

Critical Lessons from South Africa’s Truth and Reconciliation Commission (TRC), with Insights from Global Practice for Transitional Justice and Sustainable Peace in Ethiopia

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Abstract

This study examined the experience of South Africa’s Truth and Reconciliation Commission (TRC), with insights from global practices to draw practical lessons for Ethiopia's transitional justice initiative. Through a systematic analysis of secondary data, including scholarly books, articles, legal documents, and thematic analysis, the research investigated the design, implementation, and outcomes of the South African TRC and global practices. The analysis identified seven critical insights that Ethiopia can consider while designing and implementing its transitional justice initiative: transitional justice as foundation for national cohesion; the foundational importance of religious and traditional institutions in reconciliation; the importance of addressing systemic violence; limitations in reparations policy and their implementation; the problems associated with arbitrary cut-off dates; the strategic importance of coordinating transitional justice mechanisms ; and the importance of proactively mitigating perceptual and operational risks. While the South African TRC and global practices provide a valuable repository of knowledge, its lessons cannot be mechanically transplanted. Instead, Ethiopia must engage in a critical and context-sensitive adaptation of these insights, carefully tailoring them to its unique historical, political, economic, social, and cultural dynamics. The paper concludes with specific recommendations for crafting a more effective and locally grounded transitional justice framework in Ethiopia.

Key words: Transitional Justice, Sustainable Peace, Human Rights, Truth and Reconciliation, Prosecution, Truth-seeking, Reparation, Amnesty, Institutional reform.

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1. Introduction

Ethiopia is a nation defined by its profound paradoxes. It is a civilization of ancient statehood and enduring sovereignty that has consistently failed to build resilient, legitimate institutions; a symbol of Black independence and resilience that struggles with internal fragmentation and democratic deficits; and a society engaged in a perennial quest for unity and justice, yet historically trapped in cycles of poverty and impunity. These contradictions are not merely incidental but are central to understanding its fraught journey toward a stable peace. Over the past five decades, Ethiopia has undergone three major political transitions: from the monarchy to the Marxist Derg, from the Derg to the Ethiopian People's Revolutionary Democratic Front (EPRDF), and from the EPRDF to the incumbent Prosperity Party-led government. The previous regimes, the Derg and the EPRDF, each instituted transitional justice processes. However, these efforts were purely retributive, constituting a form of victor's justice that lacked any genuine commitment to national reconciliation or accountability, thereby deepening political divisions and entrenching impunity, a cycle of political violence begetting further violence.

Following the political changes of 2018, the current government has initiated efforts to address both historical and contemporary drivers of conflict, including the adoption of a transitional justice policy in 2024. While this endeavor holds significant transformative potential, its success depends on overcoming profound structural and contemporary challenges. One key impediment is the absence of a systematic framework to integrate empirical lessons from comparable international processes, which constrains the adaptation of proven mechanisms for breaking this historical cycle and ensuring genuine reconciliation and sustainable peace.

To address this gap, this study employs a qualitative design centered on a systematic analysis of South Africa's Truth and Reconciliation Commission (TRC), a globally referenced model of transitional justice as well as with insights from global practices. The methodology involves a thematic analysis of diverse secondary sources, including academic literature, legal documents, case studies, and institutional reports. The objective is to derive evidence-based lessons to inform the

development of a contextually appropriate and actionable framework for Ethiopia's transitional justice process, thereby supporting its ambition for meaningful and enduring reconciliation.

2. Literature Review: The Concept and Evolution of Transitional Justice and Its Role in Sustainable Peacebuilding.

This section outlines the theoretical frameworks that underpin this study. The purpose is to situate the study within the existing knowledge. It begins by clarifying the concept of transitional justice, including its overarching goals and historical evolution. Furthermore, it establishes the direct relationship between justice and the building of sustainable peace, highlighting transitional justice's dual task: dealing with past atrocities while fostering a cohesive society and legitimate state from the foundations of a failed, criminal regime. This framework will inform the overall objective of the study.

The concept of "transitional justice" did not emerge in a vacuum; its foundation is rooted in social transformation and regime change. At the end of the 20th century, societies all over the world began overthrowing authoritarian rule and building democracies. However, at that time, there was no unified framework to manage such political transitions. These transitioning societies faced concrete legal and political challenges.

In effect, how to manage such political transition has become critical question. It created dilemmas on fundamental issues : whether to punish old leaders or leave them free; whether the entire establishments of the past regimes repudiated, or reformed; whether a deeply divided society move forward while addressing past wrongs.

Scholars debated on such critical issues to provide a systematic framework for societies navigating the complex shift from authoritarian rule or conflict to democracy. Ultimately, they came up with solution: invented the concept of transitional justice. Legal scholars particularly, Ruti G. Teitel in 1991, argued the law plays a profound role in symbolizing the break from the past and in building a new, legitimate foundation for the future challenging prevailing view that favored pure

punishment. Such conceptual debate was practically tested in Germany, the losers of the Second World War were made accountable, showing transitional justice could work and influenced its global acceptance.

Hence, the term was first coined by legal scholar Ruti G. Teitel in 1991 to describe a form of justice that emerges during radical political change following oppressive rule or conflict. In this view, transitional justice is not a diluted version of standard legal justice, but a unique, context-dependent practice shaped by the immediate demands of political transformation (Teitel, 2000).

After undergoing conceptual development, transitional justice is now commonly defined as a comprehensive framework of judicial and non-judicial measures that societies adopt to address widespread human rights violations after conflict or repression.

The overarching aim is to transform society from repressive system to democratic governance through addressing entrenched sources of repression and injustice. It aims to build a system where rule of law is respected; human rights are permanently upheld; justice is realized; grievances are resolved; social reconciliation and sustainable peace are achieved (Burgess, 2006). It is not incremental, but transformative in sense that it aims to turn a painful past into the foundation for a more legitimate and stable future (Skaar, 2013). It creates suitable political ecosystem for society to progress on a foundation of fairness and shared understanding rather than on silence and impunity. The state founded on impunity and injustice is like a house built on sand (Burgess, 2006). It achieves these goals by integrating transitional justice instruments: truth commissions, reparations programs, conditional amnesty, prosecutions, and institutional reform (Skaar, 2013).

While its formal field emerged in the early 1990s, its foundational concepts trace back to the post-World War II Nuremberg Trials, which established the principle of individual criminal accountability through punishing leaders of the defeated powers, axis power (Sharp, 2012). Through time, transitional justice has shown transformative and qualitative change by expanding its goals, scope and, depth from a narrow focus on individual criminal accountability to a holistic, victim-centric, and forward-looking set of processes integral to building

resilient state, just and peaceful societies. It has evolved through three distinct phases, each shaped by historical events, political shifts, and evolving norms.

The first phase (post-1945 to the 1990s) was fundamentally characterized by its legalistic, judicial, retroactive and punitive approach to past wrongs. During this time, the understanding was that justice was delivered through punishing individual perpetrators. Usually, individual criminal prosecution was conducted by victors, often termed "victors' justice." Hence, at this phase, it overlooked the broader societal healing and victim redress (Arthur, 2009; Gui, 2011; Nelson et al., 2021).

The mainstream thinking was that legal response to human rights violations would break the cycles of immunity, granting political transition from war to peace. This phase established the principle of individual criminal accountability, setting a positive precedent for the next phases of transitional justice. However, its limited scope, failing to integrate non-judicial mechanisms to the process of transitional justice to fully capture the complex nature of political transition and grave human rights violations have led to the evolution of the second phase (Arthur, 2009; Gui, 2011; Nelson et al., 2021).

