies,” and “people felt threatened” were intended to measure attitudes toward procedural elements associated with *gacaca*. Finally, for purposes of comparison, questions were sometimes framed in the same way as past studies that have attempted to measure attitudes and beliefs toward *gacaca* (Thompson et al, 2002; Rettig 2008; Pozen et al. 2014). For example, the statement “people told lies” was adopted from the study of Max Rettig (2008) and Pozen, Neugebaurey, and Ntaganira (2014). The purpose in doing so was to add a time-series component when evaluating attitudes and perceptions toward *gacaca*.

Some questions (e.g., *gacaca* allowed perpetrators to be reintegrated back into their community) were also similarly structured to those that are used in the Rwanda Reconciliation Barometer (RRB), which is administered by the National Unity and Reconciliation Commission of Rwanda (NURC). This government agency has been measuring attitudes at different stages of the *gacaca* process. A survey was administered by the NURC to approximately 5,000 Rwandans in 2006, 2010, and 2016. The purpose of framing these questions similar to the RRB was to determine whether Rwandans have been conditioned to think in certain ways. If their responses are largely similar to those

questions found in the NURC survey, yet differ on those questions either developed from past studies or those that are unique in this study, this should cause us to be careful when making generalizations or inferences about the effect of the *gacaca* courts. In past studies, Rwandans are commented to be notorious for telling researchers “want they want” (Thompson et al. 2002; Rettig 2008; Pozen et al. 2014).

Building on these surveys, the semi-structured interview questions were structured in such a way to measure whether Rwandans perceive that *gacaca* was better suited to dispense justice on a mass scale in comparison to other commonly used transitional justice mechanisms in post-conflict countries. The study interview questions provided participants with a greater opportunity to elaborate on their own feelings and attitudes toward the *gacaca* process, procedures, and policies. In the end, the study interview built on the surveys in incalculable ways. The study interview, in particular, was extremely useful in collecting data on whether *gacaca* worked and whether *gacaca* was the best mechanism available to not only dispense justice on a mass scale, but also uncover the truth and contribute to ethnic reconciliation and the overall healing process in post-genocide Rwanda.

3.5 Summary

Multi-method research designs are extremely powerful in social science research since they allow researchers to explore research questions from various viewpoints and methodological perspectives. In this study, a concurrent transformative research approach is utilized to explore the critical questions of whether truth commissions work, whether coupling truth commissions with retributive mechanisms enhances their effect and

outcomes, and whether top-down approaches to transitional justice, such as truth commissions, are becoming obsolete due to the changing nature of global violence. The quantitative section of this study utilizes a dataset constructed on transitional justice mechanisms, ranging from truth commissions to amnesty programs, between 1970 and 2010. Eight models are developed to test whether truth commissions exhibit positive or negative effects on levels of democratization, economic development, human rights protections, and the durability of peace in post-conflict countries during this period both individually and in conjunction with other transitional justice mechanisms. More importantly, these models test the impact of truth commissions as well as other transitional justice mechanisms at different intervals to control for time and the effect of different combinations of mechanisms. The Large-N nature of this inquiry provides valuable insight into topic since effects of truth commissions, other transitional justice mechanisms, and other salient factors can be controlled and manipulated to draw inferences and generalizations about a large universe of cases. In addition, the different time intervals included in the models allow for before and after comparisons.

The qualitative section of this study provides useful thick description for these Large-N analyses. More importantly, Rwanda's *gacaca* courts provide a valuable avenue for exploring what conditions peace, justice, and reconciliation in the aftermath of extremely personal and localized violence, which often marks the contours of contemporary global conflicts. The survey questions are structured in such a way to provide valuable insight into popular perceptions toward different levels of transitional justice in post-genocide Rwanda. The interviews, moreover, provide valuable opportunities to explore the limited nature of the survey response questions in a more in-

depth manner. With the course of the study now outlined, Chapter 4 and Chapter 5 implement the research design.

CHAPTER 4: STATISTICAL RESULTS & FINDINGS

Modeling Effects & Outcomes of Truth Commissions & Alternative Transitional Justice Mechanisms

4.1 Introduction

This chapter presents the statistical findings from the eight models described in Chapter 3. This chapter is divided into seven component parts. The first section presents the peace estimates for the first model, which use a dummy variable that captures annual battle-related deaths to test the impact of truth commissions, trials, amnesties, lustrations, and reparations on levels of communal violence. The second, third, and fourth sections present the OLS estimates for the democracy, human rights, and economic development models, which use Polity IV scores, Physical Integrity indices, and per capita GDP as measures to evaluate the societal effects of these mechanisms. The fifth section provides a synthesis of the results obtained in the first four models. The sixth section presents the peace estimates for the models that estimate the societal effects of truth commissions in different combinations with other transitional justice mechanisms. The seventh, eighth, and ninth sections then present the OLS estimates for the democracy, human rights, and economic development models for these different combinations respectively. The chapter concludes with an overall synthesis of the findings reached in all eight models. A more substantive discussion on the implications associated with these models is included in Chapter 6, which synthesizes these findings in conjunction with the case study findings and overall implications of the dissertation itself. The diagnostics for all of the models are available in **Appendix C**. The findings in this chapter provide some evidence that truth commissions, when paired with reparations, begin to exhibit positive societal

effects; however, the effects of truth commissions both individually and in combination with other mechanisms appears to be limited based on the eight models reported.

4.2 Estimating Peace Outcomes for Individual Transitional Justice Mechanisms

The statistical results for **Model 1**, which uses five different time intervals to estimate the peace effects of truth commissions, trials, amnesties, reparations, and lustrations appear in **Table 8**. The key take-away from the results is that truth commissions have no measurable, or statistically significant effect, on the durability of peace in four of the intervals included when controlling for all other variables in the models. On peace estimates 10 years after adoption, truth commissions do appear to exhibit a positive, statistically significant effect. This positive relationship, though, suggests that the presence of a truth commission is actually detrimental for the durability of peace since these bodies increase the probability of violence reigniting within a ten-year period. The odds ratios depicted in **Table 9** suggest that the odds of conflict reigniting increases by 4.6 percent in countries that adopt truth commissions versus countries that do not within a ten-year period, when holding other variables constant. These results, together, seem to support **Hypothesis 4**, which states that truth commissions, by themselves, are unlikely to promote positive societal outcomes by increasing the durability of peace in post-conflict countries and reducing the probability of renewed violence or armed hostilities.

Table 8: Logit Estimates for Peace Outcomes

Variable	Conflict1	Conflict2	Conflict3	Conflict4	Conflict5
Truth Commission	0.82 (0.79)	0.41 (0.68)	0.10 (0.96)	0.42 (0.93)	13.04*** (0.66)
Trials	0.84 (0.68)	1.11* (0.64)	1.26 (0.89)	0.71 (0.79)	13.37*** (0.48)
Lustrations	1.00 (0.78)	2.16*** (0.79)	0.57 (1.09)	0.84 (0.96)	13.01*** (0.72)
Amnesties	1.19* (0.66)	1.41* (0.61)	1.01 (0.88)	0.95 (0.77)	13.91*** (0.45)
PHYSINT	-0.79*** (0.07)	-0.85*** (0.07)	-0.98*** (0.08)	-0.84*** (0.06)	-0.87*** (0.07)
Polity IV	0.05** (0.02)	0.49** (0.02)	0.37* (0.21)	0.02 (0.02)	-0.002 (0.01)
GDP	-0.20* (0.11)	-0.27** (0.11)	0.002 (0.12)	-0.32*** (0.11)	-0.11 (0.11)
Asia	-0.37 (1.52)	-0.94 (1.19)	-0.05 (0.81)	0.70 (0.59)	0.88* (0.48)
Africa	-0.63 (1.52)	-1.50 (1.19)	-0.32 (0.82)	0.22 (0.59)	0.86* (0.50)
Latin America	-1.13 (1.52)	-1.49 (1.20)	-0.95 (0.83)	0.32 (0.57)	-0.13 (0.51)
N. America	2.93* (1.66)	2.87** (1.35)	2.58** (1.05)	5.79*** (0.91)	4.81*** (0.96)
W. Europe	-0.03 (1.64)	-1.08 (1.43)	0.55 (1.02)	2.67 (0.73)	2.14*** (0.61)
E. Europe	-0.49 (1.55)	-1.82 (1.23)	-1.24 (0.91)	--- ---	--- ---
State Target	-0.37 (0.38)	-0.39 (0.34)	0.04 (0.38)	0.33 (0.42)	0.47 (0.42)
Non-State Target	-0.30 (0.31)	-0.35 (0.29)	-0.17 (0.33)	0.12 (0.37)	0.21 (0.32)
Constant	3.19* (1.81)	4.33*** (1.59)	1.86 (0.39)	2.70* (1.39)	-11.83*** (1.22)
<i>N</i>	688	732	749	813	799
Pseudo R ²	0.33	0.39	0.42	0.35	0.36
Log Likelihood	-303.14	-291.82	-272.43	-326.94	-301.39

Note: The dependent variable is a dummy variable measuring annual battle-related deaths, with “1” indicating the presence of ongoing hostilities (>25 annual battle deaths) and “0” indicating the absence of physical hostilities (<25 annual battle deaths). The labels 1, 2, 3, 4, and 5 refer to the time intervals “one-year prior,” “the year of,” “one-year after,” “five-years after,” and “ten-years after” being adopted. Logit coefficients are reported with robust standard errors in parentheses. Robust standard errors were used due to the presence of heteroscedasticity in the error term. Reparations are excluded from the model above since they are perfectly correlated with amnesties. The results did not vary based on whether amnesties or reparations were included in the models. Oceania and mechanisms targeting

both state and non-state actor category were also omitted since they are highly collinear with other categories of region and mechanism target. Eastern Europe is omitted in Conflict Models 4 and 5 since it is highly collinear. *N* is the number of observations included in each model; *** $p < 0.01$, ** $p < 0.05$, * $p < 0.1$.

The results from all five time intervals in **Model 1** also provide mixed findings for the other transitional justice mechanisms included as key predictor variables. Trials, amnesties, and lustrations exhibit a positive, statistically significant effect on annual battle-deaths in both the first year and ten year mark, meaning that these mechanisms, too, are associated with an uptick in violence within the first year and within ten years of being adopted. The odds ratios in **Table 9** indicate that countries that adopted trials witnessed an increase in communal violence by 203 percent in the first year of being adopted. Countries that adopted lustrations, moreover, witnessed an increase in communal violence by 769 percent in the first year, while countries that adopted amnesties witnessed an increase in physical hostilities by 312 percent in the first year of being adopted. Needless to say, these models do not provide meaningful evidence to suggest that transitional justice mechanisms, individually, play a positive role in reducing violence in post-conflict societies.

The results from **Model 1** are much more benign for the variables included as controls. A negative, statistically significant relationship exists between human rights and economic development on the durability of peace. Across all five time intervals models, Physical Integrity scores are consistently significant at the 99 percent level, and the odds ratios in **Table 9** suggest that a one unit increase in Physical Integrity scores is associated with a -54 percent, -57 percent, -63 percent, -57 percent, and -58 percent decrease in the incidence of armed violence for each time interval respectively. Further, the logit models

suggest a negative relationship exists between GDP per capita and annual battle-related deaths, with a \$1,000 (constant \$US) increase in GDP per capita being associated with a decrease in the incidence of armed hostilities by -24 the year of a mechanism being adopted and -27.5 percent five years after being adopted.

Levels of democratization and geographic region, however, appear to have a contradictory effect on the durability of peace. Polity IV scores exhibit a statistically significant, positive effect on annual battle-related deaths in the first year and the following year of a mechanism being adopted, meaning that post-conflict countries that score higher on the Polity IV range are actually associated with an uptick of violence in the short-term. Across all five time-intervals, the results also indicate that mechanisms utilized in North America increase the likelihood of violence reigniting across all five time intervals.

Table 9: Odds Ratios for Peace Models

Variable	P-Value	Odds Ratios (%)
Truth Commission		
One-year prior	0.29	130
Year of	0.60	51
One-year after	0.92	10
Five-years after	0.65	52
10-years after	0.00	4.6e+07
Trials		
One-year prior	0.21	132
Year of	0.09	203
One-year after	0.16	254
Five-years after	0.37	104
10-years after	0.00	6.4e+07
Lustrations		
One-year prior	0.19	173
Year of	0.01	769
One-year after	0.59	77
Five-years after	0.38	132
10-years after	0.00	4.5e+07

Amnesties		
One-year prior	0.07	231
Year of	0.02	312
One-year after	0.25	174
Five-years after	0.22	158
10-years after	0.00	1.1e+08
PHYSINT		
One-year prior	0.00	-54
Year of	0.00	-57
One-year after	0.00	-63
Five-years after	0.00	-57
10-years after	0.00	-58
Polity IV		
One-year prior	0.02	5
Year of	0.02	5
One-year after	0.08	3.7
Five-years after	0.41	1.6
10-years after	0.87	-0.2
GDP		
One-year prior	0.07	-18
Year of	0.02	-24
One-year after	0.98	0.3
Five-years after	0.01	-27.5
10-years after	0.29	-10.8

4.3 Estimating Democracy Outcomes for Individual Transitional Justice Mechanisms

The multivariate regression results⁶⁵ for all five time-intervals for **Model 2** appear in **Table 10**. Similar to the results in each of the durability of peace models above, truth commissions do not exhibit much of a meaningful effect on levels of democratization

⁶⁵ The results did not change dramatically between the OLS and ordered logit models, which were run separately to determine whether one model was a better fit for the data considering the nature of the dependent variable. Reparations were excluded from the dataset since they were perfectly correlated with amnesties. Including reparations, instead of amnesties, does affect the OLS coefficients and statistical significance of some indicators, including truth commissions. The author, however, concludes that these differing results show that truth commissions do not have much of a meaningful impact on levels of democratization in post-conflict countries.

alone. Although a positive, statistically significant relationship exists between truth commissions and democracy at the five-year mark, no statistically significant relationship exists for any of the other time intervals. The results for the five-year model do suggest that truth commissions increase Polity IV scores by 1.86 within five-years when holding all other variables constant. The inability to reject the null for the other time intervals suggests that we should be cautious when stating that truth commissions have a positive effect on levels of democracy in post-conflict countries. The lack of statistically significant results for the ten-year mark seems to indicate that the effects of truth commissions are isolated to the first few years of a political transition rather than to long-term outcomes. Similar to the results for **Model 1**, the results from **Model 2** do not provide much evidence to reject **Hypothesis 1**, which states that truth commissions, alone, are unlikely to yield positive democratic developments in post-conflict countries that adopt them versus those that do not.

Table 10 tells a much more complicated story for other transitional justice mechanisms. Trials, lustrations, and amnesties all have a negative, statistically significant effect on democracy and seem to impede the growth of democratic institutions or processes in the countries that adopt them. In countries that adopted lustration policies, for example, Polity IV scores decreased by 2.29 in the year of being adopted and 1.72 in the following year when holding all other variables constant. In countries that adopted amnesty provisions, Polity IV scores decreased by 1.5 in the first year and 1.41 in the following year when holding all other variables constant. Finally, countries that adopted trials or criminal tribunals to try offenders of human rights abuses witnessed a decrease in Polity IV scores by 1.36 in the first year, 1.51 in the following year, and 1.32 five years

after adopted when holding all other variables constant. These large and stable coefficients across these time intervals seem to indicate that these mechanisms delay or even postpone democratic processes and institutions in countries that adopt them versus countries that do not.

Similar to the results for each of the controls in **Model 1** above, **Table 10** also spells out a positive story for several of these controls in **Model 2** as well. In particular, the results show a positive, statistically significant relationship exists between democracy and per capita GDP, Physical Integrity scores, and the absence of armed violence. Increasing per capita GDP by \$1,000 (\$US constant) increases Polity IV scores by 0.91 in the first year, 0.88 the following year, 0.99 within five years, and 1.51 within ten years. Increasing Physical Integrity scores by 1 increases Polity IV scores by 0.46, 0.46, and 0.45 in the first year, the following year, and within five years. Finally, the absence of armed hostilities increases Polity IV scores by 1.47 in the first year and 1.21 the following year.

These results also show that regional effects and the target of a mechanism matter for democracy-building efforts in post-conflict countries. In particular, mechanisms that are targeted at non-state actors only decrease Polity IV scores by 2.29, 1.99 and 1.98 in the first year, the following year, and five years after being adopted. Mechanisms that are geographically concentrated in Asia, Africa, and Eastern Europe also decrease the development of democratic processes and institutions across all five time intervals, while those located in North America and Western Europe are more likely to witness short-term advancements in the consolidation of democratic institutions and processes. A

mechanism adopted in Western Europe, for example, increases Polity IV scores by 2.05 five years after being adopted when holding all other variables constant.

Table 10: OLS Estimates for Democracy Outcomes

Variable	Polity1	Polity2	Polity3	Polity4	Polity5
Truth Commission	0.19 (1.07)	1.06 (0.88)	0.73 (0.81)	1.86** (0.95)	3.11 (4.01)
Trials	-1.42* (0.81)	-1.36* (0.72)	-1.51** (0.64)	-1.32* (0.79)	0.12 (4.23)
Lustrations	-2.64** (1.23)	-2.29* (1.19)	-1.72* (0.93)	-0.90 (1.01)	0.62 (5.38)
Amnesties	-1.95** (0.83)	1.50** (0.75)	-1.41** (0.66)	-0.48 (0.79)	0.93 (4.31)
GDP	0.91*** (0.24)	0.91*** (0.22)	0.88*** (0.22)	0.99*** (0.19)	1.51*** (0.29)
PHYSINT	0.44*** (0.13)	0.46*** (0.12)	0.46*** (0.13)	0.45*** (0.12)	-0.19 (0.22)
>25 Annual BD	1.41*** (0.50)	1.47*** (0.52)	1.21** (0.52)	0.54 (0.49)	-0.09 (0.82)
Asia	-4.87*** (0.71)	-4.31*** (0.85)	-4.38*** (0.69)	-4.13*** (0.76)	-6.49*** (1.20)
Africa	-6.86*** (0.66)	-6.14*** (0.81)	-6.44*** (0.64)	-5.29*** (0.68)	-6.31*** (1.01)
Latin America	-1.47** (0.68)	-0.64 (0.42)	-0.47 (0.61)	0.69 (0.70)	-1.28 (1.01)
N. America	1.73* (0.90)	2.10** (1.02)	1.81* (0.92)	2.24* (1.15)	0.52 (1.79)
W. Europe	1.34* (0.75)	1.61* (0.90)	1.22 (0.75)	2.05** (0.89)	0.38 (1.28)
E. Europe	-1.62** (0.73)	-0.34 (0.82)	-0.06 (0.63)	1.48** (0.73)	-14.87*** (4.91)
State Target	0.93 (0.69)	0.26 (0.63)	0.21 (0.62)	-0.55 (0.61)	2.99 (2.27)
Non-State Target	-1.85*** (0.59)	-2.29*** (0.58)	-1.99*** (0.56)	-1.98*** (0.54)	-0.99 (1.67)
Constant	-1.45 (2.07)	-1.60 (2.11)	-1.13 (0.55)	-2.84 (1.82)	-5.89 (5.21)
<i>N</i>	688	732	749	816	801
<i>R</i> ²	0.44	0.44	0.45	0.46	0.15
Root MSE	5.19	5.08	5.03	4.97	12.06

Note: The dependent variable are Polity IV scores, which range from -10 to +10. The labels 1, 2, 3, 4, and 5 refer to the time intervals “one-year prior,” “the year of,” “one-year after,” “five-years after,” and “ten-years after” being adopted. OLS coefficients are reported with robust standard errors in parentheses. Robust standard errors were used due to the presence of

heteroscedasticity in the error term. Reparations are excluded from the model above since they are perfectly correlated with amnesties. The results did not vary dramatically depending on whether amnesties or reparations were included in the models. Oceania and mechanisms targeting both state and non-state actor category were also omitted since they are highly collinear with other categories of region and mechanism target. *N* is the number of transitional justice mechanisms examined for each model; *** $p < 0.01$, ** $p < 0.05$, * $p < 0.1$.

4.4 Estimating Human Rights Outcomes for Individual Transitional Justice Mechanisms

The multivariate regression results for all five time-intervals in **Model 3** are depicted in **Table 11**. Much like the results in **Model 1** and **Model 2**, which estimate the effects of truth commissions on the durability of peace and levels of democratization, the results in Model 3 appear to suggest that truth commissions are inconsequential when promoting human rights protections in post-conflict countries. In particular, truth commissions are statistically significant in any of the five time intervals when using Physical Integrity scores as the dependent variable. These results, more so than **Model 1** and **Model 2**, provide a straightforward answer to **Hypothesis 2**, which suggests that truth commissions, alone, are not associated with improvements in human rights protections in post-conflict countries that adopt them in comparison to those that do not.

When examining the impact of other transitional justice mechanisms, the results in **Table 11** indicate that amnesties actually have a negative effect on human rights protections, with post-conflict countries that adopt amnesties witnessing a decrease in Physical Integrity scores by 0.54 in the first year and 0.55 in the following year when holding all other variables constant. Ironically, the regression results also indicate that trials have a negative effect on human rights protections in the short-term, with post-

conflict countries that adopt them witnessing a decrease in Physical Integrity scores by 0.46 in the first year when holding all other variables constant.

Table 11 portrays a similar story for the same vector of control variables included in all five models. GDP per capita, the absence of armed conflict, and democracy are positively associated with human rights outcomes in post-conflict countries. Increasing GDP per capita by \$1,000 (\$US constant) increases Physical Integrity scores by 0.18 and 0.17 in the first year and within five years. An increase in Polity IV scores by one is associated with an increase of Physical Integrity scores by 0.05 in the first year, the year after, and within five years. The presence of physical hostilities, moreover, reduces Physical Integrity scores by 2.23, 2.48, 2.59, 2.31, and 2.32 in each of the five time intervals included in the model when holding all other variables constant. These results provide clear evidence to suggest that per capita GDP, Polity IV scores, Physical Integrity scores, and the absence of armed violence are positively associated with one another. In other words, an increase in one will likely lead to an increase in another, even when using different time intervals or models.

Finally, geographic variations appear again in the results, with mechanisms adopted in Asia and Latin America being negatively associated with human rights outcomes. In particular, mechanisms adopted in Asia are associated with a decrease in Physical Integrity scores by 1.99, 0.94, 1.27, and 1.06 in the first year, the following year, within five years, and within ten years. Mechanisms adopted in Latin America are associated with a decrease in Physical Integrity scores by 1.65, 0.77, 0.82, and 0.54 during these same time intervals when holding all other variables constant.

Table 11: OLS Estimates for Human Rights Outcomes

Variable	HR1	HR2	HR3	HR4	HR5
Truth Commission	0.21 (0.40)	-0.42 (0.32)	-0.18 (0.33)	0.19 (0.31)	-0.27 (0.36)
Trials	-0.13 (0.30)	-0.46* (0.27)	-0.16 (0.26)	0.04 (0.26)	-0.17 (0.29)
Lustrations	0.13 (0.29)	0.001 (0.37)	-0.59 (0.41)	-0.37 (0.40)	-0.37 (0.38)
Amnesties	-0.15 (0.29)	-0.54** (0.26)	-0.55** (0.25)	-0.11 (0.06)	-0.09 (0.29)
GDP	0.22*** (0.07)	0.06 (0.07)	0.18*** (0.06)	-0.004 (0.06)	0.17*** (0.06)
Polity IV	0.04*** (0.01)	0.05*** (0.01)	0.05*** (0.01)	0.04*** (0.01)	-0.003 (0.003)
>25 Annual BD	-2.23*** (0.13)	-2.48*** (0.14)	-2.59*** (0.13)	-2.31*** (0.13)	-2.32*** (0.13)
Asia	-1.66*** (0.58)	-1.99*** (0.49)	-0.94*** (0.27)	-1.27*** (0.32)	-1.06*** (0.14)
Africa	-0.60 (0.59)	1.30*** (0.50)	0.05 (0.29)	-0.58* (0.31)	-0.29** (0.13)
Latin America	-1.53*** (0.58)	-1.65*** (0.49)	-0.77*** (0.28)	-0.82*** (0.31)	-0.54*** (0.15)
N. America	0.65 (0.65)	0.55 (0.57)	0.63* (0.28)	1.74*** (0.47)	1.35*** (0.41)
W. Europe	-0.19 (0.61)	-0.36 (0.56)	0.53 (0.36)	0.98** (0.42)	0.68*** (0.26)
E. Europe	-0.10 (0.59)	-0.65 (0.49)	0.49* (0.29)	0.33 (0.33)	0.70*** (0.21)
State Target	0.41* (0.24)	0.26 (0.21)	0.45** (0.22)	0.48** (0.21)	0.47** (0.21)
Non-State Target	0.25 (0.20)	0.25 (0.18)	0.49** (0.19)	0.32 (0.19)	0.09 (0.17)
Constant	3.79*** (0.85)	5.83*** (0.73)	3.74*** (0.62)	5.02*** (0.58)	3.87*** (0.53)
<i>N</i>	688	732	749	816	801
<i>R</i> ²	0.48	0.49	0.53	0.47	0.44
Root MSE	1.63	1.64	1.58	1.57	1.57

Note: The dependent variable is Physical Integrity scores, which range from 0 (no human rights) to 8 (perfect human rights). The labels 1, 2, 3, 4, and 5 refer to the time intervals “one-year prior,” “the year of,” “one-year after,” “five-years after,” and “ten-years after” being adopted. OLS coefficients are reported with robust standard errors in parentheses. Robust standard errors were used due to the presence of heteroscedasticity in the error term. Reparations are excluded from the model above since they are perfectly correlated with amnesties. These results do not differ when including reparations over amnesties and vice versa. Oceania and mechanisms targeting both state and non-state actor category were also omitted since they are highly collinear with other categories of region and mechanism target.

N is the number of transitional justice mechanisms examined for each model; *** $p < 0.01$, ** $p < 0.05$, * $p < 0.1$.

4.5 Estimating Economic Outcomes for Individual Transitional Justice Mechanisms

Table 12 presents the OLS regression results⁶⁶ for all five time-intervals for **Model 4**. In each time interval, a statistically significant relationship exists between truth commissions and per capita GDP (\$US constant). The negative coefficient, however, suggests that truth commissions are actually associated with decreased economic outcomes. In particular, for countries that adopt truth commissions, we can expect their per capita GDP to decrease by 43 percent within the first year, 52 percent within five years, and 48 percent within 10 years. These results provide conflicting evidence for Hypothesis 3, which states that truth commissions, alone, are unlikely to produce economic outcomes in post-conflict countries. On one hand, the estimates suggest a relationship exists; on the other hand, this relationship is not positive in nature.

