Annotated Bibliography for the evidence paper ‘Local Understandings and Experiences of Transitional Justice’

July 2013

This article examines the impact of international criminal justice on post-conflict peace building and reconciliation, using the examples of the ICTR and ICTY. It finds that these mechanisms significantly contribute to these goals and, it is argued, support the development of a sense of international criminal accountability. The author also proposes a framework for assessing the power of such justice mechanisms in preventing the resumption of large-scale, systematic atrocities.

This article effectively demonstrates that the ICTR and ICTY have had far reaching effects in their respective societies, and that these have contributed to some level of conflict prevention, though this relies largely on compelling- though antecdotal - evidence. Though it cautions against drawing a linear, causal relationship between these factors, this article fails to consider other forces that may have contributed to this outcome.

Though the author notes that this article conducts an “empirical” analysis of these justice mechanisms, it is entirely unclear how this is carried out as methodology, bias, and limitations are never discussed, and assessing the representativeness of the information employed is impossible. It seems the article works largely from news reports and existing literature to draw its analysis. Whilst in doing so it presents a relatively small amount of local level data, its analysis is very thorough and insightful.

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Bibliography of the debate on the historical significance of the South African Truth and Reconciliation Commission.

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Criticizing arguments made against the Iraqi Special Tribunal, the author supports the creation of the IST as an independent court by examining its Statute. A key argument being that the imposition of artificial standards and the complete revocation of the pre-existing Iraqi judicial structures would have created a process deemed legitimate by the Iraqi people and judiciary that would have undermined the establishment of the rule of law in Iraq.

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This paper argues that addressing the twin issues of justice and reconciliation through the TRC and Special Court is necessary, but not sufficient. According to the author, of greater import, if peace is to be consolidated, is addressing the causes of the war, which by ‘popular consensus’ lie in a combination of bad governance, the denial of fundamental rights, economic mismanagement and social exclusion in the context of any peace-building initiatives.

The author deploys a reasonable amount of knowledge yet fails to provide details on how such knowledge was obtained. Whilst the information displayed about Kpaa Mende clearly came from some form of empirical research, this is rarely made clear in the text. The piece is written in a very ‘factual’ manner yet this is not substantiated by clear evidence. The strength if this piece is the clarity with which it discusses the subject matter; but this is at the cost of detailed and substantiated analysis.


In order for East Timor to move forward in its transition, the issue of gender-based violence must be addressed seriously. The impunity and lack of attention given to sexual violence during the conflict is a major problem, but the endemic problem of domestic violence also needs to be addressed. Violence against women is a violation of their human rights and should be treated as such.

Antipathy towards ICC intervention in Uganda is misplaced. Most Acholis want those responsible for terrible crimes to be held to account and in Northern Uganda it is possible for trials to contribute to peace-building.


By reflecting on the journalistic account of the Rwandan genocide that emphasizes the ethnic dimensions of the violence, the author draws attention to the possible pitfalls of the state-centric, ethnically neutral approach of the ICTR. Provides an interesting and intelligent argument primarily based on legal scholarship, but does not provide actual empirical evidence.

The purpose of this article is to challenge the singular approach to reconciliation through the use of judicial mechanisms that are blind to and ineffective with respect to certain crimes, and instead to promote creative approaches focused on grassroots social repair. The Extraordinary Chamber’s narrow mandate precludes the possibility of prosecuting those who actually perpetrated the sexual crimes - the lower-level cadre.


The case studies reveal how truth initiatives are politicized and how politics interfere with a truth commission’s effort to produce a consensus history, end violence or afford reconciliation. The authors suggest that while confronting the past risks undermining the work of transition architects, it may eventually contribute to transforming and strengthening democracy.

This article examines local level approaches to transitional justice and post-conflict community rebuilding. Using the case of Guatemala, it argues that local mechanisms are comparatively more advantageous in helping repair social fabric following horizontal conflict. In making these claims, the author heavily critiques truth commissions and national, international, and hybrid tribunals with potentially true although unspecific points and identifies the problems inherent in reparations programmes. This work feels contradictory, however, as it both cautions against the use of traditional justice tools (in Guatemala - houses of memory, exhumations) and forcefully argues for their merit as tools of community rebuilding.

In addition, the article does not clearly explain why localized processes, which it admits dredge up painful memories, can promote communal healing rather than further entrenching divisions. The author makes a tacit argument for local community rehabilitation hybridized between traditional and formal approaches, though this is not emphasized in the work.

This work does not present a clear methodology and seems to rely on the data provided by secondary sources. It is possible that some of its information on specific aspects of Mayan ritual and Guatemalan traditions is based in primary research, but this is entirely unclear.

This article compares the ICTY and the SCSL to examine local perceptions of the legitimacy and impartiality of these mechanisms and their larger impact on reconciliation. Through the side by side comparison of these cases, this article offers only a small amount of new insight. Its emphasis on the importance of legitimacy of justice mechanisms is hardly unique. Furthermore, its assertion that localised views on the ICTY/SCSL could approximate views on the ICC is an interesting, though controversial, point that needs much more substantiation than it received.

This work is based on public opinion surveys and grey literature, as well as the fieldwork of others presented in existing literature. This article does not discuss the methods by which the evidence was obtained and, despite the title, does not offer any new, local-level data.


AU High-Level Panel findings on Darfur. Ultimately the underlying demand for justice comes principally from the victims of the conflict. Their confidence in any national response needs to be rebuilt with credible measures which ensure their meaningful participation in the proceedings.

The article enumerates the factors that promote and hinder involvement by non-state actors in transitional justice processes and discusses the role that NGOs play, the repercussions of their activities and their relations with government with respect to paths of political development.


The victims expressed a strong desire for past harms and losses to be addressed, but were skeptical that the transitional justice mechanisms in Kenya would effectively meet their expectations.

The article concludes that rigorous, longitudinal studies are needed to document transitional justice phenomena and their impact.

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The Ugandan and Burundian contexts demonstrate that the US should transform its justice narrative from one of criminal prosecution to one of community reconciliation.

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The cosmological perspectives of the war-affected in northern Uganda reveal how social repair occurs at the micro-level within societies. More attention should be paid to such socio-cultural processes in transitional justice policies.
Based on field research, this book reveals the surprising variety of people involved in policing besides the state police. The chapter on Sierra Leone is a case study which provides a detailed understanding of the degree of multi-choice policing in the country and its contrasts to Uganda.

Most respondents (96%) are aware of the SCSL but only 2/3 of those aware think positively about it. 89% of respondents are aware of the TRC but less than 25% know of its recommendations (most likely the elite). With high literacy rates, broadcast media should be utilised to increase awareness.
Civil society has established initiatives to investigate human rights violations (unofficial truth projects) in a way that resembles official truth commissions, having advantages but also limitations if compared to TCs.


How insightful in terms of data/information? A considerable amount of new evidence presented
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The TRC was not very successful at uncovering the truth about sexual violence under apartheid, due to the definitions of violations, victims and eligibility to amnesty used by the Commission.

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Transitional Justice can make modest contributions to addressing SGBV. (equates the ICC with TJ) Complex political crises and underlying causes of violence have to be addressed in addition to criminal symptoms.

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This article outlines the steps that could be taken to analyze the longer-term effects of TCs on transitional societies. It identifies the implementation record, human rights, and trust as variables
with which to assess impact and predicts that the nature of the mandate, relationship to the public, and the make-up of the commission will influence effectiveness.


Analysis of the political effects and consequences for peace and justice of the ICC’s intervention in northern Uganda. Concludes that the ICC has been instrumentalised by the Ugandan Government and that ICC intervention has led to a depoliticization of victims by promoting a political dependency mediated by international law.


Resistance to truth recovery in Northern Ireland is based on the idea that it will be biased toward Republicans, it will exacerbate tensions, and it will disrupt the loyalist community. Future prospects for truth recovery depend on the willingness of all parties to engage in such a process and to weigh the potential risks against the restorative value.

This book is a collection of essays written by scholars, pundits, activists, and political leaders concerning claims from around the world that seek redress for human injustice. The book also includes the voices of the victims of some of the world's worst atrocities, thereby providing a panoramic perspective on an international controversy often marked more by heat than reason.


A psychological study on the relationship between PTSD levels and involvement in Rwandan gacaca courts. The findings show that contrary to the hypotheses of existing literature, witnesses and judges involved in the gacaca proceedings show higher levels of PTSD. The author hypothesizes a link between the protracted nature of the gacaca proceedings and the increased PTSD levels.

Although the author states that she does not wish to evaluate the TRC, she questions, based on her findings, the idea that the South African Commission truly contributed to reconciliation, due to the many negative responses of the survivors interviewed.


Based on a series of case studies, post-conflict societies can create systems of justice and security that ensure basic rights, apply the law impartially, and enjoy popular support. However, the effectiveness of military, police, and judicial reforms have been limited in practice, largely as a result of political obstacles, state incapacity, and a preference for local justice mechanisms.

The Cambodia Constitution requires that Cambodia not pursue policies that undermine truth or healing. However the Extraordinary Chamber's failure to safeguard the impartiality and legitimacy of the tribunal will undermine these principles. The Cambodian government should supplement its tribunal with mechanisms to promote reconciliation.


In proposing a theory of 'post-transitional' justice the author suggests that the domestic mix of actor demands, judicial culture, and political-institutional constraints are crucial in explaining why some countries have experienced a successful and largely peaceful reopening of the human rights question while others have not.

Based on the data collected, the article argues that the TRC’s approach to forgiveness and healing was not efficient in the case of South Africa.


Despite a significant amount of data collection, the South African TRC failed in its mission to reveal the causes of human rights violations. This case demonstrates that data collection alone will not reveal “macro-truths,” rather, a data collection system must focus on determining ultimate responsibility for human rights abuses.

This article is valuable in that it provides a personal victim account of the need for the Extraordinary Chambers in the Courts of Cambodia. The main argument is that the tribunal will put many questions regarding the culpability of the Khmer Rouge to rest through the form of a legal judgment, and that only the tribunal can help victims find answers by bringing forward the truth for all to see.


The article raises problems of accountability with private military companies, implementation of soft law in the security sector and attitudes about police. It argues that security sector reform is necessary to address SGBV and must involve all stakeholders including civil society and women’s voices.

This article explores how local communities, independently of the state, have gone about dealing with the past through collective memory mechanisms. It concludes that such activities can be effective for reconciliation and healing within communities but may not be effective for the nation as a whole.


The article argues that gacaca should be understood as a hybrid mechanism with hybrid objectives of restorative and punitive justice. It also argues that punishment becomes a central part of the restorative nature of the mechanism along with the participatory aspect of gacaca.

