ABSTRACT

Title of Dissertation: REGIMES OF TRUTH: THE MICROFOUNDATIONS
                           OF POST-CONFLICT JUSTICE

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What is the effect of political exclusion on individual participation in national post-conflict justice institutions? To date, most of the post-conflict justice literature has examined these institutions (e.g. truth commissions, trials, reparations, etc.) on the national level, which prevents us from accounting for strategic motivation in justice selection, and from observing variation in implementing the process within a given country. I argue that there is a strategic incentive for post-conflict state actors to frame conflict events in a politically advantageous way. This frame determines the mandate of the post-conflict justice process, which may or may not correspond with an individual's conflict experience. This strategic selection is important because it creates: 1) a possible disjuncture between what events an individual encountered, and what events the justice process addresses; and 2) reduced support, and perhaps even animosity, toward the justice effort put forward. Depending upon which victim and which violations are

incorporated into the institution, post-conflict justice processes can *exclude* the experiences of certain groups and compel them to (in)action.

Challenging the aggregated approach in the earlier literature, this dissertation advances our understanding of this post-conflict contention by examining individual interactions with the state. Toward this end, I argue that individuals can make the strategic choice to either accept or deny the national justice process. This choice is determined by the potential disjuncture between the individual's conflict experience and the focus of the justice institution. Denial of the process can negatively impact the justice process itself – a short-term result (which I examine explicitly in the dissertation) – and/or undermine the chances of long-term peace and reconciliation for the country (which I will examine in future work). To examine this process, I conducted over 80 interviews in post-conflict Rwanda and Northern Ireland. In addition, I used quantitative disaggregated data on both conflicts to both substantiate the experiences reported in the interviews, and pair these experiences with the focus of the existing transitional justice process.

Through the study of transitional justice we can better understand the role of institutions in post-conflict states and design more vibrant institutions to address grievances against the post-conflict government.

REGIMES OF TRUTH: THE MICROFOUNDATIONS OF
POST-CONFLICT JUSTICE

by

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For Wolf

Preface and Acknowledgements

The seeds of this project were planted in 2005, when a Rwandan senator asked me my opinion on whether or not the Gacaca process was "working". She wanted to know whether the process would bring peace and reconciliation to post-genocide Rwanda as the government had promised. "If Gacaca isn't working", Senator Nyramillimo told me, "then we have to come up with something else". I didn't have an answer for her then, and I have even less of an answer for her now, but that question sent me back to graduate school and has taken up a large part of my research interests over the past six years. This dissertation does not answer Senator Nyramilimo's question and for that I apologize. Academically, we are no closer to knowing if Gacaca is going to "work" than we were in 2005. If anything, we have more reason to be skeptical about the whole process than we did back then. Yet I now have a deeper understanding of the complexity of the human experiences at issue, and upon which the future of Rwanda is being built.

My interests in Northern Ireland came later. I arrived in 2007 to work on a data collection project for a human rights NGO in West Belfast. At the time I didn't think there was much that I could learn about conflict and violence from Western Europe based on my naïve approach to the low-level violence of the Troubles. I was wrong. What I found in Northern Ireland was the same pain and anger I had seen in Rwanda two years earlier and many of the same questions of justice. But it was the tireless sprit and dedication to making things right among the people who had experienced this violence that brought me back as part of my dissertation research in 2009. The innovative approaches to justice and information gathering in Northern Ireland, namely my early

encounters with the organizers behind the Ardoyne Commemoration project and the New Lodge 6 report, challenged my own thinking about transitional justice and what a country and a community needs to rebuild.

In many ways I found more similarities between Rwanda and Northern Ireland than I found differences. Both countries suffer from the same societal anger and post-conflict trauma which can make them challenging places to do research, but both countries are also filled with dedicated and strong people who have survived a war and came out the other side dedicated to make the world (or their small part of it) a better place. It is in their honor that I set out to complete this project. I hope in some ways this project demonstrates my desire to continue to work on these questions and to make justice (in whatever form it may take) a reality for all people following conflict.

I am greatly indebted to all the individuals who took the time to tell me their stories, share their injustices, and put their trust in a *muzungu*/American who many thought they would never see again. In many cases, particularly in Northern Ireland, I did see them again and it has been my privilege to share a small part of their lives. It is my hope that this project makes a contribution to the historic record and takes a small step in making their roads to truth easier. I also hope that their time and my continuing research may help spare others similar experiences and pain.

As many are quick to acknowledge, a project and life journey of this size aren't accomplished without the help of many talented and dedicated people. I would like to begin by thanking my mentor and intellectual compatriot, Christian Davenport. If I was scared of him in the beginning then that has only served to make this manuscript more rigorous in the process. I would also like to thank my dissertation committee for their

project from afar and volunteered countless news articles, home remedies and other words of African wisdom along the way.

In closing I would like to dedicate this manuscript to my partner, Wolf Hey, whose love, hate and deep understanding of Africa (and me) has made this entire journey an easier process.

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Chapter 1:
Introduction

In 2005, I visited Rwanda as part of a project to investigate potential psychological determinants of genocide perpetrators. This was right around the time that the Gacaca courts were gaining momentum in Rwanda. Gacaca is the Rwandan attempt to address the legacy of the 1994 Genocide through a transitional justice system of community courts designed to hold lower-level criminals (i.e. violators of property crimes, collaborators, etc.) accountable for the abuses they committed. Interested to learn more about how Gacaca was being received, I began asking Rwandans about their expectations of the process. It was in this way that I met Yvette and Geraldine.[1]

Yvette is a genocide widow from the south of the country and lives in a small village near Butare, the home of the National University of Rwanda. In 1994, Yvette lost her husband as well as three of her children in two separate attacks by Interahamwe militiamen (a genocidal militia group). Her house had been burned down and she herself had been attacked at a roadblock while she was fleeing towards Zaire (now the Democratic Republic of Congo). Despite these tragedies, Yvette was optimistic about the arrival of Gacaca and the opportunities offered by the process. She was looking forward to attending the process and hoped to use Gacaca to gain additional information about the death of her eldest son.

