

Reconciliation in Côte d'Ivoire

*A Case Study of the Implementation of Transitional
Justice in Post-conflict States*

By

Hienzo Florence-Audrey Kouame

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Preface

This book originated from my doctoral dissertation for my PhD at the Graduate School of International Development, Nagoya University, Japan. The idea first came to me from my supervisor, Professor Francis Peddie, during his seminar on International Development and Cooperation on Thursday morning class. At first, I must admit that I was worried and intimidated by the idea of putting my research findings into a book. Nevertheless, with the encouragement of my supervisor, I got the courage. I felt enthusiastic to embark on this journey of writing this book.

This book aims to give you an overview of transitional justice, its goals, its different mechanisms, its importance in a transitional society's reconstruction and development, the various approaches to its implementation, and the impact of its mechanisms on achieving its objectives. With the case study of Côte d'Ivoire, this book will give you an overall understanding of the Ivorian conflict and, more importantly, an analysis of how transitional justice mechanisms impacted the country's national reconciliation.

The uniqueness of this book stems from using a mixed research method to investigate the impact of transitional justice mechanisms on national reconciliation. With the explanatory sequential design, the study first conducted a survey questionnaire. Then, the study conducted interviews to obtain the qualitative findings and used them to explain the quantitative results. In addition, this book's uniqueness also lies in filling the knowledge gap by providing empirical evidence on the impact of various transitional justice mechanisms on reconciliation in a given country, in this case, Côte d'Ivoire. This book mainly provides a general and in-depth understanding of how a single transitional justice mechanism can affect the reconciliation process and how multiple transitional justice mechanisms can have a much better positive impact on national reconciliation. The book includes valuable information from those involved in implementing the mechanisms in Côte d'Ivoire. It sheds light on the victims' perceptions of the transitional justice mechanisms.

This book encompasses seven chapters. The first chapter introduces the research's background, aims, relevance, and structure. Chapter two gives a glimpse of the literature on transitional justice, the concept of reconciliation, and the different theoretical assumptions concerning the impact of transitional justice, including previous studies on the topic and the study's theoretical framework. Chapter three deals with the background of the Ivorian conflict and the implementation of post-conflict transitional justice mechanisms. Chapter four presents the methodology used to carry out the research. The fifth chapter analyses the impact of each transitional justice mechanism on the Ivorian national reconciliation. The sixth chapter examines the combined effect of various transitional justice mechanisms on the country's national reconciliation. The last chapter provides the conclusion of the research, discusses its findings, and gives some policy recommendations and further research avenues.

This research was only possible with many people's contributions, guidance, participation, comments, and suggestions. My utmost gratitude goes to my supervisor, Professor Francis Peddie, for his supervision and unfailing support, which enabled me to see this research through to completion, and his encouragement to embark on this journey of writing this book. I also want to express my deep gratitude to my co-supervisors, Professor Ishikawa Tomoko and Professor Christian Otchia, for their contribution to the realization of this research through their assistance, comments, and suggestions. I am also thankful to my father, Kouadio Lambert Kouame, for his indelible support throughout this project. Thank you, Dad, for mentoring and encouraging me to achieve my ambitions.

I also want to express my gratefulness to each one of the respondents for their time, consideration, and contribution to this research. Their participation in the achievement of this study is much appreciated.

Lastly, I want to thank Ethics International Press for making this publication possible.

Dear reader, if you are curious about transitional justice, its mecha-

nisms, goals, link with reconciliation, approaches, and what its mechanisms can or cannot do in a post-conflict society looking for national reconciliation, in that case, I suggest you read this book.

Nagoya, September, 2024

Hienzo Florence-Audrey Kouame, Jurist and Dr. in International Development

Note: The tables and some of the testimonies in this book are also presented in the author's article titled: National Reconciliation after Conflict: Evidence from Post-Conflict Cote d'Ivoire Using the Holistic Approach. *Forum of International Development Studies* 54 (Special Issue), 7-24.