Based on data collected through 171 interviews in BiH in 2008, the author concludes that the ICTY plays a limited role in the process of reconciliation as three ‘truths’ currently exist, denial is rampant, and a lack of contact between the formerly warring parties perpetuates such divisions and blocks reconciliation between groups. Constitutional reform is necessary to undermine patterns of separation and a TRC is necessary to complement the work of the ICTY.


This volume, comprised of chapters by various scholars on issues related to the Rwandan genocide and its aftermath, ultimately argues that "transitional justice" is an insufficient term to describe the dynamics of post-conflict societies and that the term "post-conflict reconstruction" may be more useful. Different chapters use different research methods.

Through 171 qualitative interviews in May and August of 2008 in BiH, the author concludes (using the ICTY as a case study) that the four most common achievements of criminal trials claimed by their proponents (that they dissipate calls for revenge, individualize guilt, establish a historical record and contribute to reconciliation) are in most cases problematic and not supported empirically. This underscores the need for more realistic expectations, a complementary TRC, as well as further micro-level examinations of purported achievements.


The success of the Gacaca courts in providing pragmatic and profound results of reconciliation in many Rwandan communities must be recognized, along with the limitations associated with this locally based process.

Central struggles are over the place of the victims and how best to treat them as social, political beings. The way forward is not to eradicate the ICC but to think more precisely about the meaning and enactment of justice and politics in local contexts.


This book explores how notions of justice are negotiated through everyday micropractices and grassroots contestations. The author details the ways that justice, as a social fiction, is made real within particular relations of power.

This book examines the effectiveness of different ways of dealing with the aftermath of genocide and violence committed during deep inter-group conflicts. Cobban discovered that in terms of both moving these societies forward and satisfying the needs of survivors, war crimes trials are not the most effective path. This work provides strategic historical context and includes interviews with a cross-section of the panoply of humanity that makes up any post-atrocity society.


The efforts of the Sierra Leone TRC to involve child participation were generally successful, but the results varied depending on the child participation agencies that cooperated with the Commission.

The article argues that the gacaca courts will ultimately undermine the security of Rwanda because they will aggravate the ethnic fault lines in society. Instead of breaking the cycle of ethnic mobilisation, they will serve to reinforce the longstanding grievances between ethnic groups. The primary reason for this argument lies in the fact that the government differentiates between 'war crimes' committed by the RPF and crimes of genocide.


This article explores the institutional limitations of truth commissions to understand the complexity of these relations. The author also proposes that anthropological data collection through participant observation and through research by commissions (though partial) offers a possibility of politically engaged anthropology that promotes human rights as a set of ideals.

This article examines the effect of the Urgent Interim Reparations Programme (UIR) that was mandated as part of South Africa’s TRC law. It draws on interviews conducted with individuals deemed to be victims by the TRC and who had participated in the UIR programme - this article is a bare-bones account of the findings of these interviews accompanied by a brief discussion.

The author interprets the respondents views of the UIR programme within the frame of Manslow’s hierarchy of needs, and groups them into two categories: one whose short term needs were met and one whose short and long term needs still required attention after the UIR period. Respondents often expressed disappointment in not meeting their perpetrators and the wish to participate in other aspects of the TRC, though agreed on the value of UIR as a part of the healing process. UIR is not, it is argued, a substitute for more long-term forms of healing, truth telling, or forgiving/forgetting. The author finds that reparations failed to alleviate family conflict (and at times worsened it) and that they also provoked complicated feelings of jealousy and mistrust from the surrounding community.

The author briefly addresses interview methodology and acknowledges the limited generalisability that results from her small, homogenous sample size. No mention of how potential the response of questioning poor populations about funding programmes is made.

A distinction should be made between impact assessment and evaluation, and the role of positivist approaches is best conceived of as contributing to the former. Evaluation should be undertaken by analysts willing to embrace and promote normative ideas. Article also presents a quantitative analysis of transitional justice impact to show how such a logic is good for grounding observers’ expectations for different types of transitional cases. Analysis demonstrates that TJ mechanisms do have a uniquely de-stabilizing effect.


This report tracks the progress of peace talks in the DRC since 1999 and their impact on justice and accountability. The study concludes that despite the numerous peace agreements and attempts at transitional justice, there has been little in the way of justice or sustainable peace in the Congo. This work touches on the peace - justice tension and notes that the prioritization of peace has contributed to an atmosphere of impunity. The authors attribute the failure of the truth commission to the undue influence of belligerents in its proceedings. This report references the importance of resources in fueling the conflict and providing many with enormous gains, and notes the near impossibility of bringing these individuals to justice. The authors provide a number of
recommendations for pursuing peace in the DRC as well as for specifically strengthening the peace accords.

This study is based on interviews conducted with numerous participants and facilitators of the Congo peace negotiations, including civil society, national/international facilitators, belligerents, and government. No mention however is made of including what could be considered ‘ordinary citizens’ or victims in this study, despite the fact that ultimately the authors attempt to extend their conclusions to Congolese society at large. Line-by-line citations do increase the transparency of this document as it is possible to see the specific source of each point made in the text. Despite this, the overall method of interviewing is not as clearly detailed as would be desirable, and no mention of potential bias is discussed.


Recommendations for the EU regarding Security Sector Reform (SSR). Argues that the SSR programs must incorporate justice-sensitive reform initiatives. Attention is drawn to the risk posed by security forces on the deliverance of justice (through trials), and the circumstantial difficulties (such as economic costs, location of courts, conditions of prisons) faced by ordinary Congolese citizens in utilizing the justice sector.

Wilson shows the TRC's restorative justice approach to healing South Africa did not always serve the needs of communities at a local level. Based on extended anthropological fieldwork, this book illustrates the impact of the TRC in urban African communities in Johannesburg. Wilson argues that the TRC had little effect on popular ideas of justice as retribution.


This volume serves as an encyclopedia of reparations. De Greiff compiles case studies and reproductions of basic documents on reparations in order to examine the history, design and implementation of reparations programs.


The author suggests that quantifying reparations can be difficult in cases where civilians were drafted into para-military services, where such individuals become both the aggressor and the

This short working paper argues that two rejections of responsibility for war crimes in the former Yugoslavia coming from Croats and Serbs are the denial of the acts/facts and the denial that such acts are in fact illegal and immoral. Such denials generate strong resistance from "extremists" to prosecution of war crimes through the ICTY.

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An account of the occurrences at the special court and at the truth and reconciliation commission, and showing how both can conflict with one another and create competing narratives of the conflict and differing assessments of blame.

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This chapter addresses the question of how to deal with legacies of mass violence and genocide in Indonesia and East Timor. Drexler explores the dense interconnections between institutions and representations, focusing on the inability of post-independence institutional responses to violence to curb state violence. She concludes that the very conditions that enabled mass violence to occur actually structure the representation of mass violence as well.


The article argues that the ICC has been an obstacle to peace in Uganda and Court must acknowledge its shortcomings or risk becoming irrelevant.

Based on personal experience of interviewing detainees in Kigali central prison as a defence lawyer, Drumbl highlights the procedural gap in criminal defence within Rwandan criminal law. As a further theoretical argument, he contends that retributive justice through trials should not substitute social reintegration, suggesting a power-sharing agreement and free democratic participation.


Reflections on the promise and pitfalls of evaluating transitional justice. The author argues that evaluation as a field of enquiry and practice is as varied in its methods and ideologies as is social science research.

This article proposes that no matter how transitional justice is defined, its links to development can be established and therefore transitional justice should be enacted, at a minimum, in a development-sensitive matter. The author further outlines ways in which the two affect and engage with each other and the benefits and risks of transitional justice directly addressing development issues.


This article focuses on the role of silence as a form of communication and as a pragmatic method for promoting coexistence between former foes in post war societies. The author argues that silence can offer an alternative perspective to hegemonic narratives. More broadly, the article concludes that transitional justice should not rely on standardized formulas, but rather consider diverse approaches to justice based on local contexts.
Eijkman, Quirine. 2010, ‘Recognising the Local Perspective: Transitional Justice and Post-Conflict Reparations’, *Global Jurist*, vol.10

There is no one-size fits all approach to post-conflict reparations in transitional societies, but there are some general lessons to be learned from the case of Bosnia and Hercegovina.

Interview with Salomon Lerner Febres who was the President of the Truth and Reconciliation Commission of Peru from 2001 to 2003.

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The author contends that while issues relating to ‘truth’ have been addressed by the Regitt Commission, the issue of torture on the other hand has not been sufficiently recognised by the new ‘democratic’ state. In Chile torture has remained hidden.

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Newspaper article on the significance and shortcomings of reconciliation in South Africa. Reconciliation does not equate to the work of the TRC. It rather means a collective undertaking to make history.

This article argues (theoretically) that international criminal justice presents a unique position for a victim constituency and that the nature of global crime requires a more victim-centered process.


This chapter examines how justice mechanisms have depoliticized the perpetrators. The author argues that each amnesty or related initiative of forgiveness is premised on a hierarchical relationship in which the rebels are reduced from political subjects to children or criminals. Finnstrom suggests both restorative and retributive justice can become weapons of war rather than tools of peacemaking.

Drawing upon concepts of 'intersectionality' and 'underenforcement' in transitional societies, the authors argue that women tend to be marginalized the most. One key recommendation being that there should be a broader understanding of transitional justice, such that it incorporates participation of women as equals.


The article poses the question: how does justice contribute to social reconstruction in the aftermath of mass violence? The author proposes an 'ecological' model of response to social breakdown, which locates justice in the web of possible interventions that must be addressed in order to promote social reconstruction.

This article views granting amnesty as an inherently unfair practice, and examines the impact of various forms of justice in compensating for this injustice. Using the South African case, it concludes that both distributive justice and procedural justice matter for the consideration of the fairness of amnesty. The author also finds that while amnesties remain relatively unpopular or are seen as necessary evils, supplementing them with other forms of justice can increase their acceptance within the population. The results identify reparations and public apologies as among the most powerful tools through which to accomplish this.

This work is based on the results of a 3700-respondent survey conducted in South Africa and was supplemented with interviews. The author claims the survey participants form a “representative sample” of adult South Africans, but does not explain this. The author also employs an experimental...
vignette as a research tool. Otherwise the author presents a clear research methodology that justifies the internal and external validity of his conclusions. This work presents a significant amount of local level data. It could be improved through a more in-depth analysis of the factors and biases that likely shaped respondents answers to the questions (i.e., Why do blacks support amnesty more than whites? Why is there such a focus on reparations?).