Geraldine's story is different. She lives in the north of Rwanda, close to the border with the Democratic Republic of Congo. Similar to Yvette, Geraldine lost members of her family during the conflict. Both of her parents and four of her siblings

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[1] These names have been changed for purposes of confidentiality.

were killed in the violence. Most of the possessions from her home had been either stolen or destroyed and Geraldine herself was beaten many times by perpetrators in her area. Geraldine, however, did not suffer this violence as a result of Interahamwe genocide attacks, but rather she was a victim of violence from the rebel insurgency in 1997.

Different from Yvette, Geraldine was not optimistic about the Gacaca process. In fact, Geraldine expressed resentment towards the courts because they would address the experiences of some members of the community (genocide victims), but not hers. As a result she told me that she was *not* planning to bring information that she had regarding the Genocide before the Gacaca courts. In fact, she said she would not be participating in Gacaca at all.

Both Yvette and Geraldine experienced violence during the conflict in Rwanda, but their responses to Gacaca seemed to be based on the perpetrator of their violations (i.e. Interahamwe versus rebels) not the actual violations themselves (e.g. death of family members, personal attacks, property loss, etc.). Though Geraldine had not experienced violations as a result of the Genocide she had information that would be useful to the Gacaca process and people like Yvette. However, because of the exclusion of her own conflict experience she was choosing not to participate. Why was Yvette's experience with the conflict included in the mandate of the Gacaca process while no process was put in place to address Geraldine's experience? And, what affect will Geraldine's decision not to participate have on the implementation of Gacaca itself?

Four years later, these questions of exclusion from post-conflict justice emerged for me again while I was in Belfast working on a project to archive witness statements

from people detained during the Troubles (the colloquial name for the 30 years of conflict in Northern Ireland). In Northern Ireland, I was struck by the relative silence of the national government on justice issues following the conflict. There was the Historical Enquiries Team run through the national police force to reinvestigate murder cases from the conflict but resources for this effort were limited. Several commissions had been created to recommend justice options, but these also received minimal support. National justice efforts in Northern Ireland could be classified as ad hoc at best.

At the same time, there was a proliferation of community and individual justice projects. Most noticeably, the latter included community-driven information gathering projects such as the New Lodge 6 Report detailing the circumstances surrounding the deaths of six men from the New Lodge area in North Belfast and the Ardoyne Commemoration Project which resulted in a 500-page book cataloging the deaths of all 99 people from Ardoyne who were killed during the conflict. These projects were massive undertakings often requiring the mobilization of large parts of the community and the use of scarce resources (notably time and money). While extensive, these efforts were not found throughout Northern Ireland. In fact, they seemed to emerge most frequently from communities that had consistently failed to participate in the existing state-sponsored justice efforts.

I came back to the stories of Yvette and Geraldine. Why were some individuals refusing to participate in the government-sponsored process? And what affects would these parallel community processes have on the national processes more generally? I lay out a plan for the investigation of these questions below.

This chapter begins with an overview of the research questions and discusses why these questions are worthy of investigation. Next I detail the applicability of the existing literature to these topics and consider why these questions have not previously been addressed. I then briefly introduce my theory on exclusion from post-conflict justice, explaining how and why the government creates an exclusionary justice process and how individuals interact in the potential disjuncture between their own experiences with the conflict and the mandate of the process. From there I discuss the research methods with which I evaluate this theory and present a brief summary of the findings from that analysis. I close with an outline of the remaining chapters of my dissertation.

The Research Questions

Following the termination of conflicts and the violence that surrounds them, governments have chosen to address past violence in a wide variety of ways: trials, truth commissions or other information gathering projects, amnesty agreements, reparation payments, lustration and purging legislation or some combination of all of these. I refer to these efforts as *post-conflict justice* (hereafter PCJ). [2] These processes are implemented to address the violations of the conflict and the legacy of abuse within the country. Post-conflict justice is purported to strengthen accountability, reconciliation, stability and potentially democracy within the country, but as we can see from the examples above, interacting with PCJ is not always a straightforward process.

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[2] Elsewhere in the literature these justice efforts are referred to as *transitional justice* (see Bell 2009 for an overview and evaluation of the field of transitional justice). Transitional justice is generally defined to include justice resulting from a variety of transitions e.g. transitions from authoritarianism to democracy, transitions to a greater respect for human rights or, as in the case of post-conflict justice, transitions to peace. In this way I consider post-conflict justice to be a narrow and specific subset of transitional justice. Post-conflict justice does not presuppose a wide spread political transition, but rather refers to justice which is put in place following an armed conflict to address legacy issues resulting from that violence.

Two crucial assumptions of the transitional justice literature serve as a focal point for both existing analyses as well as my critique. First, the current literature on PCJ assumes that these institutions are uniformly implemented throughout a given country (i.e. the same procedure is utilized and the same outcome produced in all places within the relevant jurisdiction). Thus, in both Rwanda and Northern Ireland we would assume that the justice process functions in the same way with reasonably similar levels of participation across the country. Here, individuals are perceived to accept and implement the process comparably with no regard to individual experiences with the conflict. This assumption is a product of the aggregate level from which this topic has primarily been studied in the existing literature.

This leads to the second assumption in the literature that the conflict events being addressed by the PCJ are an inclusive and accurate representation of what took place in the country. Here, it makes sense for a process to be implemented uniformly because there is a presumption that the process uniformly addresses national claims for justice. In Rwanda and Northern Ireland we would assume that the justice efforts in both countries were designed to include *all* experiences with the conflict. This assumption is a result of the normative focus within the current transitional justice literature and does not allow for the potential strategic use or political goal of justice efforts.