Dedication

This book is dedicated to anyone interested in the field study of peace-building and transitional justice, as well as practitioners, organizations, and decision-makers who are tirelessly working to consolidate peace in countries emerging from conflict through transitional justice measures and the protection of human rights.

This book is also dedicated to my beloved mother, Loré Pelagie, who unfortunately passed away in 2020 during the first year of my Ph.D. program.

Acronyms and Abbreviations

ADPH	Actions for the Protection of Human Rights
CAC	Cronbach's Alpha Coefficient
CDVR	Dialogue, Truth, and Reconciliation Commission
CFA	African Financial Community
CSAE	Specialized Committee in Charge of Hearings and Investigations
CSE	Special Investigation Cell
CSEI	Special Investigation and Examination Cell
CONARIV	National Commission for Reconciliation and Compensation of Victims
COVICI	Confederation of Organizations of Victims of Ivorian Crises
DDR	Disarmament Demobilization and Reintegration program
ECOWAS	Economic Community of West African States
FACI	Armed Forces of Côte d'Ivoire
FDS	Defense and Security Forces
FPI	Ivorian Popular Front
FRCI	Republican Forces of Côte d'Ivoire
ICC	International Criminal Court
ICTJ	International Center for Transitional Justice
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
LIDHO	Ivorian League for Human Rights
MIDH	Ivorian Human Rights Movement
NGO	Non-Profit Organization
NICTs	New Information and Communication Tools

ONUCI	United Nations Operations in Côte d'Ivoire
PCF	Principal Component-Factor
PDCI-RDA	Democratic Party of Côte d'Ivoire-African Democratic Rally
PNCS	National Program for Social Cohesion
RDR	Rally of the Republicans Party
RRB	Rwanda Reconciliation Barometer
TRC	Truth and Reconciliation Commission
UN	United Nations
UNDP	United Nations Development Program
UNODC	United Nations Office on Drugs and Crime
UNSC	United Nations Security Council
USAID	United States Agency for International Development
SARB	South Africa Reconciliation Barometer
SCORE	Social Cohesion and Reconciliation Index
SDG	Sustainable Development Goal

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Chapter 1

The Resort to Transitional Justice to Break the Cycle of Violence and Promote National Reconciliation after Violent Conflict

Background

Côte d'Ivoire is a West African country that has gone through multiple political crises since independence from France in 1960. After establishing a multiparty system in 1990, the country experienced its first military coup in 1999. This political and military crisis led to a ten-month military transition before the 2000 presidential election, which pitted the leader of the military putsch against Laurent Gbagbo, the leader of the opposition. As a result of this presidential election, Laurent Gbagbo was proclaimed president. However, his opponent contested the election results, which led to violent clashes in the country, causing hundreds of deaths. Following that, the Côte d'Ivoire government under the presidency of Laurent Gbagbo first initiated a national forum for reconciliation in 2001. However, this reconciliation effort failed as the country again experienced an attempted coup and rebellion in 2002.

Following that, the country experienced prolonged political instability and went through multiple rounds of peace negotiations until the presidential election of 2010. The latest Ivorian armed conflict of 2010-2011 was a political conflict that began because of the second round of presidential elections in 2010. Following alleged electoral fraud, the result led to a dispute between the two political opponents, Alassane Ouattara (the challenger in the election) and Laurent Gbagbo, the incumbent president. This dispute escalated, resulting in a deadly civil war that left about 3,000 dead, many cases of sexual violence, and over 500,000 people displaced. In addition to the abuses, the armed conflict also negatively affected social cohesion between activists of political parties and different ethnic groups in the country.

As a result, the Ivorian government under the presidency of Alassane Ouattara has also undertaken a peacebuilding policy, with the technical assistance of numerous international organizations, including the International Center for Transitional Justice (ICTJ), to establish lasting peace and to promote national reconciliation. Based on this policy, the Ivorian government has emphasized transitional justice, including criminal prosecutions, reparation programs, truth commissions, amnesty, and security sector reforms (Crawford, 2015; ICTJ, n.d).