This article aims to answer the question “does truth lead to reconciliation” by examining South Africa’s TRC. It concludes that though Blacks remained “not-very reconciled”, White, Coloured, and Asian South Africans were “somewhat reconciled” and overall 44% of South Africans are “somewhat reconciled”. The author believes that this level must be higher than that of the apartheid period and attributes this change to the TRC’s truth telling process. Though the author strengthens his article by theorizing the cognitive dissonance process by which truth leads to reconciliation, it seems a jump to draw a causal connection between these factors. Indeed, intervening variables associated with the end of Apartheid, including the change in political parties, evolution of institutions, opportunities allowed to non-Whites, and the TRC reparations, could have easily affected the sense of reconciliation.

This article provides a good amount of local level data as well as of theoretical insight. The evidence in this article is based on a 2001 survey of 3700 respondents, which attempts to rigorously assess levels of both truth acceptance and reconciliation. It uses agreement or disagreement with 5 “commonly accepted” statements to measure the acceptance of truth. The author does well by considering the local circumstances that affect the external validity and transferability of his conclusions, but fails to examine any potential biases or other limitations his conclusions.
The purpose of this article is to investigate whether a culture respectful of human rights has been created in South Africa. Based on a survey of roughly 3,700 South Africans, the article claims its biggest finding (based on evidence) is that truth - participation in a country's collective memory - can affect the values that individual citizens hold.

The earlier stages of the paper contain a reasonably strong theoretical discussion of the issues. The author claims that his sample survey is representative of the whole of South Africa – whilst his survey does have depth, this is too strong a claim. Additionally, the author does not recognise any potential for bias in his respondents. However, the author is careful not to imply a false causality from his findings (for example p.24). Overall, the author makes a strong argument that whilst the TRC made an impact on understandings of the rule of law in South Africa, this was limited, and related to existing factors in the country.

This paper directly investigates the hypothesis that truth leads to reconciliation. Based on a survey of 3,700 South Africans in 2001, it is claimed that the ‘truth’ as promulgated by the Truth and
Reconciliation Commission (TRC) is fairly widely accepted by South Africans, of all races; that at least some degree of reconciliation characterizes South Africa today; and that the collective memory produced by the process (‘truth’) did indeed contribute to reconciliation.

The paper contains a strong theoretical discussion of ‘truth’ and ‘reconciliation’. Rightly, the author points to the need for an empirical investigation of whether truth has actually led to a form of reconciliation in South Africa. Also rightly, the author questions the causal link between the ‘evidence’ he presents and the claims he makes: the author contends that ‘those who are more accepting of the TRC’s truth are more likely to be reconciled’ yet as the author himself notes ‘It may well be that those already predisposed to reconciliation were more likely to accept the findings of the TRC’. Overall, however, this is a reasonably in-depth study of South African views on ‘truth’ and ‘reconciliation’, therefore it is a valuable resource, even if ‘certain’ conclusions cannot be drawn.


Using data from a large national survey of ‘ordinary people’ in South Africa, the author argues both that the truth and reconciliation process is viewed as effective by most people and that in fact ‘evidence’ indicates that the process achieved several of its primary goals.

In this paper, the author is more aware of the limitations of his method than on previous ones (see Gibson 2004a, Gibson 2004b & p. 342 of this paper), recognising that a so-called ‘national survey’ may obscure the views of many communities and not necessarily be generalizable (another aspect to this is that the author does not engage with the ‘victims’ understanding of ‘truth’ and ‘reconciliation’). Overall, this survey does contribute some evidence to the debate, allowing the author to make a reasonable claim that the TRC has allowed South Africans to come to accept at least some legitimacy to the claims and values of their opponents, opening the door for reconciliation.

The ultimate objective of this article is to assess whether truth and reconciliation processes can have an independent influence on reconciliation and especially on the likelihood of consolidating an attempted democratic transition. The conclusion of this article is that the truth and reconciliation process in South Africa did indeed exert independent influence on the democratization process through its contributions toward creating a more reconciled society.

This is a careful and thorough investigation of whether there is a genuine causal link between the TRC in South Africa and whether it directly caused any reconciliation. The author relies on his previous empirical work (discussed in more detail in Gibson 2004a, Gibson 2004b, Gibson 2005), yet in this text is more measured and takes into account alternative studies to good effect (for example Snyder and Vinjamuri 2003). Overall the author makes a non-conclusive but compelling case that the process of establishing ‘truth’ in South Africa led to a form of reconciliation, largely since the ‘truth’ established recognised the harms caused by both sides.

The purpose of this article is to investigate the baseline condition of Cambodian political culture prior to the ECCC. The survey found that support for rule of law was widespread in Cambodian society well before the ECCC, and might have been a cause for the Court rather than a consequence of it. Should the ECCC disappoint the Cambodian people, support for rule of law might recede.

Glasius, M. (2008), ‘We ourselves, we are part of the functioning’ The ICC, Victims, and Civil Society in the Central African Republic’, *African Affairs*, 108/430, 49–67.

In contrast to many other situations, the ICC’s involvement in the Central African Republican was urged on by local civil society but the Court’s ability to meet their expectations is questioned by the author, largely due to issues of legitimacy.


The ICTY, as well as all institutions in the former Yugoslavia, receive consistently low ratings of confidence and legitimacy in Serbian public opinion surveys, which presents a barrier to the use of official or semiofficial channels. Therefore, unofficial initiatives to promote dialogue across groups could be more effective in restoring and promoting peaceful relationships in the region.

Although the ICC is structured - through the policy of complementarity - to give deference to domestic proceedings, the application of these provisions to the Ugandan peace process reveals deep uncertainty regarding the ICC's core relationship to domestic governance.

This article argues that transnational advocacy helped to generate the necessary political will to adopt and implement legal norms regarding crimes of sexual violence at the ICTY and the ISTR.

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Based on over 2,000 surveys conducted in Sarajevo, Belgrade, Vukovar, and Pristina, the authors find that Serbs in Belgrade are distinctive in insisting that war criminals be tried in their places of origin, while Serbs in Sarajevo and Vukovar agree with other groups in those settings that war criminals should be tried in the locations where their crimes occurred. They attribute this to the localized influence of cultural norms and competing interests between the ‘defended’ and the ‘defeated’ parties.

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Evaluating the work of three youth programmes linked to the work of the International Coalition of Sites of Conscience (in Bangladesh, Chile and Italy), this research argues that transitional processes should make better use of the specific resources that memorial sites have to offer.


This article is intended as an exploratory essay on masculinity and transitional justice. It aims to set parameters within which a more concerted study of the subject could be undertaken. The article questions the degree to which violent masculinities in particular are taken into account in societies in transition and in the study of transitional justice.

This is a useful article, given that (as the author states) ‘studies on masculinity and transitional justice are all but nonexistent.’ It contributes some strong theoretical and empirical insights (of note is the warning against stereotyping ex-combatants as the embodiment of violent masculinity). It relies largely on existing literature along with some various government or NGO reports. The author concludes with four recommendations for future research which are good starting points for transitional justice scholars.

The UNTAET administration’s lack of understanding with respect to the population’s judicial expectations and legal culture, limited its capacity to create a suitable framework for resolving the nation’s legacy of violence, selective impunity and discrimination. A more effective legal model could have developed if UNTAET better appreciated the Timorese population's differentiation between different categories of criminals and that nonjudicial mechanisms would only be accepted for certain types of criminals.


This article discusses the dilemma in Liberia to either uphold or ignore the TRC’s final recommendations to ban many of the current political elite (including the current president) from office for 30 years, as well as to investigate other high-ranking individuals for war crimes. Reaction to the recommendations is divided and there are severe consequences, both for implementing the recommendations and ignoring them. (It is not apparent that any fieldwork was conducted).

Studies the effect of the gacaca proceedings as they come to an end. Finds that the most serious problem gacaca faces is unequal access to justice.


This article describes and compares fifteen pre-1994 truth commissions and presents some of the key issues as well as recommendations for future truth commissions.

The second edition of this book is a comparative study of 40 TCs in operation from 1974-2009. Hayner gives background on TCs, and also compares how different TCs dealt with similar issues (reparations, naming names, gender, etc). She also discusses the practical methodology and operations of a TC. She concludes that there is a trend towards broader inquiries with more multi-faceted mandates (including reconciliation) covering longer periods of time, with greater use of public hearings and higher public expectations. She sees the greatest potential threats to future TCs as rushed preparation/creation and inability to make the work more effective at the policy level upon conclusion of the TCs work.

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Little is known about the impact of transitional justice mechanisms. By examining underlying hypotheses and workings of transitional justice and proposing a series of indicators to evaluate its results, this article intends to help fill that gap.

The paper argues that for the victims of wartime sexual violence the experience of giving testimony is mixed. While some victims may suffer under the constraints of the legal process, in the right circumstances war crimes trials may help others to make sense of their suffering. However, it still cannot be expected that such trials achieve complex justice aims.


The participation of Civil Parties obviously increases the length and cost of the trial, but their voices provide a much-needed reminder of the purpose of the trial. Given that the ECCC has faced allegations of corruption and political interference, which could potentially affect perceptions of its legitimacy, it may be the participation of victims that leaves a real legacy.

The key argument of this volume on the anthropology of transitional justice is that justice is intricately related to locality. Therefore, larger transitional justice initiatives will often fail because they don’t consider local knowledge. This volume is a collection of works by different authors; each chapter uses different research methods.


A chronological and structural background of the serious crimes process. Assesses legal aspects and does not touch upon local perspectives and local histories.

The paper argues that the fear of retribution and actual retribution were the principal causes of renewed flight in the first months in Kosovo and East Timor after the establishment of UN administration institutions. The task of creating a comprehensive judicial system was a completely new one for the UN, whose structure lacked the preparedness and experience to carry it out.


This paper analyses the perceptions of war crimes among the victims from Prijedor in Bosnia and Herzegovina. The main lesson is that the long-term impact of any judicial attempt to address the legacy of mass atrocities will be severely curtailed if it runs counter to the dominant narrative of the past created and fostered by the government, local intelligentsia and the media loyal to it.
For the witnesses of the SCSL, the experience of testifying was a positive one. When asked directly to rate the experience on a scale ranging from ‘very good’ to ‘very bad,’ witnesses overwhelmingly chose positive ratings, with 80 percent saying they would testify again if asked. Witnesses testifying benefit from a thorough preparation period, both by their legal teams and by others responsible for providing support in the pretestimony phase.


Project to document views held by Darfuran refugees in Chad on issues of peace, justice and reconciliation.

Post-Conflict formal justice mechanisms in Adjumani, Northern Uganda, are dysfunctional. Traditional justice mechanisms have a key role to play and should be revisited in Adjumani and the rest of the country.

Human Rights Watch (2008), Courting History: The Landmark International Criminal Court’s First Years.

HRW assessment of ICC's operation to date. Concludes that OTP must improve its capacity to conduct investigations; to improve its outreach and enhance its level of field engagement.