Along with truth commissions, all five of the other transitional justice mechanisms individually exhibit a negative, statistically significant relationship on per capita GDP in post-conflict countries. For a country adopting a criminal tribunal, we can expect per capita GDP to decrease by 66 percent after the first year, 77 percent within 5 years, and 73 percent within 10 years. For countries adopting lustration policies, we can

⁶⁶ Like all of the models above, reparations are excluded because they are perfectly collinear with amnesties. Similar to the democracy models, including reparations over amnesties or amnesties over reparations does contribute to changes in statistically significant results in the models; however, including reparations instead of amnesties in Model 4 actually changes the directional effect of truth commissions from negative to positive.

expect a decrease in per capita GDP by 66 percent, 77 percent, and 73 percent for these same periods. Finally, for countries adopting amnesty programs, we can expect per capita GDP to decrease by 69 percent, 81 percent, and 82 percent when using the same time periods as trials and lustrations when holding all other variables constant.

In contrast to the negative, statistically significant relationship between all of the transitional justice mechanisms included in the dataset and per capita GDP, Physical Integrity scores and Polity IV scores have a positive effect, while the presence of active, armed hostilities has a negative effect on per capita GDP. A one unit increase in Physical Integrity scores increases per capita GDP by 6 percent within one year and 7 percent within ten years. A one unit increase in Polity IV scores, moreover, leads to a 3 percent, 4 percent, and 1 percent increase in per capita GDP within one year, five years, and ten years when holding all other variables constant. The presence of armed hostilities, on the other hand, reduces per capita GDP by 23 percent in the first year and 29 percent after five years. Regional differences also exist in the model, with countries located in North America being associated with an increase in per capita GDP by 392 percent and 352 percent over a five-year and ten-year period, for example, and countries located in Western Europe being associated with an increase in per capita GDP by 271 and 229 percent respectively when using the same time intervals.

Table 12: OLS Estimates for Economic Outcomes

<i>Variable</i>	<i>GDP1</i>	<i>GDP2</i>	<i>GDP3</i>	<i>GDP4</i>	<i>GDP5</i>
Truth Commission	-0.44** (0.22)	-0.46** (0.22)	-0.43* (0.23)	-0.52** (0.25)	-0.48* (0.26)
Trials	-0.59*** (0.18)	-0.62*** (0.18)	-0.66*** (0.18)	-0.77*** (0.21)	-0.73*** (0.18)
Lustrations	-0.79*** (0.21)	-0.75*** (0.22)	-0.67*** (0.21)	-0.85*** (0.23)	-0.92*** (0.21)

Amnesties	-0.61*** (0.19)	-0.65*** (0.18)	-0.69*** (0.19)	-0.81*** (0.21)	-0.82*** (0.17)
PHYSINT	0.07*** (0.02)	0.19 (0.02)	0.06*** (0.02)	-0.001 (0.02)	0.07*** (0.02)
Polity IV	0.03*** (0.01)	0.03*** (0.01)	0.03*** (0.01)	0.04*** (0.01)	0.01*** (0.002)
>25 Annual BD	-0.15 (0.09)	-0.23** (0.09)	-0.05 (0.10)	-0.29*** (0.09)	-0.08 (0.10)
Asia	-0.19 (0.61)	-0.14 (0.66)	-0.13 (0.65)	0.84*** (0.15)	0.58*** (0.17)
Africa	-1.06* (0.60)	-0.99 (0.65)	-1.00 (0.64)	-0.18 (0.12)	-0.55*** (0.14)
Latin America	0.06 (0.60)	0.10 (0.65)	0.08 (0.64)	0.86*** (0.12)	0.77*** (0.14)
N. America	2.74*** (0.61)	2.98*** (0.66)	2.78*** (0.66)	3.92*** (0.21)	3.52*** (0.18)
W. Europe	1.79*** (0.61)	1.94*** (0.66)	1.88*** (0.65)	2.71*** (0.16)	2.29*** (0.18)
E. Europe	0.14 (0.61)	0.18 (0.66)	0.06 (0.65)	1.05*** (0.16)	1.28*** (0.18)
State Target	0.15 (0.13)	0.26** (0.12)	0.17 (0.13)	0.23* (0.13)	-0.02 (0.14)
Non-State Target	0.16 (0.11)	0.23** (0.11)	0.17 (0.11)	0.13 (0.11)	-0.09 (0.11)
Constant	7.54 (0.65)	7.66*** (0.71)	7.55*** (0.69)	7.17*** (0.27)	7.39*** (0.25)
<i>N</i>	688	732	749	816	801
<i>R</i> ²	0.55	0.55	0.53	0.54	0.52
Root MSE	0.91	0.92	0.94	0.95	0.98

Note: The dependent variable is per capita GDP, in natural log form, measured in thousands of \$US. The labels 1, 2, 3, 4, and 5 refer to the time intervals “one-year prior,” “the year of,” “one-year after,” “five-years after,” and “ten-years after” being adopted. OLS coefficients are reported with robust standard errors in parentheses. Robust standard errors were used due to the presence of heteroscedasticity in the error term. Reparations are excluded from the model above since they are perfectly correlated with amnesties. Oceania and mechanisms targeting both state and non-state actor category were also omitted since they are highly collinear with other categories of region and mechanism target. *N* is the number of transitional justice mechanisms examined for each model; *** $p < 0.01$, ** $p < 0.05$, * $p < 0.1$.

4.6 What Are The Implications of These Models?

Each of the four models estimating the effects of individual mechanisms on key post-conflict societal indicators do not tell a promising story about the effect of

transitional justice over the period of analysis. For immediate purposes in this research, truth commissions do not appear to exhibit a meaningful effect, if any effect at all, on levels of peace, democratization, and human rights protections in post-conflict countries that adopt them. Even more troubling, truth commissions appear to have a strong, negative effect on economic outcomes in post-conflict countries that adopt them in comparison to those that do not. All four models, as a result, seem to vindicate each of the four main hypotheses in this study.

This should cause policymakers to pause when considering the application of these bodies in virtually every post-conflict country today, especially in those that remain economically underdeveloped, such as those are embroiled in repetitive violence and “conflict traps” in geographic regions such as Sub-Saharan Africa and South Asia. If anything, it appears peace, democracy, human rights, and economic outcomes are intimately tied to each other. All four models provide statistically significant results that suggest positive relationships between economic development and levels of democratization, between levels of democratization and the extent to which human rights protections are guaranteed, and the extent to which human rights guarantees exist and levels of economic development in a given post-conflict country.

The estimates in each model also suggest that the effect of transitional justice, as a whole, is a much more complicated than commonly depicted in the literature. Truth commissions are not a one-size-fits-all solution to post-conflict justice. There is evidence to suggest that amnesties reduce democratic, economic, and human rights outcomes. The models also suggest that lustrations are tied to declining economic prospects and human rights

protections. The effects of these mechanisms, including truth commissions, in isolation from one another is dubious at best. This picture, however, begins to evolve when truth commissions are paired with different mechanisms.

4.7 The Effect of Different Truth Commission Combinations on Post-Conflict Peace, Democracy, Human Rights, and Economic Outcomes

The effect of truth commissions becomes more pronounced when these bodies are paired with other transitional justice mechanisms. **Table 13** depicts the results for **Model 5**. In this model, truth commissions are paired with trials, amnesties, lustrations, and reparations. These pairs are then used as the main predictor variables to determine whether peace outcomes vary between different sets of truth commission combinations. Picking up the effects in **Model 1**, three combinations (truth commissions with trials, amnesties, and lustrations) increase the probability that violence will reignite within ten years. Coupling a truth commission with reparations, however, actually decreases the probability of violence reigniting over this period. Further, pairing a truth commission with reparations reduces the probability of violence reigniting within the first year of being adopted and year 10.

The effects of Physical Integrity scores, Polity IV scores, and per capita GDP remain largely the same as those presented in **Model 1**. **Table 13** illustrates that that an increase in Physical Integrity scores is associated with a reduction in physical violence and armed hostilities the following year, within five years, and within ten years. The direction of the coefficient for the first year, however, is now positive and different from **Model 1**. Like **Model 1**, per capita GDP is associated with a decreased probability of

violence reigniting within the first year and five years. Democracy scores continue to exhibit a positive effect or, in this case, increase the probability of violence reigniting in the first and following year of a mechanism being adopted.

Table 13: Logit Estimates for Peace Outcomes by Truth Commission Combinations

Variable	Conflict1	Conflict2	Conflict3	Conflict4	Conflict5
Truth Commission	0.10	-0.32	0.35	0.02	4.28***
+ Trial	(0.36)	(0.35)	(0.44)	(0.40)	(0.34)
Truth Commission	0.45	-0.01	0.09	0.25	4.83***
+ Amnesty	(0.36)	(0.33)	(0.45)	(0.39)	(0.33)
Truth Commission	0.26	0.74*	-0.34	0.15	3.93***
+ Lustration	(0.44)	(0.44)	(0.57)	(0.52)	(0.48)
Truth Commission	-0.74	-1.42***	-0.92	-0.69	-9.08***
+ Reparations	(0.49)	(0.47)	(0.65)	(0.57)	(0.37)
PHYSINT	-0.79***	0.05***	-0.98***	-0.84***	-0.87***
	(0.07)	(0.21)	(0.08)	(0.06)	(0.07)
Polity IV	0.05**	0.05**	0.04*	0.01	-0.002
	(0.02)	(0.21)	(0.02)	(0.02)	(0.01)
GDP	-0.20*	-0.27**	0.003	-0.32***	-0.11
	(0.11)	(0.11)	(0.12)	(0.11)	(0.11)
Asia	-0.37	-0.94	-0.05	0.70	0.88*
	(1.52)	(1.19)	(0.81)	(0.59)	(0.48)
Africa	-0.63	-1.50	-0.32	0.22	0.86*
	(1.52)	(1.19)	(0.82)	(0.59)	(0.49)
Latin America	-1.13	-1.49	-0.95	0.32	-0.13
	(1.52)	(1.19)	(0.83)	(0.57)	(0.51)
N. America	2.93*	2.87**	2.58**	5.79***	4.82***
	(1.65)	(1.35)	(1.02)	(0.92)	(0.96)
W. Europe	-0.03	-1.08	0.55	2.67***	2.14***
	(1.64)	(1.43)	(1.01)	(0.92)	(0.61)
E. Europe	-0.49	-1.83	-1.24	--	--
	(1.55)	(1.23)	(0.91)	--	--
State Target	-0.27	-0.39	0.04	0.33	0.47
	(0.38)	(0.34)	(0.39)	(0.42)	(0.42)
Non-State Target	-0.30	-0.35	-0.16	0.18	0.21
	(0.31)	(0.29)	(0.33)	(0.37)	(0.32)
Constant	3.94**	5.75***	2.78**	3.39***	-2.74**
	(1.71)	(1.46)	(1.24)	(1.15)	(1.13)
<i>N</i>	688	732	749	813	799
Pseudo R ²	0.33	0.39	0.42	0.35	0.36
Log Likelihood	-303.14	-291.82	-272.43	-326.94	301.39

Note: The dependent variable is a dummy variable measuring annual battle-related deaths, with “1” indicating the presence of ongoing hostilities (>25 annual battle-deaths) and “0” indicating the absence of physical hostilities (<25 annual battle-deaths). The labels 1, 2, 3, 4, and 5 refer to the time intervals “one-year prior,” “the year of,” “one-year after,” “five-years after,” and “ten-years after” being adopted. Logit coefficients are reported with robust standard errors in parentheses. Robust standard errors were used due to the presence of heteroscedasticity in the error term. Oceania and mechanisms targeting both state and non-state actor category were also omitted since they are highly collinear with other categories of region and mechanism target. Eastern Europe is omitted in Conflict Models 4 and 5 since it is highly collinear. *N* is the number of transitional justice mechanisms examined for each model; *** $p < 0.01$, ** $p < 0.05$, * $p < 0.1$.

Table 14 depicts the results for **Model 6**, which estimates the effects of these different truth commission combinations on Polity IV scores. Truth commissions, when paired with amnesties and reparations, have a positive, statistically significant effect on Polity IV scores. Countries that adopt a truth commission in conjunction with an amnesty program increase Polity IV scores by 1.04 within five-years when holding all other variables constant. Polity IV scores increased by 2.07, 1.79, and 1.52 when countries adopted both a truth commission and reparations within the first year, the following year, and within five years when holding all other variables constant. With that said, the pre-year coefficient (2.07) is similar to the coefficients for the other time intervals, which does not demonstrate a causal effect. These coefficients also seem to suggest that democracies are more likely to adopt truth commissions and reparations to begin with, not that truth commissions, when paired with reparations, increase levels of democratization. The other two truth commission pairs (those including trials and lustrations) do not exhibit a meaningful effect on levels of democracy in post-conflict countries.

Much like the democracy effects in **Model 2**, the outcomes associated with different control variables does not change much in **Model 6**. Physical Integrity scores,

per capita GDP, and the absence of armed hostilities all exhibit a positive, statistically significant effect on Polity IV scores.⁶⁷ Combinations located in Asia, Africa, and Eastern Europe continue to have lower Polity IV scores than those located in North America and Western Europe. Finally, mechanisms that target non-state actors continue to exhibit a strong, negative effect on democracy in post-conflict countries, reducing Polity IV scores by 2.29, 1.99, and 1.98 in the first year, the following year, and within five years when holding all other variables constant.

Table 14: OLS Estimates for Democracy Outcomes by Truth Commission Combinations

Variable	Polity1	Polity2	Polity3	Polity4	Polity5
Truth Commission	0.65	0.71	0.27	0.20	0.60
+ Trial	(0.56)	(0.52)	(0.44)	(0.47)	(1.81)
Truth Commission	0.12	0.56	0.38	1.04**	1.41
+ Amnesty	(0.59)	(0.56)	(0.07)	(0.49)	(2.02)
Truth Commission	-0.57	-0.22	0.07	0.62	1.09
+ Lustration	(0.78)	(0.75)	(0.59)	(0.60)	(2.79)
Truth Commission	2.07***	2.07***	1.79***	1.52**	0.48
+ Reparations	(0.67)	(0.59)	(0.51)	(0.59)	(3.10)
GDP	0.91***	0.91***	0.88***	0.99***	1.51***
	(0.24)	(0.22)	(0.22)	(0.19)	(0.29)
PHYSINT	0.44***	0.46***	0.46***	0.45***	-0.19
	(0.13)	(0.12)	(0.13)	(0.12)	(0.22)
>25 Annual BD	1.41***	1.47***	1.21**	0.54	-0.09
	(0.50)	(0.52)	(0.52)	(0.49)	(0.82)
Asia	-4.87***	-4.31***	-4.38***	-4.13***	-6.49***
	(0.71)	(0.85)	(0.69)	(0.76)	(1.20)
Africa	-6.86***	-6.14***	-6.44***	-5.29***	-6.31***
	(0.66)	(0.81)	(0.64)	(0.68)	(1.01)
Latin America	-1.47***	-0.64	-0.47	0.69	-1.28
	(0.68)	(0.79)	(0.64)	(0.70)	(1.02)
N. America	1.73*	2.10**	1.81**	2.24*	0.52
	(0.90)	(1.02)	(0.92)	(1.15)	(1.79)
W. Europe	1.34*	1.61*	1.22	2.06**	0.38
	(0.75)	(0.90)	(0.75)	(0.89)	(1.28)
E. Europe	-1.63**	-0.34	-0.06	1.48**	-14.87***

⁶⁷ The coefficients are the same for the controls in **Model 6** as those reported in **Model 2** in **Table 10**.

	(0.73)	(0.82)	(0.63)	(0.73)	(4.91)
State Target	0.93	0.26	0.21	-0.55	2.99
	(0.69)	(0.63)	(0.62)	(0.61)	(2.27)
Non-State Target	-1.85***	-2.29***	-1.99***	-1.98***	-0.99
	(0.59)	(0.58)	(0.56)	(0.54)	(1.67)
Constant	-3.52*	-3.67*	-2.92	-4.36***	-6.37**
	(1.92)	(1.97)	(1.77)	(1.61)	(3.32)
<i>N</i>	688	732	749	816	801
<i>R</i> ²	0.44	0.44	0.45	0.46	0.15
Root MSE	5.19	5.08	5.03	4.97	12.07

Note: The dependent variable is Polity IV scores, which range from -10 to +10. The labels 1, 2, 3, 4, and 5 refer to the time intervals “one-year prior,” “the year of,” “one-year after,” “five-years after,” and “ten-years after” respectively. OLS coefficients are reported with robust standard errors in parentheses. Robust standard errors were used due to the presence of heteroscedasticity in the error term. Reparations are excluded from the model above since they are perfectly correlated with amnesties. Oceania and mechanisms targeting both state and non-state actor category were also omitted since they are highly collinear with other categories of region and mechanism target. *N* is the number of transitional justice mechanisms examined for each model; *** $p < 0.01$, ** $p < 0.05$, * $p < 0.1$.

Table 15 presents the results for **Model 7**, which estimates the human rights effects of different truth commission combinations. Much like the results from **Model 3** in **Table 11**, truth commissions, even when paired with different transitional justice mechanisms, do not appear to have much of a meaningful effect on human rights protections in post-conflict countries that adopt them. Truth commissions, when paired with reparations, do exhibit a minor, statistically significant effect on human rights outcomes, with the presence of this specific combination being associated with a 0.37 increase in Physical Integrity scores the following year. When paired with amnesties, however, this specific combination exhibits a minor, negative effect on human rights with this specific combination being associated with a 0.35 reduction in Physical Integrity scores in the first year.

The results do not change for the same vector of control variables used from **Model 3**.⁶⁸ Polity IV scores, per capita GDP, and the absence of 25 annual battle-related deaths exhibit a positive, statistically significant effect on Physical Integrity scores. Human rights outcomes continue to vary by region as well, with combinations of mechanisms adopted in Asia, Africa, and Latin America have a negative, statistically significant effect on Physical Integrity scores.

Table 15: OLS Estimates for Human Rights Outcomes by Truth Commission Combinations

Variable	Polity1	Polity2	Polity3	Polity4	Polity5
Truth Commission	-0.01	-0.27	0.21	0.25	-0.05
+ Trial	(0.19)	(0.18)	(0.18)	(0.17)	(0.17)
Truth Commission	-0.03	-0.35*	-0.18	0.09	0.03
+ Amnesty	(0.20)	(0.18)	(0.19)	(0.17)	(0.17)
Truth Commission	0.25	0.19	-0.21	-0.18	-0.25
+ Lustration	(0.24)	(0.24)	(0.26)	(0.25)	(0.22)
Truth Commission	0.12	0.19	0.37*	0.21	0.12
+ Reparations	(0.24)	(0.21)	(0.21)	(0.21)	(0.22)
GDP	0.22***	0.06	0.18***	-0.001	0.17***
	(0.07)	(0.07)	(0.06)	(0.06)	(0.06)
Polity IV	0.04***	0.05***	0.05***	0.05***	-0.003
	(0.01)	(0.01)	(0.01)	(0.01)	(0.003)
>25 Annual BD	-2.23***	-2.49***	-2.59***	-2.31***	-2.32***
	(0.13)	(0.14)	(0.13)	(0.13)	(0.13)
Asia	-1.66***	-1.99***	-0.94***	-1.27***	-1.06***
	(0.58)	(0.49)	(0.27)	(0.32)	(0.14)
Africa	-0.60	-1.30***	0.05	-0.58*	-0.29**
	(0.59)	(0.50)	(0.29)	(0.31)	(0.13)
Latin America	-1.53***	-1.65***	-0.77***	-0.82***	-0.54***
	(0.58)	(0.49)	(0.28)	(0.31)	(0.15)
N. America	0.65	0.55	0.63*	1.74***	1.35***
	(0.65)	(0.57)	(0.53)	(0.47)	(0.41)
W. Europe	-0.19	-0.36	0.53	0.98**	0.68***
	(0.61)	(0.56)	(0.36)	(0.42)	(0.26)
E. Europe	-0.10	-0.65	0.49	0.33	0.70***
	(0.59)	(0.49)	(0.29)	(0.33)	(0.21)
State Target	0.41*	0.26	0.45**	0.48**	0.47**

⁶⁸ The coefficients for these variables in **Model 7** do not change from **Model 3** in **Table 11**.

	(0.24)	(0.21)	(0.22)	(0.21)	(0.21)
Non-State Target	0.25	0.25	0.49**	0.32	0.09
	(0.20)	(0.18)	(0.19)	(0.19)	(0.17)
Constant	3.68***	5.64***	3.36***	4.82***	3.75***
	(0.81)	(0.70)	(0.59)	(0.19)	(0.44)
<i>N</i>	688	732	749	816	801
<i>R</i> ²	0.48	0.49	0.53	0.47	0.44
Root MSE	1.63	1.64	1.58	1.57	1.57

Note: The dependent variable is Physical Integrity scores, which range from 0 (no human rights) to 8 (perfect human rights). The labels 1, 2, 3, 4, and 5 refer to the time intervals “one-year prior,” “the year of,” “one-year after,” “five-years after,” and “ten-years after” respectively. Z-scores from each respective logit model are reported with robust standard errors in parentheses. Robust standard errors were used due to the presence of heteroscedasticity in the error term. Oceania and mechanisms targeting both state and non-state actor category were also omitted since they are highly collinear with other categories of region and mechanism target. Eastern Europe is omitted in Conflict Models 4 and 5 since it is highly collinear. *N* is the number of transitional justice mechanisms examined for each model. *** $p < 0.01$, ** $p < 0.05$, * $p < 0.1$.

Model 8, representing the final model tested in this study, is depicted in **Table 16**.⁶⁹ Building on **Model 4**, this model tests the effects of different combinations of truth commissions on economic outcomes in post-conflict countries. The results in **Model 8**, unlike the other combination models and their predecessors, do vary considerably from **Model 4**. When combining a truth commission with lustration policies, this creates a negative, statistically significant effect on per capita GDP. Post-conflict countries that adopted this specific combination experienced a 23 percent, 21 percent, and 26 percent reduction in per capita GDP in the first year, within five years, and within ten years. When combining a truth commission with reparations, on the other hand, this creates a positive, statistically significant effect on per capita GDP. In particular, post-conflict countries that adopted this combination experienced a 52 percent, 53 percent, 64 percent,

⁶⁹ The coefficients for each of the control variables remain the same in Model 8 compared to Model 4.

and 66 percent increase in per capita GDP in the first year, the following year, within five years, and within ten years.

Table 16: OLS Estimates for Economic Outcomes by Truth Commission Combinations

Variable	GDP1	GDP2	GDP3	GDP4	GDP5
Truth Commission	-0.08	-0.09	-0.13	-0.14	-0.06
+ Trial	(0.09)	(0.09)	(0.10)	(0.10)	(0.11)
Truth Commission	-0.09	-0.13	-0.16	-0.17	-0.15
+ Amnesty	(0.10)	(0.13)	(0.10)	(0.11)	(0.11)
Truth Commission	-0.27**	-0.23*	-0.14	-0.21*	-0.26**
+ Lustration	(0.12)	(0.13)	(0.13)	(0.13)	(0.13)
Truth Commission	0.52***	0.52***	0.53***	0.64***	0.66***
+ Reparations	(0.14)	(0.13)	(0.14)	(0.15)	(0.14)
PHYSINT	0.07***	0.19	0.06***	-0.001	0.07***
	(0.02)	(0.02)	(0.02)	(0.02)	(0.02)
Polity IV	0.03***	0.03***	0.03***	0.04***	0.01***
	(0.01)	(0.01)	(0.01)	(0.01)	(0.003)
>25 Annual BD	-0.15	-0.23**	-0.05	-0.29***	-0.08
	(0.09)	(0.09)	(0.10)	(0.09)	(0.10)
Asia	-0.19	-0.14	-0.13	0.84***	0.58***
	(0.61)	(0.66)	(0.64)	(0.15)	(0.17)
Africa	-1.06*	-0.99	-1.00	-0.18	-0.55***
	(0.60)	(0.65)	(0.64)	(0.12)	(0.14)
Latin America	0.06	0.10	0.08	0.86***	0.77***
	(0.60)	(0.65)	(0.64)	(0.12)	(0.14)
N. America	2.74***	2.98***	2.77***	3.92***	3.52***
	(0.61)	(0.66)	(0.66)	(0.21)	(0.29)
W. Europe	1.79***	1.94***	1.88***	2.71***	2.29***
	(0.61)	(0.66)	(0.65)	(0.16)	(0.18)
E. Europe	0.14	0.18	0.06	1.05***	1.28***
	(0.61)	(0.66)	(0.65)	(0.16)	(0.18)
State Target	0.15	0.26**	0.17	0.23*	-0.02
	(0.13)	(0.12)	(0.13)	(0.13)	(0.14)
Non-State Target	0.16	0.23**	0.17	0.14	-0.09
	(0.11)	(0.11)	(0.12)	(0.11)	(0.11)
Constant	7.03***	7.14***	7.03***	6.53***	6.72***
	(0.62)	(0.68)	(0.66)	(0.20)	(0.21)
<i>N</i>	688	732	749	816	801
<i>R</i> ²	0.55	0.55	0.53	0.54	0.52
Root MSE	0.91	0.92	0.94	0.95	0.98

Note: The dependent variable is per capita GDP, measured in thousands of \$US. The labels 1, 2, 3, 4, and 5 refer to the time intervals “one-year prior,” “the year of,” “one-year after,” “five-years after,” and “ten-years after” respectively. Z-scores from each respective logit

model are reported with robust standard errors in parentheses. Robust standard errors were used due to the presence of heteroscedasticity in the error term. Reparations are excluded from the model above since they are perfectly correlated with amnesties. Oceania and mechanisms targeting both state and non-state actor category were also omitted since they are highly collinear with other categories of region and mechanism target. *N* is the number of transitional justice mechanisms examined for each model. *** $p < 0.01$, ** $p < 0.05$, * $p < 0.1$.

4.8 Summary

The results in this chapter tell a complicated story for the effect of truth commissions in post-conflict countries. The first four models, which test the effect of these bodies in isolation from other transitional justice mechanisms, do not provide much evidence to suggest that democracy, human rights, economic development, or the durability of peace are influenced by these bodies. If anything, the direction of the coefficients in Model Four suggest that these bodies might adversely affect economic processes and development both in the short-term and in the long-term. The first four models, together, appear to provide partial support for **Hypotheses 1, 2, and 4**. The models indicate that we should not expect truth commissions, individually, to create positive societal outcomes and that post-conflict countries that adopt them are no more or less likely to experience improvements in political, economic, or social outcomes in comparison to those that do not adopt these bodies.