Because of massive human rights violations and atrocities during armed conflicts, post-conflict states face constant challenges in reunifying their societies through transitional justice processes. The World Development Report (2011) stated that most countries that have experienced armed conflicts are likely to relapse into violence. However, as stated in Sustainable Development Goal (SDG) 16, conflict constitutes a great obstacle to the development of any country, and there cannot be development without peace. In this context, transitional justice is considered by researchers, political authorities, and international organizations as a pathway to break the circle of violence, restore victims' dignity, and achieve peace and reconciliation (ICTJ, 2009; Fischer, 2011; Skaar, 2013; Seils, 2017).

The United Nations (UN) defines transitional justice as "the full range of processes and mechanisms associated with a society's attempt to come to terms with a legacy of large-scale past abuses, to ensure accountability, serve justice and achieve reconciliation" (UN, 2010, p. 3). It generally involves trials, reparation programs for victims, truth commissions, and institutional reforms (UN, 2010; Skaar, 2013). In this regard, Côte d'Ivoire, as with many other post-conflict states, has policies that favor transitional justice as a peacebuilding strategy to deal with wrongdoings committed during the armed conflict to achieve national reconciliation.

However, the implementation of transitional justice mechanisms in Côte d'Ivoire has become a matter of concern among the population, especially regarding its influence on the process of peace and national reconciliation (Sergent, 2017; Labelle & Trudel, 2012; Koepf, 2013;

Actions for Human Rights Protection, 2019; Suma, 2019). Added to this are the debates among scholars and practitioners over the effects of transitional justice in academic literature. Although transitional justice is expected to reestablish justice after armed conflicts, some researchers have also pointed to it as an obstacle to peace and reconciliation (Skaar, 2013; Fischer, 2011; Seils, 2017). Until now, very few empirical studies have been conducted to assess transitional justice's impact on reconciliation in post-conflict states. Thus, this book attempts to advance knowledge of transitional justice to provide practical answers about its impact on national reconciliation in states emerging from conflict like Côte d'Ivoire. This book shows that in the context of Côte d'Ivoire, a holistic approach combining transitional justice mechanisms such as national trials, ICC trials, TRC, and reparation programs has proven to be the most effective way to promote reconciliation.

The Aims of this Book

Previous studies on transitional justice provide important information and constitute a background for understanding the concept of transitional justice and the role it plays in restoring justice after massive human rights violations committed during armed conflict. Furthermore, these studies on transitional justice have mostly focused on its conception, its different mechanisms, and the understanding of justice. However, the issue of the impact of transitional justice on national reconciliation has been a matter of ongoing controversy based on simple assumptions with very little empirical evidence. There is still a gap due to the lack of conclusive findings, particularly concerning transitional justice's impact on achieving the reconciliation necessary for sustainable peace in post-conflict states (Skaar, 2013). Indeed, some scholars in academic literature point out the negative effect of transitional justice on reconciliation after conflict. In opposition to that, other scholars claim that transitional justice impacts reconciliation positively.

Most of the limited empirical single case studies, either negative or positive, tend to focus on single or specific mechanisms (for example, Truth

and Reconciliation Commissions [TRCs] or trials) to assess transitional justice's impact on reconciliation. Most statistical researchers also tend to limit their analysis of the impact of transitional justice on repression, peace duration, human rights protection, or even democracy without paying attention to reconciliation. That creates a generalization problem and vagueness regarding the overall effect of transitional justice. That is why many scholars conclude that previous studies on the impact of transitional justice need to be more conclusive regarding its effectiveness in achieving reconciliation in post-conflict states (Olsen et al., 2010; Skaar, 2013). However, in the current dominant view, scholars have suggested that instead of one single transitional justice mechanism, transitional societies should use a variety of transitional justice measures to advance reconciliation (Fletcher & Weinstein, 2002; Crocker, 1999). Nevertheless, there are no empirical studies to support this theoretical assumption.