An excellent study of the judges and prosecutors in BiH trying to clarify objections and resistance of the ICTY by examining judges and prosecutors acceptability of the criminal tribunal and relation to social reconstruction.


Standard models of anthropology and psychology have tended to treat belief in witchcraft as symptomatic of superstition or madness. This article argues that by approaching these belief systems from a Jungian perspective, new ways of thinking about them are introduced that can help find a solution to the problem of witchcraft violence in South Africa.

This chapter collects information on the similarities and differences between the tradition-based justice and reconciliation mechanisms in five African countries and critiques current approaches towards the study of 'traditional justice'.


This report examines Iraqi attitudes toward transitional justice during summer 2003. In doing so, it makes recommendations for comprehensive social repair and transitional justice, with a specific emphasis on SSR and judicial reform. It exposes human rights abuses and injustice under the old regime as well as the complicated and often resentful position of Iraqis to the international community. The authors find broad support for trials, reparations, and an historical truth-seeking process but a rejection of the possibility of amnesty for perpetrators. This study represents one of the first instances where Iraqis could speak about the atrocities committed under Saddam Hussein, and provides key information on what was at that point a largely understudied population. In assessing its conclusions regarding the needs for SSR and the feasibility of trials, it is important to
remember that this field-work was done in 2003, and would likely produce different recommendations today, particularly regarding international involvement in Iraq.

This study is based on primary interview and focus group research and provides a very clear description of its methodology. The authors include interview questionnaires and acknowledge the role that security impediments played in this study, particularly in terms of random sampling. It provides information regarding the social groups surveyed and achieves a believably representative sample. Though a very strong report, this work could be improved by including an assessment of the role of potential bias (recall, interview, selection, etc) in the methodology and analysis, which is currently not addressed.


In spite of official neglect, war survivors living in the former epicentres of the civil war in Gorongosa have neither resorted to violent revenge nor gone along with the official authorities who urge survivors to ‘forgive and forget’. Instead, they have developed their own socio-cultural mechanisms to create healing and attain justice in the aftermath of civil war.

The author argues that mainstream transitional justice literature focuses on linear temporalities, but local and indigenous understandings of justice often involve multiple temporalities. The research focuses on the daily lives of war survivors in Gorongosa, Mozambique and suggests that transitional justice is best understood as an open-ended process without a definitive end.


This author argues that the ‘new’ Gacaca courts are an ‘invented tradition’. It is argued that state intervention through legal and social engineering has designed and implemented a novelty, loosely modelled on an existing institution.

The research has a great deal of depth, and on this basis this article is a strong contribution to the discourse. The author used a wide range of research techniques in order to gain a detailed understanding of Gacaca courts. However, this piece is written in a very ‘factual’ manner, yet beside the initial claim that it is based on detailed research, it is not clear how exactly this has informed the author’s views: there is no quantification of results, or detailed narrative on any of the interviews/ethnographic studies undertaken. This is a shame given the obvious knowledge contained in the article. The author does make good uses of local primary sources on Gacaca courts.

The article argues that the Gacaca proceedings forced 'truth-telling' in a particular form upon the population; this resulted in a 'crisis of transparency' that worsened social attitudes towards the 'other group' as a clash between the official line of 'truth' and an underlying societal discourse that became pronounced.


Based on seven surveys administered throughout the former Yugoslavia between 1997 and 2005 (strategically timed to follow significant events), the author concludes that post-2003 surveys indicated substantially more negative attitudes towards the ICTY. This decrease of confidence is mirrored by an increase of confidence in local courts.

This paper is highly theoretical about how the court disseminates information to the public and the limitations experienced by journalists. Although not providing significant quantitative data/information, it is useful in showing how the Court shapes its image to the public and how this affects positive/negative reception.


Interviews are mainly of NGO/UN personnel rather than local population. More of a historical account of the various transitional/judicial processes in E.Timor following independence rather than an insightful analysis. This paper presents the five currently existing international/national processes of transitional justice and discusses their human rights implications.

The article very generally examines the relationship between DDR and transitional justice in Liberia and concludes that the sustainability of the fragile CPA was due to the implementation of the DDR program separately and prior to the TRC and any other transitional justice mechanisms.


Highly theoretical paper where the author deconstructs the notion of truth and highlights the inadequacies of ‘truth’ produced in truth commissions. He claims that ‘truth’ is truth if it is one of pain and trauma. He goes further to theorise whether more reconciliation is drawn from remembering (memorialisation) or forgetting.
2003
This paper provides a general overview of the truth commissions in Guatemala and South Africa, the
structure, mandate, procedures adopted, similarities/differences between the two bodies.


This article explores truth telling processes in Sierra Leone. It concludes that in these proceedings, the
truth is often not told, but performance and rituals of forgiveness are sufficient to forge
reconciliation. The author explains the absence of truth as a result of many factors: fear of
prosecution/misunderstanding of the relationship between the TRC and SCSL, lack of resources for
the TRC, the presence of ex-RUF soldiers in the hearings, and the absence of cultural connection
with confession/truth telling.

This article is based on a single, incredibly detailed ethnographic description of multi-day hearing
proceedings in one location in Sierra Leone. The author notes having adopted an ethnographic
approach, though no other methodological information is given. While the author relies on audience
reaction to determine the veracity of some testimonies, he seems to extrapolate these few reactions
to a large proportion of testimonies and reinforce their apparent falseness by noting the

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disconnectedness of the individual testifying. Less clear even is how he determines that rituals have instilled a sense of reconciliation that the truth telling process failed to achieve. While these points are detailed and theorised to good effect, it is difficult to believe the claims of the article given the information presented. Similarly, the author makes a number of broad claims that need to be better backed up than they are, for example: “If this reading is correct, it suggests that witnesses did not generally accept the idea that the Commission was a platform upon which to enact grief, catharsis and healing, either for their own benefit or for that of the nation.”

Though it makes potentially important contributions, this work could be improved by combining his observations with interviews of those in attendance and observing the proceedings at other sites throughout Sierra Leone.


The book examines some of the challenges posed by the fact that the Special Court for Sierra Leone operated in a largely unfamiliar culture, in which the way local people thought about rights, agency and truth-telling sometimes differed radically from the way international lawyers think about these things. By applying an anthropological perspective to the trials, Kelsall unveils a variety of ethical, epistemological, jurisprudential and procedural problems, arguing that although touted as a promising hybrid, the Court failed in crucial ways to adapt to the local culture concerned.
The majority of deponents interviewed felt freer following their participation in the CAVR, yet also felt that the process was incomplete without higher-level perpetrators being held accountable. Victim respondents who participated in the CAVR also felt that reconciliation cannot be complete without addressing serious crimes. The author holds that the CAVR without addressing serious crimes would be counter-productive.


Good insight into the structural problems of the SCSL and how this impacts public views on its legitimacy, although the interviewing methods are not clear. This paper begins by showing the outreach efforts of the SCSL and its limitations, and the public’s detachment from the process given the limitations. The paper also shows the continual struggle for victim/public inclusion.
Unsuccessful and rival attempts by both Libya and the ICC to bring accountability to senior level members of the Gaddafi regime have threatened to undermine post-conflict justice in Libya.

### Khmer Institute of Democracy (2006). ‘Outreach activities: Khmer Rouge Tribunal Project’ funded by OSI

Valuable information but unclear methodology. KID conducted outreach activities across Cambodia and reported back on candid concerns the participants had regarding the ECCC.


This article examines the deterrent effect of human rights prosecutions during transitional periods. Through an assessment of 100+ cases, the author finds that prosecutions in transitional periods lead to human rights protections both in their home country, as well as in other countries. The authors attribute this result to both the normative power of prosecutions as well as the material punishment they provide, and find that truth commissions have a positive (though smaller) impact on human rights.
This paper draws on a new dataset of prosecutions to provide a quantitative analysis of the research question. The authors transparently present the methodology used for compiling the dataset and for its analysis, which accounts for reversed causality as well as omitted variables. This is a solid paper, though with two apparent drawbacks. First, the author’s classification of transitions seems problematic as it classifies transitions in ways that may be unrealistic (i.e. democratic transition OR transition from civil war). Additionally, the binary assessment of prosecutions ignores the variations in substance of the prosecutions (i.e. High vs. low profile, type of crime, etc) which seem important to the research question at hand.


Integration of disarmament, demobilization and reintegration (DDR) programmes within transitional justice, in order to ensure reintegration of former combatants into civilian life.


This paper includes interviews with President Xanana Gusmao and Foreign Minister Jose Ramos-Horta and chronicles the president’s calculated response to reconciliation. The author believes that
total satisfaction for victims is impossible and that modest satisfaction entails recognition of their suffering and acceptance by Indonesia.


This paper includes interviews with President Xanana Gusmao and Foreign Minister Jose Ramos-Horta, along with NGO workers, and is more of a chronological account of the process of reconciliation. It is an expansion of Kingston's other 2006 paper "Regaining Dignity: Justice and Reconciliation in East Timor”. The author concludes that in the absence of either retributive or restorative justice, the prospects for reconciliation seem remote.


This article examines the implementation of, and adherence to, civil war-ending peace agreements. By analyzing the cases of Mozambique, Angola, El Salvador, and Guatemala, it finds that implementation is most likely to succeed in the presence of international support. This paper also finds that the balance of government capabilities between government and rebel forces exhibits an inverse-U shaped relationship with implementation. This paper is situated at the intersection
between democratic consolidation and post-war recovery and stability, and draws from the literatures of all three in its framing and analysis.

This paper investigates its question by developing a series of indicators related to both implementation success and variables thought to affect implementation. The author provides a partial explanation of the methodology used, including case selection, identification strategy, and notes the limitations of small-N research, though does not detail the sources of his basic information beyond “secondary sources” and news sources dating from 1993 and 1994. This article shows an innovative approach and does well in recognizing its limitations. This paper’s weakness, however, is that it ignores what could be substantial reverse causality. Another causality is that this paper treats each country as a single case and does not account for regional variations in implementation and adherence to agreements.


Assessment of the gacaca proceedings and their impact on reconciliation. Argues that the lack of transparency and political honesty harms the reconciliation process.


Assessment of the gacaca proceedings and their impact on reconciliation. Argues that the lack of transparency and political honesty harms the reconciliation process.

Volume 1 assembles a variety of legal, political, and philosophical perspectives on how societies emerging from repression can deal with that legacy. The book specifically examines emerging democracies and how they grapple with transitional justice mechanisms.

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Volume II examines more than 20 transitions from World War II to 1995, including the de-Nazification programs of the 1950s, democratic transformations in southern Europe in the mid-70s and Latin America in the '80s, and de-communization efforts in the '90s.