The second phase of transitional justice (1990s-2000s) broadened its scope beyond judicial mechanisms informed by practical necessity and evolving political realities. Following the "third wave" of democratization including the fall of military dictatorships in Latin America, the collapse of communist regimes in Eastern Europe, and crises like the end of Apartheid in South Africa and the Rwandan genocide, societies faced a critical dilemma: criminal prosecutions were often politically impossible, yet simply ignoring past crimes risked future instability (Ohlin, 2007). This situation enforced scholars to propose and integrate other mechanisms beyond sole legalist approach to address a critical dilemma transiting societies faced. Consequently, the field expanded to incorporate non-judicial measures such as truth telling, reparations programs, conditional amnesties, and institutional reforms (Arthur, 2009; Gui, 2011; Nelson et al., 2021).

The non-judicial mechanisms address different dimensions of human rights violation but still working towards the same goal: establishing accountability and truth, providing recognition and redress to victims, catalyzes institutional and social reform, and prevent recurrence of violence. For example, through truth-telling, it establishes an authoritative record of past wrongs, through collecting victim and perpetrators testimonies, conducting archival research, and holding public hearings. The authentic record would serve as a basis of national reconciliation by replacing denial with a shared understanding of history. It also serves as a foundation on which new unifying narrative is anchored (Hamber & Wilson, 2021).

Through its reparation mechanisms, transitional justice provide material and symbolic justice and acknowledgment to victims of grave injustices, human rights violations, or systemic oppression as a form of redress for the harms they have suffered. It plays important role in transitional justice at different levels. At individual level, it restores the dignity and status of victims and rehabilitation. At societal level, it promotes social reconciliation and reintegration. Most importantly, it establishes a foundation for transforming a legacy of harm into a foundation for a more equitable and shared future (de Greiff, 2006).

Conditional amnesty also plays a great role in transitional justice process. It is the innovation of South Africa's truth and reconciliation commission. Under conditional amnesty, perpetrators of politically motivated crime are granted rights to be free from criminal prosecution and civil liabilities on condition that they fully and publicly disclose the truth about their actions. This mechanism facilitates transitional justice by uncovering about past atrocities, establish a shared, official record and avoid divisive trail that could reignite conflict. It also serves as moral punishment of perpetrators as they disclose their evil deeds in public. On the other hand, it provides psychological relief for victims (Bakiner, 2015).

Through transforming repressive state establishments, legal and policy frameworks, transitional justice dismantle the root causes of oppression that enabled human right violations. The ultimate intention is to transform the state's role from perpetrator to protector, and building a legitimate state from the foundations of a failed or criminal one. This

would provide concrete guarantees that such violations would not occur. Such concrete step would restore public trust in state, and hence establish foundations for sustainable peace and rule of law (Arthur, 2009; Gui, 2011; Nelson et al., 2021). The net effect of integrating these non-judicial mechanisms into transitional process is that it has broadened the goal of transitional justice from punishing individuals to healing societies, legitimizing new institutions, and constructing the conditions for a sustainable peace (Arthur, 2009; Gui, 2011; Nelson et al., 2021).

The other important development observed in the second phase of transitional justice was the conceptual transformation of the early false dichotomy between peace and justice. In the early phase of transitional justice (phase one) , there was a wrong conception that the pursuit of criminal accountability for past atrocities (justice) is seen as potentially obstructing the negotiation of a peace agreement to end a conflict, which often requires granting concessions or amnesties to perpetrators. Hence, at the early phase, peace was prioritized over justice. It employed mechanisms including self-impose immunity, blanket-amnesty, power- sharing as seen in Argentina and Chile (Albin, 2009). Such an approach undermined justice, which in turn fueled the very conflict that transitional justice, was intended to contain.

The second phase of transitional justice has reoriented peace vs. justice dichotomy. At this phase, it was fundamentally argued that sustainable peace couldn't be achieved without addressing past injustice as a peace built on impunity is shaky and unstable.

The integration of non-judicial mechanisms and the reorientation of peace vs justice dichotomy uplifted transitional justice to move beyond merely stopping violence (negative peace) to the deeply institutionalized state of justice (positive peace). Sustainable peace is built through legitimacy, rule of law, and reconciliation rather prosecuting individual perpetrators which often fail to consider other mechanisms to make justice. Based on these theoretical and empirical justifications, scholars argue that sustainable peace and justice are interdependent and must be pursued together (Albin, 2009). This paradigm shift was shift elevated transitional justice one step forward

in its evolutionary development, laying foundation for more integrated third phase.

The third phase (2000s–present) of transitional justice is a mature stage that has developed the capacity to peacefully manage political transition and build a cohesive, peaceful society and legitimate state. It derived such capacity from integrating two important issues to transitional justice process: economic, social, and cultural aspects of human rights and the introduction of the concept of “provisional justice”

At this phase, it has broadened its domains from entirely dealing with political and civic aspects of human rights violation to include economic, social, and cultural aspects of human rights. This strategic view helped transitional justice process to directly attack the disease, (economic, social, and cultural injustice) than the symptoms (civic and political) rights violations (Sharp, 2014).

Civil and political rights violations are direct, event-based acts like torture, killings, enforced disappearance, rape etc. They have identifiable perpetrators and were the traditional focus of prosecutions. In contrast, violations of economic, social, and cultural rights, such as the systemic denial of healthcare, land, or education are typically policy-driven and involve structural perpetrators, thus demanding a transformative form of redress (Miller, 2008; Evans, 2016).

Scholars emphasized that to fundamentally address past injustice, one must tackle both the root causes (economic, social, and cultural rights violations) and their manifestations (civic and political rights violations). For example, scholars argued that transitional justice to be effective and transformative, it must move beyond its traditional focus on civil and political rights and individual accountability (Fraser, N., 2005). Violations of economic, social, and cultural are often part of the root causes of conflict (OHCHR, 2014). Justice must address not only civil and political violence but also the underlying economic, social, and cultural rights violations such as systemic inequality that often fuel the civil and political violence (Atteberry, 2019; Howell & Ozerdem, 2022).

The inclusion of economic, social, and cultural aspects of human rights violation to transitional justice process in turn impacted the non-judicial mechanisms to expand their scopes beyond civic and political aspects human rights violations. For example, truth-telling began to investigate economic, social, and cultural crimes and systemic inequality moving beyond direct human rights violation. Institutional reform moved beyond simply removing individuals who had been affiliated to old regime from office to institutional, policy and legal reform that enabled violence (Buckley-Zistel et al., 2014; Atteberry, 2019; Burgess, 2023).

Reparation programs have been reshaped by the concept of "transformative reparation." This transformative justice approach, as outlined by Gready (2021), moves beyond merely compensating for historical harms to actively enhancing the present and future well-being of victims and their societies. It achieves this by redirecting resources toward community-based development, thereby shifting from an individual, compensatory model to one focused on collective repair and the dismantling of structural injustices. Crucially, the process is participatory, engaging victims directly in identifying and managing projects, which empowers historically marginalized groups as the primary agents of their own restoration. Through these strategically designed programs, victims are transformed into full civic and economic participants, establishing them as a cornerstone for a more just and equitable social contract, a fundamental precondition for a resilient peace.

This comprehensive approach has enhanced transitional justice to reframe its narrowly defined objectives that focused on mere political stability and regime legitimacy to more broader and long-term societal transformation. The transitional justice was conceptualized from a short-term, technical fix to more sustainable, participatory process integrated with peacebuilding and development. It began focusing on dismantling the sources of structural injustices of the old political system to build a more equitable and peaceful future, making it a deeply integrated endeavor of social reconstruction rather than a mere political gesture (Fraser, N., 2005).

As highlighted above, the second most important element that have enhanced the capacity of transitional justice in managing political transition and laying conducive economic, social, political, and cultural ecosystem for building unified, cohesive society and legitimate state was the introduction of the concept “provisional justice”. This concept evolved from practical observations of setbacks encountering transiting states. Empirical evidence shows that contemporary conflicts lack a clear end point, often span decades, and result in post-conflict states experiencing cyclical violence. Provisional justice rejects the linear assumption that justice must wait for a definitive peace (Nikhil Narayan and Luke Moffet, 2024). In provisional justice concept, waiting for indefinite time to redress the violated rights would undermine effective remedy, and can further complicate the violence. Delivering “justice” has become a component of conflict management tool during ongoing conflicts, making it fundamentally preventive rather than reactive that traditionally take place after post-conflict (Nikhil Narayan and Luke Moffet, 2024).