This book aims to provide empirical evidence on how transitional justice mechanisms can affect national reconciliation in countries emerging from conflict, such as Côte d'Ivoire. Although previous research has generated important insights into the understanding of transitional justice, very few empirical studies exist on its impacts on achieving national reconciliation in post-conflict states. For this reason, further research is needed to address this unresolved issue. This research may contribute to more accurately evaluating the theoretical assumptions by examining empirical data regarding the effects of different transitional justice mechanisms on reconciliation.

The primary goal of this book is to conduct an empirical investigation into how transitional justice mechanisms affect national reconciliation. More specifically, it assesses the effectiveness of the holistic approach compared to the transitional justice single-mechanism implementation approach for achieving national reconciliation in a post-conflict state such as Côte d'Ivoire. The investigation raises the following questions:

Does any single mechanism positively affect national reconciliation in Côte d'Ivoire? If yes, how does this mechanism lead to national reconciliation in the country?

Which combination of mechanisms is the most effective in achieving national reconciliation? How do these different mechanisms work together to achieve national reconciliation?

This book attempts to answer these questions by giving greater attention to analyzing empirical evidence on the impact of transitional justice mechanisms on Ivorian national reconciliation. Doing so helps to assess the adequacy of the theoretical assumptions better.

The scope of this research is limited to assessing transitional justice's impact on achieving Ivorian national reconciliation. It focuses on mechanisms such as trials, TRC, reparations, institutional reforms, and amnesty. Thus, other transitional justice mechanisms, such as purges, exile, and local practices that may be important to achieve national reconciliation, are not in the scope of this book. Also, given that the investigation uses a single case study, its scope is limited to Côte d'Ivoire and does not include other post-conflict cases and transitional contexts.

Significance of this Book

This investigation has both practical and theoretical contributions. Regarding the practical contribution, the book will first aid in the policy formulation of the Ivorian government to better implement transitional justice mechanisms that will help achieve national reconciliation. In this regard, the research provides insights into the overall impacts of transitional justice mechanisms. Also, it offers possible ideas to improve the efforts to achieve national reconciliation effectively. Second, the book will help the Ivorian people, including victims and perpetrators and Ivorians from all parts of the population, understand transitional justice as a peacebuilding strategy and its impact on the ongoing national reconciliation process.

Regarding the book's theoretical contribution, it is essential to emphasize that studies on transitional justice are limited to understanding various singular mechanisms and their relationship to reconciliation. While some researchers have highlighted a positive correlation between

transitional justice and reconciliation, others have underlined its negative effects. This ongoing debate casts doubts on the effectiveness of transitional justice. Despite these opposing views, the current literature that emphasizes implementing various transitional justice mechanisms for achieving reconciliation remains a simple theoretical assumption without empirical evidence to support the claim. Therefore, this investigation attempts to fill the gap in our understanding by focusing on the impact of various transitional justice mechanisms in achieving reconciliation in countries emerging from conflict.

The Structure of this Book

The book encompasses seven chapters, including this introduction. Chapter one, which is the introduction of this book, provides information regarding the background, objectives, relevance, and organization of this book. Chapter two reviews the pertinent literature on transitional justice and the concept of reconciliation. This chapter also critically analyzes the theoretical assumptions regarding the impact of transitional justice on post-conflict states' reconstruction, including peace duration, the improvement of human rights protection, the level of repression, and democracy. It also highlights the limited existing empirical studies focusing on the effect of transitional justice mechanisms on reconciliation. The last section of this chapter presents the study's theoretical framework.

In chapter three, the book provides an overview of Côte d'Ivoire's history of conflict and transitional justice implementation after conflict. In the background of Ivorian conflict history, the chapter highlights two significant phases, going from the one-party system in 1960 to the multiparty system in 1990 and the post-multiparty system to the post-election conflict of 2010-2011. This chapter also emphasizes the six transitional justice mechanisms implemented by the Ivorian government to address the widespread human rights violations during the conflict and advance national reconciliation. These mechanisms include national trials, the Truth and Reconciliation Commission, the reparation programs,

the ICC trial of the former Ivorian president and his youth minister, security sector reforms, and amnesty.