As we can see from the examples in Rwanda and Northern Ireland, the assumption that the process is universally implemented across individuals does not hold true. Yvette will enthusiastically engage with Gacaca while Geraldine plans to avoid the process by not actively participating. Justice in Northern Ireland has caused individuals from both the New Lodge and Ardoyne communities to opt-out of existing institutions

and put both money and time into parallel information gathering processes. These two examples demonstrate variation in the implementation of justice across each country not the uniform application assumed in the literature.

The assumption from the literature that the violence addressed in the process is largely representative of the population of conflict experiences also does not hold true. The experiences outlined above call into question the presumption of an aggregated narrative of the violence in these countries. Yvette's experiences with the conflict certainly do not look the same as Geraldine's and the Gacaca process is received very differently by both. And in Northern Ireland, the lack of justice for certain communities is leading to the creation of parallel processes which change the way that people view and interact with justice institutions created by the state.

From these examples two research questions are raised which challenge the main assumptions in the literature and serve as the central focus for my research. First, what accounts for disjuncture between individual experiences of conflict and the experiences addressed by the national justice process? And, second, what affect does the disjuncture (if any) have on future participation in PCJ and views towards justice in general? I will explore each question below.

First, as we can see from the examples above, interaction with the national justice process can vary across individuals but why is there this variation? While the current literature would have us investigate a justice process on the national level, attention to sub-national variation demonstrates that participation in and interaction with a national process differs across the country. The variation in implementation of the justice effort results from a disjuncture between the conflict experience of each

individual and the focus of the process itself. In both Rwanda and Northern Ireland we see examples of people who experienced violations or violence during the course of the conflict which are not being addressed by PCJ. While the current transitional justice literature would have us believe that the justice process addresses the legacy of *all* violence in a given country, this is not always the case. A disjuncture between an individual's conflict experience and PCJ suggests that certain individual experiences are excluded from the justice process (i.e., the violations these individuals experienced are not being addressed). This exclusion could be an oversight, but it could also be deliberate strategic and political exclusion on the part of the government. If the government has the power to implement the PCJ process, it also has the power to control the inclusiveness of the process for strategic reasons.

The second research question concerns the issue of how exclusion influences the justice process in particular and views of justice more broadly. What affect does the potential disjuncture between individual conflict experiences and the national justice process have on future participation in the process and on views of justice more generally? Because the current literature assumes uniform implementation and the full inclusion of conflict experiences in PCJ efforts, the possibility and potential effects of exclusion remain largely unexamined. As we can see from Yvette and Geraldine's stories, people who are excluded from the national justice process may be more likely to deny the existing PCJ either by refusing to interact with the process itself (as with Geraldine) or by creating parallel processes to address their own conflict experiences (as in the New Lodge and Ardoyne).

It is exactly this disjuncture between experiences with conflict and the mandate of the post-conflict justice effort that the current literature fails to theorize. Understanding this disjuncture and the variation in participation that it produces is necessary for determining the effectiveness of PCJ in the long run as well as identifying political exclusion and denial of the justice effort which can affect the functioning of the process and broader issues of justice in the country. But why are these questions important? I turn to this below.

Why is this topic important?

The study and understanding of post-conflict justice has increased in importance as the reliance on PCJ institutions in the post-conflict period has grown (Lutz and Sikkink 2004; Binningsbø et al. 2010; Olsen et al. 2010). This reliance on PCJ has been driven in large part by the expected outcomes of the processes themselves. Both the transitional justice and policy communities argue that the implementation of PCJ brings and/or strengthens accountability, reconciliation, democracy and eventually peace in a given country.[3] As demonstrated above, however, variation in individual participation in PCJ can have potentially negative affects for the overall success of the institution itself. If individuals fail to accept or attempt to subvert the process, PCJ may be less likely to accomplish its goals in the country on a whole. In addition to variation in participation, the presence of political exclusion may work to directly compromise the normative goals ascribed to these processes.

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[3] For more information on the normative assumptions in the transitional justice literature see Loyle and Davenport (2009).

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While this investigation is important for understanding PCJ institutions themselves, post-conflict justice is a particularly appropriate place to situate an analysis of post-conflict institutions, institutional implementation and the role of the state. Understanding how individuals implement and interact with national post-conflict justice institutions will give us greater leverage for understanding: (1) how governments assert control through post-conflict institutions, particularly through the strategic framing of conflict events; (2) what affects how post-conflict institutions are implemented on the local level; and (3) what effect does political exclusion have on the functioning of the institutions as a whole. By answering these questions we are able to build stronger theories about the role of institutions in the post-conflict state, as well as design and implement more vibrant institutions to address grievances against the post-conflict government.

Finally, the study of justice and justice institutions provides a unique opportunity for examining the ways in which people can interact with and challenge the post-conflict state. Justice is an essential issue for people in a post-conflict society (Elster 2004), but the quest or need for justice can manifest itself in a variety of ways. Through the study of variation in PCJ participation we are able to gauge the ways that people interact with national institutions in the post-conflict period. Understanding this interaction can help us develop more effective institutions and to alert us to potential manipulations on the part of the state.

I now turn to the existing literature to address questions of participation and exclusion in post-conflict justice institutions.

Participation and Exclusion in the Existing Literature

Existing investigations of transitional and post-conflict justice can tell us surprisingly little about the potential for political exclusion from the institutions themselves. As presented above, the current literature assumes that PCJ is uniformly implemented throughout a given country and that the process itself addresses an accurate representation of the violations experienced in that country. These assumptions are the product of the narrow focus of the PCJ literature. The literature studies post-conflict justice on the aggregated level (e.g. assuming a unified process) and from a primarily normative perspective (e.g. assuming altruistic motivations for implementation on the part of the government). This focus prevents us from: (1) observing variation in the process; (2) investigating individual interactions with the process; and (3) challenging the potential strategic motivations for implementing the process. Each of these limitations is discussed further below.