Hence, it proposes the importance of initiating a transitional process like interim documentation, reparations, and symbolic recognition during ongoing conflict, with the goal of mitigating immediate harm, signaling the unacceptability of violations, and influencing perpetrator behavior in real-time. Addressing victims' immediate needs can also decrease motivations for revenge or continued mobilization (Narayan and Moffett, 2024).

However, it must be clear that provisional justice is not a replacement for comprehensive post-conflict processes. Rather, it adds values to comprehensive post- conflict process by providing immediate redress, preserve evidence, acknowledge suffering, and maintain momentum for accountability during the ongoing conflict without waiting for peace to prevail (Narayan and Moffett, 2024).

The gradual development and transformation of transitional justice enhanced its maturity and capacity to sufficiently capture complex political transitions. It has moved beyond its traditional domain as a short-term technical solution to become a broader, long-term, and holistic process aimed at dismantling systems of oppression and building sustainable peace.

Today, it serves as a major policy framework for international and regional institutions. The United Nations anchors its approach in four pillars: the right to truth, justice, reparations, and guarantees of non-recurrence. Similarly, the African Union's 2019 Transitional Justice Policy promotes a multi-faceted strategy, while specifically emphasizing socio-economic transformation and African-led initiatives. Together, these frameworks reposition transitional justice from merely managing the past to laying the foundation for a more just and stable future.

3. The Analysis of South Africa's Truth and Reconciliation Commission (TRC), and Global Practice

3.1. The Analysis of South Africa's Truth and Reconciliation Commission (TRC).

The establishment of Apartheid in South Africa was a gradual process. Although formally instituted in 1948, its roots trace back to European colonization beginning in 1652. Apartheid was a state-enforced policy of racial segregation and political and economic discrimination against non-whites. It forcibly removed millions of Black South Africans from their homes and relegated them to segregated areas, enacting laws that controlled their movements. Every year, many Black Africans were jailed for violating these restrictive pass laws. Approximately 21,000 deaths were documented from political violence during the struggle against apartheid and its dissolution. This institutionalized racial oppression created deep societal fractures that later demanded innovative approaches to reconciliation (Lamb, 2009).

In resisting colonial oppression and institutionalized racism, some liberation movements strategically adopted nonviolent resistance, despite facing rejection from colonial authorities and racist regime. When liberation movements like the African National Congress (ANC) and Pan Africanist Congress (PAC), were banned and their leaders like Nelson Mandela were imprisoned in 1961, peaceful resistance gave way to armed struggle, setting the stage for decades of conflict that would only be resolved through a negotiated settlement in the 1990s (Lanegran, 2004). In the resisting the apartheid oppressive stem, mass protests, strikes, and boycotts also took place making the country increasingly ungovernable. With the intention to discourage the

ideology apartheid political system, the international community also imposed cultural, sporting, and economic sanctions on the Apartheid government that fundamentally isolated it from international engagements, crippling its economy. On the other liberation movements have received financial and political support particularly during 1980s. This situation culminated in a military stalemate, in which neither the powerful state nor the liberation movements could secure victory, forced the parties to the negotiating table A key outcome of these negotiations was the establishment of the Truth and Reconciliation Commission (TRC), a unique and ambitious attempt to address the atrocities of the past through truth-telling and conditional amnesty, rather than victor's justice or widespread prosecutions (Coetzee, 2003).

The Promotion of National Unity and Reconciliation Act, No. 34 of 1995 was adopted and legally established TRC. The Act established three operational committees chaired by Archbishop Desmond Tutu. The first one, Human Rights Violations Committee which was mandated with investigating and recording the human rights abuses committed between 1960 and 1994, by all sides of the conflict. The second was Reparation and Rehabilitation Committee mandated with recommending measures to restore the dignity of victims and provide reparations.

The third committee was the Amnesty Committee, mandated with investigating and adjudicating on matters related politically motivated crimes. It grants immunity (the right to free from criminal and civil accountability) to individuals who have made a full disclosure of all relevant facts and could prove that their acts were politically motivated. Those unwilling to confess face criminal and civil accountability. Following its establishment, this institutional architecture swiftly moved from blueprint to action, with the committees actively discharging their responsibilities under the leadership and oversight of TRC chair person, Archbishop Desmond Tutu.

Human Rights Violations Committee has compiled 21,519 victim testimonies, documenting over 30,000 human rights violations, between 1960-1994. It documented an unprecedented official record of apartheid atrocities between this cut-off date (Truth and Reconciliation

Commission Report, 2003). The victims' testimonies were broadcasted nationwide. The victims' testimonies served four purposes. First, it provided important information in documenting the atrocity of atrocities Apartheid government. Second, it facilitated the process of restoring victims' dignity through public acknowledgment. Third, it offered perpetrators a path to reconciliation through full disclosure. Fourth, it helped to traces the whereabouts of the bodies of the deceased (Lim, 2009).

The amnesty committee received 7,116 applications but approved only 1,167 full amnesties, as many applicants failed to meet the required criteria (Lanegrn, 2004). Similarly, assisted by its Reparation and Rehabilitation Committee, the TRC implemented tangible reparations providing urgent interim payments to 17,000 victims. The reparation and rehabilitation committee has recommended key state institutions structural reforms to dismantle apartheid institutions, legal frameworks, and ideologies (Truth and Reconciliation Commission Report, 2003).

In managing its transitional justice process, the TRC grounded its daily operations in the traditional African philosophy of *Ubuntu*- the concept of shared humanity combined with Christian principles of forgiveness. This created a culturally resonant framework for national healing (Lanegrn, 2004,). These traditional philosophy and religious approaches played critical role in healing process through different local level platforms- community dialogues and memorialization projects, and hence complemented the formal process (Ibhawoh, 2014).

The overall analysis of the South Africa's Truth and Reconciliation Commission (TRC), from design to implementation, reveals that it has yielded achievements alongside significant shortcomings. The process has demonstrated three major strengths. First, it has redefined the concept of "justice" itself and also broadened mechanisms of delivering it. It conceptualized "justice" in terms of victims' recognition, public acknowledgement, and victims' empowerment moving beyond century old judicial prosecution. It broadened mechanisms of delivering justice from entirely legal prosecution into truth-commission (Battle, 1997; Lanegrn, 2004).

Second, it anchored its transitional justice process in religious and traditional institutions to cement the legitimacy of the process providing lessons for nations seeking for managing political transition. Third, it introduced the concept of “conditional amnesty” into transitional justice process. Under “conditional amnesty”, perpetrators of human rights are immured from criminal and civil accountability on preconditioned that they have fully disclosed politically motivated crimes. This innovates approach has served many purposes in South Africa’s Truth and reconciliation process: it provided information in documenting human rights violations and traumas; it facilitated the process of tracing the whereabouts of enforced disappearance; it served as instrument of victims acknowledgment, and hence provided psychological and moral satisfaction for victims of apartheid; it served as punishment for perpetrators as their evil deeds are broadcasted in different media platforms for public hearing; it introduced innovative mechanisms to mitigate pervasive immunity exemplified in Latin America countries like in Chile where the perpetrators shield themselves through self-imposed amnesty; it also averted a potential civil war and established foundational stability for the new democracy (Institute for Justice and Reconciliation, 2018; Tutu, 1999). In effect, it has successfully achieved peaceful political transition from the most repressive political system to more democratic governance (Global Center for Transitional Justice, 2020; Teitel, 2000).