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How insightful in terms of data/information? | A considerable amount of new evidence presented |
How insightful in terms of analysis/theory? | Some new analysis or theoretical insight |

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This paper focuses predominately on comparing the SCSL/TRC to similar international bodies, such as the S. African TRC and the ICTY/ICTR. It then compares the SCSL to the TRC and shows where both overlap, an area which both parties must clarify to ensure the effectiveness of both institutions.

Using the example of Peru, this article examines the concept of the indivisibility of rights and how truth commissions reveal the interplay between violations of civil/political rights (CPR) and economic/social/cultural rights (ESCR). It concludes that economic inequalities contributed to the onset of violence, the knowledge of which contributed to the development of the TRC’s reparations programme. This work finds that these individual and collective reparations are perceived as development initiatives rather than CPR-specific compensation. This has resulted in frustration among victim populations and is indicative of a lack of political will on the part of the government to provide victims with redress for past abuses. Through this analysis the author draws larger conclusions of the indivisibility of individual and collective generational CPR and ESCR and the role of transitional justice mechanisms in addressing both.

This article is based on the author’s extensive participant observation in the field, which achieves a believably representative sample. The author however does not clearly describe her specific data collection or analysis approach, nor does she discuss any potential biases. A consideration of circumstances specific to Peru that impacts the generalisability of this article’s findings would have been beneficial.

A major challenge for the use of local rituals in northern Uganda is the disagreement between different ethnic grounds over which communal principals and practices should be employed. Local TJ processes unfold in dynamic environments that involve state or internationally run institutions eg. Amnesty Commission and ICC.


National-level initiatives for transitional justice are insufficient to capture the meaning of the conflict for people living in specific villages, towns, ‘hills’ or other local spaces, whose experience may vary widely from that of people elsewhere in the country. Suggests that individuals assessing past efforts and contemplating new ones should look at independent initiatives arising from the local level as an integral part of the post-armed conflict justice landscape.

This article investigates the long-term effect of post-conflict justice on the duration of peace after conflict. It concludes that post-conflict trials lead to longer periods of peace in both democratic and non-democratic states, and that truth commissions have a strong, significant effect on peace duration in post-conflict democracies.

Though interesting, this work is categorized by the same problems that are seen to haunt the field of transitional justice at large: trying to universalize the experience and meaning of justice. Previous work has shown these concepts to have different meanings not only across societies but also across individuals. This approach also ignores the subtle differences between different mechanisms of the same classification – for instance, it doesn’t capture the differences between the TRC and the ICTR or SCSL.

This work builds on a new dataset previously constructed by the authors that categorizes various forms of post-conflict justice, as well as the UCPD, to define post-conflict society. This presents problems not acknowledged in the text, such as the representation of cases of diffuse violence in small countries (like those with <25 battle related deaths: would South Africa have been included? Argentina?). Though this approach is questionable, the authors do examine the internal and external validity of their results to good effect, and caution that these results are weak.

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**How insightful in terms of data/information?** Some new evidence presented

**How insightful in terms of analysis/theory?** Some new analysis or theoretical insight


This book critically examines the role of outreach within international justice focusing specifically on the role of outreach at the Special Court for Sierra Leone (SCSL). Through empirical analysis, the book provides an insight into individual and community perceptions of international justice.

The Timorese two-track system is a unique example of post-conflict justice which seeks to balance international and national ideas of accountability, yet the Serious Crimes Panel and Reconciliation Commission do not truly reflect Timorese views on post-conflict justice. Rather than resorting to claims of universalism, international organisations such as the UN can play an important mediating role between national and international interests.


The article argues that the legitimacy of transitional justice lies in a ‘space where people can balance legality with politics’ and that transitional justice and DDR should not be separated.

The authors examine the impact of the local media on transitional justice mechanisms and suggest the establishment of a constructive societal dialogue, through the reform and support of local media.


The article analyses the lessons that can be learnt from the contribution of unofficial truth projects (UTPs) to transitional justice and reflects on their non-state status. It also provides some general conclusions about the strengths and weaknesses of UTPs.
The paper argues that transitional justice needs to adopt a participatory approach to achieve longer-term sustainability. A Northern Ireland initiative, the Ardoyne Commemoration Project, is explored in depth, illustrating how ‘bottom up’ truth telling process can make a significant contribution to TJ. The Mendeley score is on the basis of the evidence presented in this paper, not the Ardoyne Commemoration Project itself.


This article examines the shifting landscape of international justice and human rights proceedings between 1982 and 1999. It argues that in Latin America, this period was characterised by a “justice cascade” of rapidly evolving liberal norms stemming from increased international networks of activists and lawyers and increased attention to democracy and human rights in this region. These norms along with the international justice mechanisms they spawned, it is argued, continue to transform the behavior of politicians and militaries and give individuals a sense that justice will be served. This article is very solidly framed theoretically and traces the origins of these developments through the impact of American and European human rights cases, including that of Pinochet and the larger work of the transnational justice network.
This article provides little new local level data and seems to draw primarily on existing literature along with a handful of interviews and news reports. The authors are not transparent about the methods used to obtain this information or about the potential biases/limitations in their analytical approach. There are a number of claims made in this paper regarding the impact of the “justice cascade” that, though they may be factual, are largely unsubstantiated in the text. Similarly, the authors draw direct causal links between judicial proceedings and international policy development that also need to be substantiated. Despite these flaws, this is a solid theoretical article that provides useful insights and a historical account of justice in Latin America.


This book aims to investigate whether an amnesty necessarily entails a violation of a state’s international obligations, or whether an amnesty, accompanied by alternative justice mechanisms, can in fact contribute positively to both peace and justice. This book argues that international actors should work to limit the more negative forms of amnesty by encouraging states to make them conditional and to introduce complementary programmes to repair the harm and prevent a repetition of the crimes.

The paper introduces the paradigm of ‘reparative justice’. It underscores the need for a broader framework based on reparative justice to respond to the deeper and often unmet need in post-conflict societies to rebuild inclusive political communities.

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This editorial introduces a special issue on the relationship between TJ and development. It addresses 4 dilemmas between TJ and development -social injustices as underlying causes of conflict, the cost of TJ, war economies, and postconflict criminal and societal violence – and calls on practitioners to expand the notion of TJ to encompass issues of social justice/development.

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This paper provides some valuable insight through individual interviews. It argues that the ECCC is billed as an undertaking for the Cambodian people. However, the trials may be more for the benefit
of the international community than for ordinary Cambodians. Whatever risks they pose, and whomever they benefit, the trials cannot be stopped now and efforts should go into helping Cambodians achieve a more tangible and long-lasting justice. In the flurry surrounding transitional justice, international supporters must not lose sight of the importance of good governance.


The authors suggest that The Special Tribunal for Lebanon (‘STL’) faces challenges with respect to its legitimacy. These challenges can be overcome by through their operations, including the transparent selection of judges and senior officials; attracting funding from a variety of states; and effective outreach.


This article examines the psychological impact of participating in transitional justice mechanisms as well as traditional justice rituals using evidence from South Africa, Rwanda, and Latin America. In
interrogating the assumption that TRC-type proceedings and rituals yield healing and reconciliation, this work finds that participating in these mechanisms has both positive (empowerment, return of dignity) and negative (increased negative emotion) psychosocial outcomes among participants. These patterns are also seen at the collective society level, where they contribute to a negative social climate while at the same time promoting social cohesion and reinforcing human rights.

This work draws on a significant amount of previously conducted fieldwork and studies, which it fully explains and utilises to good effect. The authors use this work as the basis for a collective-level assessment to explore whether trials and truth commissions have a positive macro-social impact. Sound identification of variables is provided which details measurements of human rights, trials, and presence of TRC. The article also does well in noting omitted variables, though fails to account for any bias in its methodological/analytical approach.


This paper provides great insight into the international and local tensions of the ECCC. McCargo argues that Courtroom trials are paralleled by 'virtual trials', soft power contests between the international community and the states where war crimes have taken place. The ECCC looks set to become the first such tribunal where authoritarian practices and values gain a decisive upperhand. The ECCC is failing, and it is time the UN seriously considered withdrawing its support for this deeply flawed tribunal.

This article explores the role of the Corps of the Judicial Defenders in Rwanda. It concludes that this body was successful in providing short-term legal representation in domestic courts and contributing to the long-term development of the judicial system in Rwanda. The article also provides information regarding the recruitment, training, and deployment of the defenders as well as insight into their perspectives. The author identifies this programme as potentially useful as a larger transitional justice package in other settings.

The article is based on interviews, project documents, and evaluations, though its interview methods are not transparent. While interviewing members of the Corps on their own experiences is valuable, interviews with victims/perpetrators/families/civil society should have supplemented these, as the author makes claims about the larger impact of the Corps. This would have allowed for a more representative view and enhanced the validity of the conclusions. The author also fails to mention any other potential biases and limitations in the methods of this paper.

The book emphasises the need for bespoke solutions to different transitions rather than 'off the shelf' models. It urges institutions to explore ways in which transitional justice can broaden ownership and encourage the participation of those who have been most directly affected by conflict.


The author assesses what means are available for Cambodians to address their past, such as the Courts, possible reconciliation methods, and historical memorials.


The article is based on a quantitative analysis that found that in large part ICTY actions produced little effect on societal peace in Bosnia.

The author argues that, despite the reservations shown by certain factions of the population, the overall benefit of gacaca proceedings outweighs its negative effects, and has the cumulative effect of strengthening the judicial system.


Taking the example of international legal tradition as practiced in Eritrea the author explores the concept of *ubuntu*’s similarity to restorative justice and argues in favour of promoting the role of international legal tradition in African transitional justice initiatives, eg. by incorporating them into TRCs.

Taking the example of the REHMI initiative in Guatemala, this paper highlights the role that NGOs and other civil society organizations can play in establishing transitional justice.


Empirical evidence does not confute nor support the claims of positive or negative psychological and emotional effects of transitional justice.

This study examines the role of women in the creation and operation of the ICTY. It finds women played a crucial role at every level of the ICTY (as officials, judges, employees, witnesses, etc) along with women’s advocacy groups and those trained with specific expertise in gender issues. This involvement contributed to the ICTY’s precedent of GBV as a war crime and the overall success of the tribunal. The study notes the role of GBV in creating international momentum for establishing the ICTY. In addition, this study reveals the practical concerns related to increasing women’s participation.

Overall, this is a strong report, which contextualises its findings in a history of the ICTY and women’s activism and participation in its proceedings. The authors do well in identifying their assumptions, clearly framing of the issue, and defining key terms. This study is based on interview-based and participatory fieldwork, as well as on both academic and grey literature. Though it is clear that this study is grounded in significant fieldwork, little more information on data collection procedures was provided and it is hard to assess how representative this study’s sample population might be. Additionally, issues of methodological bias are not addressed in this text, despite the fact that they may be significant when dealing with topics as sensitive as those of this study.