To begin with, most of the existing literature on post-conflict justice examines the institutions from an aggregated level of analysis. This level of analysis prevents us from observing, and therefore investigating, sub-national variation. The work on post-conflict justice tends to be dichotomous, either a process was implemented in a country or it was not (Backer 2009; Binningsbø et al. 2010; Olsen et al. 2010). This work has allowed us to make cross-national comparisons about regional variation and global trends in institutional selection, however this level of analysis tells us very little about the characteristics of the processes themselves.[4] Because of this focus we have largely

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[4] Cross-national work on variation across specific institutions has been undertaken (i.e., truth commissions (Hayner 2011) and trials (Bass 2002)), but these studies also investigate PCJ at the nation-level. This work is primarily concerned with variation across institution (i.e. how the truth commission in South Africa differs from that of Chile) not within it (i.e. regional variation within country).

failed to ask questions about the possibility of variation in participation across the process and the potential impact that this variation might have on the outcomes of interest.

Existing work has also failed to look at how individuals react when they are excluded from the justice process or how individuals interact with the process more generally. We can gain some leverage on this topic by looking at the current survey literature on victim's perceptions of justice such as the West Africa Transitional Justice Project (WATJ). However, this work focuses on victim's interaction with post-conflict justice and it does not allow us any traction on questions of non-victims and justice or victims of violence not addressed by PCJ. Survey work by Gibson (2004) in South Africa investigates levels of individual and group reconciliation by measuring individual experiences with Apartheid and the affect of individual interactions with the Truth and Reconciliation Commission (TRC). While this research surveys the entire population, it does not challenge the mandate of the TRC itself or ask questions about possible resistance to the process.

There is an equally significant lack of attention to the possible strategic selection of post-conflict justice. Decisions to implement PCJ have generally been seen as altruistic, structurally conditioned choices. While there has been extensive debate surrounding post-conflict justice options and timing there has been very little work on the actual motivation for their implementation and the selection of the process mandate. This omission leads us to assume that if the structural conditions (e.g. lack of political spoilers, demand and resources) exist to implement PCJ, then a process will be implemented (Huntington 1991; O'Donnell and Schmitter 1986). This assumption in the

literature has prevented us from asking questions about the political motivations of post-conflict justice implementation (or lack of implementation) and has left many gaps in our understanding about the strategic use of justice on the part of the state and variations in implementation that strategic exclusion may cause.

More recent work is moving to correct this trend. In her 2010 book on lustration in Eastern Europe, Nalepa looks at the strategic reasons why opposition parties may either choose to block or push for a truth revelation process such as lustration. Subotic (2009), in her work on the former Yugoslavia, argues that Serbia and Croatia were able to strategically use their cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY) to gain international favor while actually undermining accountability. Additional arguments have been made regarding the more practical incentives for post-conflict justice implementation: Lutz and Sikkink's (2004) on the global norm of accountability and Appel and Loyle (2010) on post-conflict justice and foreign direct investment. This work investigates the strategic choice for the process on a whole (i.e., to implement or not implement a process) but does not theorize the government incentives for controlling the mandate of the process itself. To advance this research, my work furthers the critical analysis of PCJ by theorizing the strategic reasons for institutional selection and the potential outcomes of that selection.

A Theory of Exclusion from Post-Conflict Justice

Given the lack of attention within the current literature to variation within the process or to strategic interactions regarding PCJ, how do we begin to address the research questions raised above? Within this dissertation, I argue that variation in PCJ

implementation is a product of a possible disjuncture between an individual's experience with the conflict and the mandate of the national PCJ. This disjuncture is created when a national justice process fails to address (or excludes) an individual's conflict experience. I argue that this potential exclusion is a strategic decision on the part of the government and that an individual's participation (or lack of) in PCJ is an equally strategic response. I outline the mechanisms of this argument below.

As conceived, my theory begins with political conflict. Specifically, violence related to the governance of a society takes place across the relevant territory; conflict takes place. Accordingly, during the conflict period, people may experience diverse types of violations (i.e., death of a family member, property loss, personal assault) often from different perpetrators (i.e., the government, rebels, and vigilantes) with variation in the intensity and duration of those violations. Given these elements, an individual's conflict experience can vary significantly across geographic location within the country and demographic characteristics (e.g. ethnicity, social status, level of education).

When the conflict is over, both the individual and the government attempt to address what was experienced. At this point in time, governments have a strategic incentive to frame the experience of the conflict in a politically strategic way. While there will be many competing individual experiences with the violence, the government has an incentive to create one predominate understanding of events. The government seeks to create an understanding of the conflict that contributes to political consolidation in the post-conflict period.

The government, therefore, constructs a *conflict frame* (i.e., the government's understanding of conflict events) to represent the official interpretation of the conflict.

Like all frames, the conflict frame advanced by the government highlights certain experiences over others. The frame determines what will be considered a crime and who will be considered the victim as well as the perpetrator. It is never the case that *all* events and experiences involved in a conflict would be considered in a conflict frame. In cases of a more open society where citizens have a greater level of veto (Davenport 2007), the government may try to be as inclusive as possible. In a closed or repressive state, the government may choose an exclusionary frame that greatly reduces the number of experiences included. The government has the advantage in such constructions and creates the frame with access to resources, media, legislation, memorials, educational curriculum, and important for this project, through the creation of justice institutions.

Once a conflict frame has been selected, an essential part of its implementation is matching the post-conflict justice institution to the frame. To assure consistency and some degree of legitimacy, a post-conflict justice effort is selected with a mandate to address the violence as outlined in the government frame. Through the PCJ process, the frame is able to enforce its previous construction of what types of violations or which events of the conflict will be considered criminal and therefore addressed/prosecuted through the justice institution.