Despite its achievements, South Africa’s Truth and Reconciliation Commission (TRC) has also failed in many critical areas. This study identifies seven, the most profound short comings. The first was its narrow definition of human rights violations. The National Unity and Reconciliation Act (No. 34 of 1995) restricted violations to acts of political and civic rights (direct violence) such as torture, abduction, killing, and severe ill-treatment. By systematically excluding socioeconomic rights (Peters, 2021), the TRC produced a distorted historical record that separated political violence from its structural foundations. It downplayed the very foundation of Apartheid’s sources of repression and injustice. Consequently, the regime’s material legacies persisted, leaving the root causes of the conflict largely unaddressed. It has put its political transition on very fragile foundation (Sharp, 2012; Balasco, 2013).

Second, the process failed to ensure collective accountability by deliberately focusing on individual perpetrators rather than systemic responsibility (Peters, 2021). This focus created the misleading impression that apartheid's crimes were the work of isolated "bad apples" rather than a system of racialized oppression. The consequences were profound: by individualizing guilt, the process did not transform intergroup attitudes or address the enduring racial prejudices that persisted in post-apartheid society (Valji, 2004; Nelson & Obah-Akpowoghaha, 2021). Most strikingly, the Commission actively discouraged discussions of race during hearings, effectively deracializing what was fundamentally a system of racial capitalism and obscuring the ongoing realities of structural racism.

Third, it prioritized political reconciliation over grassroots community healing. It even weaponized religious and traditional institutions for national level political reconciliation with minimum attention to grassroots community healing (Lanegran, 2004). Metaphorically, it is like building home on a dust. Such situation, created a "Reconciliation gap," where political transition outpaced psychosocial healing (Peters, 2021). The result is a fragile elite reconciliation, which fundamentally lacked solid foundation to transform the state.

The Fourth significant shortcoming of the transitional justice process was its imposition of arbitrary cut-off date. The National Unity and Reconciliation Act, No. 34 of 1995, has limited the periods of inquiry to 1960–1994. Such restrictive temporal decision excluded the most repressive foundations of the apartheid system which formally institutionalized in 1948. This narrow timeline produced an incomplete historical record, masked perpetrators of the regime's formative crimes, and ultimately demonstrated that political ideology was prioritized over comprehensive truth-telling (Peters (2021).

Fifth, the National Unity and Reconciliation Act, No. 34 of 1995, has failed to streamline the mandates of the three committees. It empowered amnesty committee to receive and adjudicate on applications for amnesty from individuals. In most cases, such decisions clashed with the Human Rights Violations Committee's pursuit of accountability. On the other hand, the proclamation restricted the mandate of reparation committee. It only empowered the reparation

committee to make non-binding recommendations to address victims' needs (McCarthy, 1997). This contradiction resulted in a “Justice gap” where perpetrators received amnesty while victims were left with uncertain reparations. This procedural flaw not only prevented the committees from fulfilling their mandates but also eroded public trust, thereby undermining the legitimacy of the entire transitional justice process.

Six, the government has failed to deliver material and symbolic reparations. This failure stemmed from a flawed legal framework and poor implementation. The policy overlooked developmental projects such as in education, health, and infrastructure which could have addressed institutionalized, systemic violence. By focusing entirely on individual financial compensation, the reparation framework did little to repair collective harm. Furthermore, the lack of strict victim identification criteria and poor documentation led to unfair treatment. An individual-based approach also proved administratively burdensome, creating challenges in processing vast numbers of claims. The government demonstrated a lack of willingness to implement the Truth and Reconciliation Commission (TRC) recommendations and failed to understand that reparations require the recognition and acknowledgement of harm, not just financial compensation. Consequently, these limitations resulted in a legitimacy deficit for the entire transitional justice process, extending far beyond immediate reparation grievances.

Finally, the reconciliation commission failed to anticipate and plan for the significant risks that would inevitably arise during implementation process. The process lacked adequate risk assessments and contingency plans. The process faced operational and perceptual challenges. Operationally, the process faced chronic underfunding led to staffing shortages, while logistical complications delayed hearings and limited community outreach (Peters, 2021). The most damaging was the pervasive crisis of legitimacy stemming from competing perceptions of bias, with the Commission being viewed as either too sympathetic to the ANC government or too accommodating of perpetrators.

In nutshell, the synthesis of the achievements and shortcomings of transitional justice reveals that it was able to secure peaceful political

transition averting looming conflicts but failed to uproot the foundation of apartheid oppression, socio-economic inequalities. By neglecting the underlying structural inequities, it preserved the very economic disparities and social injustices that had originally fueled the violence. Thus, while political power was formally transferred, the foundational pillars of the former system- entrenched inequality, skewed asset distribution, and systemic opportunity gaps remained largely unaddressed. The result was a superficial and volatile peace, in which the institutions of democracy masked the enduring presence of its foundational injustices.

3.2. Empirical Patterns from Latin America, Eastern and Central Europe, and Africa

Transitional justice has been widely implemented as a mechanism to manage political transition, particularly in Latin America, East and Central Europe, and parts of Africa. In Latin America, the transitional justice intended to confront the legacies of military junta and civil conflict, in Eastern and Central Europe; it was to manage the political transition following the sudden collapse of communist ideology, and in Africa, it intended to confront apartheid political system in South Africa, legacies of Genocide in Rwanda, and devastating civil wars in Sierra Leone, Gambia, morocco etc.(Skaar et al., 2016; Clark, 2010; Shaw & Waldorf, 2010).

In Latin America, Countries including Argentina, Chile, Uruguay, and Guatemala employed transitional justice mechanisms such as truth commissions, reparations, and limited prosecutions to confront the legacies of military dictatorships and civil conflict (Skaar et al., 2016). The transition process resulted in mixed outcomes: it was able to document state terror, validated victims' experiences, and achieved short-term stability. On the contrary, it failed to ensure full accountability, dismantle the underlying economic structure that underpinned authoritarian rule (Huntington, 1991; Sikkink, 2011).

The transitional justice in those countries (Iain America) has failed to ensure accountability because the political transition was the outcome of political negotiation; the outgoing regimes often cede power and had the power for self-imposed amnesty to shield them from criminal and

civil accountabilities. This situation created persistent challenges for new democracies to navigate a difficult trade-off between justice and stability (Huntington, 1991; Sikkink, 2011).

Eastern and Central Europe countries like Czech Republic, Poland, and the former East Germany employed different approaches distinct from Latin American countries. They employed lustration and secret file access to dismantle socialist ideology and purify state apparatus to prohibit the remnants of old regimes from sabotaging new democracies and in the meantime to build the legitimacy of new democracies. This approach mainly focused on exposing mechanisms of the surveillance state and purging complicit individuals from public office over individual criminal accountability (Stan, 2009; Home, 2017).

Similar to Latin American Countries, the outcome of the transitional justice in Eastern and Central Europe was partial success. While it was largely successful as foundational political transition to new democracies and was able to build trust through truth exposure, it failed to prosecute the high-level architects of the former system (Home, 2017; Stan, 2009; Nalepa, 2010). The process has also failed in addressing socio-economic aspects of injustice.

Africa Countries like South Africa, Rwanda, Sierra Leone, Gambia, Morocco, Tunisia, Burundi, Kenya, and Namibia have implemented transitional justice to manage their respective political transition and to address legacies of conflict and authoritarianism (Clark, 2010; Shaw & Waldorf, 2010).

The net effect of the process was similar with that of Latin America and Eastern and central Europe. It had yielded mixed result. The process provided effective mechanisms for managing political transition, instrumental in establishing foundational historical truths and securing short-term political stability. On the other hand, the process lacked proper implementation of the ambitious goals of legal accountability and socio-economic repair. The process has also failed to provide meaningful reparations for victims and dismantle the underlying structures, socio-economic injustice. Such critical weakness has constrained the inherent transformative potential of the transitional justice. As the result, the process has failed to build cohesive, unified

society and legitimate political system, a prerequisite for building sustainable peace (Mamdani, 2020).