This complicated story is similar for other transitional justice mechanisms included in the models. Trials and amnesties actually exhibit a negative effect on democratic outcomes, whereas all of the alternative mechanisms exhibit a negative effect on the durability of peace. When estimating the effect on human rights, amnesties also exhibit a negative effect, primarily in the short-term, while all of the alternative

mechanisms exhibit a negative effect when estimating economic outcomes in post-conflict countries. It seems, as a whole, that these mechanisms, in isolation from one another, are actually doing more harm than good.

The four models that manipulate political, economic, and social outcomes for different combinations of truth commissions and alternative mechanisms provide a more positive outlook on the effect of transitional justice. The results from these models do provide some evidence to suggest that truth commissions, when combined with reparations, are associated with positive societal outcomes. In particular, truth commissions coupled with reparations reduce the probability of renewed violence, increase Polity IV scores, and contribute to positive economic outcomes in the form of increase levels of per capita GDP. This specific combination seems to provide evidence to support **Hypothesis 5**, which states that truth commissions must be coupled with retributive mechanisms in order to be effective. Across all of the models, truth commissions, when coupled with amnesties, do not exhibit much of a meaningful effect. Interestingly enough, however, truth commissions when coupled with trials also do not exhibit much of a meaningful effect. When coupled with lustrations, moreover, these bodies actually create negative societal outcomes in the form of declining economic performance. As a result, there is some evidence to suggest that any positive effect of truth commissions is heightened when these bodies are coupled with certain retributive mechanisms over others.

Overall, none of the models demonstrate a clear, causal effect between truth commissions and positive societal outcomes. The event-year, post-year, five-year, and

ten-year categories for the democracy and economic models for different truth commission combinations seem to suggest that truth commissions can be associated with positive outcomes in these two areas. The coefficients for the pre-year category, however, are almost identical to the coefficients in these later time intervals, which seems to suggest that post-conflict countries that are already more democratic and wealthy in nature are predisposed to these two mechanisms to begin with. In other words, these models do not provide clear evidence to suggest that truth commissions, when coupled with reparations, are *increasing* levels of democratization and economic prosperity. Instead, the opposite could also hold true.

The results in this chapter are useful in several respects. First, every model provides clear evidence to suggest that democracy, human rights, economic, and peace outcomes are closely related. In every model tested, the same vector of controls exhibited strong, positive effects when used interchangeable as controls and dependent variables. Second, these results, although not initially hypothesized, suggest an interactive effect between truth commissions and reparations. This finding is interesting because the most common form of retributive justice is trials. These findings suggest that democracy, human rights, peace, and economic outcomes are indeed heightened by coupling a restorative mechanism in the form of a truth commission with a retributive mechanism; however, instead of this retributive mechanism being a human rights trial, the models instead suggest that the appropriate mechanism are reparations. Future research can shed more insight into these different modes and possibly explore this link between truth commissions and reparations further. Future research can also attempt to how sequencing

and timing possibly effects the outcomes associated with coupling different transitional justice mechanisms.

CHAPTER 5: RWANDA'S GACACA COURTS: A CASE STUDY FOR BLENDED APPROACHES TO TRANSITIONAL JUSTICE

5.1 Introduction

The Rwandan genocide⁷⁰ was orchestrated over a 100 day period and systematically exterminated 70 percent of Rwanda's Tutsi population and thousands of moderate Hutu who opposed the killings or tried to prevent them, making it the swiftest genocide in modern history (Des Forges 1999). The United Nations estimates that over six million Rwandese were forcefully displaced during and after the killings, with large numbers of refugees fleeing to Burundi, the DRC, and Uganda (UN 2014). This mass influx of refugees and internally displaced persons (IDPs) created a widespread humanitarian crisis and fueled regional instability that governments and the international community are struggling to contain even today, particularly in the DR Congo. The genocide raged uncontrolled until the Rwandan Patriotic Front (RPF), a predominantly Tutsi rebel group based out of Uganda, seized control of the Rwandan government and defeated government, *Interahamwe* ("those who attack together"),⁷¹ and *génocidaire*⁷² forces, which officially put an end to the killings as well as a broader, protracted civil war between the RPF and the then Hutu-dominated Rwandan government.

⁷⁰ The Rwandan government labels the genocide as the "genocide against the Tutsi."

⁷¹ The *Interahamwe* was the primary militia group that carried out the planned genocide against the Tutsi in the summer of 1994. This militia, which was an extension of the ruling government party, would plunder cities and villages, root out designated Tutsi and moderate Hutu marked for "extermination," and man checkpoints throughout government-controlled areas. Members of the *Interahamwe* also formed coalitions with other civilian-comprised killings squads that hunted Tutsi down in the countryside.

⁷² This term is commonly used to describe government officials, soldiers, or associated militia that planned or actually orchestrated crimes committed during the genocide.

Ordinary Rwandans remain traumatized by the genocide and still are coming to terms with the legacy of mass atrocities exceptional for their brutality, speed, and indiscriminate nature. Further complicating matters, human rights abuses, crimes against humanity, and acts of genocide were committed by all sides. As Coel Kirkby (2006, 97) notes, this violence affected all facets of society with entire “families and whole communities displaced, as massive waves of migration surged across the country when first Tutsis and targeted Hutus escaped the genocidal militias, and when Hutus fled from the victorious RPF.”

To rebuild communities and prevent victims or their families from taking justice into their own hands, the RPF-controlled government adopted one of the largest transitional justice programs the world has ever seen. Key orchestrators and planners of the genocide were tried before the UN-backed International Criminal Tribunal for Rwanda (ICTR) and through Rwanda’s domestic court system. As a consequence of a large backlog of cases, the Rwandan government later institutionalized a traditional dispute resolution mechanism at the grassroots level called *gacaca* (“grass” in Kinyarwanda) to dispense “mass justice for mass atrocity” (Waldorf 2006). Adopted through public law in 2001, the approximately 12,000 *gacaca* courts had a broad mandate to investigate crimes committed during the genocide and to establish an official, impartial record of what transpired. Representing a hybrid approach to transitional justice, *gacaca* administered both retributive and restorative justice by sentencing perpetrators, providing reparations, and encouraging forgiveness for those who admitted their guilt. These courts

became the face⁷³ of the Rwandan government's ambitious transitional justice and an instrument to show the world that Rwanda had moved past the "scourge of genocide" (Thompson 2011, 373). Above all, these courts were adopted to promote social reconciliation between Rwanda's decimated Tutsi minority and its guilt-ridden Hutu majority⁷⁴ at the village and communal-level.

This bottom-up nature of the *gacaca* courts is important considering that much of the violence and atrocities perpetrated were extremely localized and often involved neighbor killing neighbor and family members turning on family members. Not only was the genocide widespread in its scope and reach, the violence orchestrated was extremely personal with the machete becoming the primary tool to dispense death and rape used as an instrument to destroy the very fabric of society. What we do not know, however, is whether this bottom-up approach to transitional justice was susceptible to false testimony, abuses by those seeking personal gain, or government interference with the intent of making *gacaca* a form of victor's justice.

This chapter uses Rwanda's unique experiment with the *gacaca* courts as a case study for the challenges and successes associated with bottom-up and hybrid approaches to transitional justice. In contrast to other post-conflict countries in the 1990s, which utilized top-down approaches to transitional justice in the form of truth commissions (e.g., South Africa and El Salvador) or criminal tribunals (e.g., Cambodia), Rwanda

⁷³ At the time these courts operated, billboards throughout major cities and the countryside promoted the *gacaca* courts as the solution to the genocide.

⁷⁴ Tutsi have traditionally comprised 15 percent of Rwanda's population; Hutu, as the majority, have comprised approximately 84 percent with the Twa comprising less than 1 percent.

utilized *gacaca* in conjunction with the ICTR and domestic courts to provide a sense of closure to victims and perpetrators alike. This unique approach, which combined top-down and bottom-up approaches, provides an excellent case study for exploring the trajectories and effects of different levels of transitional justice to address mass violence. The objective of this chapter, then, is to critically explore the complex interchanges between these approaches and to assess popular perceptions toward these different levels of transitional justice in Rwandan society. Three critical questions structure the analysis and methodological approach that guides this chapter. First, was *gacaca* more effective in promoting transitional justice in comparison to the ICTR and Rwanda's domestic court system? Second, do ordinary Rwandans hold favorable views toward *gacaca*? If yes, why? If no, why not? Third, and finally, was *gacaca* immune from external political pressure and elite capture? Or, did *gacaca* ultimately embody the ethnic differences it was trying to resolve and represent a form of victor's justice used by the RPF to consolidate its power?

This chapter is organized as follows. The first section discusses the post-independence political history of Rwanda. The second section carefully traces the events that led to the genocide, how the genocide unfolded, and the immediate sociopolitical aftermath that existed after the genocide. The third section describes the foundations and operations of the ICTR and domestic court system, which the Rwandan government turned to initially to try serious orchestrators and perpetrators of mass atrocities and provide a sense of justice to victims of the genocide. Both of these mechanisms represented the international community's favored approach to addressing genocide-related crimes and atrocities, which were strongly encouraged to government officials

grappling with the vexing question of how to move forward while addressing the past. The fourth section describes the *gacaca* courts as a bottom-up approach to transitional justice. These courts, unlike the ICTR, became the main tool to promote transitional justice as a consequence of misgivings the Rwandan government had toward the ICTR and due to practical realities on the ground. The fifth section critically examines the three research questions above through the use of survey data collected by the author over a two month period in 2016. This chapter concludes with a brief synthesis and discussion of the findings.

5.2 The Post-Independence Political History of Rwanda

The post-independence political history of Rwanda, much like any other African country, is one of instability, insecurity, and armed violence that is traced to a legacy of colonialism. In Rwanda's case, its territorial borders were artificially shaped by European powers through the Conference of Berlin in the late-19th century. Initially, Rwanda was a colonial possession of Germany and, along with modern day Burundi, Kenya, Mozambique, Uganda, and Tanzania, comprised a key territorial unit of "German East Africa." By sheer acreage, German East Africa constituted Germany's largest territorial holding in Africa. Due to its proximity to the Belgian controlled "Free Congo Basin" (modern day DRC) and the British controlled "British East Africa" (Uganda, Kenya, Sudan), Rwanda represented a key territorial foothold and flashpoint of conflict between the Germans, Belgians, and British due to its strategic location. Following World War I and Germany's concession of its colonial territories as a consequence of the Treaty of

Versailles, Belgium assumed full administrative and territorial control over Rwanda and Burundi and combined both into a geographic entity called Ruanda-Urundi.

Under Belgian colonial rule, Rwanda was largely governed through semi-autonomous colonial administrations, which favored the interests of the minority Tutsi at the expense of the majority Hutu. Although these ethnic labels can be traced to pre-colonial times, in where the label “Tutsi” was traditionally applied to land and cattle owners and the term “Hutu” was applied to farmers, artisans, and peasants, both the Germans and later the Belgians institutionalized these arbitrary ethnic divisions. The goal of the Germans and particularly the Belgians was to exacerbate ethnic tensions and infuse racial animosities into these labels as a strategy of colonial rule. The term Tutsi was later applied to those who were lighter in skin color, taller, and found to possess more “European” qualities, which provided a pretext for the colonists to grant Tutsi elite, privileged administrative positions in colonial governments (Burnet 2012, 47-48). Hutu, on the other hand, were perceived by the colonists as being more “African,” meaning they were darker in skin complexity and considered to be “brutish” by the colonists. Before colonization, these differences were indeed important; however, they largely existed in economic terms. From the 14th to 19th centuries, successive lines of Tutsi Kings, called Mwami, exercised power through feudal systems that fostered patron-client relationships, with Tutsi land owners giving access to land and livestock in exchange for labor from Hutu farmers. By infusing racial animosities into this ethnic distinction, the colonists were extremely successful in institutionalizing distrust and hatred. More importantly, the colonists were remarkably successful in instilling and perpetrating

artificial ethnic categories and creating racist sentiments and divisions that would become the basis for future communal violence (Des Forges 1995, 44).

This ethnic caste system⁷⁵ created by the Belgians persisted for much of the colonial era until Hutu groups rebelled against Dutch rule in 1959, which forcefully displaced 150,000 Tutsi into modern-day Burundi. After the Belgians granted formal independence to both Rwanda and Burundi in 1962, negative emotions and attitudes between Hutu and Tutsi boiled over into violence that forced thousands of Tutsi to refugee camps in Uganda and Burundi. In turn, the Tutsi-dominated government in Burundi massacred thousands of Hutu, which forced thousands of Hutu refugees into Rwanda, sometimes into the former homes of Tutsi who had fled during earlier periods of violence and instability. Under a pledge to restore order, General Juvenal Habyarimana seized the Rwandan government via a coup d'état in 1973 and established a one-party state with the National Revolutionary Movement for Development (MRND) recognized as the only officially state-sanctioned political party. As a consequence of this tit-for-tat violence, entire families and villages were uprooted and the Habyarimana government institutionalized disparate laws and policies that effectively discriminated against Tutsi. A state-sanctioned ethnic quota system, for example, was institutionalized with the intent of limiting Tutsi to holding only nine percent of available public sector jobs (HRW 2017).

Beginning in the 1980s, Tutsi exiled into Uganda formed the RPF and played a key role in the Ugandan Bush War fighting alongside Yoweri Museveni's National

⁷⁵ The Belgians perpetrated this system through the creation of ethnic identity cards, which would later play a decisive factor in the identification of Tutsi during the genocide.

Resistance Movement (NRA). After NRA forces overthrew the government of Milton Obote and, later, Tito Okello, the RPF was incorporated into Uganda's national army where they received training, arms, and outside support. More importantly, the RPF was given access to military encampments along the Ugandan-Rwandan border, which allowed it to stage guerilla attacks against Rwandan government forces beginning in 1990. Paul Kagame, who served as head of intelligence for Museveni, assumed command of the RPF and devised an invasion of northern Rwanda with a force of 4,000 RPF forces, many of which were veterans of the Bush War. With assistance from the Ugandan government, the RPF and Rwandan government, which was backed by France, Belgium, Egypt, and South Africa, waged a protracted, insurgency intermittently from 1990 to 1994. During this period, the *Interahamwe* ("those who attack together") was created as a paramilitary force by the Rwandan government to help counter RPF attacks. Armed and supplied by the Rwandan army and trained by the French, the *Interahamwe* were responsible for raids in villages throughout the countryside that were thought to be sympathetic to the RPF. In several documented instances, the *Interahamwe* rounded up and killed thousands of Tutsi civilians and RPF sympathizers between 1990 and 1994. Along with other anti-Tutsi paramilitary groups, including the *Impuzamugami* ("those with the same goal"), the *Interahamwe*, which numbered 6,500 men, was successful in rallying Hutu against Tutsi and, working in conjunction with the Rwandan government and military, forced thousands of Tutsi into exile (Bartrop and Jacobs 2014, 1746). Government officials and youth militias were extremely successful in fomenting ethnic violence and divisions by portraying Hutu as innocent victims and placing blame on Tutsi for their own misfortunes (Des Forges 1999, 72-82).

In 1992, the RPF and Rwandan government began official negotiations, known as the Arusha Accords, to formally bring an end to the violence. From the onset, the Arusha Negotiations were bogged down by divisions between moderates and hardliners within Rwanda's government and over thorny issues of how to create an effective power-sharing government between Hutu and Tutsi, how to integrate RPF forces into the Rwandan national army, and how to demobilize soldiers who would be reintegrated back into society. The Arusha Accords were officially signed in August 1993 and contained several agreements calling for a new power-sharing government that would give key MRND and RPF leaders positions of power and contained provisions calling for the creation of a new national military comprised of government troops and RPF forces, albeit separated into different units (Des Forges 1999, 123-129). In October 1993, the United Nations Security Council passed Resolution 872, which created the United Nations Assistance Mission for Rwanda (UNAMIR). The objective of this international peacekeeping force was to help implement and ensure that Rwandan government and RPF forces abided by their agreements in the Arusha Accords.

5.3 The Rwandan Genocide

The genocide against the Tutsi started in April 1994 following the downing of Rwandan President Habyarimana's plane by unknown assailants as it was approaching Kigali International Airport on the evening of April 6. This "genocidal spark" led to the immediate mass mobilization of Rwandan military forces, police, and government-backed militia groups, including the *Interahamwe* and *Impuzamugami*. On the morning of April 7, members of the presidential guard, Forces armées rwandaises (FAR), police,

and the *Interahamwe* constructed roadblocks and manned barricades at strategic intersections within and around Kigali with the intended goal of identifying, impeding, and systematically exterminating *inyenzi* (cockroaches), *ibytso* (accomplices), and “enemies” of the state (Burnet 2012: 4). Targeted killings quickly followed with pre-identified Tutsi rounded up and executed and moderate Hutu politicians and opponents to the Hutu Power movement, including Rwanda’s Prime Minister Agathe Uwilingiyimana, assassinated.

Upon receiving news that the main force of the United Nations Assistance Mission for Rwanda (UNAMIR) would be pulled out Rwanda, calls to eliminate the *inyenzi* and *ibytso* from Hutu Power elements in the Rwandan government were broadcast via radio by the extremist hate-radio Radio-télévision des mille collines (RTLM) with alarming speed. Orders to execute Tutsi were also relayed by local government officials who had commands to round-up and kill any Tutsi regardless of age, sex, education, social status, religion, or occupation (Mironko 2004, 52-53). These premediated killings were largely carried out by the *Interahamwe* and the Hutu Power⁷⁶ wing of the MRND. The main objective of these mass killings was to finally solve the “Tutsi problem,” which was framed in such a way to suggest that Rwanda’s Tutsi minority population was responsible for and conspiring with the RPF to overthrow the Hutu-dominated government (Des Forges 1999).

⁷⁶ Pronounced “Pawa” in Kinyarwanda, the Hutu Power were radical elements in the government of Habyarimana that favored the “final solution” to the Tutsi problem. This radical element blamed the RPF for ongoing violence and violations of cease fires, stirred up exaggerated claims that the RPF had the intention of committing a Hutu genocide, and labeled moderate Hutu, such as Prime Minister Agatha Uwilingiyimana, as *inyenzi* (Cockroaches or “Puppets of the Tutsi”) (Des Forges 1999, 182-185).

In the weeks and months that followed, thousands of Tutsi fled to the countryside from urban centers and had their fates largely decided at the hands of *ibitero* (killing squads). These killing squads were comprised of ordinary Hutu civilians that were recruited at the beginning stages of the genocide to flush Tutsi out from hiding so they could be killed (Burnet 2012, 4). The *ibitero* were also charged with investigating cases where Hutu were accused of hiding or defending Tutsi, with those found guilty meeting the same fate as those they tried to protect. HRW (2014, 1) comments that these killings were exceptional for their brutality, speed, and thoroughness. Due to the limited supply of ammunition, death was dispensed at the hands of machete-wielding killing squads who summarily executed anyone found to be in possession of a Tutsi identification card or those that were simply accused of being Tutsi or a Tutsi-sympathizer. Even worse, sexual violence was used as a tool to sow fear and destroy family units. Although reports vary, the UN estimates that 250,000 women were raped at some point during the genocide (UN 2014). Infants and small children, moreover, were deliberately targeted as a form of future population control to eliminate future generations of Tutsi, evident by the fact that mass graves uncovered at churches and other public spaces throughout the country were littered with bodies of infants, small children, and women. To this day, members of key institutions in Rwandan society either admit their culpability in the violence or accept responsibility for not doing enough to stop the bloodshed.

The genocide ceased in mid-July as the RPF captured Kigali and pushed the FAR and *Interahamwe* southward into Burundi and eastward into the DR Congo. Rwandan society was in complete tatters in what Des Forges (1999, 1) describes as “one of the most efficient and terrifying episodes of targeted ethnic violence in recent international

history.” RPF forces, as they captured villages across the country, uncovered mass graves and entire villages burned to the ground. In “protected areas” or “safe zones” administered by the French (the Turquoise zone being the most notorious), RPF and international observers uncovered thousands of Tutsi hacked to death in schools, churches, and government buildings. The international community, which refused to intervene during the genocide, was quick to condemn the violence and atrocities that were perpetrated on such a mass-scale. These mass human rights abuses, ironically, would form the basis of a growing international norm of a “Responsibility to Protect” (R2P), which would later be called upon when reports of ethnic violence and genocide emerged in places such as Darfur.

The genocide was characterized by extremely personal and localized violence that involved neighbors killing neighbors, friends refusing safe passage to friends, and family members turning on family members. Both government and RPF forces alike were responsible for perpetrating large-scale human rights abuses, which ranged from forced displacement and illegal detention to torture, sexual violence, and summary executions. In just one instance, the *Interahamwe* (“those who attack together” or “those who stand together” in Kinyarwanda) massacred an estimated 5,000 elderly men, women, and children at the Cyahinda parish church in Nyakizu (UN 2014). Alison Des Forges (1999, 720), moreover, documents numerous cases of RPF soldiers killing unarmed Hutu civilians in villages they captured and, in some cases, rounding Hutu civilians up and shooting them upon their returning to their villages. Des Forges (1999, 726) also uncovered several instances of accused *génocidaires* being summarily executed rather than being tried through appropriate legal channels. In total, it is estimated that hundreds

of thousands of Rwandese -- ranging from soldiers, police, and militia to ordinary civilians -- took part in the killings and hundreds of thousands of more took part in wanton property destruction or theft (Straus 2004, 95).

5.4 Response of the International Criminal Tribunal for Rwanda & Domestic Courts

The immediate response to the genocide was a concerted effort to create a human rights criminal tribunal fashioned after the Nuremberg Trials. A pressing concern of the international community was how and under what manner suspected perpetrators should be brought to justice. Acting under Chapter VII of the UN Charter, the UN Security Council established the ICTR on November 8, 1994 to “prosecute persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and neighboring states in 1994.”⁷⁷ The ICTR was provided with a mandate, albeit a limited mandate, to investigate crimes of genocide, crimes against humanity, and violations of Article 3 of the Geneva Conventions (1949), which stipulates basic protections for war victims. Seated in Arusha, Tanzania to shield itself from political influence and pressure from the Rwandan government to provide immediate justice for crimes perpetrated, the ICTR represented a collaborative effort by the United States and international community to institutionalize the call of “never again.”

Intense lobbying efforts on behalf of the Rwandan government were unsuccessful in creating an international tribunal based in Rwanda that could compel state compliance and administer the death penalty to convicted *génocidaires*. Based on the “New Zealand”

⁷⁷ The specific mandate can be found at:
[http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/955\(1994\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/955(1994))

approach, the ICTR was adopted by the UN Security Council through Resolution 955 by invoking Chapter VII. As part of the resolution, the ICTR featured an appeals chamber and chief prosecutor shared with the International Criminal Tribunal for the Former Yugoslavia (ICTY). In a surprising turn of events, Rwanda, which was a rotating, non-permanent member of the UN Security Council at the time, voted against the establishment of the ICTR since it viewed its mandate as limited and its legal recourse as inadequate to investigate and punish egregious those guilty of committing crimes. Further, the Rwandan government opposed the use of shared special prosecutor with the ICTY, criticized the location of the court, and protested against its ability to influence the nature of individual proceedings.

The ICTR only formally indicted 93 senior military and defense officials as well as religious, military, and media elites with genocide-related crimes over 20 years⁷⁸ of operation (UN 2015). Of these 93, only 73 were tried and received a verdict. 59 of these 73 were eventually convicted, with 14 being acquitted. 88 percent of those convicted were charged with the crime of genocide, making the ICTR the first international body to explicitly try and convict genocide-related crimes. Government ministers, politicians, military leaders, police, and key members of the *Interahamwe* were among those that were tried and prosecuted. RPF soldiers guilty of war crimes and crimes against humanity, however, were not tried and charged through the ICTR. Instead, many “mid-level” organizers and perpetrators of violence were charged and tried through Rwanda’s domestic court system. In total, approximately 7,000 government officials, ranking

⁷⁸ The first verdict came on November 22, 1995 and the last verdict was issued on December 14, 2015.

officers in FAR, and key leaders of the *Interahamwe* and the Hutu Power” movement were tried through this domestic court system (UN 2014).

This relatively small workload of the ICTR and domestic courts is a consequence of their limited mandate and financial resources. Although the ICTR cost a staggering \$1 billion to operate, this cost was spread over a two-decade period and often left the ICTR without the financial resources to operate at full capacity. Rwanda’s domestic court system, moreover, was decimated by the events that unfolded during the genocide. Lawyers, judges, and judicial staff were systematically targeted and killed as a way to prevent future efforts at bringing suspected *génocidaires* to justice. As Human Rights Watch (2014, 1) comments, even the best-equipped judicial system would have faced a difficult and daunting task in delivering justice for atrocities committed on such a mass scale. This challenge was made even more difficult by the fact that thousands were rounded up and charged in the absence of solid evidence against them. By the late 1990s and early 2000s, this large population of suspected *génocidaires* imprisoned without charge created a human rights issue of its own, one in which the international community demanded that the RPF-dominated government address in some form or another. Although the ICTR and domestic courts were moving forward with trials and convictions, approximately 130,000 individuals remained imprisoned on charges related to crimes committed during the genocide by late 1998 (HRW 2014).

5.5 The *Gacaca* Courts

To rectify this situation, the *gacaca* courts became the main instrument of transitional justice in post-genocide Rwanda and the primary mechanism to uncover the

truth and dispense justice to those affected by the extremely personal and localized violence that marked the genocide. As defined by the government (2012, 1), the objectives of *gacaca* were to “reveal the truth about what happened,” “eradicate the culture of impunity,” and “reconcile Rwandans and reinforce their unity.” First, these courts only had a mandate to investigate purported crimes and atrocities committed during the genocide; they did not have a broader mandate to investigate purported crimes that were committed by RPF forces after they assumed political and territorial control. These courts, moreover, could not investigate human rights abuses or violations that were perpetrated during the broader civil war that raged between 1990 and 1994. Second, these courts were tasked with dispensing both restorative and retributive justice. Although penalties or fines were administered (*retributive justice*), the goal was to reintegrate an individual perpetrator back into his or her village and restore a lost balance between perpetrator and victim (*restorative justice*). In most cases, there were incentives for perpetrators to admit their guilty rather through receiving a reduced sentence rather than denying the charges levied against them. Third, and finally, these courts were charged with promoting national unity. To achieve this goal, *gacaca* proceedings were structured in such a way to label victims and perpetrators as Rwandans, not Tutsi or Hutu (Ingelaere, 521-522). These goals, as outlined by the Rwandan government, provided *gacaca* with a broad, yet specific mandate to investigate any crime as long as it was committed during the 100 days of the genocide (Sarkin 2001; Kirkby 2006; Burnet 2012; Pozen et al. 2014).