As conceived, a conflict frame is limited in scope and as a result PCJ institutions based on activities identified within the frame result in exclusion of certain experiences. Since the government chooses to implement a justice process that does not address all (or any) of the violence from a conflict, someone's experience is left out. For example, if an individual experienced violations at the hands of the government, but the PCJ process

only addressed violence from rebel attacks, then the individual's experience would be considered excluded from the justice effort.

This disjuncture between an individual's experience with conflict on the one hand and the government's framing of the conflict and PCJ on the other is important politically. The justice process either addresses an individual's experience or it does not. Once the government has created and begun to implement PCJ it is up to an individual to determine how he/she will interact with the process. Based on his/her own experiences with the conflict, individuals can choose to either accept or deny the process. Specifically, I maintain that the difference (i.e., the potential disjuncture) between an individual's conflict experience and the focus or mandate of the PCJ affects whether an individual accepts or denies the process. When a PCJ is *accepted,* individuals adhere to the form of the national justice process and participate in the process fully. When a process is *denied,* an individual will either reject the process outright and refuse to participate, or more often, present 'everyday forms of resistance' (Scott 1985) such as low levels of participation or the creation of a parallel process designed to address excluded experiences.

This decision to accept or deny the PCJ is the individual's choice, however structural factors can influence the form of denial. The degree of political openness or voice (Davenport 2007) within a given society is essential for understanding the form that denial of a PCJ will take. Individuals who choose to deny a PCJ in a more open society, such as Northern Ireland, will be more likely to use overt measures of resistance such as creating a parallel process or publicly opposing the disjuncture. Individuals living under a repressive or less open system, such as Rwanda, will be more likely to use

passive, private acts of resistance such as foot-dragging or reduced participation in the PCJ.

Below, I discuss how I study this process and why I choose the methods that I do.

Introducing the Research Methods

As discussed above, the current literature on post-conflict justice addresses questions of PCJ implementation and individual participation in the process from an aggregated, normative approach. Because of this methodological orientation we fail to challenge the existing PCJ mandate and therefore we are only able to measure violations included in the strategic conflict frame created by the government. In this way, we are missing the individual experience of the conflict and the subsequent variation in interaction with the justice process that this experience produces. An aggregated unit of analysis allows for cross-national comparison and a state or conflict-level analysis but does not allow for either a disaggregated understanding of the conflict or individual victim experiences.

The conflict literature is increasingly moving towards a greater reliance on a micro-foundational approach to the study of conflict and the disaggregation of local as well as regional experiences (e.g. Wood 2003; Wilkinson 2004; Kalyvas 2006; Weinstein 2006; and Davenport and Stam 2009). Unfortunately, these methods have rarely filtered across to the *post*-conflict literature. This dissertation suggests a shift in focus from PCJ implementation on the national level to a greater attention to sub-national variation. Paralleling the current focus in the conflict literature, a disaggregated

approach to the study of post-conflict justice will allow us to better understand the conflict of interest as well as the experiences of individuals across the conflict. I argue that these experiences are essential for understanding PCJ implementation and views towards justice on a whole.

To accomplish this shift, my dissertation takes a multi-methods approach to the study of PCJ, using micro-level data on two conflicts (Rwanda and Northern Ireland) combined with in-depth interviews to investigate the range of individual conflict experiences in each country and the effect that this variation in experiences has on the implementation of the national justice process. Micro-level data is used for establishing the range of possible conflict experiences as well as selecting the interview sites. The interviews are used for elaborating the experiences outside of the conflict frame, determining individual interactions with PCJ and the motivations behind that behavior. These two types of data fit together to triangulate the experiences of individuals and variation in PCJ interaction without relying on government data sources that may favor the conflict frame. This analysis is conducted in Rwanda and Northern Ireland.

Instead of relying exclusively on the aggregated understanding of a conflict presented in the existing data, my dissertation relies on disaggregated data to determine the range of experiences that *could* have become part of the conflict frame. For Rwanda, I use data from the GenoDynamics project by Christian Davenport and Allan Stam (2009). This project combines multiple data sources to create predictions for battle deaths and perpetrators across Rwanda from April 1994 through July 1994. For Northern Ireland, I rely on the disaggregated tabulation of people killed during the conflict from

Sutton's Index of Deaths.[5] This tabulation relies on media sources to catalogue all people killed as a result of the conflict from 1968 through 1998 (the duration of the Troubles).

In addition to existing quantitative data, the second part of my analysis involved personally conducting 80 in-depth interviews in both Rwanda and Northern Ireland to identify the conflict experiences and subsequent interaction with the justice process that these experiences produced. Unlike existing interview and survey work in this field, respondents were not sampled on conflict experience (i.e., perceived victim status) but rather by random sample across geographic location. This technique allowed me to come across a wider variety of experiences, including people who did not consider themselves "victims" and to gain a greater understanding of the possible range of conflict experiences in each country.

Rwanda and Northern Ireland were selected as cases for three reasons. First, in each county the conditions exist to create demand for a post-conflict justice process. Both Rwanda and Northern Ireland are post-conflict countries where people experienced human rights violations during the conflict period. Second, across both countries there was a wide range of conflict experiences, allowing for variation on the most important theoretical variable of interest. The conflict was widespread enough to produce a range of experiences across the population hence making it possible to test the effect of variation in conflict experience (and potential exclusion) on participation in the national justice process. And finally, in both cases the justice efforts selected by the government are locally implemented, allowing me to measure variation in individual participation in each process. Individuals have an ability to directly participate in each justice process

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[5] http://cain.ulst.ac.uk/sutton/ Accessed on December 18, 2010.

without additional barriers to entry (e.g. lack of information about the process or resources to travel to the process), which may confound my theory.