The analysis of transitional justice across countries in Latin America, East and Central Europe, and Africa countries, revealed fundamental communalities in two areas: the processes were successful in managing political transition, secured short-term stability, and documented state terror and injustice in the area of civic and political rights violations. However, the processes have failed to ensure accountability, address the economic crimes and structural inequalities that formed the bedrock of the former oppressive regimes. As the result, it has given opportunities for old elites to convert political power into enduring economic dominance, leaving the architecture of economic injustice intact (Mamdani, 2020; Teitel, 2000). The cumulative net effect was a fragile, "captive state" where formal democratic rights coexist with widespread poverty and re-concentrated elite power (Acemoglu & Robinson, 2019). Ultimately, the process failed to build the viable political-economic system, a precondition for building a cohesive and resilient nation, leading to profound public disillusionment that threatens long-term democratic legitimacy (Wilson, 2011; Sikkink, 2011). This would provide critical lessons for transiting nation like Ethiopia to leverage on latecomer advantages.

Ethiopia has adopted transitional justice policy in 2024 to manage its political transition and most importantly, to address the nation's protracted legacies of conflict and human rights abuses through an integrated, judicial and non-judicial mechanisms. The overarching objective is to lay solid foundation for nation building through addressing factors that have divided the nation.

From the very inception, to entrench its legitimacy, the policy's formulation was preceded by an extensive national consultation process, with the Ministry of Justice reporting the engagement of over 3,391 participants across 80 public forums (Federal Democratic Republic of Ethiopia, Ministry of Justice, 2024).

Nevertheless, the policy's ultimate effective is mainly contingent upon its implementation. As demonstrated by the history of transitional justice globally, the failure of transitional justice often lies not in their

design but in their execution, underscoring that the policy's transformative potential will only be realized through sustained political will and strategic focus during the implementation phase. To effectively achieve the anticipated overarching goals, Ethiopia should situate its transitional justice process within its political, economic, social, and security context. On top of considering its context, Ethiopia should also draw lessons from countries that have held transitional justice (South Africa, Latin America, Eastern and Central Europe, and other Africa states) to leverage on latecomer advantages.

4. Promise and Precautions: Critical Lessons from South Africa's Truth and Reconciliation Commission (TRC), with Insights from Global Practice, for Ethiopia's Transitional Justice and Sustainable Peacebuilding

Ethiopia's modern political history is marked by a tragic cycle of lost opportunities, where transitions of power have historically entrenched a culture of political violence rather than fostering national renewal. In the last fifty years, Ethiopia had three political Transitions (From monarchy to military socialist regime, from military socialist regime to EPRDF, and from EPRDF to Prosperity Party- led government).

The overthrow of the imperial regime and the subsequent demise of the military Derg were both seismic shifts characterized by immense bloodshed, each replacing one form of authoritarianism with another. The political transition was fundamentally characterized by “victorious justice” where the vanquished were punished and the victors claimed absolute power, perpetuating a zero-sum game for control of the state.

The 2018 political transition was unprecedented in the nation's history, achieving a peaceful transfer of power that was orchestrated entirely from within the existing political structures. The incumbent government has demonstrated a decisive breakthrough from the destructive patterns of its predecessors by explicitly embarking on a formal process of transitional justice to address the deep-seated legacies of past political violence. The ultimate purpose is to break the cyclical political violence that has characterized Ethiopia's political history through addressing the underlying causes, their current manifestations

and ultimately to lay solid foundation for building prosperous, peaceful, democratic and cohesive state-nation.

To this end, it launched different programs including transitional justice policy that have been adopted in 2024. To successfully achieve this Grand National project, Ethiopia must carefully consider its unique historical, political, economic, social and cultural realities while designing and implementing the transitional justice process. In addition to considering its unique contexts while designing and execution its envisioned transitional justice, Ethiopia should also learn from the best practices of countries that have successful held transitional justice.

In this regard, South Africa's transitional justice process could be considered an ideal model, as its approach is often recognized internationally as a leading example. Insights from global practices, such as those in Latin America, Eastern and Central Europe, and various African countries, also provide empirically based lessons. This study therefore examined South Africa's transitional justice experience alongside global practices and identified seven key factors that have contributed to both its successes and failures. These key factors are presented below.

Transitional Justice as a Foundation for National Cohesion

South Africa's experience demonstrates that a strategically planned transitional justice process can simultaneously redress past injustices and lay the foundational groundwork for nation-building. The South Africa's Truth and Reconciliation Commission deliberately blended truth-seeking with a Christian theological framework of confession and forgiveness, thereby promoting a national cohesion and social restoration (Barry, 2004). Publicly broadcast cases were carefully selected, and testimonies were framed to avoid deepening historical wounds that could impede the national cohesion. By broadcasting powerful, emotive testimony, the TRC cultivated a sense of common purpose that guided citizens toward collective national aspirations (Peters, 2021).

The TRC deliberately avoided narrating historical injustice along identity lines (ethnic, religion, language) recognizing that such an

approach could entrench old wounds and reignite sectarian divisions. It rather focused on cultivating a notion of "collective victimology," which provided a new, shared basis for a unified national identity by transforming a fractured history into a narrative of collective suffering and renewal (Sharp, 2012). This aligns with the argument that shared trauma can forge national unity more effectively than shared triumphs (Brankovic, 2013; Wilson, 2001), ultimately helping to forge a rights-based civic nationalism that supplanted ethnic divisions and laid the foundation for South Africa's "rainbow nation" identity (Peters, 2021). This signals the transformative potential of transitional justice in nation building.

The experience demonstrates that transitional Justice in South Africa is a foundational but incomplete tool for fostering national unity. This incompleteness stemmed from the failure to adequately integrate other judicial and non-judicial mechanisms with truth-telling mechanisms to establish a solid foundation for nation-building. For example, its reparations were delayed, insufficient, and did not address apartheid's enduring economic and social inequalities. The amnesty process traded truth for justice, leaving many perpetrators unpunished and victims feeling justice was denied. It has also failed to address the everyday structural violence (economic, social, and cultural) inflicted by the apartheid repressive system, as the Truth Commission entirely focused on direct human rights violations (Tutu, 1999).

Similar patterns have been observed in Latin America, Eastern and Central Europe, and Africa states. While these processes successfully documented an official historical record, a critical foundation for nation-building and countering state denial, their overall contribution to building a cohesive nation has been limited. They largely failed to address the deep structural inequalities and transform the state institutions that were complicit in past crimes. Furthermore, the scarcity of high-level prosecutions resulted in shallow accountability, while reparation programs were often insufficient and non-transformative. Ultimately, this fragmented approach, which failed to integrate judicial and socio-economic mechanisms, undermined the creation of a solid foundation for lasting nation-building (Teitel, 2003).

The experience of South Africa's Truth and Reconciliation and practices observed in Latin America, Eastern and Central Europe, and Africa states provides promise and precautions for Ethiopia's nation building efforts through transitional justice mechanisms.

Ethiopia's nation-building project remains an incomplete and contested process. This incompleteness is clearly visible across several key indicators. Politically, Ethiopia elites are divided in their interpretation of national history. Many citizens are loyal to their ethnic group than to the abstract concept of "Ethiopianness. The state is often viewed not as a neutral arbiter for all citizens, but as an instrument for the advancement of a specific ethnic group leading to deficit in state legitimacy. The ethnic federalist system has institutionalized ethno-linguistic identity as the primary political identity, often at the expense of a unifying civic Ethiopian identity. This institutionalization of ethnic identity has fueled secessionist conflicts that challenge the state's very sovereignty. There is no agreement on national symbols (flag, national anthem, and the choice of national heroes, national languages) and these has been a point of contestation.

Economically, there are regional economic disparities between the center and periphery fueling conflicts. There are persistent conflicts over resources and land as the federal constitutional ties land and natural resources to ethnic territories. Socially, there have been persistent inter-communal violence and deeply fractured historical narratives, where one group's unifier is another's colonizer.