Gacaca operated at the both the cell level and the sector level, with Category I and Category II offenses were tried at the sector level and Category III offenses being

held at the cell level. Category I and II offenses involved cases where a defendant was accused of planning the or physically taking part in the killings, while Category III offenses, which comprised a majority of *gacaca* cases, involved cases where a defendant was charged with property damage or theft. In Rwanda, a cell is the lowest administrative unit and largely coincides with individual villages; sectors, on the other hand, often are comprised of multiple villages or, in some cases, are marked by the boundaries of a large city. In total, 9,000 courts existed at the cell level and approximately 1,500 courts at the sector level (UN 2014). An additional 1,500 appeals courts operated nationwide. These 12,000 courts, in total, heard an estimated two million cases involving approximately 1.2 million individuals between 2001 and 2012 (UN 2014). The reach of these courts was sweeping with approximately half of the adult male Hutu population in Rwanda in 1994 being called to appear before a court (Le Mon 2007: 1). 30 percent of these cases ended with the acquittal or exoneration of the accused, while the remaining 70 percent of cases ended with the defendant receiving anywhere from a life sentence to community service (UN 2014).

Gacaca, as a form of grassroots justice in Rwandan society, can be traced back to the 15th century. During colonial times, these courts were informal dispute resolution mechanisms utilized by local communities to mitigate and address marital, family, and land disputes (Burnet 2012, 196). Despite some parallels with the traditional form of *gacaca*, such as an emphasis on forgiveness, providing reduced sentences to those who confessed, and relying on community participation to inform proceedings, the modern variation of *gacaca*, which was institutionalized through Public Law in 2001, was a radically different institution from its predecessor. Instead of being informal courts that

dealt with minor crimes and functioned outside of the state, modern *gacaca* became the primary state organ to address the genocide. As Joanna Pozen, Richard Neugebauer, and Joseph Ntaganira (2014, 31) comment, *gacaca* was the Rwandan government's response to practical realities on the ground following the genocide. In particular, these courts were utilized as a way to ease an overburdened criminal justice system, which was overflowing with thousands of individuals accused or suspected of taking part in the crimes. This was largely a consequence of the small workload and restricted mandate of the ICTR, which was limited to the prosecution of lead orchestrators of the genocide. Rwanda's criminal justice system, moreover, was severely understaffed as a consequence of judges, lawyers, and others associated with its domestic legal system being systematically targeted and eliminated during the genocide itself. Due to these structural constraints, the *gacaca* courts were perceived to be the only viable solution to the problems at hand and the desperate need to dispense justice on a mass scale (Longman 2009; Burnet 2012).

As part of the modern *gacaca* process, defendants were tried in the villages where they were accused of committing genocide-related crimes before a panel of locally elected judges called *inyangamugayo* ("reliable person" or "trustworthy person" in Kinyarwanda). These judges, who were elected in the villages in which they served, were often venerable members of the community and elected based on their perceived ability to dispense justice both fairly and equitably. These judges, however, did not receive formal legal training and were free to lead investigations into crimes, question witnesses and defendants, and collect the facts in a case when deciding the fate of a defendant (Pozen et al. 2014, 34). In a typical case, the accused would receive a notice requiring

their attendance at an upcoming meeting. These individuals then had the opportunity to deny the charges levied against them or admit their culpability. In the case of the latter, defendants would often receive commuted sentences or fines in exchange for admitting their guilt. This could take the form of providing reparations (e.g., giving a cow to a person as a reparation) or even providing labor to victims or their families. In the case of the former, evidence would be presented against the accused and individual members of the community would be able to share eye-witness testimony and evidence.

Inyangamugayo would then deliberate on the facts of an individual case and issue their decision before a meeting adjourned.

5.6 Competing Views on *Gacaca*

Proponents of the *gacaca* courts advance that these bodies have been an effective tool for peacebuilding and a catalyst for social reconciliation due to their therapeutic nature and their “bottom-up” approach to establishing justice for victims and their families (Daly 2002; Wierzyńska 2004; Venter 2007; Clark 2010; Doughty 2015).

Through interviews with *gacaca* participants, Phil Clark (2010: 265) finds that the *gacaca* process was rehabilitating to whole communities since it dignified victims by giving them a human face and by providing a forum for victims or relatives to receive comfort from others in their villages. Erin Daly (2002), moreover, argues that the grassroots nature of these courts’ deliberations and proceedings made them well-positioned to deliver a fair, impartial justice and to resolve community conflicts since elected judges were familiar with village dynamics and capable of dispensing fair, impartial verdicts and penalties.

This “participatory justice” argument is also advanced by Christine Venter (2007), who

argues that the *gacaca* process provided an excellent forum for “truth-telling” at the local-level since it is virtually impossible for false information to be admitted in an individual case, which reduced incentives for someone to make accusations for personal or private gain.

Other proponents contend that these courts have advanced a culture of respect for human rights by strengthening the rule of law and ending a cycle of impunity in post-genocide Rwanda. Cori Wielenga and Geoff Harris (2011), for example, note that the retributive qualities of these courts provide disincentives for future violence along ethnic lines since would-be perpetrators know that there will be penalties exacted against them for doing so. To proponents then, the *gacaca* courts have been a widely successful tool for promoting political, ethnic, and social reconciliation, which makes the application of other forms of “bottom-up” transitional justice highly recommended in other post-conflict situations (Lundy and McGovern 2008).

Opponents suggest that these courts have been used as a tool to exact victor’s justice and that these courts have actually deepened underlying tensions and hostilities along ethnic lines (Sarkin 2001; Court and Joireman 2004; Rettig 2008; Ingelaere 2009; Longman 2009). Jacques Fierens (2005) draws attention to severe legal shortcomings associated with these courts as a consequence of them denying due process and a fair trial for defendants, which reduced the legitimacy of these courts in the eyes of the ordinary Rwandan. Jeremy Sarkin (2001) and Allison Corey and Sandra Joireman (2004) criticize these courts for their limited mandate, which does not allow them to investigate human rights abuses committed during the broader civil war between the RPF and the Hutu-

dominated government between 1990 and 1994. Corey and Joireman (2004) argue that these courts increase the specter of continued ethnic divisions since *gacaca* decisions will be perceived as being impartial to crimes committed against Hutu civilians (2004: 73). Sarkin, moreover, argues that this timeline establishes a narrative of Hutus being perpetrators and Tutsis being victims and does not take into account a long history of both ethnic groups perpetrating crimes against the other (Sarkin 2001: 161).

Longman (2009) concedes that the exclusion of crimes committed by the RPF and various interventions by the national unity government into *gacaca* proceedings created and perpetrated an impression of impartial, victor's justice. Bert Ingelaere (2009: 521-522) finds that RPF power-brokers at the national and local level used *gacaca* not as a means to establish the truth about past atrocities but as part of a broader program by the RPF to promote legitimacy for the RPF-dominated government. Max Rettig (2008) finds that *gacaca* has exacerbated interethnic conflict and ethnic disunity as a consequence of lies, half-truths, and silence during *gacaca* proceedings. Susan Thomson (2011), moreover, finds that the *gacaca* courts tend to take on the power dynamics in the communities that they operate in, meaning that these courts are used as a tool by elites and the RPF to advance their agenda. More importantly, Thomson finds that these courts are used to manipulate international donors and the international community into thinking that Rwanda is a nation rehabilitated from the scourge of genocide. Finally, Jeanie Burnet (2012: 195) comments that these courts did not have legitimacy in the eyes of the average Rwandan since political influences from the central government controlled the narrative advanced in the proceedings, which affected "who was heard, what information was reported, and what the final verdict was." In sum, the *gacaca* process simply represented

a tool the RPF-dominated government used to promote legitimacy as a form of victor's justice. Not only did it limit the scope of the proceedings and deliberations, the RPF had a hand in determining who was charged and what sentences they were given without these people being afforded basic legal protections and adequate due process.

5.7 Survey & Interview Results

Survey Attitudes toward the Gacaca Process, Procedures, and Outcomes

The survey results in this study provide interesting insight into the claims that proponents and opponents of *gacaca* advance. **Table 17** presents the survey results from Form A. A majority of respondents expressed positive attitudes toward the *gacaca* process as well as toward the outcomes reached in individual trials. 79 percent of respondents, for example, agreed with the statement 'Overall, *gacaca* has worked well in your local community' (Question 6). Similarly, 86 percent of respondents indicated that they were satisfied with the verdicts reached by *gacaca* judges (Question 7). When asked to indicate their attitudes toward the outcomes of *gacaca*, 86 percent of respondents, moreover, agreed *gacaca* promoted national unity and 72 percent agreed that *gacaca* uncovered the truth about what happened during the genocide in their local community when asked in Questions 8 and 9 respectively. 79 percent of respondents also agreed with the statement, 'Did *gacaca* meet your individual needs' (Question 12). 72 percent of respondents disagreed that false testimony was presented in individual cases or that people were threatened during *gacaca* proceedings as indicated in Questions 14 and 15 respectively. These data appear to provide strong support for the process itself as a means to address crimes committed during the genocide, to learn more about what happened

during the genocide itself, and as means for individuals to move past the horrific events that took place.

Attitudes begin to differ, though, when respondents are asked questions that pertain to some procedural elements and outcomes associated with *gacaca*. Half of respondents indicated that tensions and feelings of distrust still exist in their community (Question 10). Only half of the respondents agreed with the statement, ‘*Gacaca* did a good job investigating all crimes that were committed occurred’ (Question 11) and only 43 percent of respondents disagreed with the statement ‘people lied,’ which suggests that people had reservations over the types of cases brought before these courts. These three questions seem to raise concerns over whether the limited mandate of *gacaca* affected their ability to be perceived as being an impartial, fair mechanism of transitional justice. Although most agree that *gacaca* was an instrumental process that helped individuals rebuild their local communities, these data appear to illustrate misgivings with some procedural and structural design elements.

Table 17: Perceptions toward the *Gacaca* Courts (Form A)

N=14	Agree	Disagree	I don't know
6. Did <i>Gacaca</i> work well in your local community?	79% (11)	14% (2)	7% (1)
7. Were people satisfied with the verdicts reached by <i>inyangamugayo</i> ?	86% (12)	7% (1)	7% (1)
8. Did <i>gacaca</i> promote national unity?	86% (12)	7% (1)	7% (1)
9. Did <i>gacaca</i> uncover the truth about what happened during the	72% (10)	14% (2)	14% (2)

genocide?			
10. Are there still underlying tensions/feelings of distrust in your community?	71% (10)	14% (2)	14% (2)
11. Did <i>gacaca</i> do a good job investigating crimes that occurred in your village?	57% (8)	29% (4)	14% (2)
12. Did <i>gacaca</i> meet your needs?	79% (11)	0% (0)	21% (3)
13. People told lies	21% (3)	43% (6)	36% (5)
14. People felt threatened	14% (2)	72% (10)	14% (2)
15. There was false testimony or evidence presented	14% (2)	72% (10)	14% (2)
Note: Questions 1-6 recorded a respondents' demographic information; the percentages may not add up correctly due to rounding.			

The results from Form B in **Table 18** closely mirror, for the most part, the results from Form A in **Table 17**. 77 percent and 85 percent of respondents, for example, agreed with Question 6 and Question 7 respectively, which is almost identical to the response rates (79%; 86%) for both questions on Form A. Response rates for the last three questions did not fluctuate much between both versions of the survey as well. 57 percent of respondents disagreed that people told lies on Form B in comparison to 43 percent who disagreed on Form A. 77% of respondents also disagreed that people felt threatened and 62% disagreed that false evidence or testimony was presented.

Table 18: Perceptions toward the *Gacaca* Courts (Form B)

N=13	Agree	Disagree	I don't know
6. Did <i>Gacaca</i> work in	77% (10)	15% (2)	7% (1)

your local community?			
7. Were people satisfied with the outcomes of <i>gacaca</i> ?	85% (11)	15% (2)	0% (0)
8. Did <i>gacaca</i> promote reconciliation?	70% (9)	23% (3)	7% (1)
9. Did <i>gacaca</i> uncover the truth about what happened during the genocide?	85% (11)	15% (2)	0% (0)
10. Are there still underlying tensions/feelings of distrust in your community?	92% (12)	0% (0)	7% (1)
11. Did <i>gacaca</i> do a good job investigating all crimes committed during the genocide?	85% (11)	7% (1)	7% (1)
12. Did <i>gacaca</i> allow you to move forward?	85% (11)	7% (1)	7% (1)
13. People told lies	23% (3)	53% (7)	23% (3)
14. People felt threatened	15% (2)	77% (10)	7% (1)
15. There was false testimony or evidence presented	23% (3)	62% (8)	15% (2)
Note: Questions 1-6 recorded a respondents' demographic information.			

Subtle differences do exist between each version. 92 percent of respondents on

Question 10 on Form B, for example, agreed that underlying tensions and feelings of distrust still exist in their local communities, which is significantly higher than the response rate (71%) on Form A. 85 percent of respondents agreed in Question 9 on Form B that *gacaca* enabled them to learn more about crimes and atrocities that were committed during the genocide, which is actually 13 percentage points higher than on Form A. Response rates begin to vary, though, when keywords or wording in individual questions are manipulated. On Form B, only 70 percent of respondents on Question 8 agreed that *gacaca* promoted reconciliation. This question was worded differently on

Form A in where the keyword ‘national unity’ was used instead of reconciliation on Question 8, which elicited an agree response rate of 86 percent. Further, 85 percent of respondents on Form B agreed that *gacaca* did a good job investigating all crimes committed during the genocide (Question 11). This differs dramatically from Question 11 on Form A, in where only 57 percent of respondents agreed that *gacaca* did a good job investigating crimes committed in their village. Responses to Question 12 on both Form A and Form B differ slightly as well when changing the use of a keyword. 85 percent of respondents on Form B agreed that *gacaca* allowed them to move forward, compared to only 79 percent of respondents on Form A who agreed that *gacaca* met their needs.

Interview Attitudes toward the Gacaca Process, Procedures, and Outcomes

The study interview questions build upon these survey data and add more clues and context to the survey responses, which, by nature, are limited in their categories and, thus, their ability to tell a complete picture of public perceptions toward *gacaca*. When asked to respond to why *gacaca* worked, all 12 interviewees commented that *gacaca* was an empowering and participatory process that enabled them to actually see justice or feel a sense of closure. When probed on what justice actually entails, most respondents associated the term with closure, which is different than how the term is conceptually identified with procedural justice in this study. Most interviewees also commented that *gacaca* was successful since it provided a localized solution to an extremely personal and individualized event. In particular, a common theme advanced across all of the interviews was *gacaca* represented the only mechanism that was capable of addressing such a large number of crimes in a short period of time. Most respondents remained skeptical that

those who were guilty would ever be brought to justice if they were charged through the ICTR or through the domestic courts. Further, nearly all interviewees expressed their support of the community-based and participatory nature of these courts. Both of these features, according to interviewees, generally helped uncover the truth about what happened and enabled the community, as a whole, to begin a difficult, but necessary healing process.

In an interview conducted with a *gacaca* judge in Ruhengeri (Interviewee 1), this sentiment was conveyed through the comment that *gacaca* was a “country solution” to a “country problem.” When asked to further comment on this statement, this individual commented that the ICTR was ill-prepared to deal the genocide because it focused on problems at the national level and failed to take into account how localized much of the violence was. This individual, throughout the interview, continuously highlighted the need for justice, truth, and healing at the local level, which the ICTR was incapable of providing. This was largely a consequence of the ICTR only investigating the main orchestrators of the genocide, according to the respondent, and the fact that it would take forever to dispense justice to everyone that was affected whether it be through a family member being killed or a cow stolen.

In another case, an interviewee (Interviewee 3) who had lost his entire family during the genocide, commented that these courts prevented revenge killings by Tutsi. Revenge killings, as noted by this respondent, proliferated in the aftermath of the genocide itself as individuals returned to their villages and learned the fate of family members. To this interviewee, *gacaca* was a critical mechanism that prevented future

violence perpetrated along ethnic lines. Without *gacaca*, and even with the end of *gacaca*, this person worried that ethnic tensions might boil over into future violence. A colleague of Interview 4 (Interviewee 4), commented that the sentences given in individual cases allowed those who were charged to seek forgiveness for their crimes, which they commented was committed during a “time of passion, uncertainty, and lawlessness.”

Another important theme that was advanced in all of these interviews was that national unity would not be possible without *gacaca*. One respondent (Interviewee 12) commented that this process allowed children of perpetrators and children of victims to learn in the same classroom. Probed further, this respondent indicated that this process allowed her to look those who killed her family in the eyes. Asked how she was able to accept the fact that her family’s killers received reduced sentences, she responded that *gacaca* allowed her to see them ask for forgiveness in a way that the entire village could accept. To this interviewee, *gacaca* provided a painful close to an extremely traumatic event. Another respondent (Interviewee 7), who regularly attended *gacaca* meetings since his father was a judge, commented that this process forged unity by allowing victims and families to forgive those who were willing to seek forgiveness for what they had done. Another respondent (Interviewee 5) commented that this process was extremely difficult; however, they suggested that “some justice was better than none.”

Nearly all respondents agreed that these courts allowed people to move forward with their lives. In some cases, verdicts would provide a much-needed sense of closure, which was critically needed to pick up the pieces. One respondent (Interviewee 6), whose

brother was sentenced to 20 years in jail, commented that *gacaca* provided a sense of closure not only to the family of those affected by his brother's actions but also to both him and his family considering that his brother had been held without charge for six years. To this respondent, *gacaca* finally ended a ten-year long ordeal and provided a timetable for which his own family could begin the "healing process"; however, he did find the sentencing process troubling considering that his brother was sentenced to a reduced term that did not take into account time he had already served in prison without formerly being charged with a crime.

Building on concerns over the procedural and structural design elements in the survey responses, the mandate of *gacaca* was often raised when respondents were asked to comment on limitations associated with the process. Nearly all interviewees indicated that they found the limited scope of *gacaca* jurisdiction troubling. One respondent (Interviewee 11) questioned the framing of victims and perpetrators when asking how the theft of his land after the genocide could not be considered a crime. Even though this respondent had fled the violence, he found this situation to be unjust since no legal or government remedy existed for him to raise his grievances. In the interviews conducted in Ruhengeri, multiple individuals commented that a lack of justice for crimes committed before and after the genocide remained salient. Most also commented that a lack of attention to these issues was the main source of hostilities and tensions that remain in their community. More importantly, these underlying tensions and hostilities fuel the "silent" mistrust that permeates everyday life in their community.

Another concern was that the process became increasingly viewed as politicized as the *gacaca* courts went on. Interviewee 9 felt that the extension of the original timetable made herself and others in her community feel as if the process was being dragged out by the government to increase its visibility and popularity. When probed further, this respondent commented that ethnic divisions slowly eroded the justice reached in individual outcomes, with individual courts assuming the ethnic divisions and dynamics present in a particular community. What originally was a process meant to uncover the truth, promote healing, and reconcile and ultimately erase ethnic divisions, slowly began to assume these divides as proceedings went on. More importantly, Interviewee 9 thought that *gacaca* was used as a tool to shore up support for the regime.

5.8 Implications

These data tell a positive, yet complicated story about *gacaca* as an ambitious transitional justice project. Respondents were overwhelming positive in their assessments of *gacaca* when asked to provide their opinions on the ability of *gacaca* to promote national unity and uncover the truth about what happened during the genocide itself. Further, the study interview questions yielded an interesting link between justice and closure as well as the theme that *gacaca*, and only *gacaca*, was capable of administering this closure (i.e., justice) on a mass scale. These findings largely affirm those found in the National Unity and Reconciliation Commission's RRB survey of views and attitudes toward *gacaca* in 2016 (see **Table 19 below**).

With that said, the survey and interview data clearly indicate that Rwandans have misgivings about structural and procedural elements associated with this process and, in

particular, seem to feel that broadening the mandate and jurisdiction of these courts would likely have increased their legitimacy and their societal effect. To some respondents, there is a growing perception that these courts increasingly became politicized, which negated their therapeutic potential and tarnished the nature of the justice that was dispensed. The survey and study interview data, overall, seem to indicate that ordinary Rwandans are somewhere in between characterizations of the process advanced by either the Rwandan government or international human rights organizations, such as HWR or Amnesty International. The former would like to paint a largely benign picture of *gacaca* and its political and social effects in post-genocide Rwanda. The latter, instead, only focuses on the negatives associated with this process, which may cloud overall perceptions and progress achieved.

Table 19: Select Questions on *Gacaca* from the Rwandan Reconciliation Barometer (2016)

N=3,000	Agree	Disagree	Neither Agree or Disagree
<i>Gacaca</i> courts uncovered the truth about the genocide	94%	2%	3%
<i>Inyangamugayo</i> were fair, impartial	83%	7%	6%
Convictions were fair	89%	6%	3%
<i>Gacaca</i> allowed for perpetrators to be reintegrated into society	95%	3%	2%

Source: NURC, 2016

Applied to extant findings, the survey and study interview data complement and challenge existing studies on *gacaca*. The data conflict with the key argument advanced

by Susan Thompson (2007), who argues that power dynamics and the use of these courts by the RPF negated their therapeutic and pacifying effect. The interview data in this study also picked up on this theme; however, all respondents agreed that *gacaca* was a necessary but painful process that allowed them to move forward. Further, the interviews seem to indicate that this effect that Thompson finds would have been more pronounced if all genocide-related crimes were addressed through the ICTR or the domestic court system. The survey data, moreover, confirm some of the findings of Max Rettig (2008). In particular, Rettig (2008, 37) finds that large majorities in his survey agreed or strongly agreed that *gacaca* has functioned well and has promoted national unity. In contrast to the survey results above, though, Rettig (2008, 41) finds that 90 percent of respondents either agreed or strongly agreed that people told or that false testimony was included in *gacaca* proceedings, which, in Rettig's opinion, negated the pacifying effect of *gacaca* and its ability to promote ethnic reconciliation. Unlike the conclusions advanced by Rettig (2008), the survey and interview data in this study do closely mirror the conclusions reached by Pozen, Neugebaurey, and Ntaganira (2014) who, through a survey of 504 Rwandans from Ngoma Commune in 2011, find *gacaca* was widely popular for its ability to promote national unity and allow ordinary Rwandans to move forward with their lives. Even more importantly, the survey and interview data in this study also affirm the conclusions reached by Pozen, Neugebaurey, and Ntaganira (2014) on complaints associated with procedural and structural aspects (e.g., limited mandate and jurisdiction).

Applied to extant studies that critique the discourse surrounding transitional justice, the results seem to confirm key arguments made by Lundy and McGovern

(2008), Fletcher and Weinstein (2004), Schneider (2009), and Baines (2010). In particular, the survey and interview data seem to support the need to have participatory, grassroots-based mechanisms as argued by Lundy and McGovern (2008). The semi-structured interview responses, which raised the common theme that *gacaca* was a country solution to a country problem, also echoes the arguments made by Fletcher and Weinstein (2009) and Schneider (2009) who both suggest that cookie-cutter, one-size-fits-all transitional justice processes will likely fail unless they are tailored to individual post-conflict situations. Finally, *gacaca*, as a traditional dispute-resolution mechanism, seems to support the argument made by Baines (2010) to incorporate traditional-based mechanisms in post-conflict countries today. Curiously, though, modern *gacaca* ultimately became a tool of a state-led transitional justice process rather than one that existed autonomously outside of state control as was the case with traditional *gacaca*.

5.9 Summary

In sum, the *gacaca* courts were a painful, yet necessary step in post-genocide Rwanda. Although one would be hard-pressed to argue that these courts alone promoted or caused peace, justice, national unity, and reconciliation between perpetrators and victims of genocide-related crimes, these courts appear to have worked as a country-specific solution to a country-specific problem as a bottom-up approach to transitional justice. The survey and interview data are optimistic in nature and show that *gacaca* has allowed people to learn about what happened during the genocide. More importantly, these data show that *gacaca* seems to be associated with the healing process and national

unity through becoming an avenue for forgiveness and a catalyst for the long and arduous process of reconciliation.

Rwanda, as a case study for a broader discussion on transitional justice, seems to illustrate that there is not a one-size fit all solution when addressing past violence, abuses, and atrocities. In Rwanda's case, the ICTR itself would've been incapable of dealing with crimes committed on such a mass scale. Even in conjunction with other top-down mechanisms, it seems highly unlikely that the Rwandan government would have been capable of delivering justice on such a large scale. To borrow from one of the interviewees, *gacaca* was country solution to a country problem. This case seems to provide evidence to support claims that bottom-up approaches to transitional justice are increasingly becoming powerful tools for addressing past abuses in order to move forward. Further, this case seems to provide evidence to support a growing consensus that the more mechanisms that are adopted increase the overall effect of transitional justice in a post-conflict country. In this case, *gacaca* became the workhorse for transitional justice in Rwanda; however, its use in conjunction with top-down, internationally-backed mechanisms in the form of the ICTR increased the overall ability of the Rwandan government to dispense mass justice for mass atrocity.

CHAPTER 6

Conclusion: Synthesis of Findings, Study Limitations, & Areas for Future Research

6.1 Introduction

Collectively, post-conflict societies are plagued by weak political-legal institutions, intergroup hostilities, shattered economies, a cycle of impunity, crumbling infrastructure, and lingering power dynamics that hold the potential to reignite tensions, instability, and armed violence. More importantly, contemporary post-conflict countries are often marked by a blemished human rights record, which makes social reconciliation a daunting and sometimes insurmountable task. The key question, then, is how can we create a durable peace that is forward-looking, yet built on a foundation of addressing a legacy of past abuses in such a way that can mitigate the negative emotions of hate, anger, and revenge?

This study has attempted to build upon our understanding of what conditions peace in war's last phase by examining what role, if any, truth commissions, as a transitional justice mechanism, play individually and in combination with other mechanisms in societies emerging from periods of violence, insurrection, or state repression. Circling back to Chapter 1, transitional justice efforts in both Colombia and Tunisia today illustrate that uncovering the truth about past abuses is now perceived to be an essential ingredient in any political transition. In Colombia's case, a truth commission is being utilized as part of a broader transitional justice project that includes a criminal tribunal and amnesties, with the intended goal of formally bringing an end to the longest running insurgency in the world. Tunisia, on the other hand, has adopted a truth commission largely in isolation from other mechanisms; however, the goal is to propel a successful democratic transition forward by investigating and shedding light on past abuses committed by state-sponsored security forces. Despite their divergent paths, transitional justice efforts in both countries reflect a growing international norm that

victims and their families have a basic right to know what transpired, the identity of individual perpetrators, or the fate and whereabouts of those who “disappeared.”