Despite these similarities, Rwanda and Northern Ireland differ in two important ways. First, Rwanda and Northern Ireland represent different types as well as patterns of violence. The conflict in Rwanda is known for its extreme levels of violence in a ten-year period, while the conflict in Northern Ireland took place with relatively low intensity over a 30-year period. Investigating the effects of conflict experience across both extremes of violence (high and low) allows me to note potential influences that the actual intensity of the experience may present. Second, the two countries have different political systems. Investigating both a democracy (Northern Ireland) and a semi-autocracy (Rwanda) allows me to note ways in which the degree of openness (measured as veto and voice) of a country's political system can influence the relationship between the PCJ disjuncture and the subsequent individual interaction with the national justice process. This difference also allows me to investigate possible ways in which the conflict frame may emerge or be constructed differently across political system. While there are differences in conflict and system, similar mechanisms are at work.

An overview of the findings from this analysis is presented below.

Summary of Findings

In this dissertation I argue that the justice process that is selected and implemented does not adequately address every individual's conflict experience. This is hardly surprising as conflicts are generally an incredibly complex series of events and experiences. However, this disjuncture between justice process and experience can be

the direct effect of strategic political exclusion on the part of the post-conflict government and this exclusion can affect levels of participation across excluded groups. I find evidence to support this argument in both Rwanda and Northern Ireland.

Findings from this research suggest that in both Rwanda and Northern Ireland the government constructed a conflict frame, which highlighted certain events in the conflict while ignoring others. This conflict frame was then used to determine which experiences would be addressed through a justice process and which experiences would be systematically overlooked or excluded. Furthermore, my research finds that political exclusion matters. Individuals in Rwanda and Northern Ireland who are excluded from the conflict frame and the national justice process are less likely to participate in the PCJ threatening the functioning of the processes themselves. These individuals are also less likely to have positive feelings towards justice in the post-conflict period on the whole. The lack of cooperation with or subversion of PCJ affects both the functioning of the process and creates resentment towards the process. This is not the case for individuals whose conflict experience is included in the PCJ mandate.

In addition I find that regime type matters for this interaction. In Northern Ireland individuals who choose to deny the national justice process use overt forms of resistance such as public denouncement of the PCJ, and the creation of parallel justice processes which address experiences outside of the government conflict frame. In Rwanda, this is not the case. The restricted political context in Rwanda means that denying the justice process takes a different form. Here, denial of the justice process involves more passive acts of resistance such as failing to bring a case before Gacaca, not offering evidence for existing cases, or expressing resentment towards the process.

The findings of this research are essential for broadening our understanding of how PCJ is created and operates. Particularly because of the alleged role of these institutions in post-conflict reconciliation and stability, the structure and function of PCJ is important. As my research in Rwanda and Northern Ireland demonstrates, if we want to support justice institutions to work towards peace and democracy (their alleged goals), we have to expend more effort to ensure that these processes are as inclusive as possible. Exclusion from the justice process can not only have a negative impact on the process itself, but also on the likelihood that the process will contribute to social reconciliation and peace for the country on the whole.

The Way Forward

In the remainder of my dissertation, I outline a broader understanding of post-conflict justice (PCJ), which allows us to contextualize the disjuncture between national institutions and individual conflict experiences as well as individual reactions to political exclusion from the justice process. In Chapter 2, I begin with a comprehensive overview of the existing literature on transitional justice and PCJ, focusing on the definition of each concept as well as the universe of cases. I use existing data on post-conflict justice to trace patterns in implementation across time and space. This chapter also looks at the existing work on government selection of justice processes. Finally, I close with the current understanding of individual interactions with transitional justice.

Chapter 3 presents my theory. In this chapter I discuss the range of possible individual conflict experiences and I lay out the strategic incentive for states to reduce these individual experiences into a single conflict frame. I explain how this is done and

how the strategic selection of the frame leads to the creation of an equally strategic PCJ process. I then discuss the potential source of disjuncture between the conflict frame and an individual's conflict experience. This chapter hypothesizes the ways in which individuals can accept or deny the state conflict frame and justice process through their participation (or lack thereof). The selection of acceptance and denial is affected both by the individual's experience with conflict and the regime type under which they live.

Following from the theory in Chapter 4, I move to an overview of the methodology that is used to test the theory. This chapter presents the reasoning and rationale for using a microfoundational approach and introduces the specific methods that I use in my dissertation. This includes a discussion of disaggregated conflict data and the use of individual level data on participation and conflict experiences. I also discuss the sample size used in my research design and justify the number of cases based on qualitative methodology and current best practices in the literature. I close this chapter with an in-depth overview of my research design including case selection, participant selection and the interview protocol.

In Chapter 5, I move to an examination of the cases beginning with an overview of the conflict in Rwanda. This chapter presents a disaggregated understanding of violence in Rwanda from 1990 through 2002 including the different types of violations and perpetrators of violence that people experienced over that period. Relying on existing data sources as well as interviews from survivors of the conflict, I outline the universe of possible conflict experiences. From there, I move to an elaboration of the conflict frame selected by the Rwandan government, how the current Rwandan government was able to frame the conflict and why the government chose to do so in the

way that it did. In addition, I examine the creation and implementation of the Gacaca process, Rwanda's post-conflict justice process, to reinforce this frame.

Chapter 6 provides the same disaggregated analysis of conflict for Northern Ireland. This chapter broadens our understanding of the violence in Northern Ireland from the existing conflict frame to the range of experiences that people had over the course of the violence. I then move to an elaboration of the existing conflict frame looking at the way the British government has attempted both to write itself out of the history of the violence and to minimize the impact and level of violence in general. This discussion includes an analysis of the interview data I collected presenting the range of individual experiences with the conflict. Next, I turn to an elaboration of existing PCJ in Northern Ireland. The discussion focuses on the ad hoc nature of post-conflict justice in Northern Ireland.