Using film as a cultural representation, through individual interpretations of particular narratives, treating the legacy of atrocity and war crimes has the potential to promote catharsis and bring about a process of coming to terms with the past.


The author interviewed 62 people from the Makeni region. It was found that there is a significant difference between elite and non-elite populations in terms of reception of the TRC. The elite see it as positive because they have also had financial gains through increased jobs and inclusion in NGO training activities. Whereas the non-elite feel that they were 'provoked' to unearth traumatic memories for no compensation (in Makeni, the terms 'help, support, consider, remember, appreciate' all mean to provide resources/money).

The author assesses the meaning and power of truth-telling for the purpose of the reconciliation of a divided society in South Africa.


A review of the peer learning process of the African Transitional Justice Network. Peer learning is only a complement to other evaluation methodologies available to the TJ field and its reliance on interviews makes this approach better suited to organizational strengthening than to isolating variables and trying to prove causality.

Mahdev Mohan (2009), ‘Re-constituting the “Un-Person”: the Khmer Krom & the Khmer Rouge Tribunal’, *Singapore Yearbook of International Law*

This paper provides an interesting perspective on an often-forgotten ethnic group that was persecuted by the Khmer Rouge. The paper argues that the Khmer Krom victims have been reduced to the status of “un-persons” by the ECCC. It matters to survivors that the crimes they suffered are properly characterized, especially where they were persecuted or their loved ones were eliminated because they belonged to a particular group.

Outlines the steps taken to advance transitional justice in Afghanistan, the various elements that obstruct it and the suggestions that can be carried out today.

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The article provides a human face to women in conflict, lays out the complexities that deter justice and reconciliation in northern Uganda and argues that there should be peace and justice for everyone, with women central to post-conflict rehabilitation.

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Gender issues should be central to transitional justice projects, giving priority to crimes of gender-based violence. TJ should go beyond truth commissions alone and look at social and institutional reforms and address economic and not only political and social rights.

Empirical evidence on Zimbabwe shows that unaddressed social and economic aspects in a transition create social unrest and conflict.

Explores the initiatives of women activists in Uganda during the peace process. Women must continue to document their activities, successes, challenges and lessons learnt.


Using UNHCR data supplemented by data from indictments, transcripts, ICTY decisions, and census data, the author compared several independent variables with numbers of minority refugee returns in a given year in a given municipality to determine explanations for refugee returns (a proxy for reconciliation). The author concludes that ICTY plea bargaining (exchanging truth for reduced sentencing) has contributed more to reconciliation in comparison with pure sentencing.

Shows how the traditional institution of *bashingantahe* can act complementarily with other judicial structures in helping the transition and leading to reconciliation.


The article discusses the need for, and the debate over, the establishment of a transitional justice mechanism in Zimbabwe, about the situation in the country, and about a civil society programme to educate members about transitional justice mechanisms.

Nee and Uvin's research found very little support in the Burundian communities for either prosecutions or a truth commission. The chapter describes how their informants feared that a post-conflict justice or truth telling mechanism could endanger the political transition that brought the country some measure of peace and stability.


The paper examines the attitudes among the Armed Forces in BiH about the war and the ICTY. The research identified a lack of knowledge about the ICTY and inadequate education concerning International Humanitarian Law among army members. The respondents generally believed that the Court has made contributions to peace and security in Bosnia.

A study that illustrates some of the positive legacies of international justice in general, and how the ICTY has advanced Bosnian process of democratization, in particular.


The Gacaca courts in Rwanda are intended to provide expedited justice given the scale of the violence. Concern over the effectiveness of the courts is divided along ethnic lines, but the hope is that the Gacaca process will provide a less punitive form of reconciliation.

This interview with Dorota Gierycz, former representative of the UNHCR in Liberia discusses her experiences with transitional justice and the particular difficulties faced.


This article argues that truth commissions’ focus on victims and sensationalized grand narratives undermines the repair of social relations in the long term. More focus should be placed on the motives of perpetrators and ‘why’ certain crimes were committed in order to foster greater understanding and societal reconciliation.

Criminal and civil legal proceedings have psychological effects on the victims of human rights violations: mainly positive, they are found to have negative aspects when victims actively participate in the proceedings.


Article shows how a broad range of practices identified as 'customary' engage with the space of 'official law' in a specific postcolonial juridico-political space, in local courts in Nampula province in post-war Mozambique.

Qualitative research study that explores perceptions among northern Ugandans on themes of accountability, reconciliation and transitional justice. The study aims to amplify the voices and perspectives of the victims of violence. Respondants views diverge significantly.


Levels of GBV are chronically high within IDP camps in northern Uganda. There is a critical need for a preventive and responsive approach to policy programming in order to mitigate this and better deal with the structural causes of GBV.

The article supports a justice balance approach to TJ and concludes that truth commissions alone have a negative impact on the two political objectives but can contribute positively when combined with trials and amnesties.


This article challenges the notion that truth commissions foster human rights. The authors find that TCs have a negative impact on human rights when used alone, but have a positive impact when used in combination with trials and amnesties, and serve complementarily. They therefore promote a ‘justice balance’ approach in order to contribute to human rights improvements.

Analyses the effect of TJ on democracy and human rights during 91 transitions in 74 countries from 1970-2004. Authors find some significant and positive effects 10 years after transitions began but are unable to draw strong conclusions.


The personal experience of a South African journalist, who explains how the TRC has not healed her wounds, but rather has opened up some that were unthought of until the Commission had started its work.

Through qualitative interviews this article addresses the perceptions of ‘Bosnians’ (does not specify between ethnic groups in most cases) on the achievements of the ICTY seventeen years later. Many specific notions are addressed but overall it concludes that despite the large gap between Bosnians’ expectations and the reality of the ICTY, its creation was overall a positive achievement, and preferable to ‘doing nothing.’

The paper examines the impact of ICTY in Serbia and seeks to enrich the public debate about the tribunal and to test some of the assumptions made about it. The study is rich in content and detailed analysis of the shortcomings and influence of the ICTY.


In the context of the Juba Peace Talks, the concerns of the people directly affected by the conflict in Northern Uganda must not be neglected. Challenges of post-conflict transition must be dealt with as a matter of urgency.


This article calls for the engagement of civil society in the Liberian TRC process if it is to be meaningful and contribute to a durable peace.

This article examines the Rule 11 bis decisions in the context of the concurrent operation of ICTR, the Rwandan national courts and the localised gacaca courts. It argues that the rulings highlight the severe disconnect between the work of the Tribunal and that of the domestic systems of justice in post-genocide Rwanda.


Girls experience discrimination based on gender and age and the SCSL should take this particularity into account. Whilst making 'forced marriage' a crime is an advancement for girls, it is not enough and a TRC may be able to make deeper social, economic and political changes needed to prevent sexual and domestic slavery.

Restorative justice (RJ) takes on many meanings and the author finds that the best way to achieve long-term reconciliation for the people (her definition of RJ) is through community-based restorative transitional justice mechanisms, such as the Fambol Tok in Sierra Leone. This is considered to be a 'mini-commission' where perpetrator is met with victim and they both speak to each other.


This article examines the impact of the ICTY on national reconciliation. It concludes that local actors are critical to establishing national reconciliation, and need to be supported at the local, state and national levels. The efforts of the ICTY to promote reconciliation, it is argued, were undermined by the failure to consider bottom-up approaches into national-level policy. The author specifically examines the impact of the ICTY in Croatia, and the larger failure of the proceedings to engage with the Croatian public. The author provides a sound theoretical argument grounded in other case studies to substantiate her claim for bottom-up initiatives, though never justifies why these cases should be considered comparable to the ICTY in this respect.
This work effectively interrogates the assumptions surrounding the ICTY, most notably the peace-justice-reconciliation link. Ideally this would have drawn more closely from this work to establish both failure of reconciliation as well as the cause of this failure, the first of which received far less attention. The methodology employed is not transparent, and as such it is impossible to grade its quality. Though this work does present some new local level data, it is only about 10%.


Contentious debate about truth enhances democratic practices by provoking political participation, contestation, and competition.


This report by the ICTJ focuses predominately on the history of the SCSL and the legal organisation/framework of the Court. Local perceptions of the Court were marginal in this paper, limited to a little over one page.

The paper analyses the hybrid courts’ attempts and their implementation in Kosovo. In Kosovo the new administration had to establish and run a judicial system from scratch. The experience of the international judges and prosecutors are of utmost importance for the future procedures and efficiency of other tribunals.


This study aims to assess the impact of LRA violence on populations in Northern Uganda that are often not considered immediate stakeholders, i.e. IDPs, non-active civil society, general population. It concludes that this population has been exposed to high-levels of violence and are most immediately concerned with peace and food security. It also finds that though peace and justice are not seen as mutually exclusive, accountability for crimes committed on all sides is a high priority and would allow for some form of conditional amnesty. Perhaps most importantly, the prospect of formal justice mechanisms and ICC involvement in the conflict is poorly understood and often
characterized by false alternatives. The report includes recommendations for promoting peace and justice in the region.

This report is based on a quantitative analysis of a large-N interview study conducted in Northern Uganda in two Acholi and two non-Acholi districts. The authors provide a very detailed description of both data collection and statistical analysis. Unlike most studies, this work includes a recognition and direct engagement with the limitations of its approach.

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How insightful in terms of data/information? | A considerable amount of new evidence presented |
How insightful in terms of analysis/theory? | Some new analysis or theoretical insight |


This article chronicles the histories of Sierra Leone and Liberia, then chronicles the development of civil society in both countries, and then compares the two with each other. There is no analysis on how local populations view the SCSL or the TRC and how they best view reconciliation and peace-building.

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How insightful in terms of analysis/theory? | No significant new analysis or theoretical insight |
Pham, Phuong N et al. (2007) , *When the War ends: A population based survey on attitudes about peace, justice and social reconstruction in Northern Uganda*, Human Rights Centre, Berkeley, Payson Center, ICTJ.

Population based survey in eight districts of Northern Uganda which seeks to capture attitudes about peace, justice and social reconstruction while peace talks were taking place between the Ugandan Government and the LRA in Juba, Southern Sudan. In 2005 a similar survey was conducted by the same team in Northern Uganda and findings are compared throughout the report.

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**How insightful in terms of data/information?**
A considerable amount of new evidence presented

**How insightful in terms of analysis/theory?**
Some new analysis or theoretical insight

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Paper demonstrates methods of empirical research available to transitional justice practitioners and scholars. Conclude that such methods offer policy makers a systematic way to consult a population and construct a a comprehensive view of what this population has experienced. Such knowledge is essential for developing effective evidence-based transitional justice programmes.