This chapter serves as the concluding discussion for this study. A brief synthesis of the results in both Chapter 4 and Chapter 5 as well as concluding remarks on the implications of these findings are provided. The first section presents a short synthesis of the overall results. The second section then discusses the implications of these results in relation to extant studies on the topic. In particular, this section discusses how the findings reached in this study contribute to different segments of the literature on transitional justice processes. The third section identifies the limitations and weaknesses associated with the research design adopted and the various ways in which the models and case study can be improved. The fourth section identifies future areas of research and general ideas for how we can improve our understanding of truth commissions and, more importantly, the overall effect of transitional justice in post-conflict countries. I end this study with overall remarks on the topic and where I hope to go with future research projects pertaining to transitional justice and post-conflict peacebuilding.

6.2 Synthesis of Findings & Results

The results in Chapter 4 indicate that truth commissions, individually, do not appear to make a meaningful difference in post-conflict societies. The data in each of the first four models suggest that these bodies are not associated with sustained, long-term

improvements in democratization or human rights protections. Even more, there is some evidence to suggest that truth commissions are associated with an increased probability of violence reigniting after a decade and decreased wealth when using GDP per capita as a measure of economic vitality. The key theme, it seems, is that truth commissions are no more or less likely to be associated with improvements in democratization, human rights protections, and the durability of peace in countries that adopt them in comparison to post-conflict societies that lack these investigative bodies. This negative, statistically significant relationship between truth commissions and economic performance, moreover, should force policymakers, third party IGOs, human rights INGOs, or international donors to pause before promoting their application, especially in post-conflict situations where markets are perceived to be the best instrument for fostering cooperation between former belligerents.

This somewhat negative view of truth commissions largely holds true for most of the transitional justice mechanisms included as part of a broader dataset used in this study to examine transitional justice outcomes and effects between 1970 and 2010. Trials, amnesties, and lustrations do not exhibit a meaningful, positive effect on most of the post-conflict indicators used as dependent variables in each of the four first models. Individually, all of the additional mechanisms are associated with an increased probability of violence reigniting and decreased economic outcomes. Even more, trials exhibit a consistently negative impact on levels of democratization, whereas lustrations and amnesties are associated with negative outcomes when estimating their effects on democracy and human rights respectively. If anything, it appears the key take away for truth commissions also applies to each of these mechanisms as well; policymakers, third-

party IGOs, and independent donors should be careful when applying a single transitional justice mechanism in any post-conflict situation without first projecting the effects of that mechanism on various post-conflict indicators.

This complicated narrative for transitional justice processes to change when truth commissions are paired with different types of mechanisms. In particular, truth commissions, when coupled with reparations, appear to exhibit a positive, statistically significant effect on three of the four⁷⁹ societal indicators used to measure the performance of transitional justice processes. When paired with the other mechanisms in the dataset, however, the effect of truth commissions remains muted and not much evidence exists to suggest that these bodies make a difference or not regardless of whether these mechanisms are retributive or restorative in nature. Truth commissions and amnesties do seem to exhibit a positive effect on democracy outcomes to a certain point, while there is some statistical evidence to suggest that truth commissions paired with lustrations actually decreases wealth in post-conflict situations.

The statistical results, as a whole, seem to lend partial support for the first four hypotheses advanced in Chapter 1. **Table 20** provides a brief synthesis of these hypotheses and whether the null hypothesis is accepted or rejected based on the results obtained from Chapter 4. As initially hypothesized in all four cases, post-conflict countries that adopt truth commissions, alone, are unlikely to experience improvements in levels of democratization, human rights protections, economic development, or the durability of peace. When combining truth commissions with reparations, which are a

⁷⁹ This unique pair exhibits a positive, yet very weak, short-term effect on human rights protections.

form of retributive justice, truth commissions do exhibit a positive effect as initially hypothesized as well. With that said, truth commissions do not exhibit a similar, positive effect when paired with trials or lustrations. If anything, it appears that coupling truth commissions with trials actually is associated with negative outcomes in some contexts. This causes a partial rejection of the null in each of these four hypotheses. This is a consequence of the fact that there is not overwhelming evidence to suggest that the effect of truth commissions is enhanced by simply coupling them with any retributive mechanism. It is important to note, though, that this research is not confident of whether truth commissions, even when paired with reparations, are the cause of these positive societal outcomes or merely associated with a larger process at play in some wealthier or more democratic post-conflict countries. This is a consequence of the fact that the coefficients for the pre-year category are largely similar to the coefficients, in both size and direction, in the later time categories in the democracy, economic, and durability of peace models.

Table 20: Key Findings for Research Questions 1 & 2

Results for Hypotheses 1-4	
<i>H₁</i>	<i>Post-conflict countries that adopt truth commissions alone are less likely to experience advancements, or improvements, in levels of democratization in comparison to those that adopt truth commissions in combination with one or more retributive mechanisms.</i>
<i>H₀</i>	<i>There is no relationship between truth commissions and levels of democracy when they are coupled with retributive mechanisms in post-conflict countries.</i>

	<u>Dependent Variable</u> Democracy	<u>Independent Variable</u> Truth commission	<u>Null Hypothesis</u> Partially Reject
H_2	<i>Post-conflict countries that adopt truth commissions alone are less likely to experience improvements in human rights protections in comparison to those that adopt truth commissions in combination with one or more retributive mechanisms.</i>		
H_0	<i>There is no relationship between truth commissions and human rights protections when they are coupled with retributive mechanisms in post-conflict countries.</i>		
	<u>Dependent Variable</u> Human Rights	<u>Independent Variable</u> Truth commission	<u>Null Hypothesis</u> Partially Reject
H_3	<i>Post-conflict countries that adopt truth commissions alone are less likely to experience improvements in economic development in comparison to those that adopt truth commissions in combination with one or more retributive mechanisms.</i>		
H_0	<i>There is no relationship between truth commissions and levels of economic performance when they are coupled with retributive mechanisms in post-conflict countries.</i>		
	<u>Dependent Variable</u> Economic development	<u>Independent Variable</u> Truth commission	<u>Null Hypothesis</u> Partially Reject
H_4	<i>Post-conflict countries that adopt truth commissions alone are less likely to remain at peace in comparison to those that adopt truth commissions in combination with one or more retributive mechanisms.</i>		
H_0	<i>There is no relationship between truth commissions and the durability of peace when they are coupled with retributive mechanisms in post-conflict countries.</i>		
	<u>Dependent Variable</u> Durability of peace	<u>Independent Variable</u> Truth commission	<u>Null Hypothesis</u> Partially Reject

The implications of these findings are interesting on several fronts. First, these results seem to indicate that uncovering the truth about past crimes, atrocities, or human rights violations may not be enough in the post-conflict stage. As theorized in Chapter 1,

restorative mechanisms, like truth commissions, can indeed be helpful as “victim-centered” approaches; however, these investigative bodies, in isolation from other mechanisms, are unlikely to promote positive societal outcomes in the form of increased levels of democratization, economic performance, human rights records, or the durability of peace. Second, the results do indicate that one combination of a restorative and retributive mechanism was helpful; however, the results appear to be contradictory since truth commissions, when paired with trials and lustrations, produce inconsequential and, in some cases, negative effects, which is not theorized in Chapter 1. Finally, this study does seem to justify a growing consensus that the effect of transitional justice is heightened when more than one mechanism is adopted in a post-conflict situation.

Building on the statistical results in Chapter 4, the survey and interview results in Chapter 5 providing interesting insight into the use of hybrid, grassroots-level transitional justice processes. These data seem to provide positive support for Hypothesis 5, which stipulates that top-down approaches must be used in tandem with local, grassroots-level mechanisms that are capable of dispensing justice to the “ordinary” victim or citizen (see **Table 21**). Ironically, these data also seems to verify the statistical results in Chapter 4. *Gacaca*, at its core, was a hybrid transitional justice mechanism that dispensed restorative and retributive justice through uncovering the truth and punishing most perpetrators through reparations in the form of community service or monetary payments.

Table 21: Key Findings for Research Question 3

<h4>Results for Hypothesis 5</h4>
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<i>H₅</i>	<i>Post-conflict countries that combine top-down approaches with grassroots level mechanisms are more likely to experience improvements in levels of societal peace, democratization, economic development, and human rights in comparison to those that only adopt top-down mechanisms.</i>		
<i>H₀</i>	<i>There is no relationship between adopting top-down approaches in conjunction with grassroots, bottom-up approaches and positive societal outcomes in post-conflict countries.</i>		
	<u>Dependent Variables</u> Democracy, economic development, human rights protections, durability of peace	<u>Independent Variable</u> Top-Down Mechanism + Grassroots (i.e., Local or Bottom-Up) Mechanism	<u>Null Hypothesis</u> Reject

The implications of the case study results are important in several respects as well. Although imperfect, the frame surrounding *gacaca* as a “country solution for a country problem,” appears to be a widely shared public sentiment, which has garnered public support and legitimacy for this project over the ICTR. It is important to note that Rwanda is an outlier in studies on transitional justice due to the scope and severity of the Rwandan genocide; however, the key take away from Chapter 5 is that top-down, externally imposed mechanisms would likely have failed if they were adopted over *gacaca* as a traditional, dispute-resolution mechanism in Rwandan society. This is important considering the abundance of non-Western, non-legalistic mechanisms that exist in most post-conflict countries around the world. This is not to say that top-down approaches are obsolete; however, Chapter 5 provides evidence to suggest that these approaches and the overall transitional justice process can be enhanced by simply utilizing different mechanisms at different levels of society.

6.3 Contribution to Literature

The statistical aspect of this study builds upon extant studies in several ways. Similar to Wiebelhaus-Brahm (2010), this study primarily focuses on the application and outcomes of truth commissions; however, the findings from the different statistical models in both studies differ on one key front. Whereas Wiebelhaus-Brahm (2010) finds that truth commissions have no effect on democracy and a negative effect on human rights, this study, instead, reaches the opposite conclusion: truth commissions have no effect on human rights and a negative effect, albeit a weak effect, on levels of democratization in post-conflict countries. These differences in results can possibly be attributed to the use of different datasets and indicators. This study relied on transitional justice mechanisms coded by the Transitional Justice Database Project, while Wiebelhaus-Brahm (2010) coded truth commissions based on country-specific information from the United States Institute for Peace (USIP). With that said, what unites both studies is a failure to provide a clear, empirical link that truth commissions matter in post-conflict societies that adopt them in comparison to those that do not.

In comparison to past studies that have examined the effects associated with different combinations of mechanisms, this study reaches different conclusions as well. Olsen et al. (2010) find that truth commissions, alone, produce negative effects on human rights protections, which is similar to the findings reached by Wiebelhaus-Brahm (2010). When testing the effect of truth commissions in combination with other mechanisms, the authors find that coupling these bodies with amnesties produces positive effects for democratic and human rights outcomes. This study, on the other hand, finds that truth commissions coupled with reparations was the most important combination. These differences in conclusions and results are interesting considering that both studies use the

same unit of analysis, similar coding schemes for key independent and dependent variables, and similar time intervals.

Finally, the *gacaca* case study seems to lend empirical support to critics who question the discourse surrounding top-down approaches and those who have championed the use of micro-level approaches, which are perceived to be more participatory and inclusive in nature (e.g., Snyder and Vinjamuri 2003; Lundy and McGovern 2008; McEvoy 2008; Baines 2010; Gready and Robins 2014). This study, in particular, finds that the *gacaca* courts were instrumental in promoting a sense of closure to victims and perpetrators alike. More importantly, these courts provided an avenue for “mass justice for mass atrocity,” which was a feature that was lacking in the ICTR or Rwanda’s domestic court system (Waldorf 2006). Although the survey and interview data are imperfect, they seem to provide some evidence to conclude the growing consensus advanced by these skeptics or champions of micro-level, country-specific approaches: top-down approaches that are perceived to be externally imposed or forced on a post-conflict country face an up-hill battle when promoting transitional justice since they lack basic legitimacy among the people they are structured to serve.

6.4 Study Limitations & Potential Error

To be sure, this research is not devoid of limitations. In terms of the statistical aspect of the study, several issues affect the dataset and subsequently the statistical models used to test each of the research questions and hypotheses. Manually inputting Polity IV scores, GDP per capita measures, Physical Integrity scores, and measures of armed violence for more than 1,100 observations from different data sources that are

complex and sprawling in nature will inevitably lead to coding mistakes. Further, the large number of missing data for certain variables (e.g., Physical Integrity scores) in the dataset possibly skews the results in each of the eight models tested. Reparations and amnesties, moreover, are highly collinear, which created complications in the first four models by causing reparations to be omitted. With that said, the models did not change dramatically when using amnesties over reparations or reparations over amnesties in the models. Finally, the large number of missing data for some of the observations included after 2000 may have potentially skewed the models as well.

As for the survey and interview aspect of this study, the small-N nature of the sample size limits the generalizability of the findings. This small-N nature may also lead to potential erroneous inferences being made in comparison to other studies that have, on average, made inferences based on a sample size of 500 to 1,000 *gacaca* participants (e.g., Rettig 2008 and Pozen et al. 2014). Despite efforts to obtain a representative sample, moreover, the demographics of the survey respondents' does not neatly match average demographic statistics for Rwandan society. By increasing the sample size in the future, this could mitigate both of these limitations and the potential for erroneous inferences. A final concern is related to the issue of replicability. The sample was identified through irregular means at best, which creates concerns over whether a person attempting to replicate the sample method in this research could achieve or even perform the same research. This study tries to mitigate this concern by including the interview methods table; however, this is obviously an issue or key methodological problem associated with the research design process.

6.5 Future Areas of Research

There are numerous avenues and areas in which scholars interested in transitional justice processes can pursue or focus on to build upon our understanding of what conditions an enduring and durable peace and also how to best address a legacy of past abuses and violations. Despite a burgeoning literature in recent decades, our understanding of transitional justice as a field of inquiry is complicated by its fragmented nature. Some scholars prefer to use more qualitative, case-study driven analyses or historical techniques to isolate and trace the outcomes of transitional justice processes in a particular country or over time. Other scholars instead have turned to increasingly complicated and complex statistical models and techniques to parse out the effects of these mechanisms and processes in countries emerging from a period of state repression, political violence, or armed conflict. Regardless of a scholar's comfort zone or favored approach, multi-method research designs will remain extremely useful and methodologically powerful when trying to understand the outcomes associated with transitional justice. This is largely a consequence of the fact that statistical approaches remain incapable of clearly determining cause and effect relationships between transitional justice mechanisms and different post-conflict indicators.

One simple way to improve our understanding is to branch out beyond the “big five” mechanisms -- criminal trials, truth commissions, reparations, amnesties, and lustrations -- that are examined in most studies, including this one. By focusing on these five mechanisms alone, this allows for cross-study comparisons; however, doing so also limits our sample population and universe of post-conflict cases we are fixated on. By

expanding our analyses to different types of mechanisms, such as public memorial projects or constitutional changes, this might provide a thicker understanding of ways in which post-conflict societies can confront a legacy of past abuses.

A second way to improve our understanding of transitional justice is to move closer, rather than farther apart, on issues related to semantics. Some studies define truth commissions in this way based on this set of criteria, whereas others either relax or add specific requirements for an investigate body to be considered a truth commission. Wiebelhaus-Brahm (2010) and Olsen et al. (2010), for example, come to different conceptual definitions considering whether an investigate body constitutes a truth commission or not. These conceptual definitions cause the former not to label the Commission of Inquiry into the Disappearances of People in Uganda in 1974, which is considered by Hayner (2001) to be among the first truth commissions, whereas the latter includes this particular case in an overall dataset on transitional justice processes from 1970 onward. The term post-conflict itself is highly debated, which causes some studies to consider “case x” a post-conflict situation while other studies do not consider this very same case a post-conflict situation because of competing measures or operational definitions. These differences in semantics do matter. One of the most difficult aspects of this study were choices involving conceptual definitions -- or decisions to restrict or relax measures, definitions, or metrics in certain areas to produce cross-study analyses.

A third crucial area in which to explore further is to empirically determine whether sequencing and timing matter when combining different mechanisms, including restorative and retributive mechanisms. This is especially important considering a

growing consensus in favor of “more is better” as it relates to transitional justice mechanisms. This means future work needs to address the outcomes of specific combinations across geographic groupings of countries. Further, timing remains an elusive component in most studies on transitional justice. Does it matter if a combination of mechanisms is applied directly before or after a transition? Does it matter if one mechanism is adopted initially and then another is adopted six months later, a year later, or two years later?

This issue of timing and sequencing appears to be at play in this study. Even though this study finds evidence to suggest that coupling truth commissions with reparations is beneficial for several of the societal indicators used as dependent variables, might this relationship be reverse under circumstances where a truth commission is adopted first, then followed by reparations? Does it matter if reparations are adopted first and then a truth commission after ‘x’ period of time? What about the effect for other mechanisms paired with truth commissions? Might adopting a truth commission first, followed by a criminal tribunal or lustration program produce optimal results in post-conflict countries? The overall theory advanced in this study seems to suggest that adopting a restorative mechanism first, followed by a retributive mechanism second would yield fruitful results in post-conflict situations.

6.6 Concluding Remarks

My goal, which I realize was extremely ambitious and time-consuming now, was to isolate the effects of truth commissions as well as other mechanisms of transitional justice. I believe the results obtained in this study are important; however, I also have

come to realization that the literature on transitional justice remains fragmented, decentralized, nascent, and conflicting in nature as a consequence of transitional justice processes themselves. Variation between and within mechanisms makes cross-cultural, cross-regional, and cross-study comparisons extremely difficult to conceptualize, implement, and formalize in research designs.

Further, debates over semantics and the reliability and validity of measures has frozen progress on an extremely important and timely topic. Studies of post-conflict countries are important considering what is at stake in these countries -- most will remain weak and fragile states that lack institutional capacities and resources to deliver basic needs to their citizens. Further, inadequate approaches to redressing past crimes and abuses is potentially sowing the seeds for renewed violence and a repeat of these very same crimes and abuses. This means scholars of transitional justice need to do better considering that there is indeed a “human face” behind our work, results, and analyses.

Studies of transitional justice processes complement our understanding of post-conflict countries by continuing to remind policymakers, outside donors, and those operating in the non-profit sector that addressing past abuses and ending a cycle of impunity is an essential component in any equation developed for addressing the needs of these fragile, yet highly complex societies. Inattention will only breed future grievances, hostilities, and underlying feelings of distrust and anger, which will be exploited by trigger events. It is my sincere hope that continued work on whether transitional justice “works” through the use of diverse multimethod and mixed research designs will become a catalyst for renewed interest and engagement in perennial questions that continue to

bog down the field. We have benefited tremendously from those who have documented convincing evidence for why certain countries choose certain mechanisms (e.g., Olsen et al. 2010; Rothe and Maggard 2012).

Appendix A

Truth Commissions & Commissions of Inquiry, 1974 - 2015

<i>Country</i>	<i>Official Title</i>	<i>Time</i>	<i>Started by</i>	<i>Type*</i>
Uganda	Commission of Inquiry into the Disappearance of People in Uganda since the 25 th of January, 1971	1974	Executive	Official
Brazil	No More	1979-1982	NGO	Unofficial
Bolivia	National Commission for Investigation For Forced Disappearances	1982-1984	Executive	Official
Argentina	National Commission on the Disappeared (“Never Again”)	1983-1984	Executive	Official

Zimbabwe	Commission of Inquiry into the Matabeleland Disturbances	1983-1984	Executive	Official
Uruguay	Commission for the Investigation of the Situation of the Disappeared and Related Events	1985	Legislature (Amnesty Law)	Official
Uruguay	Investigating Commission on the Kidnapping and Assassination of National Representatives Zelmar Michelini and Hector Gutierrez Ruiz	1985	Legislature	Official
Peru	Commission of Inquiry to Investigate the Massacre of Prisoners	1986-1988	Legislature	Official
Uganda	Commission of Inquiry into Violations of Human Rights	1986-1994	Executive	Official
Philippines	Presidential Committee on Human Rights	1986-1987	Executive	Official
Chile	National Commission for Truth and Reconciliation (“Rettig Commission”)	1990-1991	Executive	Official
Nepal	Commission of Inquiry to Locate The Persons Disappeared during the Panchayat Period	1990-1991	Executive	Official
Chad	Commission of Inquiry into the Crimes and Disappropriations Committed by ex-President Habre, his Accomplices, and/or Accessories	1991-1992	Executive	Official
South Africa	Commission of Inquiry into Complaints by Former African National Congress Prisoners and Detainees (“Skweyiya Commission)	1992	Legislature	Official
El Salvador	Commission on the Truth for El Salvador	1993-1993	Peace Agreement (UN)	Official
Germany	Commission of Inquiry for the Assessment of History and Consequences of the SED Dictatorship in Germany	1992-1994	Legislature	Official
Rwanda	International Commission of Investigation on Human Rights Violations in Rwanda Since October 1, 1990	1993	NGO	Unofficial

South Africa	Commission of Inquiry into Certain Allegations of Cruelty And Human Rights Abuse Against ANC Prisoners and Detainees by ANC Members	1993	Legislature	Official
Honduras	Independent Inquiry Undertaken by the National Commissioner for the Protection of Human Rights	1993-1994	Executive	Official
Ethiopia	The Special Prosecution Process by the Office of the Special Prosecutor	1993-2007	Executive	Official
Haiti	National Truth and Justice Commission	1994-1996	Executive	Official
Germany	Commission for the Overcoming of the Consequences of the SED Dictatorship In the Process of German Unity	1995-1998	Legislature	Official
South Africa	Commission of Truth and Reconciliation	1995-2002	Legislature	Official
Sri Lanka	Commission of Inquiry into Involuntary Removal and Disappearances of Persons in Western, Southern, and Sabaragamuwa Provinces	1995-2000	Executive	Official
Ecuador	Truth and Justice Commission	1996-1997	Ministerial Accord	Official
Guatemala	Commission for the Historical Clarification of Human Rights Violations and Act of Violence which Caused Suffering to the Guatemalan People	1997-1999	Peace Agreement (UN)	Official
Nigeria	Human Rights Violations Investigation Commission	1999-2002	Executive	Official
Rwanda	National Unity and Reconciliation Commission	1999-present (permanent body in 2002)	Legislature/ Public Law	Official
Cote d'Ivoire	Mediation Committee for National Reconciliation	2000-2001	Executive	Official
South Korea	Presidential Truth Commission on Suspicious Deaths	2000-2004	Executive	Official
Uruguay	Commission for Peace	2000-2002	Executive	Official
Peru	Truth and Reconciliation Commission	2001-2003	Executive	Official
Panama	Panama Truth Commission	2001-2004	Executive	Official

Serbia and Montenegro	Truth and Reconciliation Commission for Serbia and Montenegro	2002-2003	Executive	Official
Grenada	Truth and Reconciliation Commission	2001-2006	Parliament	Official
Algeria	Ad Hoc Inquiry Commission in Charge of the Question of Disappearances	2003-2005	Executive	Official
Ghana	National Reconciliation Commission	2003-2004	Executive	Official
Sierra Leone	Truth and Reconciliation Commission	2002-2004	Peace Agreement Executive/ Legislature	Official
Timor-Leste (East Timor)	Commission for Reception, Truth, and Reconciliation	2002-2005	UNTAET	Official
Democratic Republic of Congo	Truth and Reconciliation Commission	2003-2007	Constitution	Official
Chile	National Commission on Political Imprisonment and Torture (“Valech Commission”)	2003-2005	Executive	Official
Paraguay	Truth and Justice Commission	2004-2008	Legislature	Official
Indonesia	Truth and Reconciliation Commission	2004	Legislature	Official
Morocco	Equity and Reconciliation Commission	2004-2005	Royal Decree	Official
South Korea	Truth and Reconciliation Commission	2005-2010	Legislature	Official
Liberia	Truth and Reconciliation Commission of Liberia	2006-2009	Peace Agreement Legislature	Official
Ecuador	Truth Commission to Impede Impunity	2007-2009	Ministerial Accord	Official
Kenya	Independent Review Commission of the General Elections (“Kriegler Report”)	2008	African Union	Official
Kenya	Truth, Justice, and Reconciliation	2009-?	Legislature	Official
Mauritius	Truth and Justice Commission	2009-2011	Legislature	Official
Nepal	*Proposed	2009-?	?	?
Honduras	Truth and Reconciliation Commission	2010-2011	Executive	Official
Solomon Islands	Truth and Reconciliation Commission	2010-2011	Legislature	Official

Columbia

*Proposed

2017-?

Peace
Agreement

Official

Appendix B

CODEBOOK

Mechanism Type

- 1 = Truth Commission
- 2 = Reparations
- 3 = Lustrations
- 4 = Criminal Trials/tribunals
- 5 = Amnesty

Region

- 1 = Asia
- 2 = Africa
- 3 = Latin America
- 4 = North America
- 5 = Western Europe
- 6 = Eastern Europe
- 7 = Oceania

Country

Individual country where transitional justice mechanism was adopted.

Countries included in the dataset:

Afghanistan
Albania
Algeria
Angola
Argentina
Australia
Austria
Azerbaijan
Bangladesh
Benin
Bolivia
Bosnia & Herzegovina
Bosnia & Herzegovina, Croatia, and Macedonia
Brazil
Bulgaria
Burkina Faso
Burundi
Cambodia
Cameroon
Central African Republic
Chad
Chile
China
Columbia
Democratic Republic of the Congo
Republic of the Congo
Cote D'Ivoire
Croatia
Cuba
Czech Republic
Czechoslovakia
Dominican Republic
East Germany
East Timor
Ecuador
Egypt
El Salvador
Eritrea
Estonia
Ethiopia
France
Gabon

Gambia
Georgia
Germany
Ghana
Greece
Guatemala
Guinea
Guinea-Bissau
Haiti
Honduras
Hungary
India
Indonesia
Iran
Iraq
Israel
Italy
Jamaica
Jordan
Kenya
Kuwait
Kyrgyzstan
Laos
Latvia
Lebanon
Lesotho
Liberia
Libya
Lithuania
Macedonia
Madagascar
Malawi
Mali
Mauritania
Mexico
Moldova
Mongolia
Morocco
Mozambique
Myanmar
Namibia
Nepal
Nicaragua
Nigeria
North Korea
North Yemen

Oman
Pakistan
Panama
Papa New Guinea
Paraguay
Peru
Philippines
Poland
Portugal
Romania
Russia
Rwanda
Saudi Arabia
Senegal
Serbia
Serbia and Montenegro
Sierra Leone
Slovakia
Somalia
South Africa
South Korea
South Yemen
Soviet Union
Spain
Sri Lanka
Sudan
Sweden
Syria
Taiwan
Tajikistan
Tanzania
Thailand
Togo
Trinidad and Tobago
Tunisia
Turkey
Uganda
Ukraine
United Kingdom
United States
Uruguay
Uzbekistan
Venezuela
Vietnam
Yemen
Yugoslavia

Zambia
Zimbabwe

Year

Calendar year in which a mechanism was adopted.