The ongoing transitional justice in Ethiopia can be used as catalyst of nation building if properly designed and implemented. To forge a cohesive and resilient nation, Ethiopia must consciously anchor its nation-building projects on foundational elements that unite its diverse population. Ethiopia must avoid prioritizing regime preservation over broader state and nation building. It should particularly avoid trying to ground state and nation building efforts on injustice and impunity that further fuel violence.

Through its truth commissions and official investigations, Ethiopia must create a shared, authoritative record of the past, which counters denial, acknowledges victims' suffering, to lay foundation for a

common historical understanding, a raw material for building a cohesive national identity. The Truth-telling aspect of transitional justice process should also avoid narrating historical injustice along any identity lines (ethnic, culture, religion or language) as such narratives deepen social fragmentation that the transitional justice project intends to contain. Ethiopia has good opportunities to link its truth-telling activities to well-founded religious and cultural institutions in addressing the legacies of injustice, promote the values of humanity, and equality.

Mirroring South Africa's experience, every element of case selections and victims' testimonies should be aligned with the overall aim of societal healing. The victims and perpetrators' testimonies should not aggravate the latent conflicts. All media outlets should promote national unity.

The reparation program should be transformative, focusing on healing collective harm rather than individual compensation. It should target addressing and transforming societal socio-economic inequalities. Victims should be empowered to identify and implement development projects. Such an approach plays a critical role in transforming psychologically traumatized citizens into rights holders. Ultimately, the reparation program should move beyond individual financial compensation to address structural violence.

The prosecution aspect of transitional justice must ensure accountability to avoid a culture of impunity and ensure the rule of law, a precondition for cohesive society. The institutional reform should fundamentally transform the legacies of old repressive establishments into resilient and just institutions that have a moral and legal authority to protect the people than infringe.

In general, Ethiopia should not miss this opportunity. Ethiopia's transitional justice must turn Ethiopia's historical contradiction into foundation for building resilient state and cohesive society. This grand project presupposes not only government's political commitment, but also the participation of each and every citizen.

The Foundational Role of Religious and Traditional Institutions in National Reconciliation

The experience of South African's Truth and Reconciliation Commission (TRC) has demonstrated the importance of embedding the principles and mechanisms of transitional justice within religious and robust traditional institutions. These institutions possess more legitimate social capital that they have developed through times. Inherently, the state lacks such well-founded and trustful institutions.

Clearly understanding the transformative potential of religious and traditional institutions, South Africa's Truth and Reconciliation Commission have strategically embedded its reconciliation process within these institutions. The religious organizations provided both the ethical foundation and organizational infrastructure for the TRC's work, with Archbishop Desmond Tutu's leadership embodying the fusion of Christian theology with the reconciliation process. Similarly, traditional institutions offered the philosophical framework of Ubuntu-emphasizing interconnectedness and restorative justice which the commission synthesized with religious principles to create a morally robust approach to truth-telling (Ibhawoh, 2014; Lanegran, 2004). Through this strategic approach, the TRC channeled local mechanisms of conflict resolution, including community healing ceremonies and restorative justice dialogues, to facilitate national reconciliation. This enabled the TRC to embed its macro-political objectives within culturally familiar practices, thereby leveraging the trust and authority of religious and traditional leaders to advance the broader goal of national unity.

This strategy was also employed in Latin America, Eastern and Central Europe, and Africa states. For Example, Latin America states (Chile and Guatemala) strategically integrated their transitional justice process to religious and traditional institutions: vicariate of Solidarity, and projects for the recovery of historical memory) respectively. Eastern and Central European states integrated their transitional justice to Catholic Orthodox churches in the process of vetting and lustration.

Africa states (Rwanda, Sierra Leone, and Uganda) strategically linked their transitional justice process to religious and traditional institutions:

Gacaca court, customary law and Mato oput) respectively to document past atrocities and cement legitimacy.

These institutions provided moral authority and grassroots network contributing to cementing the legitimacy of the process. These institutions particularly, religious institutions bridged ethnic divides through interfaith dialogues. They provided the physical and moral space for the peaceful conflict resolution. The institutions also filled a vacuum where the state was absent or hostile.

However, such success was not without weaknesses. Some institutions have been vulnerable for political manipulation and cooption. In some instances, spiritual concepts like forgiveness clashed with victims' demands for legal accountability and material reparations, potentially leading to impunity (Gready, P., & Robins, S. (2014).

The experiences of transitional justice in South Africa, Latin America, Eastern and Central Europe, and other African states offer crucial lessons for Ethiopia. A key strategic move would be to formally link Ethiopia's transitional justice process to religious, traditional, and civic society organizations. Their participation would significantly advance the process's overall objectives in multiple ways.

Religious institutions play a critical role in humanizing transitional justice and fostering reconciliation. They create sacred, neutral spaces for safe truth-telling, a cornerstone of any truth commission thereby facilitating dialogue and confession. Through sermons and public messages, they frame national reconciliation in spiritual and ethical terms, promoting forgiveness and breaking cycles of revenge. Their extensive networks provide essential psychological support and counseling to help individuals and communities cope with trauma. Furthermore, as connectors across ethnic divides, they help bridge identity-based polarizations. Their deep community roots and moral authority not only facilitate reconciliation but also cement the legitimacy of the entire process, allowing them to mediate and advocate for peace.

Traditional institutions complement formal justice by resolving a high volume of localized interpersonal and intra-community disputes that the

formal system cannot handle, allowing transitional justice mechanisms to focus on grave human rights violations. They support reintegration by conducting ceremonies that formally accept accountable perpetrators back into the community, which is vital for long-term stability. Often possessing a level of local trust and practical knowledge that state-led initiatives lack, they can operate effectively where state presence is weak or contested.

Civic society organizations act as bridges between the state and citizens and as guardians of the process. They facilitate transitional justice by primarily advocating for victims' needs, voices, and rights. They also translate complex legal processes into accessible public education campaigns to foster national understanding and buy-in.

However, the effectiveness of these institutions depends on the government's genuine political commitment. The government must move beyond policy to concrete, coordinated action, instituting the necessary legal frameworks and implementation plans. Above all, it must refrain from weaponizing these institutions for political ends. Their participation must be based on their own moral standing and autonomy, not as extensions of the state or political parties.

Beyond Individual Perpetrators: The Failure to Address Systemic Violence in Transitional Justice

A transformative approach to transitional justice should holistically address the direct, structural and the legitimizing ideology. While direct violence manifests as atrocities such as extrajudicial killings and torture, sustainable peace and the full realization of human rights remain unattainable without dismantling the political and economic systems that institutionalize marginalization (structural violence) and societal norms and the embedded ideology that legitimize it (cultural violence).

Transitional justices across different countries have often marginalized addressing structural violence and their legitimizing ideological foundations that sustain the injuring violence. For example, South Africa's Truth and Reconciliation Commission (TRC) framed apartheid not as a criminal system in itself, but merely as the context for specific

gross human rights violations. By treating atrocities as the work of isolated "individual perpetrators," the process avoided a full acknowledgment of the pervasive institutional machinery that sustained apartheid system (Valji, 2004). It systematically obscured the everyday structural violence including laws, forced removals, and institutionalized racism that constituted the system's hallmark (Wilson, 2001, Mamdani, 2001; Gibson, 2004). By the legally defining human rights violations primarily as acts of gross physical brutality, the TRC have fostered a "sophisticated amnesia," sidelining the systemic socioeconomic injustices that constituted everyday life under apartheid. This narrow mandate prioritized political stability and legalistic closure, which itself can be seen as a form of cultural violence that suppressed broader demands for justice ((Sharp, 2012; Balasco, 2013).

In effect, the process has failed to implement substantive land reform, a core demand for redressing historical dispossession (Swart & Van der Merwe, 2017; Wilson, 2001). Consequently, the economic inequities that formed the backbone of the apartheid state were largely left intact, perpetuating structural violence long after the political transition. The TRC's legacy is thus one of a partial success; it achieved political legitimization by ending direct conflict but failed to address the structural and cultural roots of the nation's persistent social divisions and economic disparities (Sharp, 2012; Swart & Van der Merwe, 2017).