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**How insightful in terms of data/information?**
NA

**How insightful in terms of analysis/theory?**
Some new analysis or theoretical insight
Pham, P. N., and P. Vinck, (2010), ‘Transitioning to Peace: A population based survey on attitudes about social reconstruction and justice in Northern Uganda’, Human Rights Center, University of California, Berkeley, School of Law.

Report presents the results of a large-scale population based survey about peace, justice and reconstruction in northern Uganda. It intends to capture community views on matters that affect ordinary people after 20 years of conflict.

This article examines the intersection between transitional justice, public health and social reconstruction using the cases of Eastern DRC and Northern Uganda. The author presents a potential framework for integrating transitional justice and public health outcomes by looking at the links between human rights violations, health/trauma and participation in mechanisms of transitional justice. It suggests involving health practitioners at a high level alongside diplomats, human rights advocates, and politicians to more holistically address issues of societal health and reconstruction. From field surveys, the authors find that virtually all respondents in Northern Uganda and Eastern DRC perceived themselves as victims and had experienced trauma. It also found that those with PTSD were less likely to accept amnesties to end the conflict, though those who had lost a family member in the conflict were more likely to accept amnesties as an avenue to peace.

This article provides some new theoretical insight regarding the specific role of health in transitional justice. It draws on a number of past studies and work, as well as the author’s own field surveys, though the methods by which these were conducted are not transparent. The authors do however discuss issues related to study design, measurement and classification, which increase the transparency of this article significantly.

This report presents the results of a survey of 1,000 Cambodians, on the topic on justice and the Extraordinary Chambers in the Courts of Cambodia. This study sought to (1) monitor public awareness and knowledge of the ECCC’s work, as well as of outreach and victim participation initiatives organized by the tribunal and local non-governmental organizations, (2) assess attitudes about justice and the desire for reparations for past crimes, and (3) recommend ways in which the ECCC, civil society, and the international community can continue to engage Cambodians in the work of the ECCC.

This is a comprehensive paper, which utilises an in-depth survey to outline a number of important recommendations. The papers methodology is clear and takes into account the potential bias of the surveys respondents. This paper seeks to take the ‘end-user’ seriously, engaging in a systematic and thorough way with the opinions of the Cambodian population. Additionally, it is written with a great deal of clarity, underpinned by good use of the existing literature on the topic (including court, government and NGO reports.).

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In-depth study which shows that those who lived during the khmer rouge and those who were born after have differing views on the ECCC and therefore outreach should be tailored as such. Furthermore, respondents cited the economy and infrastructure as their main priorities while justice was seldom mentioned.


Insightful paper that focuses directly on the local population's views on justice and reconciliation.


This brief article is based on Pillay’s experience as the gender advisor to the Liberian TRC. The author concludes that while the level of women participation was laudable, the TRC’s narrow interpretation of gender blocked potential for significant change in social thinking, attitudes, and behavior. It does not address local level perceptions.

This article focuses on rape, and examines what justice means for Acholi women in the vacuum of justice created by the decayed state of former local methods of responding to wrongdoing and the still inadequate role and legitimacy of Uganda’s judicial system and the International Criminal Court. The research indicates that notions of appropriate punishment are oriented by the degree to which the perpetrator is seen as important to future social harmony.


This article presents the findings from a 2010 field study conducted in four neighborhoods of the cities of Bogota, Medellin and Valledupar. It argues that everyday experiences of coexistence in these areas are mainly conditioned by local factors, such as poverty and insecurity, and by the past experiences of individual victims, ex-combatants and other citizens in the midst of Colombia’s ongoing, nonethnic conflict.

The Ugandan Truth Commission, set up in 1986, has been under-researched. Its final report, produced in 1994 was not widely disseminated. The Commission was endowed with neither proper funding nor political support. It was therefore a failure in providing a platform for improving the social infrastructure.


Customary mechanisms can help to bring about societal acknowledgement of past conflict. These traditional practices have been neglected but can augment the re-building process in Uganda.
Before we can measure whether TJ is working we must begin with a theory of what it is trying to achieve. Once we have a coherent theory we must use it \textit{ex ante} to design effective TJ mechanisms, not just to assess effectiveness \textit{ex post}. Concludes that most effective TJ mechanisms are those that successfully reconstruct social norms opposing mass violence.


This article argues that an international tribunal for Cambodia may be most effective if limited to the prosecution of top leaders, and for there to be a truth commission for lesser members of the Khmer Rouge. A truth commission is consistent with Cambodian history and culture and is necessary to paint a larger picture of Cambodian history, which is vital to heal Cambodian society.

This volume of essays explores the legal issues surrounding accountability for the crimes of the Khmer Rouge and crimes of mass violence more generally. Comprising chapters by legal academics, lawyers, historians, artists, and others, the volume presents thorough analyses of the complex problems inherent to accountability efforts and novel ideas as to how to address them.


CS includes a broad range of actors and forms of engagement in TJ and its scale of operation and organisation extends from local and national to the regional and global. Second, in the current period, CS relates to a polycentric framework of governance and interacts increasingly with internationalised structures and processes or TJ. Finally, CS advances plural and often conflicting conceptions of justice.

The author poses the question as to whether a Truth Commission (TC) is more effective if it sets a historical narrative, or if it would be more productive if the process of history-telling developed itself through the TC. The TC’s effectiveness is contingent on if and how it can incorporate local historical narratives into its own public discourse on history and reconciliation. The author draws on an example of two feuding groups in Timor-Leste, whose rivalry history goes beyond 1999.


The report aims to examine the various meanings of 'peace' and 'justice' in Northern Uganda and to clarify what people on the ground appear to be saying. Respondents emphasised that while the role of traditional mechanisms of justice has been diminished in the current context of war, those mechanisms still have currency. They also argue that peace must be established before justice is pursued.

Examines the treatment of minors in internal conflict in international law by using the case of Rwanda.


Using public opinion surveys from one community, this paper argues that gacaca proceedings have had negative effects regarding ethnic tensions/divisions.
This editorial note, preceding a special issue of the IJTJ, focuses on the role of justice and social repair in everyday life. The authors consider the limitations of linear conceptions of justice, the spatial dimensions of justice, the reconstruction and renegotiation of interpersonal relationships, and the role of silence in facilitating coexistence. The contributors to this issue aim to raise the importance of the everyday in the field of transitional justice.

Pensions and compensation cannot be a substitute for justice and that truth and reconciliation commissions do not always deliver assurance if not complemented by structural changes in the state.

This volume examines the way in which truth and justice can be pursued simultaneously, the various types of transitional justice mechanisms, and the different levels, from local to international, at which transitional justice occurs.


The work of the Truth and Reconciliation Commission in South Africa framed women as victims rather than political activists or forces of resistance during the apartheid regime. Women’s testimony at the TRC focused on broader suffering rather than personal violations. The silencing of women’s experiences and the difficulty in bearing witness after the event represents the limitations of human rights testimony.

Through interviews with a handful of human rights workers in the former Yugoslavia, this article argues that despite largely anti-NATO sentiments in the region, Serbs are generally separating themselves from Milosevic as he goes on trial. However, the tribunal suffered from the initial lack of outreach to the general population.


The author argues that truth commissions have failed to discern and report accurate and complete records of past atrocities, but that they are ‘socially and politically purposive’. Furthermore, it is contended that whilst truth commissions do not achieve reconciliation, they can catalyse it.

This article is rather theoretical and relies heavily on existing literature. The author does not engage with the empirical claims she makes in any depth, aside from occasionally citing very limited examples of past truth commissions. This means that the author’s conclusion – that truth commissions can make important contributions to reconciliation – are not substantiated by the work the author presents.

Examines the political situation of post-genocide Rwanda in the context of human rights protection and genocide trials. Suggests the shortcomings of a reconciliation strategy based on prosecutions. Primarily legal analysis.


Explores the various transitional justice mechanisms employed in the context of the democratic transition of the DRC; employs a narrow definition of transitional justice as mechanisms of achieving justice in a transitional process. Assesses three different mechanisms: domestic, international and TRC. Concludes that the domestic judiciary had been successfully in meeting the challenges of domestic law in dealing with mass atrocities, etc; the ICC is encumbered by high expectations; and TRC has ultimately been a failure. Suggests that a nationwide dialogue is needed to build a consensus regarding which method should be used.

Examines how transitional justice processes have dealt with gender-based human rights violations in Africa. Argues they fail because of too narrow an understanding of women's experiences of conflict. Re-examine priority of violations, recognize continuums of violence and how men are affected by gendered dynamics of conflict.


The first half of the paper covers the history of the conflict in SL and then there is a literature review for TRCs and post-conflict reconciliation. Data has been collected on how the population defines truth, their views on victimhood and perpetrators, the role of the TRC in reconciliation, the governments role, and possible local mechanisms. In sum, the paper concludes that popular expectations from the TRC have not been met.

The truth-telling practices of the TRC in Sierra Leone went against the widespread understanding of reconciliation and healing as social forgetting.


This paper shows how the local population cannot reconcile from past atrocities because their present lives are deeply hindered by the past. Shaw shows the scepticism towards the TRC, how many felt better after having gone public about their past, but also how lack of reparations prevents the TRC from being fully successful.

This collection of articles traces how ordinary people respond to—and sometimes transform—transitional justice mechanisms, laying a foundation for more locally responsive approaches to social reconstruction after mass violence and egregious human rights violations.


This short interview with Martha Minow addresses very broadly questions of transitional justice and the prosecution of heads of state.

The authors created a new dataset of two main transitional justice mechanisms: truth commissions and trials for past human rights violations. With the new data, they document the emergence and growth of the use of truth commissions and domestic, foreign, and international human rights trials in the world. The authors then explore the impact that human rights trials have on human rights, conflict, democracy, and rule of law in Latin America. They argue that the ‘pessimistic claims of skeptics that human rights trials threaten democracy, increase human rights violations, and exacerbate conflict’ are not supported by empirical evidence from Latin America.

The authors use quantitative datasets to sustain their position – however, it is not clear that simply because there is a correlation between a given human rights trial and (for example) an improvement in the human rights situation of a country, there is causation behind it. The authors are right to try and assess under what conditions human rights trials can take place (and what the effects of them are), yet their evidence alone is not enough to make such an assessment.

This book critically reviews the record of international attempts at achieving justice in post-conflict societies, primarily focusing on the international tribunals for Rwanda, Yugoslavia, and Sierra Leone. Smith concludes that domestic courts should be preferred to international attempts as they better serve the interests of post-conflict societies.