Chapter 7 tests the hypotheses raised in Chapter 3 by examining individual responses to the conflict frames in both Rwanda and Northern Ireland as well as individual views towards justice in the country in general. In addition to examining the ways that excluded individuals respond to the PCJ process in each case, this chapter looks at the ways that the degree of political openness within the country affects the options of individuals wishing to subvert the justice process. In a politically restricted country, as in Rwanda, denial of the justice process is manifested through passive acts of resistance. In Northern Ireland, however, there is more room for active subversion. This chapter catalogs and examines this denial across case.

Finally, the dissertation concludes with an overview of the general theoretical argument as well as a discussion of the empirical findings from my analysis. I end with a

call for a more critical evaluation of existing justice processes globally. If all justice efforts have the potential to be exclusionary what does this mean for the ability of a justice project to reconcile and rebuild a country in the post-conflict period? And what do these finding suggest about the current global reliance on the implementation of justice efforts in the post-conflict period?

Chapter 2:
The Literature on Post-Conflict Justice

As introduced in the preceding chapter, the existing literature on transitional justice (TJ) and post-conflict justice (PCJ) can tell us surprisingly little about the potential for political exclusion in these institutions and the reaction of individuals to this potential exclusion. I argue that this lack of investigation is due to the focus of the transitional justice literature on an aggregated level of analysis (e.g. assuming a unified process and testing theories of transitional justice across process not within) and the normative assumptions within the existing literature (e.g. assuming altruistic motivations for transitional justice implementation). These two points of departure within the literature have prevented us from addressing the potential strategic motivations for the implementation of transitional justice on the part of the state as well as the response to TJ exclusion by individuals.

In this chapter I explore the current state of the transitional justice and post-conflict justice literature. I begin with an understanding of what we currently know about transitional justice focusing on the definitions of transitional justice and post-conflict justice, institutional types of transitional justice and patterns of transitional and post-conflict justice across time and space. In the second section I present the existing theoretical literature on TJ implementation including the goals and reasoning behind it. I then move on to an overview of our current understanding of the role of governments in selecting TJ. This section discusses how TJ is selected as well as the potential for use and misuse of TJ on the part of the government. I close this chapter with a discussion of individual interactions with transitional justice.

The Universe of Cases

In the last decade there has been a proliferation of work on the topic of transitional justice (TJ). Spanning the fields of international law (Orentlicher 1995; Minow 1998; Teitel 2002), political transitions and democratization (O'Donnell and Schmitter 1986; Huntington 1991; Kritz 1995; Nalepa 2010) and post-conflict studies (Lie et al. 2007), the TJ literature attempts to address the normative and practical considerations of justice in the period after transitions. While keeping pace with the recent rise of transitional justice institutions implemented following political transitions and civil conflict, this literature is still in its infancy and as such suffers from definitional, methodological and theoretical problems. Below, I review the state of the transitional justice literature focusing on how these problems have impacted our current understanding. Specifically, three different dimensions of transitional justice are addressed: (1) the definition of transitional justice and post-conflict justice, (2) institutional types of TJ and (3) patterns of TJ and PCJ across time and space.

The Definition of Transitional Justice and Post-Conflict Justice

While the academic field of transitional justice has grown rapidly in the last decade, there is a great deal of discussion within the literature about exactly what is included in the domain of interest. In her *Human Rights Quarterly* article, Arthur (2009) carefully traces the historical evolution of the study of transitional justice including its emergence from the democratic transitions literature in the 1980s and the intellectual origins of the topic as closely linked to the human rights movement. Despite this

understandings of the epistemological origins of the field there is still active debate regarding the definition of transitional justice and the institutions under study.

Most simply, transitional justice is understood to be: (1) a *justice process* implemented following; (2) a *transition* to address; (3) a period of *past violence* or gross abuses of human rights. Each of these three components of the definition is explored further below.

To begin with, transitional justice is a process or institution that is implemented to address issues of justice and accountability. The institution can be legal (as in the case of trials) or quasi-legal (as in the case of truth commissions). In addition, the process may or may not adhere to international law. A transitional justice institution may be a completely new institution (e.g. a truth commission created solely to address particular issues of accountability) or a pre-existing component of the national justice system (e.g. ad hoc tribunals). In most cases, transitional justice is established outside of pre-existing legal structures.

The second component of the definition of transitional justice requires a transition. Most often this is defined as a transition from a period of authoritarian government to one of democracy marked by the implementation of free and fair elections (Sikkink and Walling 2007). Kritz (1994), for example, specifically limits the term to measures undertaken by "emerging democracies". However, transitional justice can include a justice process resulting from a variety of transitions. The transition could be a political transition from one government to the next, generally following a coup or military victory. The transition could be the movement from violence to peace at the end of a civil conflict. Or the transition could include the transition from a period of gross

human rights abuse to a period of respect for human rights. In practice, transitional justice in this third type of transition is rare without a shift in the government, as a transition of power is usually needed to create the political space necessary for TJ to be proposed and implemented.

Finally, transitional justice is implemented to address a period of past violence or gross abuses of human rights. The implementation of transitional justice presupposes that there are violations for which individuals need to be held accountable. In other words, without atrocities or violations of human rights there would be no need for a justice process in the first place. In the case of transitions from authoritarianism to democracy, these abuses are generally the abuses of past regimes. In transitions to peace, these abuses could be either from the government or on the part of the rebel group. And in transitions to reduced human rights violations, these abuses are generally on the part of the government who is now choosing to sanction itself.

By definition, transitional justice is implemented to address the legacies of *past* violence. There is no set timeframe, however, for when this justice must take place. Transitional justice can be enacted at anytime in the post-conflict period. In some cases, promises of TJ are attached to ceasefire agreements and TJ begins even when low levels of violence persist in the country. TJ can also be implemented decades after the violence has ceased. In 2007, for example, the Spanish Parliament voted to reexamine the amnesty legislation that followed the Spanish Civil War (1936-1939) and potentially prosecute accordingly.