Similar patterns have also been seen reflected across Latin America, Eastern and Central Europe, and Africa countries. The Latin America's transitional justice have also largely failed to address the underlying socio-economic inequalities and land rights disputes that initially fueled conflict, while patriarchal and racist norms continue to marginalize Indigenous peoples and perpetuate gender-based violence.

In Eastern and Central Europe, legal mechanisms were often used to target political opponents failing to dismantle the entrenched socio-economic injustices and allowed historical narratives to be co-opted by nationalist politics, fostering divisive ethnic identities instead of a reconciled, shared memory. Likewise, in Africa, transitional justice has often been disconnected from development and economic justice. This separation has left unchallenged the economic systems that benefit elites and sustain widespread poverty and inequality.

The collections of empirical evidences provide opportunities and cautionary lessons for Ethiopia's transitional justice. Modern Ethiopia has never built democratic political system to properly govern the country. In its modern history, Ethiopia state has oscillated between two distinct models of governance- high centralization and federalism, yet the net outcome for its citizenry has been consistently characterized by a repressive political nature. The net effect of this governance deficit is a failure to create a society that is more cohesive, just, stable, and prosperous. Rather, it has created unequal citizen, loose national identity, culture of impunity, and lack of state legitimacy. It has also created militarized mindset, culture of political violence, and toxic historical narratives that risks the existence of the state itself.

Ethiopia's transitional justice process must address two fundamental issues to break the cycle of violence and build self-sustaining peace. First, it must comprehensively address the legacies of direct, structural, and cultural violence. This involves ensuring legal accountability for perpetrators of direct violence, a principle firmly established by Ethiopia's constitution, which forbids amnesty for grave human rights violations. Furthermore, the process must actively dismantle the systemic causes of conflict, including political marginalization, ethnic discrimination, and economic inequalities. It is critically important to deconstruct the toxic historical narratives weaponized by successive regimes.

Second, the process must build a functional and legitimate government that serves and protects every citizen. Through institutional reform, the transitional justice project should establish a governance system that is just, fair, transparent, and effectively meets the needs of its people. To succeed, the process itself must be inclusive, victim-centered, and genuinely participatory, with strong roles for civil society. By moving beyond individual criminal accountability to confront root causes and foster legitimate governance, Ethiopia's transitional justice design can offer a path toward lasting peace. Ethiopia's transitional justice process must consciously balance political transition with socio-economic foundations. To prioritize political change over socio-economic transformation, as seen in many countries, risks building political institutions upon unjust and fragile ground.

Limitations in Reparation Policy and Their Implementation

As indicated in the analysis part, South Africa's Transitional Justice was flawed in terms of its policy framework and implementation shortcomings. Its policy framework has focused on individual financial compensation, overlooking the important aspects of reparation. The policy framework overlooked infrastructure developments like: health, education, roads, transport facilities, and utilities. These, community-based development projects play a critical role in healing process: they address systemic injustice; build broken social fabrics; provide acknowledgement and validations of victims' suffering, restoring victims' dignity.

Operational, the government demonstrated a lack of political will to implement the reparation recommendations. On top this; the payments were minimal and delayed, underfunded, and lacked transparent criteria to identify real victims. The reparation management process was also full of administration weakness, and unfair treatments. The government didn't discharge its promises, and hence perceived by citizens as "deep betrayal".

As the result, it has failed to regenerate the social fabric of devastated communities, eroded social trust, and destroyed communal spaces, leaving a legacy of unmet needs and unresolved grievances that continue to fuel social discontent. (Wilson, 2001M ; amdani, 2002 ; Tutu, 1999).

Similar patterns have been observed in Latin America, Eastern and Central Europe, and African states. All of them have failed to link individual compensation to broader social and economic transformation, and hence failed to transform underlying social inequalities. Individual cash payments are insufficient without transforming the structural inequalities. In Eastern and Central Europe, there was the near-total absence of reparation as they focused on lustration rather than victim redress. These failures mainly emanated from poor design, lack of political will, and implementation shortcomings (United Nations General Assembly, 2005).

Ethiopia need not start from the scratch in designing and implementing reparation programs. The experience of South Africa and global trends provide important lessons. To be successful in its reparation mechanisms, Ethiopia should give due attention to both designing and operational levels. At designing level, it must broaden its reparation policy to capture the direct and structural voice. The reparation policy should mainly focus on community- development projects (education, health, roads, and utilities) and other public good infrastructures to address and transform socio-economic inequalities. Individual reparations should be linked to the broader societal transformation to build sustainable peace. The reparation policy should clearly identify selection criteria to avoid unfair treatments and prejudices.

At operational level, bureaucratic red tapes that risks delay should be given due attention. The design and implementations of community-based development projects should engage victims to empower them. The practical operation should be fair and transparent. Ethiopia should also properly plan its budget allocation within its resource capacity. The material and symbolic aspects of reparation programs should be well integrated.

In nut shell, Ethiopia should give due attention to both design and implementation levels. A well designed and executed reparation programs address the direct and structural violence, and in consequence build fractured social fabrics, heal traumas, empower historically marginalized groups and provide victims recognition, cement state legitimacy. The successes cumulatively lay solid foundation for sustainable peacebuilding and nation building, the overarching objective of the transitional justice.

The Problem of Arbitrary Cut-Off Dates

A cut-off date is a specific point in time marking the end of the period of human rights violations to be officially examined. The establishment of a legitimate cut-off date is a foundational yet often contentious step in any transitional justice process. This legal and symbolic boundary defines the transition's scope and must be guided by principled reasoning and historical context, not political expediency. An arbitrary date risks legitimizing some violations while erasing others, creating an

artificial line under a nation's unresolved past. To foster genuine reconciliation and sustainable peace, the temporal scope must be logically connected to the period of conflict or authoritarian rule it addresses. This requires a careful analysis of the root causes, duration, and evolving nature of human rights abuses to ensure the mandate captures the full spectrum of violations and their enduring consequences.

South Africa's Truth and Reconciliation Commission (TRC) exemplifies the profound consequences of a politically constrained mandate. Its decision to restrict its inquiry to the period of 1960–1994 excluded the formative foundations of apartheid established after its formal institutionalization in 1948. This politically expedient compromise shielded the architects of the regime's most repressive structures and created a facade of accountability by focusing on individual "bad apples" rather than the systemic nature of state oppression. According to scholar Peters (2021), this narrow timeline produced an incomplete historical record and masked the perpetrators of the regime's foundational crimes, demonstrating that political ideology was prioritized over comprehensive truth-telling. In what has been termed a "catastrophic success," this sacrifice of a full accounting for short-term political gains ultimately diminished the process's long-term legitimacy and public trust (Peters, 2021).

Latin America, Eastern and Central Europe, and Africa states followed different path as there is no gold standard for a cut-off date for investigating past atrocities in transitional justice. Latin America state for example, Chile (1973-1990) and Argentina (1976-1983) established their cut-off date following, the period of Pinochet's military dictatorship and the period of the last military dictatorship respectively. These dates were the result of political negotiations between the outgoing and incoming political force. Eastern and Central European state didn't establish truth commissions but focused on lustration, the "cut-off" here was not for crimes but for eligibility to hold office, effectively using the date of the collapse of a communist government as a dividing line. In Africa, dates are frequently set by peace processes to mark the end of active conflict (Sharp, D. N. , 2018).

While the context differs, the core lessons from South Africa's transitional justice, as well as experiences from Latin America, Eastern and central Europe, and Africa states provide an indispensable analytical framework for Ethiopia, highlighting both transferable principles and context-specific pitfalls. Ethiopia's Transitional justice policy which was enacted in 2024 adopts a two-tiered approach that separates the mandates of truth-seeking and judicial accountability. The policy has already established a cut-off date for criminal accountability at the 1995 Constitution, focusing judicial scrutiny on subsequent violations. Meanwhile, its truth-seeking, reparations, and amnesty mechanisms maintain greater chronological flexibility, limited more by evidence than rigid timelines.