Start-date

Day, month, and year in which a mechanism started.

-99 = missing

End-date

Day, month, and year in which a mechanism ended.

-99 = missing

CID

CoW country ID number for the individual country where a transitional justice mechanism was adopted.

Mechanism Level

1 = Domestic

2 = International

3 = Hybrid

Target

1 = Government

2 = Non-government

3 = Both

PreHR1

CIRI's PHYSINT score the year before a TJ mechanism was adopted.

-99 = missing

HREventYear

CIRI's PHYSINT score the year a TJ mechanism was adopted.

-99 = missing

HR1

CIRI's PHYSINT score one year after a TJ mechanism was adopted.

-99 = missing

HR5

CIRI's PHYSINT score five years after a TJ mechanism was adopted.

-99 = missing

HR10

CIRI's PHYSINT score ten years after a TJ mechanism was adopted.

-99 = missing

EconPre

GDP per capita one year before a TJ mechanism was adopted.

-99 = missing

EconEvent

GDP per capita the year a TJ mechanism was adopted.

-99 = missing

EconPost

GDP per capita one year after a TJ mechanism was adopted.

-99 = missing

Econ5

GDP per capita five years after a TJ mechanism was adopted.

-99 = missing

Econ10

GDP per capita ten years after a TJ mechanism was adopted.

-99 = missing

PolityPre

PolityIV score one year before a TJ mechanism was adopted.

-99 = missing

PolityEvent

PolityIV score the year a TJ mechanism was adopted.

-99 = missing

PolityPost

PolityIV score one year after a TJ mechanism was adopted.

-99 = missing

Polity5

PolityIV score five years after a TJ mechanism was adopted.

-99 = missing

Polity10

PolityIV score ten years after a TJ mechanism was adopted.

-99 = missing

ConflictPre

Dummy variable indicating whether conflict, measured by more than 25 annual battle-deaths, occurred one year before a TJ mechanism.

1 = More than 25 annual battle-related deaths

0 = Less than 25 annual battle-related deaths
-99 = missing

ConflictEvent

Dummy variable indicating whether conflict, measured by more than 25 annual battle-deaths, occurred one year before a TJ mechanism.

1 = More than 25 annual battle-related deaths
0 = Less than 25 annual battle-related deaths
-99 = missing

ConflictPost

Dummy variable indicating whether conflict, measured by more than 25 annual battle-deaths, occurred one year before a TJ mechanism.

1 = More than 25 annual battle-related deaths
0 = Less than 25 annual battle-related deaths
-99 = missing

Conflict5

Dummy variable indicating whether conflict, measured by more than 25 annual battle-deaths, occurred one year before a TJ mechanism.

1 = More than 25 annual battle-related deaths
0 = Less than 25 annual battle-related deaths
-99 = missing

Conflict10

Dummy variable indicating whether conflict, measured by more than 25 annual battle-deaths, occurred one year before a TJ mechanism.

1 = More than 25 annual battle-related deaths
0 = Less than 25 annual battle-related deaths
-99 = missing

Tc

Dummy variable for whether a country adopted a truth commission or not. 1 = yes, 0 = no.

Trial

Dummy variable for whether a country adopt a criminal trial, or tribunal, or not. 1 = yes, 0 = no.

Amnesty

Dummy variable for whether a country adopt an amnesty program or not. 1 = yes, 0 = no.

Lustration

Dummy variable for whether a country adopt a lustration program or not. 1 = yes, 0 = no.

Reparation

Dummy variable for whether a country adopt reparations or not. 1 = yes, 0 = no.

Tctrial

Dummy variable for whether a country adopted a truth commission and trial. 1 = yes, 0 = no.

Tcamnesty

Dummy variable for whether a country adopted a truth commission and amnesty program. 1 = yes, 0 = no.

Tcrep

Dummy variable for whether a country adopted a truth commission and reparations. 1 = yes, 0 = no.

Tclust

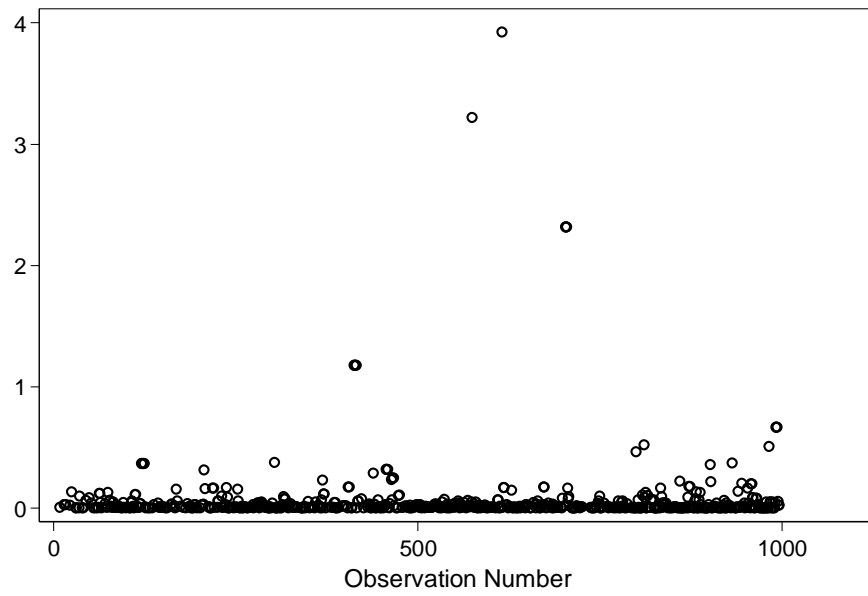
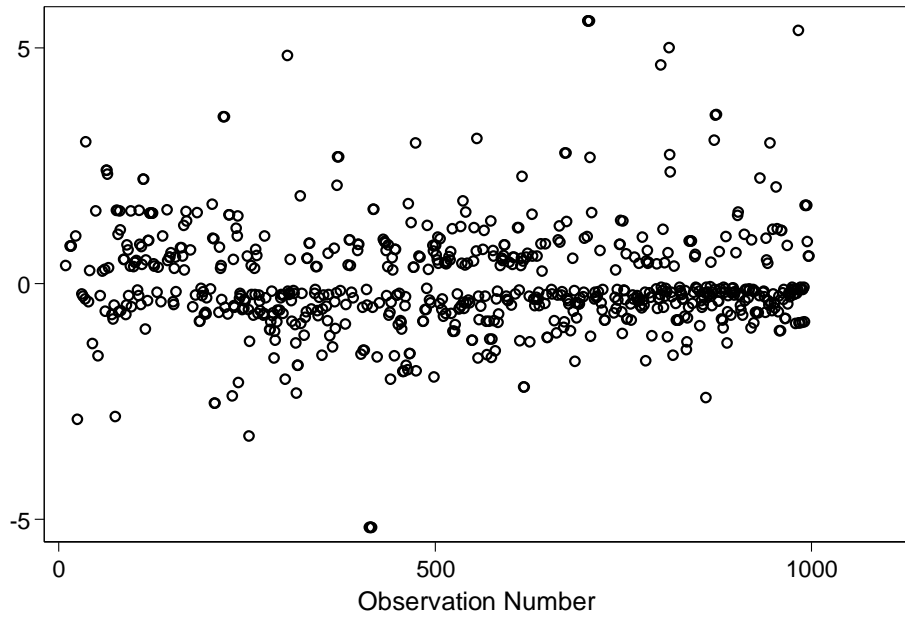
Dummy variable for whether a country adopted a truth commission and lustration policy. 1 = yes, 0 = no.

Appendix C

Diagnostics for Statistical Models

A. Peace Model Diagnostics (for Event Year Category in **Model 1**)

1. Outliers (appear to be somewhat problematic)

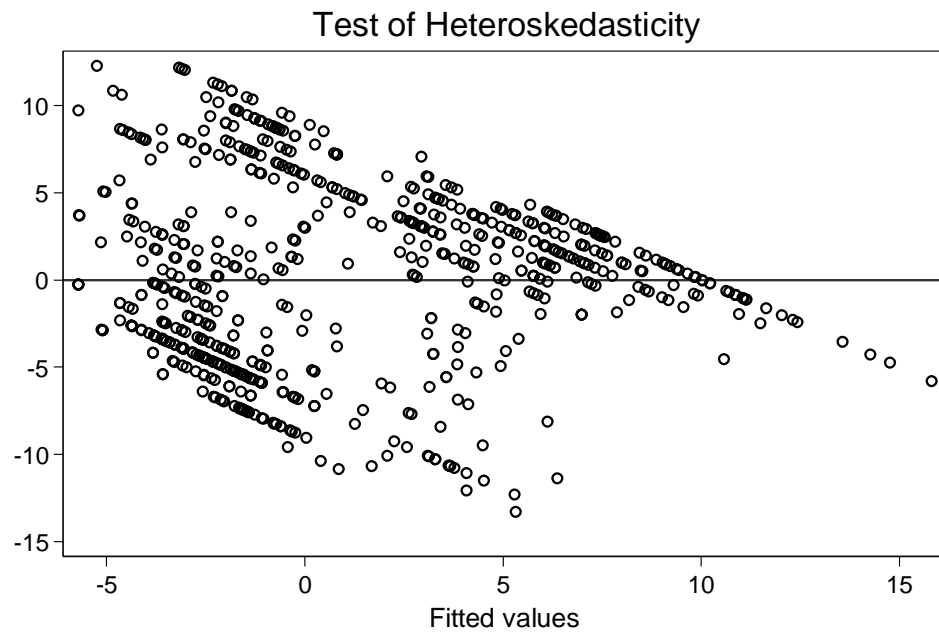


B. Democracy Model Diagnostics (for Event Year Category in **Model 2**)

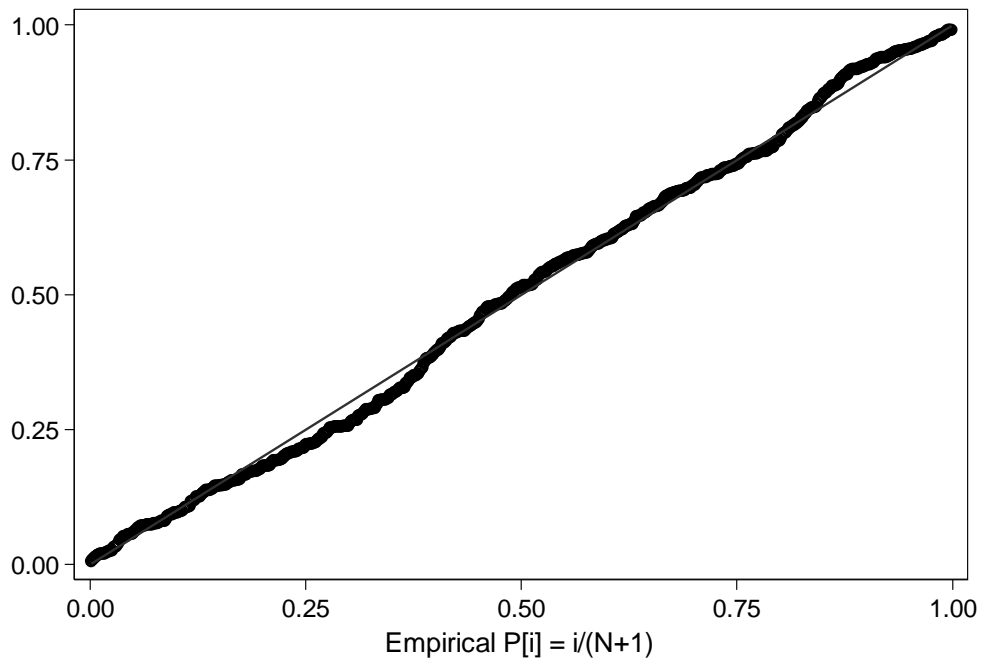
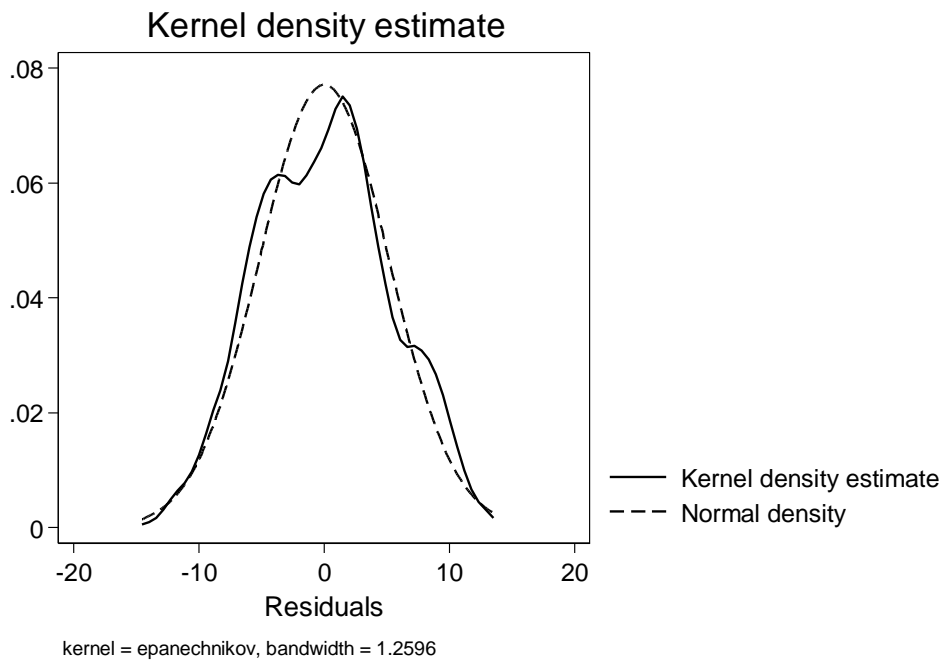
1. Multicollinearity

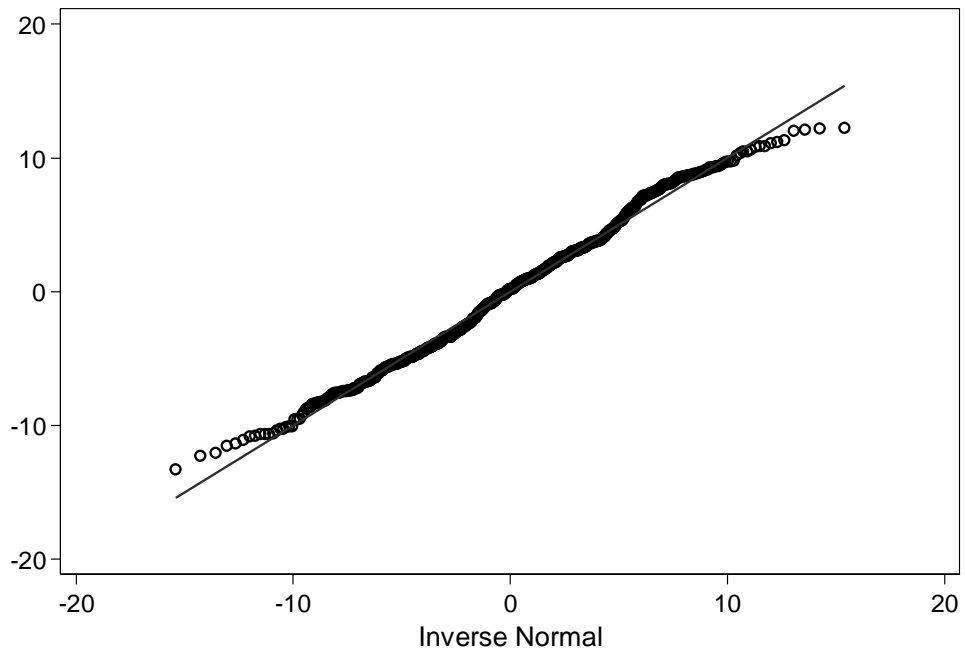
Variable	VIF	1/VIF
tc	2.18	0.458369
trials	4.53	0.220656
lustrations	1.79	0.558514
amnesty	5.88	0.170065
econ1	4.29	0.233262
hr1	1.91	0.523380
peace1	1.55	0.645866
nregion		
2	1.73	0.578637
3	1.51	0.662209
4	2.90	0.345011
5	2.28	0.439310
6	1.55	0.643415
7	1.06	0.947391
mechtarget	1.24	0.805703
Mean VIF	2.46	

2. Violation of Homoskedasticity and justification for robust standard errors



3. Model fit/functional form (appears to be appropriate) and test of outliers (do not appear to be problematic)



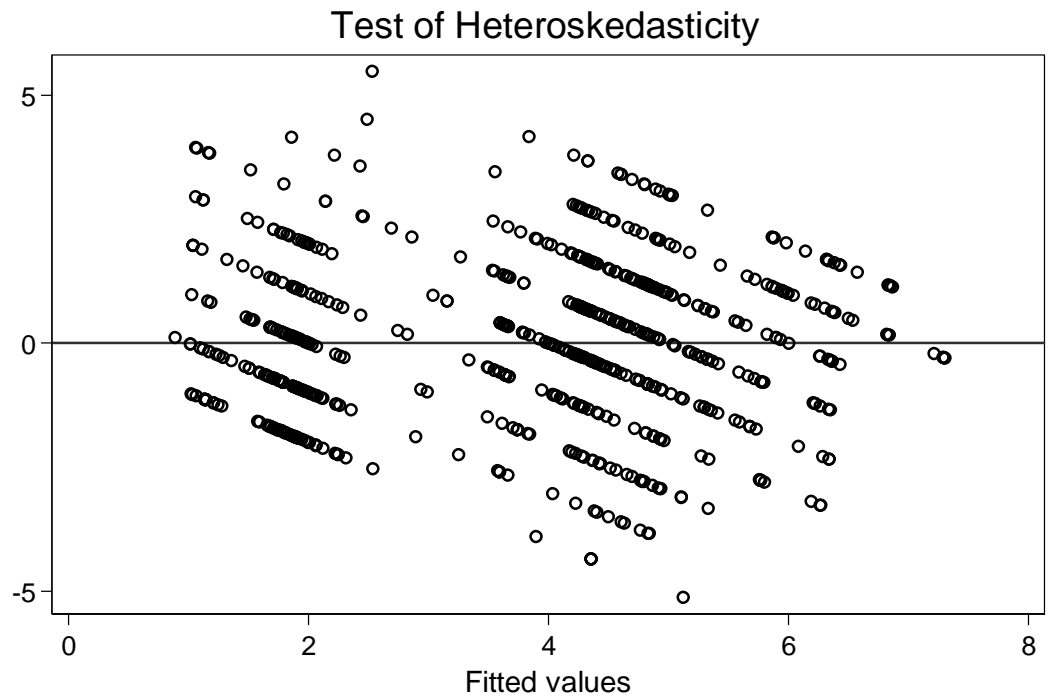


C. Human Rights Model Diagnostics (for Event Year Category in **Model 3**)

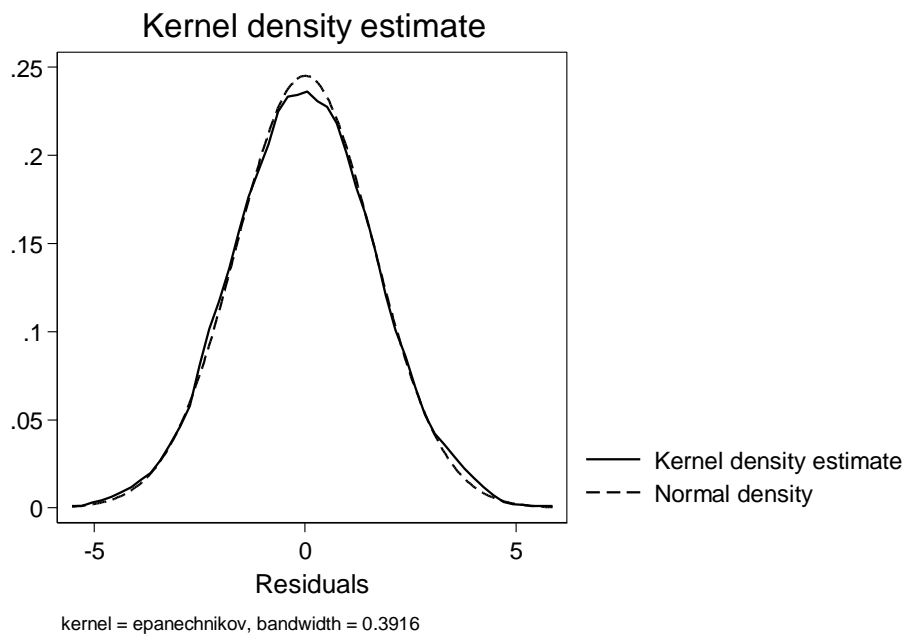
1. Multicollinearity

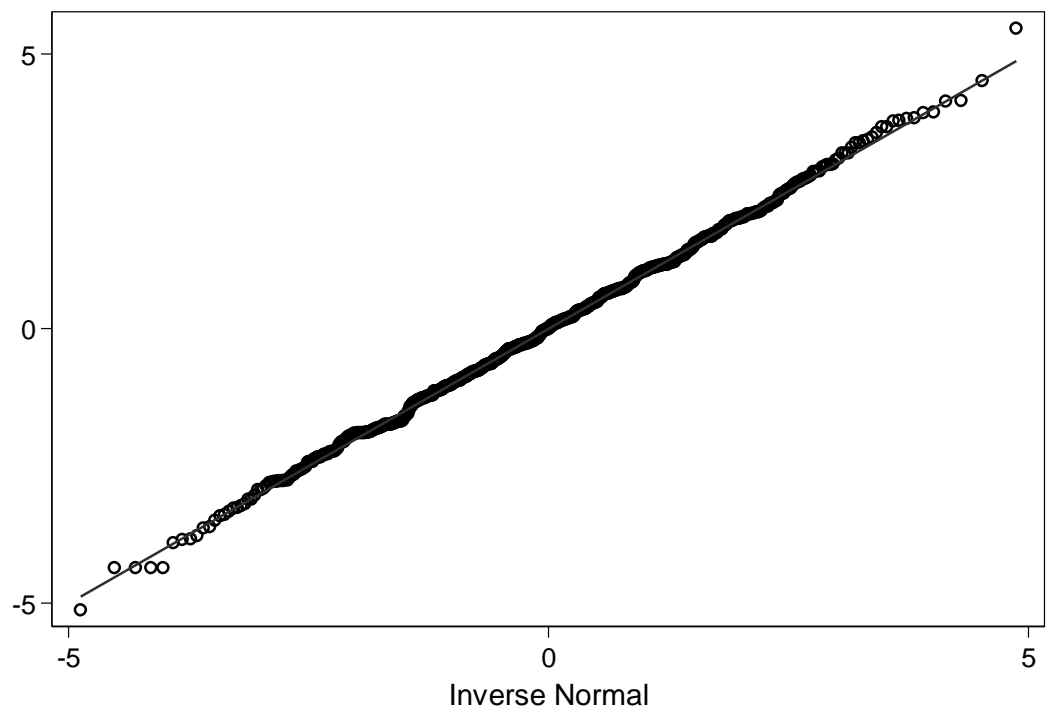
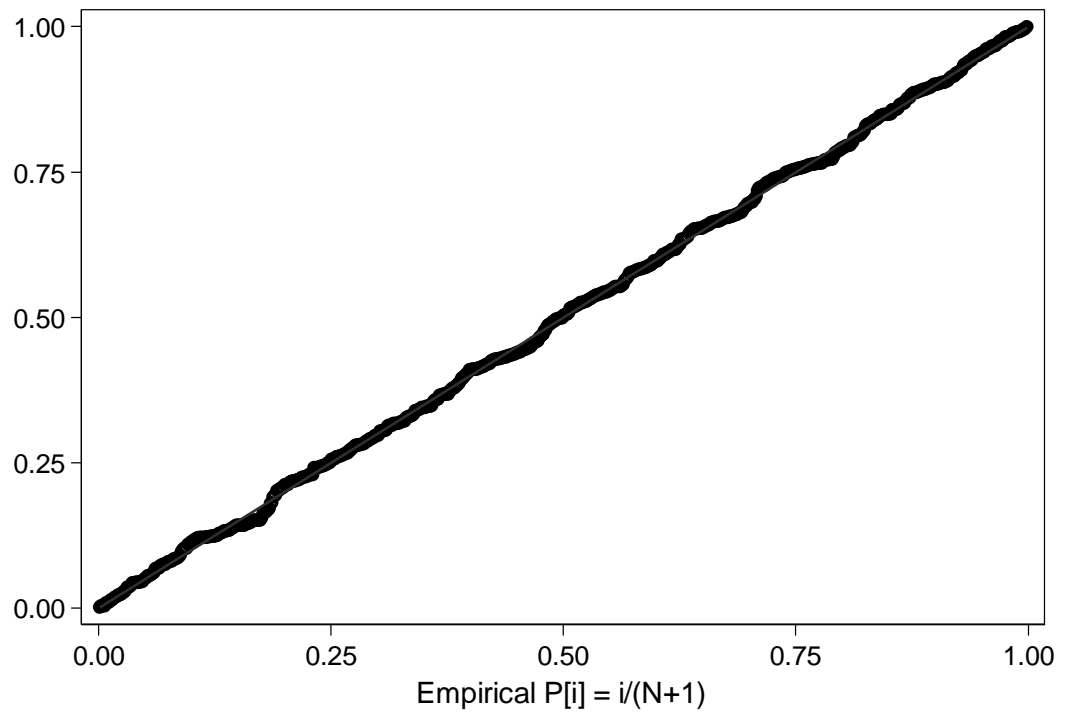
Variable	VIF	1/VIF
tc	2.26	0.442871
trials	4.61	0.216720
lustrations	1.75	0.572466
amnesty	6.02	0.166098
lecon2	2.19	0.455586
polity2	1.76	0.568614
peace2	1.15	0.870566
nregion		
1	36.99	0.027032
2	44.56	0.022444
3	29.90	0.033446
4	3.96	0.252699
5	9.11	0.109724
6	18.43	0.054245
mechtarget		
1	2.60	0.384203
2	2.52	0.396686
Mean VIF	11.19	