The fourth chapter describes the book's methodology before presenting the analytical chapters. The methodology encompasses the information on the research design, the targeted population, the sample and sampling technique, the data collection methods, and the data analysis methods. Also, it provides a descriptive analysis of the data.

The fifth chapter presents the findings and analysis of the effect of a single mechanism on reconciliation. This chapter answers the first research questions and explains how each transitional justice mechanism impacted the Ivorian national reconciliation.

In chapter six, the book provides the field data results and analysis concerning the combined effect of transitional justice mechanisms on reconciliation. The sixth chapter also provides the answer to the second research question. It mainly emphasized the transitional justice mechanisms with the most significant positive joint effect on the national reconciliation in Côte d'Ivoire.

Finally, chapter seven summarizes the book's results, discusses its findings compared to previous studies, and provides policy implications before presenting avenues for future research.

Chapter 2

Reconciling Divided Societies after Widespread Human Rights Violations through Transitional Justice: Wishful Thinking or a Reality?

The reunification of a divided society after massive human rights violations is a challenging task to do. Although scholars in the literature defined reconciliation differently, they all agree that reconciliation is essential for restoring or sustaining peace in countries emerging from conflict. Scholars define transitional justice either narrowly or broadly. However, the link between transitional justice and reconciliation continues to generate much debate among scholars. Some advocate the implementation of these mechanisms to promote reconciliation in conflict-torn societies. In contrast, others denounce its harmful effects on reconciliation in these countries.

Thus, to understand the substance of the debate on transitional justice and its possible link with reconciliation, it is essential to dwell on its emergence and evolution and the different conceptions of reconciliation before knowing the state of play in the literature concerning the impact of transitional justice on reconciliation.

Transitional Justice as a Full Range of Mechanisms: Definition and Emergence of the Concept

Understanding its origin, concept, and evolution is crucial for better comprehending transitional justice. A glimpse into the literature shows that different scholars interpret transitional justice differently.

If there is a scholar to whom much is owed regarding the widespread knowledge of transitional justice, it is Neil J. Kritz. In fact, with his

book *Transitional Justice: How Emerging Democracies Reckon with Former Regimes* (1995), Kritz contributed to propagating the concept of transitional justice worldwide. In this book, he presented transitional justice as a means to address human rights violations committed by past repressive regimes. In this sense, transitional justice is understood as a means or at least as a process for societies to come to terms with past violations in the transformation from their repressive past to democratic regimes, with measures including trials, purges, truth commissions, and reparations (Kritz, 1995). Although Kritz provided an important overall understanding of transitional justice in this book, his understanding was limited to the change of political regime, particularly from a repressive to a democratic regime.

Ruti Teitel (2003) approached the concept of transitional justice from a genealogical angle that defined transitional justice as “the conception of justice associated with periods of political change, characterized by legal responses to confront the wrongdoings of repressive predecessor regimes” (p. 69). By emphasizing the notion of justice, Teitel presents transitional justice as a particular form of justice that is applied within the context or framework of political change. However, this genealogical conception of transitional justice also encompasses three moments that Teitel describes as being the phases of transitional justice evolution. In its first phase, which started after World War II, transitional justice was used as a standard of international law, establishing the criminal responsibility of those accused of war crimes. An example of this phase was the Nuremberg Trials of Nazi leaders. In the construction of transitional justice, the goal was to entrench the rule of law through retributive justice¹ under the guidance of the international community.