This layered model provides an expansive mandate to move forth and back in investigating the root causes of cyclical violence and document authentic official documents that would serve as the basis of creating a new narrative upon which a resilient nation is built. The flexibility of the policy framework, particularly its long-standing non-judicial mechanisms, creates an opportunity to address the contested historical narratives that have divided the nation. It acknowledges grievances across generations and provides a complete account of systemic abuses. This process fosters a shared understanding of national history, which serves as critical infrastructure for sustainable and resilient nation-building.

However, such an expansive framework also causes drawbacks. It demands a huge amount of financial and material resources, time, manpower, and leadership. This strong policy foundation may also face critical challenges of implementation including ongoing conflicts, coordination mechanisms, and elite polarizations. To be effective, Ethiopia's transitional justice process must capitalize on the strengths of its policy framework while mitigating its drawbacks. This requires enacting detailed legal frameworks to guide implementation. Overall success will depend on sustained political commitment, an open civic space, and a transparent, centered on contested historical narratives.

The Strategic Importance of Coordinating Transitional Justice Mechanisms

The pillars of transitional justice, judicial and non-judicial (truth-telling, reparation, amnesty, institutional reform) should be coordinated to achieve the entire goals of transitional justice: establish truth and acknowledge the past ; ensuring accountability and justice; providing reparation for victims; achieving reconciliation and social trust providing justice for victims, and preventing future violations. Establishing truth and acknowledgement of the past provide official record of violations, recognize victims' sufferings, and counter denial and misinformation. This in turn helps to avoid divisive historical narrative and rather enhance shared historical understanding upon which a new national narrative is built. Ensuring accountability and justice, end impunity, uphold rule of law, and signals that serious crimes will not be tolerated. Reparation officially recognizes victims as right holders and help repair material and moral damages caused by repressive system. Institutional reforms prevent future violations through building resilient and just institutions that addresses the root causes of violence. These pillars of transitional justice should be well coordinated to create synergy. The inconsistencies, between these pillars would risk undermining the moral authority and long-term success of the entire endeavor (International Center for Transitional Justice (ICTJ). (2008).

In coordinating transitional justice mechanisms, countries have achieved success and also faced failures. For example, South Africa has employed truth-seeking to provide a public platform for victims, creating an authoritative historical record, as a cornerstone of national reconciliation. However, it has failed in prosecuting perpetrators of high crimes leading to criticism that political stability was prioritized over full accountability. Hence, it failed to balance judicial and non-judicial mechanisms. It also lacked structural alignment between its committees, where amnesty decisions sometimes directly contradicted the findings of the human rights violations committee. This incoherence was exacerbated by the reluctance of key government institutions to cooperate, which fragmented the commission's authority and limited its impact (McCarthy, 1997). The TRC experience demonstrates that even well-intentioned policies fail to yield fruit without deliberate

architectural efforts to ensure legislative harmony and proactive inter-agency collaboration.

Latin America states have sequenced the transitional justice mechanisms, often beginning with truth commissions followed by prosecutions. However, they have failed to prosecute perpetrators as the outgoing regimes often cede power and had the power for self-imposed amnesty to shield them from criminal and civil accountabilities. This situation created persistent challenges for new democracies to navigate a difficult trade-off between justice and stability (Huntington, 1991; Sikkink, 2011).

In Eastern and central Europe, the dominant trend was a focus on lustration (vetting of public officials) and opening secret police archives, rather than on widespread criminal prosecutions. Its strength emanated from employing a pragmatic approach in dealing with massive societal complicity, aiming to prevent old elites from sabotaging the new democracy and to build trust in public institutions. However, the collective punishment, and a general failure to provide victim-centered justice or comprehensive truth-telling were its critical weaknesses (Stan, L., 2009).

Other African countries for example, Rwanda, Sierra Leone, and Morocco, have shown innovative, context-specific coordination, often integrating truth and reconciliation commission -style commissions with traditional justice rituals or hybrid international courts. A key strength is its adaptability and the inclusion of local practices to promote broader participation and healing. However, they have failed to prosecute perpetrators of grave human rights (Fombad, C. M. , 2022). Overall, the analysis has demonstrated that the failure of integrating pillars of transitional justice have inhibited the transformative potential of transitional justice.

These practical- based lessons, offers critical mirror for Ethiopia, essential case study from which to derive adaptable principles and cautionary tales. To avoid similar pitfalls, and build on strengths, Ethiopia must institute a framework that guarantees synergy across all pillars of transitional justice. The pillars should be integrated at both legal frameworks and execution levels. Ethiopia should also establish

legally-binding protocols for inter-institutional coordination, enforcing full compliance from state bodies, and pursuing a unified strategic vision to ensure every component works cohesively toward the overarching goals of the transitional justice. Such foresight is indispensable for building a credible and effective process that commands public trust and achieves its intended outcomes.

Proactive Engagement: Mitigating Perceptual and Operational Risks in Transitional Justice

The analysis across the transitional justice in South Africa, Latin America, Eastern and Central Europe, and Africa states consistently have revealed that they lacked proactive planning to counter challenges they might have encounter. For example, South Africa's Truth and Reconciliation Commission (TRC) has failed to adequately anticipate significant perceptual and operational challenges.

Perceptually, the commission was seen by citizens that it was affiliated to incumbent party (African National Congress (ANC), and hence vulnerable to political weaponization. Operationally, the commission faced budget constraints, legal ambiguities, and a shortage of skilled personnel, failures stemming not from ill intent but from an insufficiently robust strategic blueprint (Peters, 2021).

Similarly, Latin America, Eastern and Central Europe, and African states faced similar challenges. For example, Latin America countries' transitional justice lacked regional frameworks, highly vulnerable to political shifts. The Eastern and Central Europe's transitional Justice were narrowly focused and limited to tools like lustration which often used for political gain rather than societal healing. Africa countries have faced implementation gaps mainly emanating from lack of political will, mismatch between expanded scope of transitional justice and available resources (Miller, Z., 2008).

For Ethiopia, this historical precedent offers a critical lesson against reactive approaches, underscoring the necessity for its transitional justice to institutionalize a framework of deliberate foresight. Such a framework must integrate rigorous scenario planning, clearly defined accountability structures, and adaptable feedback mechanisms to

facilitate real-time adjustments. The essential lesson remains unequivocal: the ultimate success of a national endeavor of this magnitude is determined by the quality and depth of its foundational architecture, long before its implementation phase begins.

5. Conclusion and Recommendations

This analysis of transitional justice in South Africa, Latin America, Eastern and Central Europe, and other African states provides a vital, evidence-based foundation for strategic learning in Ethiopia. By systematically examining these diverse experiences, the study moves beyond abstract theory to extract practical insights from real-world application. These cases reveal that while common principles underpin transitional justice, implementation is invariably shaped by unique historical, social, and political contexts. Ethiopia's central task, therefore, is not to reinvent the wheel but to intelligently adapt proven mechanisms to its own reality. Their application must be meticulously calibrated, tested, and embedded within Ethiopia's specific fabric.

This analysis empowers Ethiopia to approach its transitional justice process with informed foresight. By learning from both the successes and setbacks of others, Ethiopia can craft a more resilient, efficient, and context-sensitive pathway to sustainable peace. Thus, the experience of other regions serves as an indispensable guide for Ethiopia's own journey toward a peaceful future.

Hence, Ethiopia should consider the seven concrete lessons outlined in the analysis while designing and implementing its transitional justice framework: transitional justice as a foundation for national cohesion; the foundational role of religious and traditional institutions in national reconciliation; the failure to address systemic violence in transitional justice, which extends beyond individual perpetrators; limitations in reparation policy and their implementation; the problem of arbitrary cut-off dates; the strategic importance of coordinating transitional justice mechanisms; and proactive engagement to mitigate perceptual and operational risks in transitional justice.

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