2. Violation of Homoskedasticity and justification for robust standard errors



3. Model fit/functional form (appears to be appropriate) and test of outliers (do not appear to be problematic)



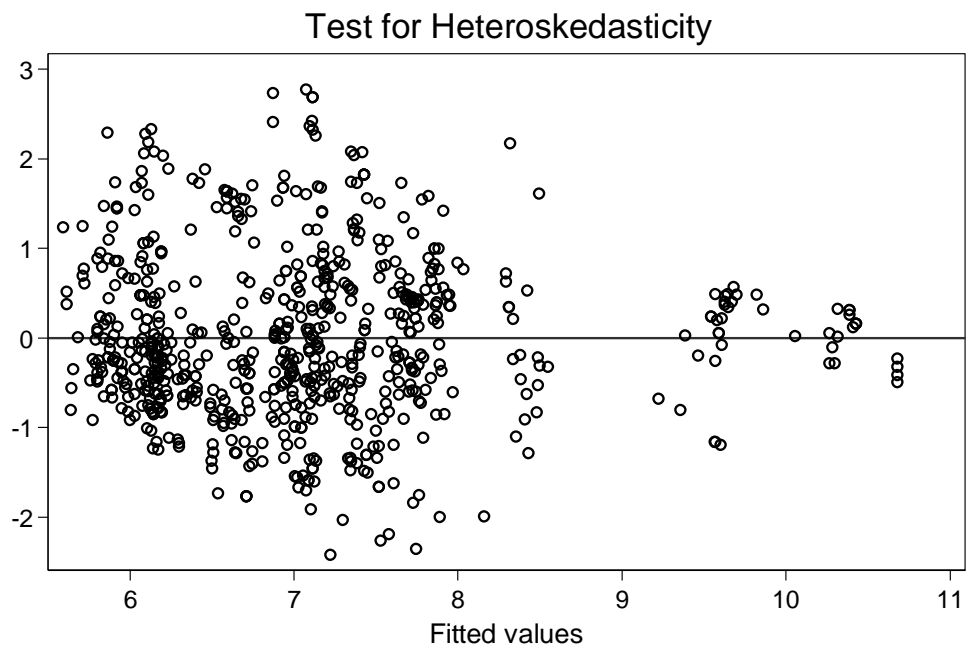


D. Economic Model Diagnostics (for Event Year Category in **Model 4**)

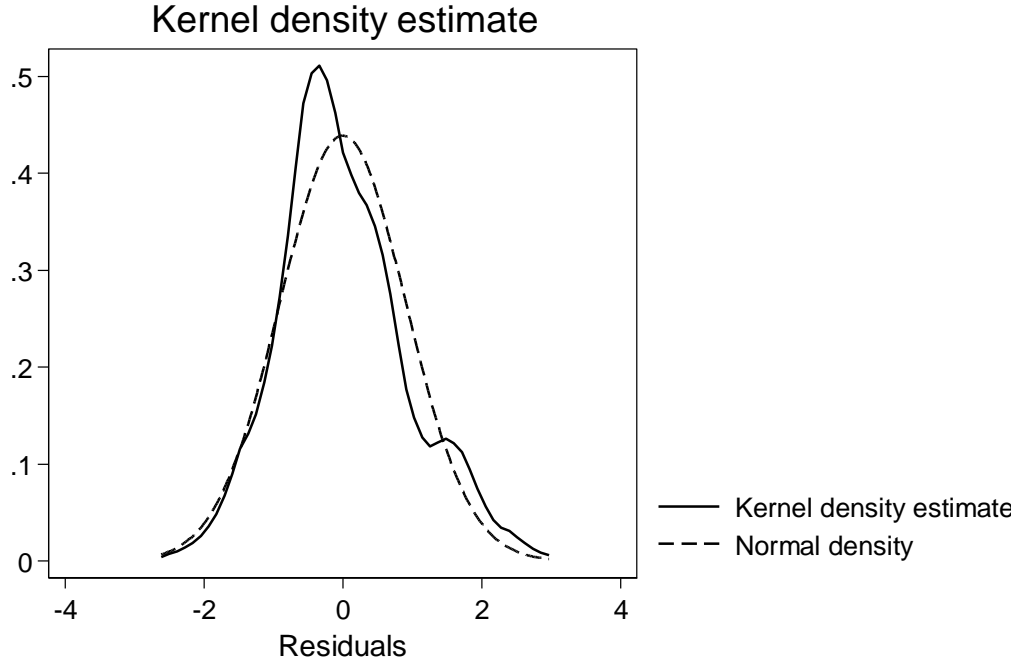
1. Multicollinearity

Variable	VIF	1/VIF
tc	2.25	0.444985
trials	4.55	0.219967
lustrations	1.72	0.580448
amnesty	5.92	0.168788
hr2	1.94	0.515515
polity2	1.75	0.571409
peace2	1.67	0.599611
nregion		
1	37.28	0.026825
2	44.43	0.022508
3	30.06	0.033268
4	3.80	0.263169
5	8.92	0.112124
6	18.45	0.054210
mechtarget		
1	2.59	0.385730
2	2.51	0.398105
Mean VIF	11.19	

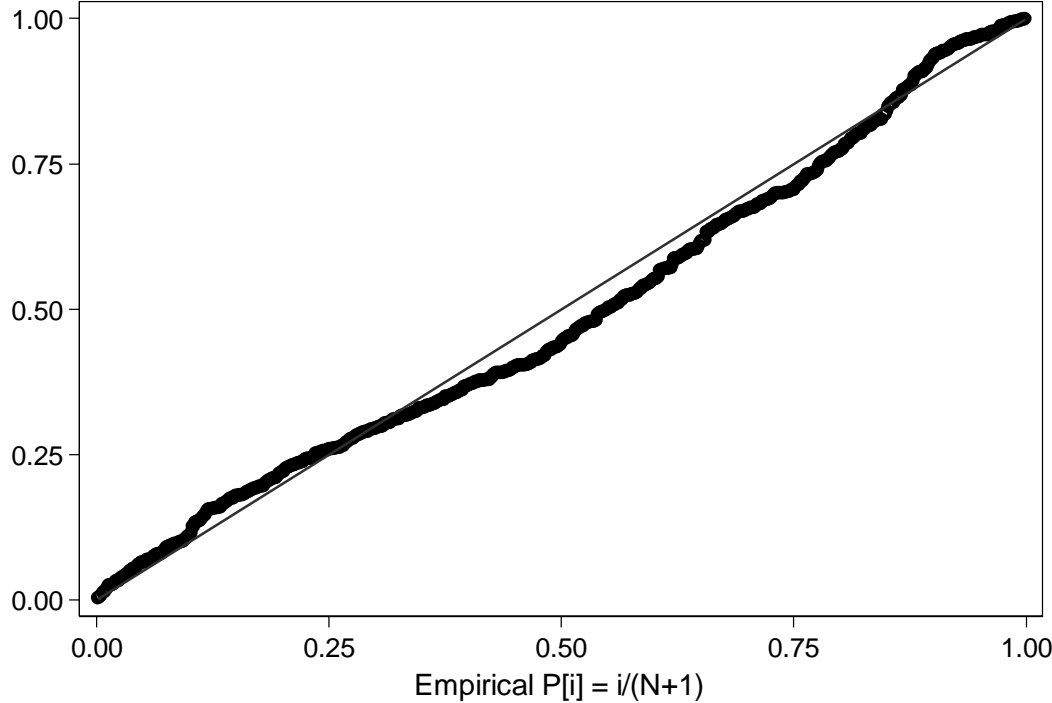
2. Violation of Homoskedasticity and justification for robust standard errors

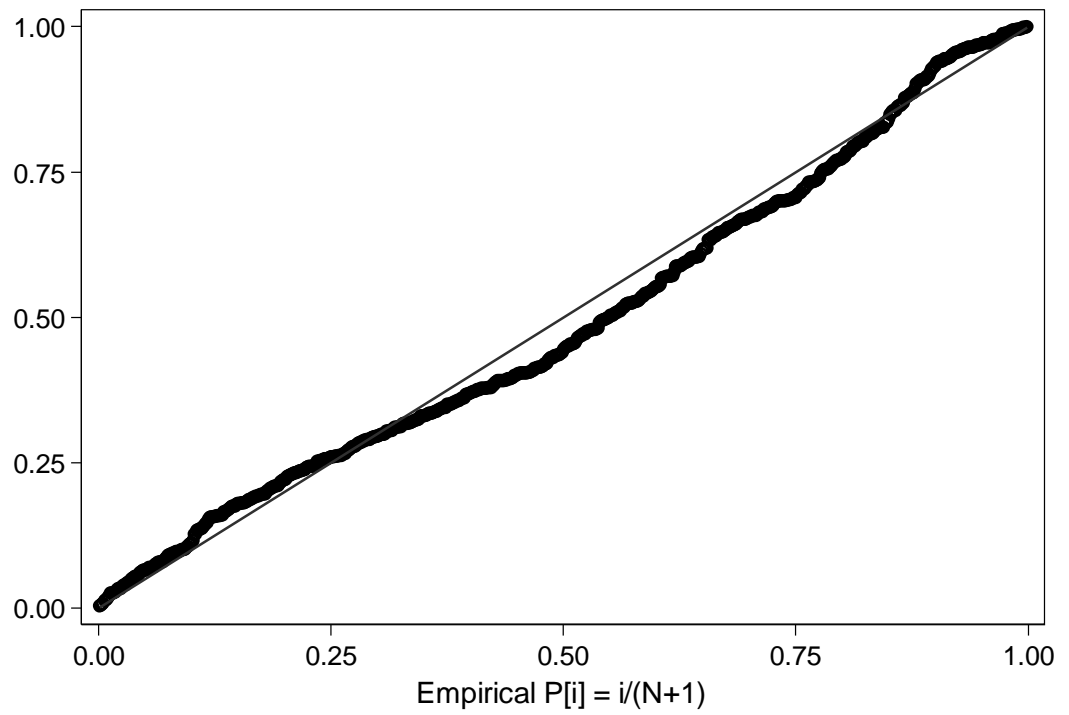


3. Model fit/functional form (appears to be appropriate) and test of outliers (do not appear to be problematic)



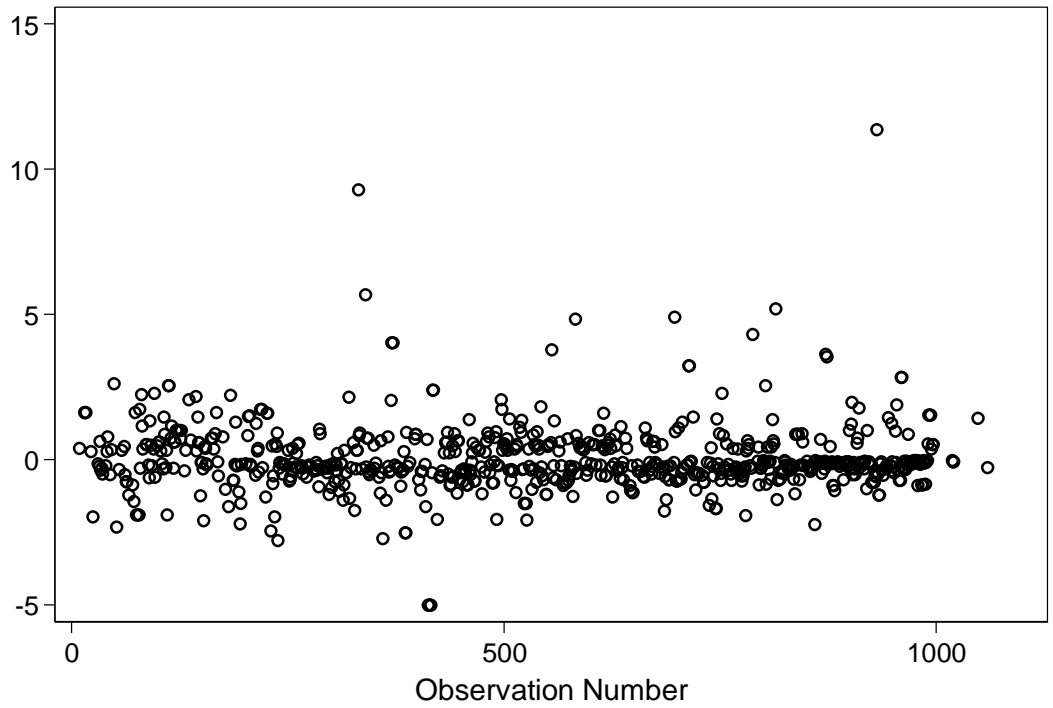
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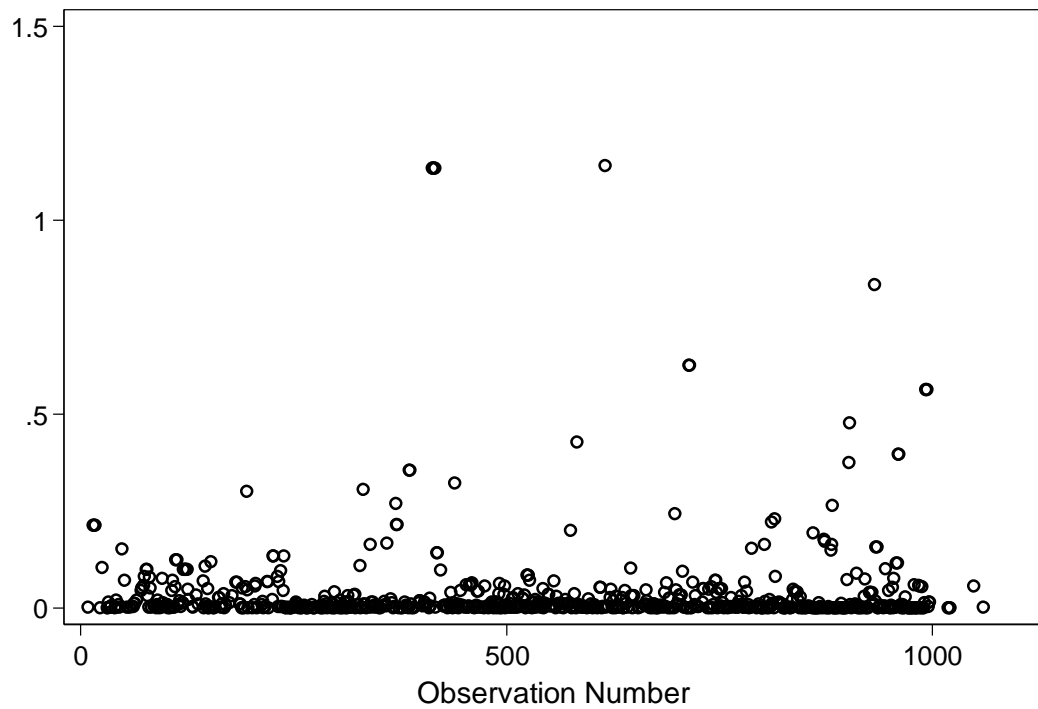




F. Combination Peace Model Diagnostics (for Event Year Category in **Model 5**)

1. Outliers (appear to be somewhat problematic)



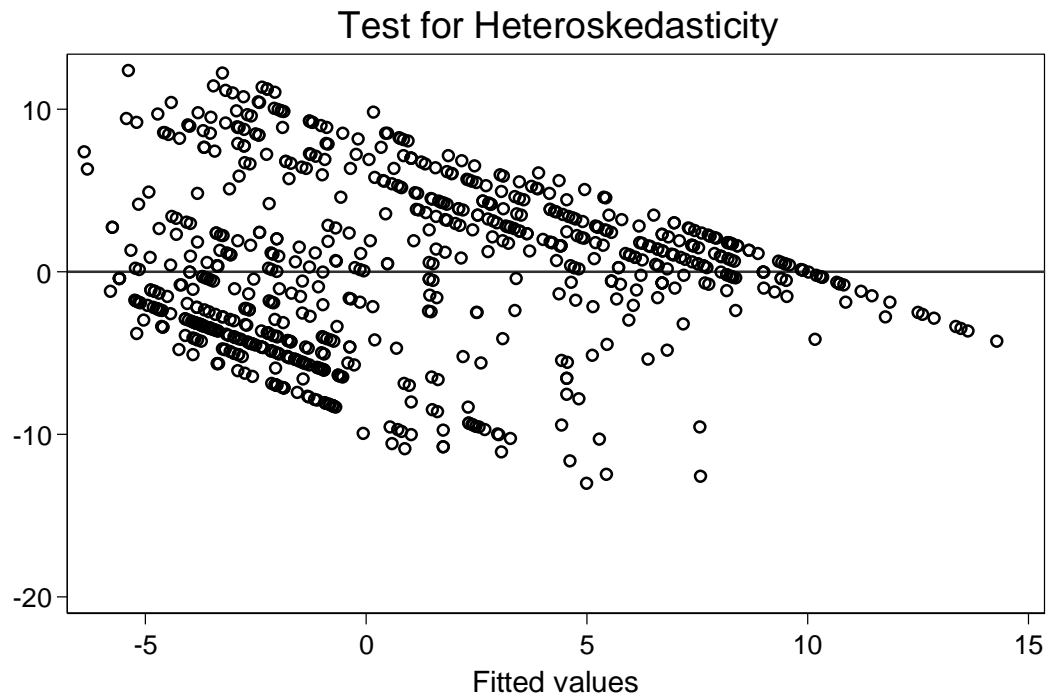


G. Combination Democracy Model Diagnostics (for Event Year Category in **Model 6**)

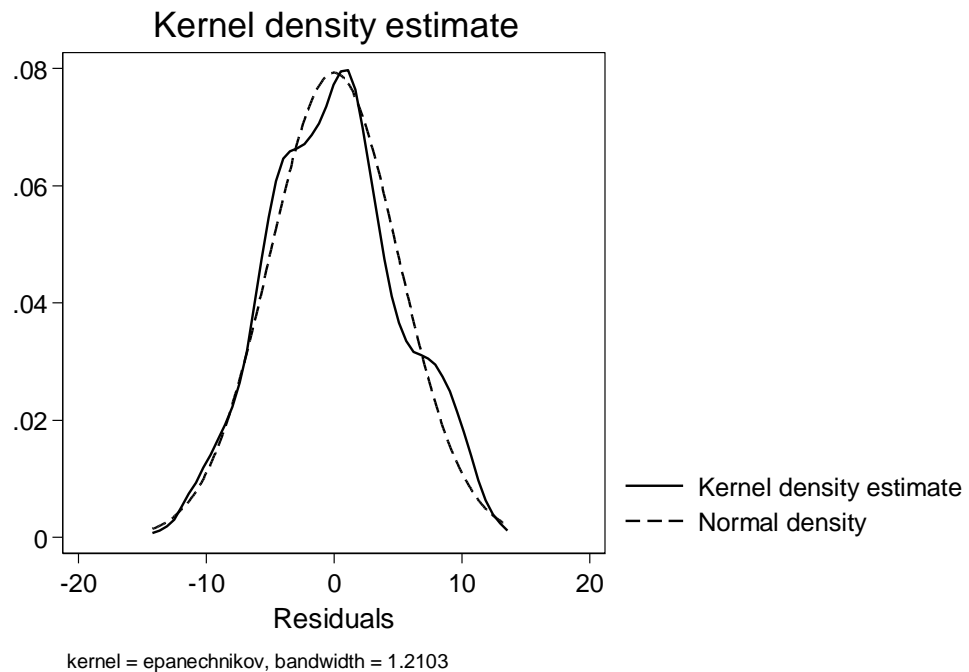
1. Multicollinearity

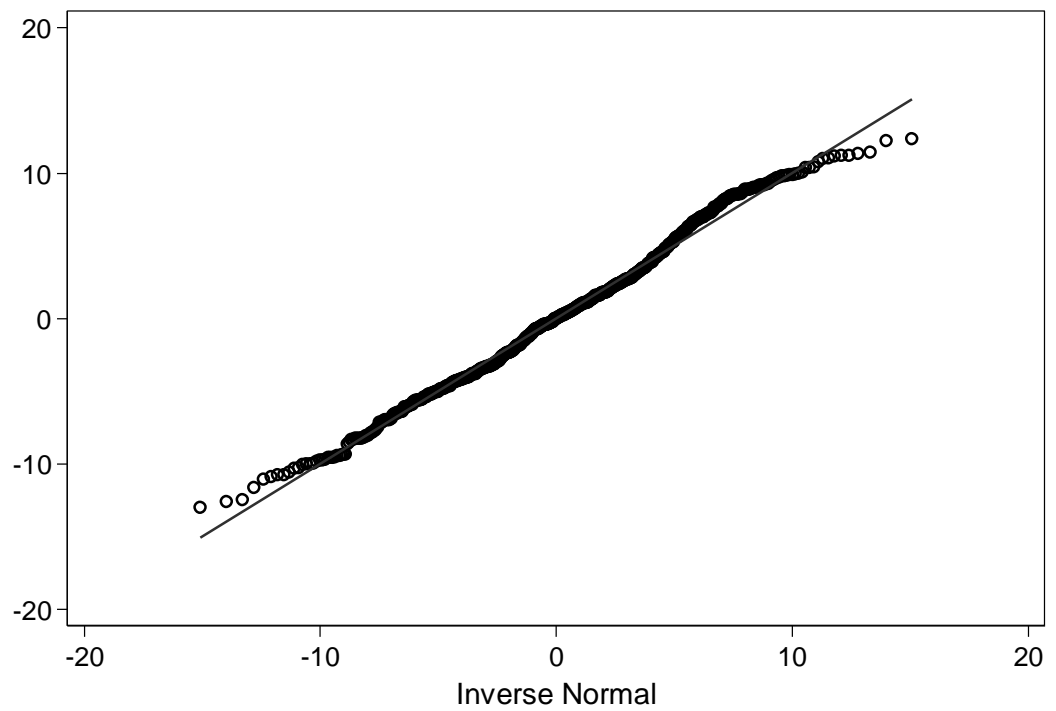
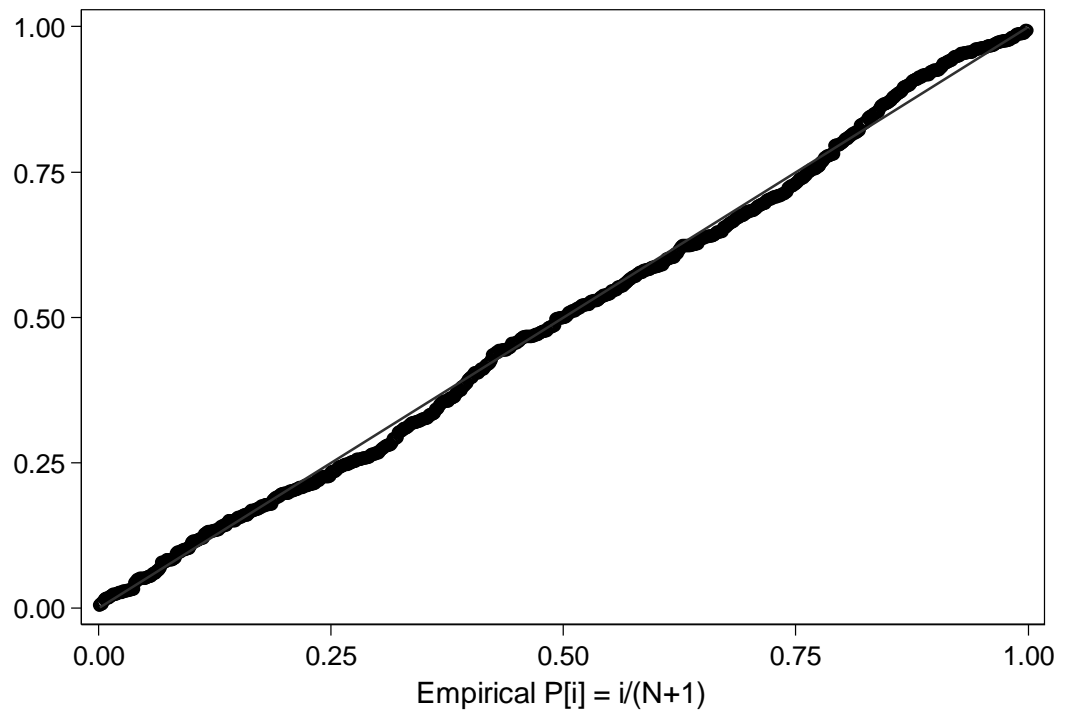
Variable	VIF	1/VIF
tctrials	1.96	0.509435
tcamnesty	2.19	0.456691
tclust	1.59	0.627038
tcrep	1.54	0.647809
lecon2	2.14	0.467684
hr2	1.90	0.526616
peace2	1.66	0.601179
nregion		
1	37.14	0.026925
2	44.36	0.022544
3	30.06	0.033269
4	3.96	0.252757
5	9.11	0.109751
6	18.45	0.054201
mechtarget		
1	2.61	0.383595
2	2.48	0.403534
Mean VIF	10.74	