However, the shift in focus during the second phase set a new tone for the emergence of transitional justice. While transitional justice was modeled on the conception of retributive justice in the first phase, with a particular emphasis on international trials, the second phase gave

¹ Retributive justice stems from the theory of punishment whereby any offender who breaks the law must be punished. However, the punishment must be proportional to the offense (Meyer, 2014)

rise to other conceptions. The reason is that, during the second phase, transitional justice moved from the international sphere to the national sphere, with individuals as the main subject. With this scope transfer, transitional justice includes measures other than retributive ones. Because of the issues specific to each state, it was a question of applying justice that would promote the reconstruction of the nation, reconciliation, and the unification of the citizens rather than imposing sanctions on the perpetrators of human rights violations; hence, the interest in “restorative” justice² in this second phase (Teitel, 2003, p. 78). Restorative justice encompassed mechanisms that include, among other features, truth and reconciliation commissions, reparation, and public apology. This phase also emphasized changes regarding the actors involved in implementing transitional justice. If in the first phase, transitional justice was the function of politicians and law practitioners, the second phase involved many other actors, such as civil society organizations, religious groups, and activists.

The third phase emerged at the end of the 20th century in the context of globalization, in which states have become more interdependent. In this phase, transitional justice corresponds to the notion of a justice that aims to be “global” as an international norm (Teitel, 2008, p. 2). Transitional justice is applied in the context of transformation from conflict to peace in post-conflict states. In this phase, the search for justice after atrocities of war or armed conflict is now not only the obligation of the state but also that of the international community. This justifies humanitarian interventions, international investigations into abuses committed during conflicts, or even criminal proceedings before the International Criminal Court.

These three phases show the evolution of transitional justice and how it has been shaped by the political changes of the moment. Thus, transitional justice has evolved from being an international to a national and then to a more globalized matter. However, each stage of that evolution

² Restorative justice theory focuses on the needs of victims. It, therefore, consists of bringing the offender to acknowledge their wrongdoings and offer redress or repair for the harm inflicted upon victims. (UNODC, 2006)

showed a different conception of justice that constituted the core notion of transitional justice. The strength of this genealogical approach lies in its focus on the notion of justice and its conception of transitional justice as an exceptional form that applies only in the context of political change. Nevertheless, this genealogical approach remains limited because it does not consider the transformational dimension of transitional justice, which constitutes another important concept component.

In a different vein, rather than theorizing the notion of transitional justice, Elster (2004) suggested a framework for a historical analysis of the concept. The first part of his book describes more than thirty cases, and the second part is devoted to analyzing the cases. Nevertheless, from the start of his analysis, he presents transitional justice as “made up of the processes of trials, purges, and reparations which take place after the transition from one political regime to another” (Elster, 2004, p. 1). By referring specifically to the mechanisms of trials, purges, and reparations, Elster offers a narrow conception of transitional justice, which is limited only to these three measures.

Despite this limitation, Elster offered a broad understanding of transitional justice as not limited to a transformation to democracy and as involving other actors, even if, in most cases, it is implemented by the state (Kriger, 2006; Mouralis, 2006). One can, therefore, understand that transitional justice can take place not only in the context of a transition to a democratic regime but also in the case of a transition to restoring a monarchy, as was the case in England in the 17th century, or for transitioning to independence (Elster, 2004). In addition to that, he also highlighted different actors in transitional justice, including “executors or targets, individuals, corporate actors, states, or supranational entities” (Elster, 2004, p.79).

Indeed, his goal was not to provide any theory about transitional justice but to propose a historical analysis to generalize what transpired in implementing transitional justice in different cases. Moreover, such an approach has the merit of offering us not only similarities and differences but also aids in understanding the reasons behind implementing

transitional justice mechanisms within the same society or in comparison with others. Transitional justice is implemented differently from one context to another within the same country or from one transitional society to another. So, what explains such variation in the implementation of transitional justice? In response to this question, Elster highlighted three factors such as “economic and political constraints, the retributive emotions, and the play of party politics” (Elster, 2004, p. III).