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Some new evidence presented

Some new analysis or theoretical insight


The survey that the report is based on aims to establish the impact of the SCSL on Sierra Leone and Liberia through its judicial proceedings, its legacy work and its outreach program. According to the findings, the overall feeling towards the SCSL and the work it has carried out over the past 10 years is very positive. The report identifies 6 main recommendations and lessons learnt that have emerged as a result of this survey and that are important for other courts and tribunals to consider.

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Some new evidence presented

No significant new analysis or theoretical insight


The article very briefly addresses surface-level pros and cons of tribunals, truth commissions, and commissions of inquiry as accountability mechanisms.

Sriram highlights the risks and critiques of transitional justice as part of the larger liberal peacebuilding project.


The impact of ICTY has contributed to identify crises among the Serbs and the emergence of a defensive nationalism which had already been in place. The paper argues that a new alternative and positive identity is needed in order to move forward and accept the war crimes.

Demonstrates the need for using more social and historical contextualization when analysing violence in non-Western settings, as well as for increased social and political sensitivity in designing policies that legalize human rights.


This paper argues that a fruitful approach to the study of mixed courts is to look at the criteria under which they are perceived locally as legitimate, it must include a legacy for both the national judiciary and contributions to both truth-telling and the historical record.

Based on extensive surveys in Rwanda and the former Yugoslavia, the authors explore what people think about their past and their future. The conclusions controversially suggest that international or local trials have little relevance to reconciliation. The authors offer an ecological model of social reconstruction and conclude that coordinated multi-systemic strategies must be implemented if social repair is to occur.


This book is a review of the experiences of witnesses testifying before the Hague. It is based on 127 interviews and highlights the gap between the expectations and actual experiences of witnesses in regard to their concept of justice and that of the Hague, yet stresses that the witnesses still felt the need to reveal the truth. The author concludes by offering suggestions of how to better meet the needs of witnesses testifying before war crimes courts in the future.

This book looks at why it is so difficult to create 'the rule of law' in post-conflict societies such as Iraq and Afghanistan, and offers critical insights into how policy-makers and field-workers can improve future rule of law efforts. The book shows how a narrow focus on building institutions such as courts and legislatures misses the more complex cultural issues that affect societal commitment to the values associated with the rule of law. The authors outline a pragmatic, synergistic approach to the rule of law during transitions to democracy and post-conflict reconstruction.


Assesses the performance of the TRC in the South Korean context, concludes that structural limitations curtailed effective performance.

The efforts of the TRC and its recommendations are not being followed up by the government. Despite the TRC, reconciliation is not possible if the root causes of the conflict are still present. People need to gain faith in the government and recommendations of the TRC implemented for the process to gain legitimacy.


The author argues that traditional approaches to DDR have focused almost exclusively on military and security objectives, which in turn has resulted in these programs being developed in relative isolation from the growing field of transitional justice and its concerns with historical clarification, justice, reparations and reconciliation. Drawing on a case study of Colombia, the author contends that the ‘R’ of DDR has been neglected, and a more holistic approach is now required, incorporating new transitional justice norms.

The author clearly draws on a wealth of knowledge of Colombia’s political and social situation to make well argued claims. The work is quite nuanced, since the author takes into account the

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different biases of those interviewed as part of the article. One of the author’s conclusions raises a strong point – that if armed paramilitaries are disarmed then the state needs to fill the void left by them. However, whilst basing some of her work on interviews, the author does not present a clear methodology.


Based on public opinion polls, the South African TRC has had mixed results in shaping collective memory. TRCs should not primarily strive for public consensus, but rather to create a new version of history that in the long run may become the dominant narrative.


The paper is a regional public opinion survey with some basic data but not much analysis. It is a product of the International IDEA, an international NGO based in Sweden.

This report takes stock of what is known about the effects of TJ mechanisms eg. the field's state of empirical knowledge. It finds there is little evidence that TJ produces either beneficial or harmful effects; further TJ research is likely to find more reliable findings.


Empirical evidence of positive or negative effects of TJ is still insufficient to support claims. More systematic and comparative analysis of the transitional justice record is needed in order to move from faith-based to fact-based discussions of transitional justice impacts.
Many of the claims made about what the Court can accomplish are not founded in the reality of what is known about international justice generally and Cambodia in particular. It is unlikely that the ECCC will achieve rule of law in Cambodia, provide justice for victims or foster reconciliation. Once the unrealistic expectations for this process are cleared away, it becomes apparent that other culturally-specific models, rooted in the desire of the Cambodian people, have a greater chance at making long-term impact and satisfying victims.

This report provides valuable quantitative data about Cambodian sentiments towards the Khmer Rouge Tribunal but this particular report provides no analysis of the data and appears to be a part of a larger body of work.

This volume discusses the strengths and weaknesses of various methodologies for empirical research on transitional justice. The editors advocate for increased empirical research on transitional justice mechanisms in order to clarify key concepts and the utility of transitional justice, as well as further develop the field.


This study finds high prevalence rates for symptoms of PTSD and depression in Northern Uganda. Respondants reporting symptoms of PTSD and depression were more likely to favour violent over non-violent means to end conflict.

The article argues that TJ is a necessary objective for sustainable development, but lack of empirical evidence limits the ability to assess the contribution of TJ to sustainable development. Findings show that the existence of physical security is important in increasing the effectiveness of TJ mechanisms, as well as the existence of a wide consultation process.


A survey of the public attitudes of residents of Eastern DRC, regarding a wide range of questions pertaining to the conflict and subsequent democratic transitions. Supplemented with individual comparative interviews. The study concludes that peace and security remain the highest priority for Eastern DRC residents and most feel that living standards have remained constant regardless of the democratic transition.

The ICC’s outreach is problematic because of informal channels that communicate ‘poor-quality’ information. Outreach should be local.


This report provides the findings from a survey of 1,879 adults, residents of the Central African Republic. This report provides an analysis of results on a range of topics related to the population’s priorities and needs, exposure to violence, security, community cohesion and engagement, access to information, conflict resolution, reintegration of former combatants, transitional justice, and reparations for victims.

This is a comprehensive paper, which utilises an in-depth survey to outline a number of important recommendations. The papers methodology is clear and takes into account the potential bias of the surveys respondents. This paper seeks to take the ‘end-user’ seriously, engaging in a systematic and thorough way with the opinions of the Central African Republic population. As with the other reports
in this series (for example Pham (2011)) it is written with a great deal of clarity, underpinned by a strong understanding of the issues faced by ‘end-users’ in the CAR.


This study in Liberia was undertaken to contribute to a deeper understanding of: (1) the population’s priorities for peacebuilding, (2) Liberians’ perceptions of their post-war security, and (3) existing disputes and dispute resolution mechanisms. They conclude with a number of recommendations for the government of Liberia, the civil society, and the international community.

This is a study of great depth, drawing on a nationwide survey of 4,501 respondents randomly selected in each of the counties to represent the views of the adult population in Liberia. As with other reports in this series from Pham et al. (2011) and Vinck et al. (2010), this is a comprehensive piece, which seeks to take the ‘end-user’ seriously, drawing policy recommendations directly from those whom policies most affect. The methodology is transparent and attempts to deal with potential bias (p. 17). It is written with a great deal of clarity and distils clear recommendations from the detailed field work.

Counters the claim that local level TJ initiatives in the case of Rwanda (gacaca) contributes to the restoration of society. Refers to a rich array of literature, including those that utilise empirical evidence but does not directly integrate them into his argument.

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This article argues that legal storytelling, in the form of popular tribunals, can provide the connection between justice-seeking values and the narrative form, in the context of more traditional legal discourse. That, as a popular notion of justice, includes the excluded and mitigates failure of the traditional justice system.

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In this editorial, the author argues it is essential that scholars who engage in the field of transitional justice stop repeating the assumptions about reconciliation, closure, justice and what ‘victims want,’ and address head on the differences among the disciplines that seem to inhibit a
coherent approach to social reconstruction. Often, the author argues, huge amounts of money are plied into projects whose goals remain fuzzy and ambiguous, and may have little meaning to people on the ground. Overall, it is a call for caution, subtlety and greater academic analysis in the field.

Since this is an editorial, there is no empirical evidence per se, although the author does draw on existing studies in order to make his points.


Argues that gacaca has a different impact on female victims compared to male victims, due to the overall structure of society. TJ methods should take into account the societal perception of gender.


In Afghanistan, efforts to produce peace have largely excluded the promotion of justice and reconciliation. However, justice remains a high priority among Afghans and the success of the peace process relies on the simultaneous promotion of justice and reconciliation.
Describes gender dimensions of truth commissions in South Africa, Peru and Sierre Leone and describes how formal and informal justice systems have responded to gender-relevant findings of TCs. Concludes the WB could support loans and projects with a gender approach in the recs of TC including reparations.


The central message of the Report is that strengthening legitimate institutions and governance to provide citizen security, justice, and jobs is crucial to break cycles of violence. The report recommends refocusing assistance on preventing criminal and political violence, reforming the procedures of international agencies, responding at a regional level, and renewing cooperative efforts among lower-, middle-, and higher-income countries. The Report envisages a layered approach to effective global action, with local, national, regional, and international roles.

This is a report with a great deal of breadth, covering a huge range of topics and regions in the world. In this respect it is an impressive resource. However, whilst the authors are aware of
methodological limitations in writing such papers (p. xix), they fail to truly account for them in the text. It relies heavily on existing literature and datasets. It does not seriously engage with the ‘end-user’ perspective of those in conflict-affected states (despite recommendations which include working with local people). Overwhelmingly, statements are made as if they are factual, when in fact they require backing up with a great deal of empirical evidence – the expertise in this paper needs to be demonstrated more transparently.


This paper focuses purely on the legal aspects of transitional justice rather than on-the-ground local perspectives. The paper argues that CAVR should not be generalised under the uniform interpretation of other TRCs (amnesty) given that it is a mixture of justice and reconciliation. It is of utmost importance to use the CAVR to build upon existing formal judicial processes.

The authors of this article were involved in the LTRC Diaspora Project which incorporated diaspora members into the Liberian TRC process. They conclude that most diaspora members, as direct or indirect victims, are entitled to participation and information and that their inclusion is relevant, feasible and important.


The paper discusses the size of the impact of showing the Srebrenica video in public in Serbia with respect to changing perceptions about the war and the role of Serbian forces in it. It is an example of how international justice relies on the media to report trials and how this video helped local capacity building for war crimes prosecution.
The Justice and Security Research Programme is an international consortium of research partners, undertaking work on end-user experiences of justice and security in conflict-affected areas. The London School of Economics and Political Science is the lead organisation and is working in partnership with:

- African Security Sector Network (Ethiopia)
- Conflict Research Group, University of Gent (Belgium)
- Social Science Research Council (USA)
- South East European Research Network (Macedonia)
- Video Journalism Movement (Netherlands)
- World Peace Foundation, Tufts University (USA)

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