2. Violation of Homoskedasticity and justification for robust standard errors



3. Model fit/functional form (appears to be appropriate) and test of outliers (do not appear to be problematic)



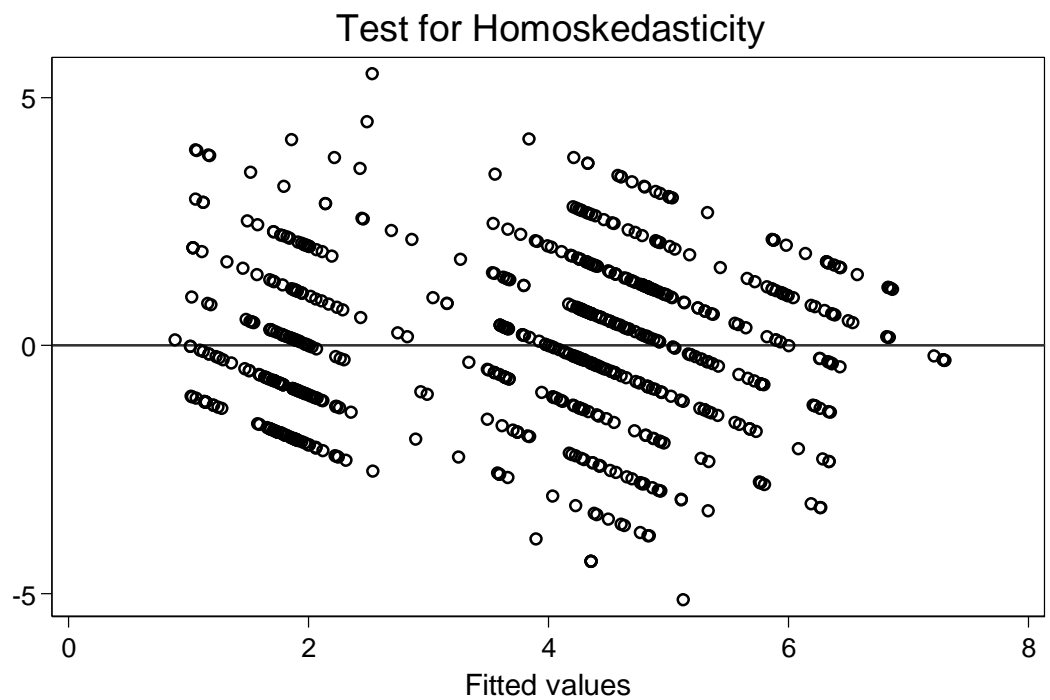


F. Combination Human Rights Model Diagnostics (for Event Year Category in **Model 7**)

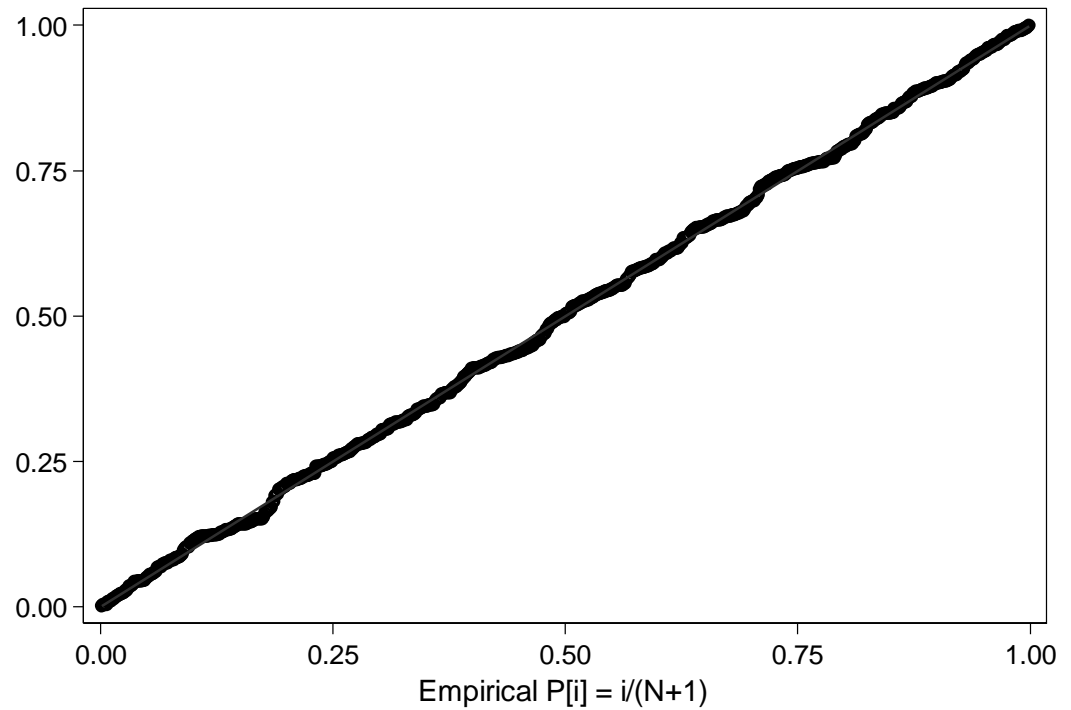
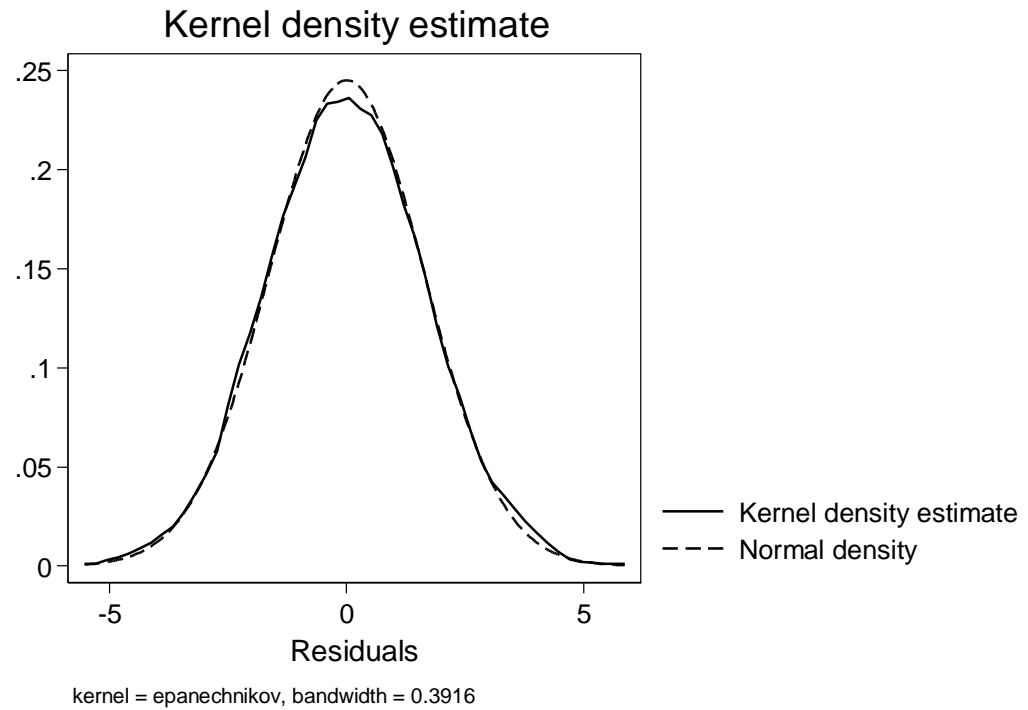
1. Multicollinearity

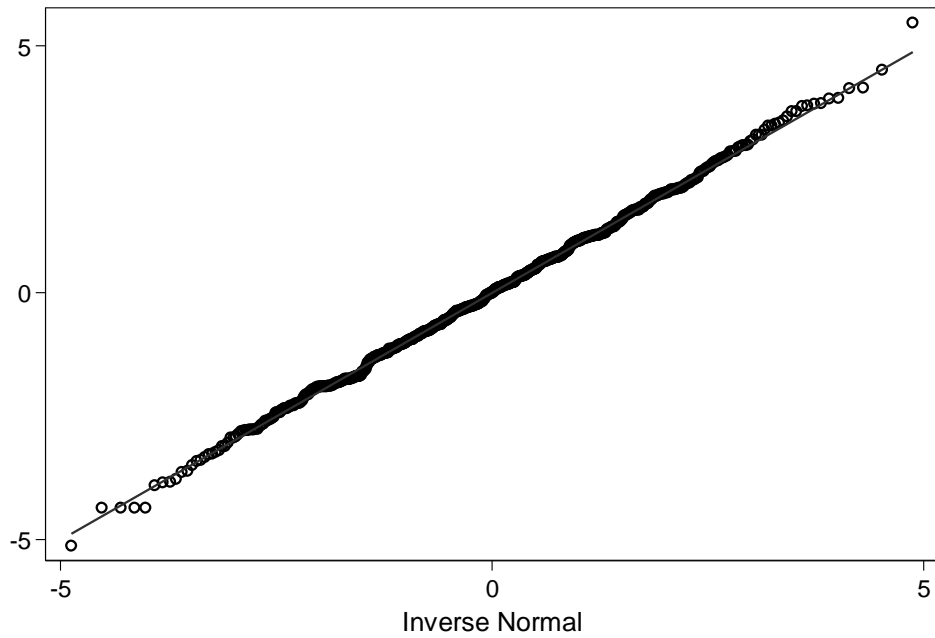
Variable	VIF	1/VIF
tctrials	1.96	0.509805
tcamnesty	2.18	0.458182
tclust	1.59	0.627470
tcrep	1.56	0.641395
lecon2	2.19	0.455586
polity2	1.76	0.568614
peace2	1.15	0.870566
nregion		
1	36.99	0.027032
2	44.56	0.022444
3	29.90	0.033446
4	3.96	0.252699
5	9.11	0.109724
6	18.43	0.054245
mechtarget		
1	2.60	0.384203
2	2.52	0.396686
Mean VIF	10.70	

2. Violation of Homoskedasticity and justification for robust standard errors



3. Model fit/functional form (appears to be appropriate) and test of outliers (do not appear to be problematic)



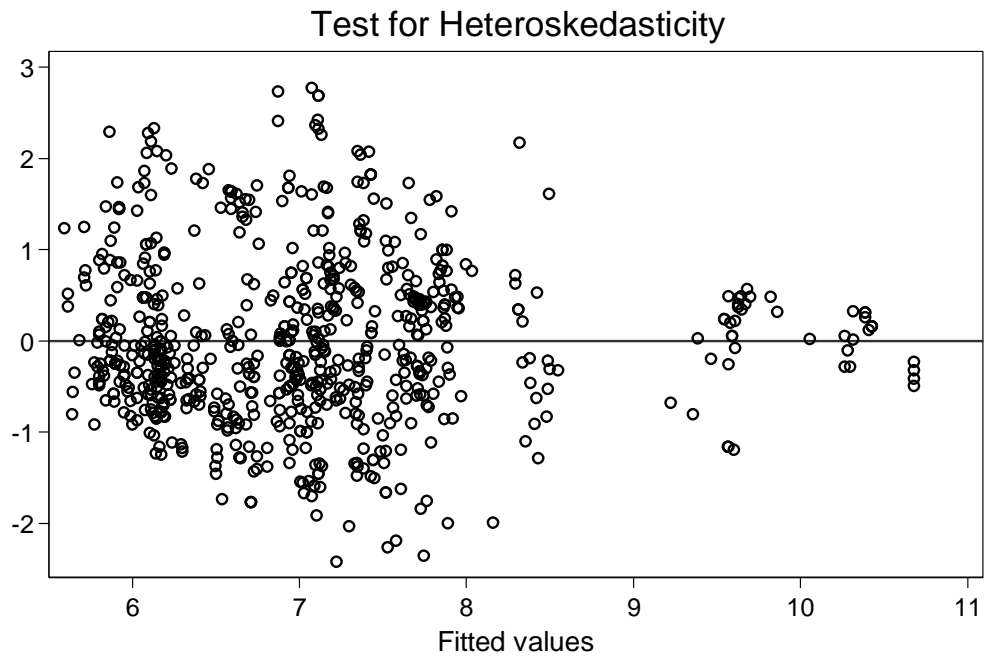


G. Combination Human Rights Model Diagnostics (for Event Year Category in **Model 8**)

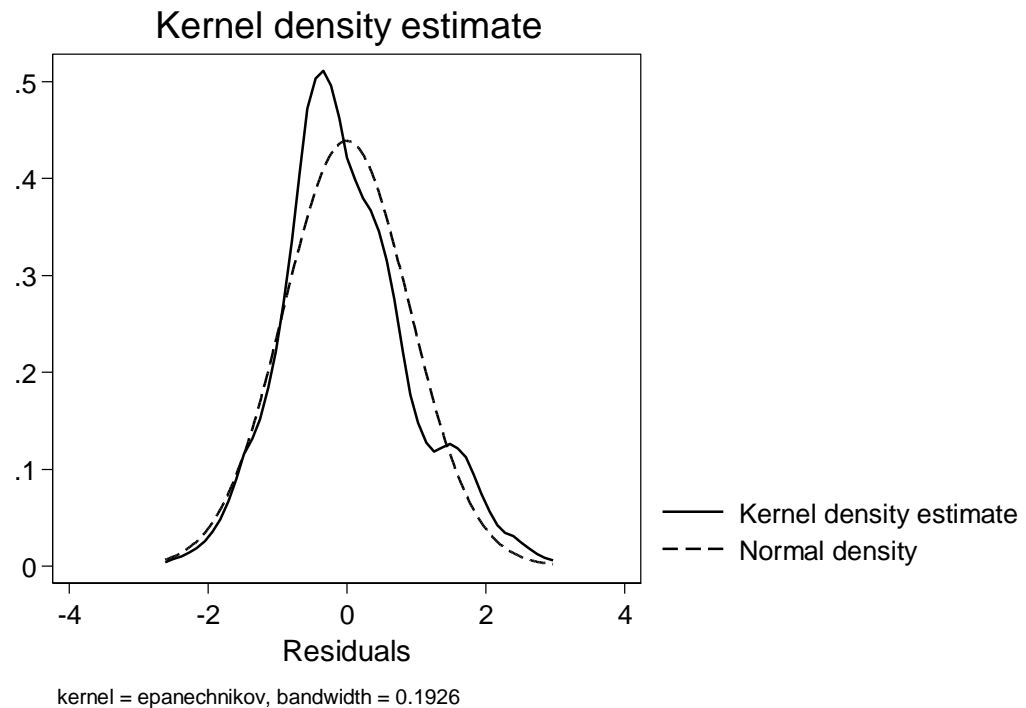
1. Multicollinearity

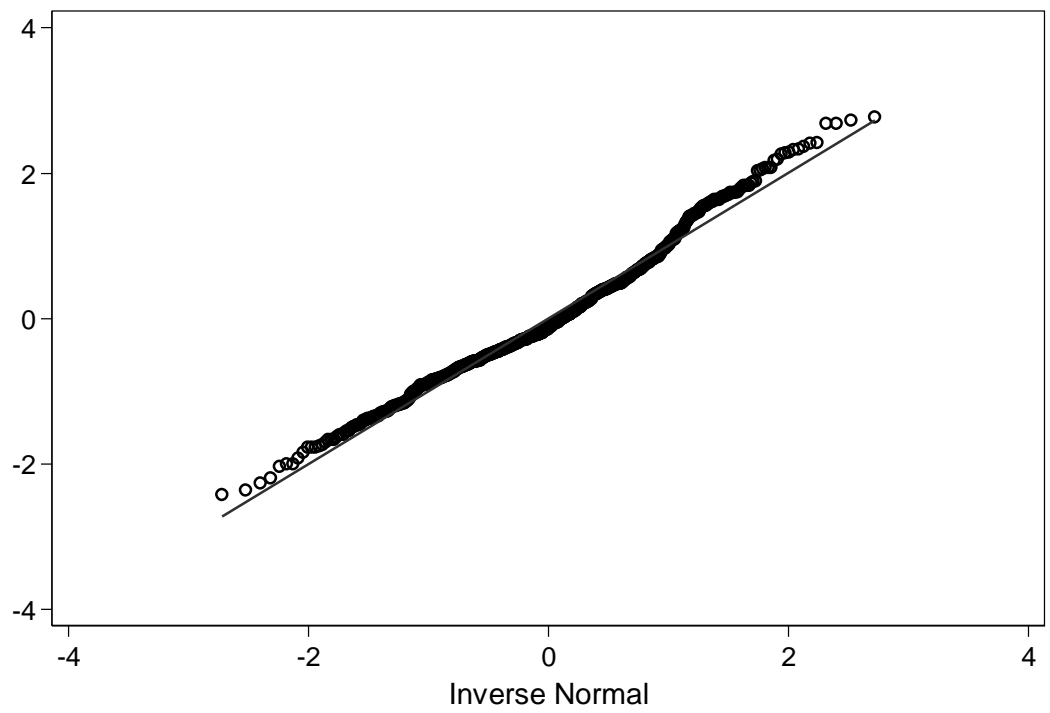
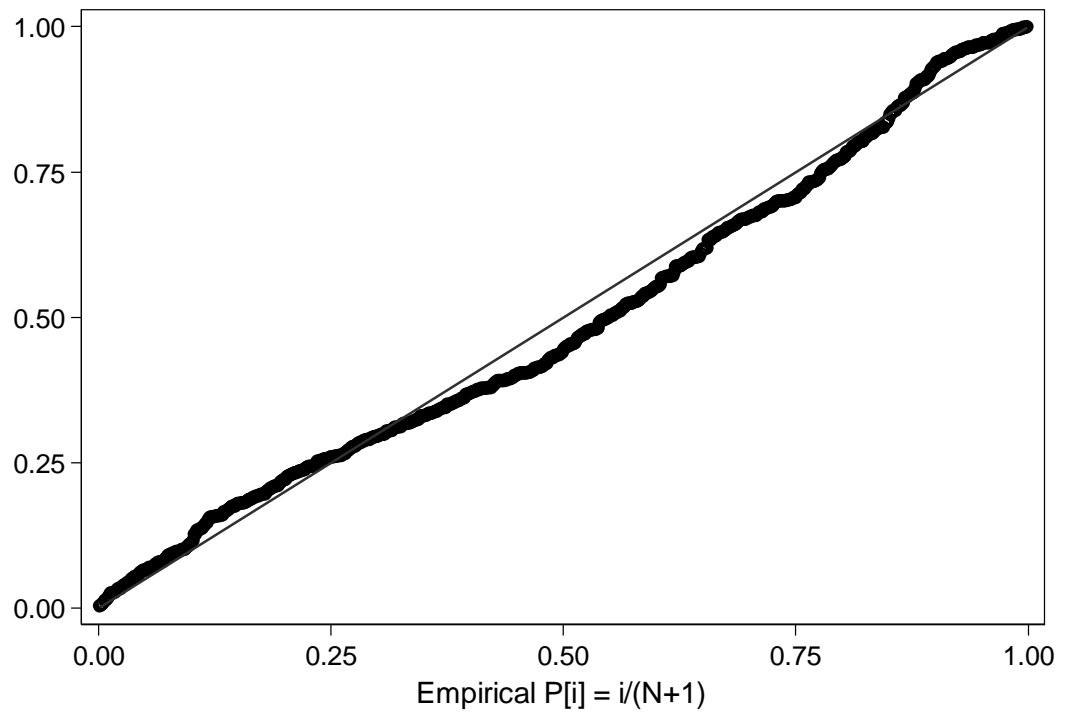
Variable	VIF	1/VIF
tctrials	1.96	0.508964
tcamnesty	2.19	0.457084
tclust	1.59	0.629160
tcrep	1.53	0.654484
hr2	1.94	0.515515
polity2	1.75	0.571409
peace2	1.67	0.599611
nregion		
1	37.28	0.026825
2	44.43	0.022508
3	30.06	0.033268
4	3.80	0.263169
5	8.92	0.112124
6	18.45	0.054210
mechtarger		
1	2.59	0.385730
2	2.51	0.398105
Mean VIF	10.71	

2. Violation of Homoskedasticity and justification for robust standard errors



3. Model fit/functional form (appears to be appropriate) and test of outliers (do not appear to be problematic)





Appendix D

Study Survey & Interview Consent Form

Dear Participant:

You are invited to participate in a research study that explores how the *gacaca* courts have contributed to reconciliation in post-genocide Rwanda. You can decide not to participate. The following information is provided in order to help you make a decision whether or not you would like to participate. If you have any questions, please do not hesitate to ask.

Project: Did the *Gacaca* Courts Promote Peace, Justice, and Reconciliation in Post-Genocide Rwanda?

Purpose of the study: This study is an aspect of a dissertation focusing on what builds peace in the aftermath of war. In particular, this study is interested in exploring the ways in which the *gacaca* courts have contributed to social and political reconciliation in post-genocide Rwanda. As part of a broader dissertation that examines the effectiveness and use of different transitional justice mechanisms worldwide (e.g., international criminal tribunals, truth commissions, amnesty provisions), the *gacaca* courts are used as a case study to explore whether hybrid approaches to transitional justice can work and whether the *gacaca* courts can be replicated in other post-conflict societies coming to terms with a legacy of human rights abusers and atrocities.

Procedures: This interview will take approximately 15 to 20 minutes to complete. You will be asked a series of questions that ask your opinion and views on the *gacaca* courts.

Risks and/or discomforts: Some questions may create difficult memories. If you feel as if you would like to stop the interview, you can do so at any time. You are more than welcome to end the interview at any time.

Confidentiality: Your answers and information will be kept confidential. To ensure so, you are assigned a participant identification number, which will enable me to input and code your answers anonymously. After inputting the data, I will destroy all records I have.

Benefits: The information gained from this study will help scholars, policymakers, and practitioners better understand what builds peace in the aftermath of war. In particular, your responses will help establish whether the *gacaca* courts can be replicated elsewhere. Your answers will also provide real-life data that is missing in existing studies.

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Appendix E

Semi-Structured Interview Questions

(All interviews were conducted by the author in English or through a translator)

Date of Interview:

Participant ID:

Demographic Data

Age:

Sex:

Profession/occupation:

Place of residence:

Highest level of education:

Background Specific Questions

1. For starters, could you please give me a brief description of your experience with the *gacaca* courts?
2. Were you a participant?
3. How many cases did you witness?
4. What kinds of cases were held here?
5. Do you think that most people were satisfied with the process?

Gacaca Specific/Transitional Justice Questions

1. It is my impression that the *gacaca* courts were an important step for Rwandans to move past the genocide. In your opinion, how has *gacaca* contributed to reconciliation? What else contributed to Rwanda's post-genocide emergence?
2. In what ways has *gacaca* built positive relations? Are there still underlying tensions? Was there any viable alternative to *gacaca*, in your opinion?
3. Based on your personal experience, what are two or three strengths of the *gacaca* courts? What are two or three challenges?
4. Could you please comment and/or give your opinion on the following questions:
 - What are two or three ways in which *gacaca* has contributed to human rights in Rwanda? Can you give me concrete examples?

- What is justice, and what does justice mean to you? What are two or three ways that *gacaca* has helped promote justice since the genocide? Can you give me concrete examples?
- What are two or three ways in which *gacaca* has contributed to better relationships in Rwanda since the genocide? Can you give me concrete examples?
- What are two or three ways in which *gacaca* is associated with economic development in Rwanda since the genocide? Can you give me concrete examples?

5. Other countries in Africa, notably South Africa, have had a positive experience dealing with the past. Desmond Tutu said that it's better to remember the past, rather than forget, in order to move forward. Can you give me two or three reasons why this is important? Or, can you give me two or three reasons why you think otherwise?

6. Did *gacaca* help uncover what happened during the genocide? Has this process met your needs? What about victims and their families?

7. Would you recommend this process to another country emerging from a period of war? How would a system similar to *gacaca* be beneficial?

Appendix F

Survey Form A

1. What is your age? _____
2. What is your sex?
 - 1) Male
 - 2) Female
3. What is your highest level of education?
4. What is your occupation? _____
5. What is your place of residency? _____
6. Did *gacaca* work in your local community?
 1. Agree
 2. Disagree
 3. I don't know
7. Were people satisfied with the verdicts reached by *inyangamugayo*?
 1. Agree
 2. Disagree
 3. I don't know
8. Did *gacaca* promote national unity?
 1. Agree
 2. Disagree
 3. I don't know
9. Did *gacaca* establish the truth about what happened in your village during the genocide?
 1. Agree
 2. Disagree
 3. I don't know
10. Are there still underlying tensions/feelings of distrust in your community?
 1. Agree
 2. Disagree
 3. I don't know
11. Did *gacaca* do a good job investigating crimes committed in your village?
 1. Agree
 2. Disagree
 3. I don't know
12. Did *gacaca* meet your needs?
 1. Agree

2. Disagree
3. I don't know

13. People told lies.

1. Agree
2. Disagree
3. I don't know

14. People felt threatened.

1. Agree
2. Disagree
3. I don't know

15. There was false evidence or testimony presented.

1. Agree
2. Disagree
3. I don't know

Appendix G

Survey Form B

1. What is your age? _____
2. What is your sex?
 - 3) Male
 - 4) Female
3. What is your highest level of education?
4. What is your occupation? _____
5. What is your place of residency? _____
6. Did *gacaca* work in your local community?
 1. Agree
 2. Disagree
 3. I don't know
7. Were people satisfied with the outcomes of *gacaca*?
 1. Agree
 2. Disagree
 3. I don't know
8. Did *gacaca* promote reconciliation between victim and perpetrator?
 1. Agree
 2. Disagree
 3. I don't know
9. Did *gacaca* uncover what happened during the genocide?
 1. Agree
 2. Disagree
 3. I don't know
10. Are there still underlying tensions/feelings of distrust in your community?
 1. Agree
 2. Disagree
 3. I don't know
11. Did *gacaca* do a good job investigating crimes committed in your village?
 1. Agree
 2. Disagree
 3. I don't know
12. Did *gacaca* allow you to move forward?
 1. Agree

2. Disagree
3. I don't know

13. People told lies.

1. Agree
2. Disagree
3. I don't know

14. People felt threatened.

1. Agree
2. Disagree
3. I don't know

15. There was false evidence or testimony presented.

1. Agree
2. Disagree
3. I don't know

Appendix H

Interview Methods Table

ID	Interviewee	Status	Source/Loc*	Format	Length**
1	<i>Gacaca</i> judge	Conducted via email & in person	Sample (R)	Semi-structured	1hr
2	<i>Gacaca</i> judge	Conducted via email & in person	Sample (K)	Semi-structured	1hr
3	<i>Gacaca</i> participant	Conducted in person	Sample (R)	Semi-structured	45min
4	<i>Gacaca</i> participant	Conducted in person	Sample (R)	Semi-structured	40min
5	<i>Gacaca</i> attendee	Conducted in person	Sample (R)	Semi-structured	15min
6	<i>Gacaca</i> participant	Conducted in person	Sample (R)	Semi-structured	20min
7	<i>Gacaca</i> attendee 1hr15min	Conducted in person	Sample (R)	Semi-structured	
8	<i>Gacaca</i> attendee	Conducted in person	Sample (K)	Semi-structured	35min
9	<i>Gacaca</i> participant	Conducted in person	Sample (K)	Semi-structured	15min
10	<i>Gacaca</i> attendee	Conducted in person	Sample (R)	Semi-structured	30min
11	<i>Gacaca</i> attendee	Conducted in person	Sample (R)	Semi-structured	45min
12	<i>Gacaca</i> attendee	Conducted in person	Sample (K)	Semi-structured	1hr15min

*Interviews conducted in Ruhengeri are marked by a (R); those conducted in Kigali are marked by a (K)

**All times were rounded up to the nearest five-minute interval.

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