In addition, if Teitel modeled transitional justice on the notion of justice according to its various phases, Elster emphasizes the place that justice occupies in transitional justice. For Elster, justice is understood as the motive for implementing transitional justice on the one hand, and it is also understood as an institution on the other hand. Regarding the latter, Elster distinguished between different institutions of justice. However, he considered the whole as a “continuum” with “legal justice” at one end, “political justice” at the other end, and “administrative justice” in between (Elster, 2004, p. 84). He focused more on legal justice among these three institutional forms of justice. He characterized it as “the uncertainty about the outcome” of the trial, the judiciary system’s independence from the executive power, the clarity of the law, and the principles of impartiality and “due process” (Elster, 2004, p. 85). In opposition to that is what Elster called political justice, where there is interference by those in power in the trial. In other words, there is political justice when politicians or the new government decide who must be prosecuted and what sentence those judged should get. This can take the form of a show trial, which looks like legal justice but is under the influence of the new executive regime. Another example of political justice is “victors’ justice,” which refers to the prosecution of previous regime leaders or the vanquished by the victorious party (Elster, 2004, p. 86). An extension of this, administrative justice refers to the removal of officials who participated in the atrocities of the previous regime.

Although his focus is limited only to trials, purges, and reparations, Elster has the merit of providing an important insight into understanding transitional justice. From the historical cases to the modern ones through actors and the different agents of transitional justice, Elster’s

analysis offers an overall picture of transitional justice. It allows for comparing historical cases and examples of current transitional processes to understand their similarities and differences.

Arthur (2009) proposed a “conceptual history” of transitional justice that relied both on the “invention” of the term and its “acceptance” as a new field (pp. 327-328). For him, transitional justice began in the 1980s through international conferences³ with participants from different fields, including politics, human rights, and social science. Furthermore, these conferences provided a crucial forum for considering the most pressing issues surrounding the response to human rights abuses following the fall of authoritarian governments. He also explained that these international conferences aimed at responding to human rights activists’ dilemmas after the collapse of authoritarian regimes, especially in Latin American countries. These dilemmas were related, among other things, to the question of justice measures to remedy the human rights violations committed under authoritarian regimes and their advisability not to compromise the stability of the new democratic regime. Therefore, transitional justice was considered a range of justice measures allowing states to address past abuses and help transition to a democratic regime. However, one interesting point in Arthur’s conceptual history of transitional justice is the emphasis on the notion of transition, which is crucial to addressing human rights violations and determining adequate justice measures to deal with these past abuses. Thus, from this point of view, it can be understood that transitioning from an authoritarian regime to a democratic one can be different from any other transition, such as a transition from conflict to peace. Also, because the purpose of the transition is different, measures undertaken to achieve that transition will be different. It is, therefore, the purpose of the transition that dictates and justifies the type of justice to be implemented. That is why he defined transitional justice “as a device to signal a new sort of human rights activist and as a response to concrete polit-

³ These conferences include the Aspen Institute Conference on State Crimes: Punishment or Pardon? November 4-6, 1988; Dealing with the Past, Institute for a Democratic Alternative for South Africa Somerset West, Western Cape, February 1994.

ical dilemmas human rights activists faced in what they understood to be 'transitional contexts'" (Arthur, 2009, p. 326).

With the United Nations (UN) report on *The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies* published in 2004, former Secretary-General Kofi Annan provided a new understanding of transitional justice. In fact, in this report, transitional justice is defined as "the full range of processes and mechanisms associated with a society's attempts to come to terms with a legacy of large-scale past abuses in order to ensure accountability, serve justice, and achieve reconciliation" (UN, 2004, p. 4). This offers a broad understanding of transitional justice, which does not limit itself only to the legal responses, such as trying to deal with past abuses as in the early days of its emergence in the 80s, but also non-judicial mechanisms like truth commissions, "reparation," "institutional reforms," and "vetting and dismissals" (UN, 2004, p. 4). One notable point about the UN's conception of transitional justice is the precise description of the goals of transitional justice, which consist of guaranteeing accountability, providing justice to victims and the entire society, and bringing reconciliation in the transitional society. Like the United Nations, the International Center for Transitional Justice (ICTJ) also conceives of transitional justice in a broad sense by defining it simply as "a response to systematic or widespread violations of human rights" aiming at "recognizing the victims" and advancing "peace, reconciliation and democracy" (ICTJ, 2009, p. 1), a response which rests on four fundamental pillars, namely the right to justice, the right to know, the right to reparation, and the guarantee of non-repetition.

From these conceptions of transitional justice highlighted by the UN and ICTJ, De Greiff (2012) drew attention to the "normative theoretical conception" of transitional justice, which consisted of trying to "clarify the relationship among its constituent elements" on the one hand and the relationship between transitional justice and other concepts such as reconciliation and democracy on the other (p. 32). Indeed, De Greiff's (2012) normative conception suggested understanding transitional justice as "the set of measures implemented in various countries to deal

with the legacies of massive human rights abuses" (p. 34). Thus, understanding transitional justice holistically consists of seeing every one of its components as "parts of a whole" (De Greiff, 2012, p. 34). To justify his claim, he argued that transitional justice measures, in addition to their respective goals, also have in common two specific "mediate aims," which are to bring a particular form of "recognition to victims" and to promote "civic trust," and two "final aims" such as reconciliation and democracy (De Greiff, 2012, p. 65). In opposition to Teitel's view on the nature of transitional justice as a unique form of justice or as simply a compromise, De Greiff (2012) presented the concept as "a principled application of justice in distinct circumstances" (p. 59). Such comprehension of transitional justice has the merit of offering a simplified understanding of it as the application of justice or at least of ordinary justice in specific circumstances, such as conflict or political change, to achieve reconciliation or democracy in transitional societies. However, defining it in this way can also lead to conceiving it as a distinct or even special justice by its application in non-ordinary circumstances.

Binder (2013) proposed articulating the concept around two different contexts, emphasizing that transitional justice applies not only in the post-conflict context but also in the aftermath of repressive regimes to provide justice for human rights violations. She claimed that "The concept is characterized by a past of massive human rights abuses and a process of transition to peace and democracy" (Binder, 2013, p. 9). In this conception, Binder considered the notion of justice and highlighted the transitional dimension of the concept as well.

However, contrary to Elster, who presented diverse transition cases, Binder limited transitional justice to post-conflict countries or post-repressive regime societies transitioning to a peaceful situation or a new political regime such as democracy. Binder's conception of transitional justice did not consider societies that emerge from occupation to independence or those transitioning to a political regime other than democracy. In doing so, Binder's conception of transitional justice seems to align with Teitel's comprehension of the concept in its third phase.

Binder also emphasizes transitional justice based on law, particularly human rights and international humanitarian law, to justify its implementation in the abovementioned contexts. Binder concluded her analysis of transitional justice by emphasizing the international community's essential role in helping societies implement transitional justice measures to achieve justice and restore the rule of law as its first significant goal.

In contrast, Nagy (2013) offered a new avenue of reflection on the scope and bounds of transitional justice to better understand the concept. In her analysis of the Canadian Truth and Reconciliation Commission, Nagy criticized the fact that the scope of transitional justice has traditionally been limited only to legal and political justice without looking into the search for "social justice" (p. 53). In fact, in many cases, transitional justice is used to deal with past violations of a repressive regime or committed in the context of violent conflict. However, in her study, Nagy presented another scope of transitional justice, which deals with structural violence that arises from social inequalities. Such an approach thus allows us to comprehend the application of transitional justice in a much broader sense. This approach extends the understanding of transition by integrating the notion of "decolonization" and links the concept of justice to that of social change (Nagy, 2013, p. 54).

However, for Gissel (2017), transitional justice should be understood based on its "exceptionalism" and its "normalization" (p. 354). Gissel (2017) explained that the exceptionalism of transitional justice is an exceptional response to past human rights abuses committed under repressive regimes or during violent conflicts. Gissel (2017) identified the three levels of transitional justice's exceptionalism characteristics such as legal, political, and moral. At the legal level, exceptionalism is justified by the exceptional application of the law that considers the context of the transition. The political aspect of transitional justice exceptionalism is translated into political decisions that balance the imperative of justice and the necessity of peace to prevent any potential threat to the transition. On the moral level, the exceptionalism of transitional justice is justified by the obligation to live with those who com-