This definition of transitional justice presents three central problems. First, as is obvious above, the type of transition needed for *transitional* justice to occur is unclear.

The transitional justice literature emerged mostly from the democratic transitions in Central America; however, the definition has been expanded to include many different political contexts (Arthur 2009). Second, the actual structure of transitional justice is ambiguous. For example, do transitional justice institutions adhere to international or domestic law? There is also no convention for the scope of accountability necessary in a transitional justice institution (e.g. should the institution apply to all wrongdoers or only elites). And finally, along similar lines, there is no agreement as to which crimes are and should be addressed by transitional justice. It is clear that transitional justice is implemented to address past abuses, but the scale and scope of the abuses necessary to consider transitional justice has not been addressed.

Due to these definitional uncertainties, outlining the potential universe of cases for transitional justice is not easy. For one, not all political transitions result from or are surrounded by a period of violence. Some transitions, such as democratic elections, take place peacefully and without a precedence of abuse. If there is no abuse, there is no justification for transitional justice and therefore it is unlikely to be proposed. The evolution of international law has also changed the global conditions for transitional justice making the implementation of TJ more likely over time. However, these uncertainties have presented methodological challenges for researchers interested in understanding when and where transitional justice "could" be implemented in order to evaluate questions of if and when it is.

In part as a way to address these definitional and methodological issues, in my dissertation I focus specifically on post-conflict justice, or justice institutions that are implemented in the post-conflict period. Here I investigate processes put in place

following a period of violent conflict to address the abuses that resulted from that period of violence. Post-conflict justice (PCJ) is a subset of transitional justice focusing only on justice institutions in the post-conflict period. For that reason, the universe of potential PCJ cases is all terminated conflicts. For this dissertation I look at post-conflict justice following the conflicts in Rwanda and Northern Ireland.

Below I turn to the various institutional types that comprise our current understanding of transitional justice.

Institutional Types of Transitional Justice

In more applied terms, transitional justice is generally understood to consist of the following types of institutions: trials, truth commissions, purging/lustration, reparation schemes as well as amnesty and forced exile.[6] Each of these institutions is defined further below.

Trials include the formal judicial proceedings either within or outside of pre-existing domestic legal structures to prosecute wrongdoers. In some cases, new jurisprudence is created in order to address previous violations, while in other cases, wrongdoers are tried according to existing domestic laws. Trials are generally domestic, but can also include international tribunals such as the ICTR and ICTY (International Criminal Tribunal for Rwanda and International Criminal Tribunal for the Former Yugoslavia), or hybrid courts such as the tribunal implemented for East Timor. Some of

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[6] In addition to these generally agreed upon forms of transitional justice, David Backer (2009) has collected information on Human Rights legislation or institutional reform as a form of transitional justice.

the most prominent trials include the Nuremberg and Tokyo trials following the Second World War.

Truth commissions are defined as officially sanctioned, temporary investigative bodies that focus on a particular abuse or patterns of abuse over a given period of time (Hayner 2001, 14). Truth commissions are often non-judicial in nature meaning that they do not rely on the rules of domestic (or international) judicial proceedings. Truth commissions generally provide a mechanism for national acknowledgement of past abuses through public information gathering sometimes including public apology. Truth commissions can be both a mechanisms for a country to address past wrongdoing and a way for individuals and communities to gain knowledge about what happened to family and loved ones. The South African Truth and Reconciliation Commission is one of the most commonly referenced truth commissions and has served as an intellectual model for many commissions created after its establishment in 1995.

Purging or lustration is defined as the act of screening politicians, armed forces members or other members of society for their collaboration with or participation in a past regime or conflict and restricting their membership in the new government accordingly (Kaminski & Nalepa 2006; Nalepa 2010). Here past collaborators are identified and sanctioned for their collaboration, generally by restricting their participation in the current government. The target of purging is commonly the armed forces, often following military coups (Binningsbø et al. 2010). After a coup, the victorious party publicly restricts the participation of former collaborators in the new military. Lustration was particularly common in Eastern Europe following the fall of the Soviet Union as a means of restricting former communist collaborators from

participating in the new democratic governments (Nalepa 2010). In a few cases a purge

has also been undertaken in the Judiciary. In China, after the communists won over the

Chiang Kai-shek government in 1949, the government launched a judicial reform where

judges sympathetic to the former regime were expelled from the courts. Likewise in Iran

in the early 1980s, members of the Mujahedin eKhalq were not allowed to serve in the

national courts (Binningsbø et al. 2010).

Reparations schemes are the process by which victims of a given violation or

abuses are compensated (generally monetarily) for the harms they experienced. In

addition to monetary reparations, policies can include property restoration, education

subsidies, preferential employment programs, etc. These programs are put in place to

compensate individuals who suffered abuse and to restore, to the extent possible, their

former life trajectory. In Chile, for example, a reparations program was put in place to

address the needs of victims of human rights violations committed during the military

regimes (1973-1990). This program provided various forms of pensions, social services,

educational benefits, and health assistance, mainly in the form of mental health services

(Lira 2006).

In addition to accountability and truth granting institutions, transitional justice

also includes official processes of granting amnesty and exile.

Amnesty or the granting of immunity to wrongdoers is quite common in

transitions or post-conflict societies. In negotiating political transitions or peace

agreements leaders often choose to forgo traditional definitions of justice in order to

secure an end to the violence despite past violations of human rights. Amnesty

proceedings are a promise (or in some cases formal legislation) on the part of the ruling

party to not prosecute or punish past violators. Amnesty legislation can extend to former heads of state, government officials, members of the military or active participants in the violations. In most cases amnesty is extended to the losing party of the conflict, giving strength to the belief that granting amnesty is a way of bargaining for peace (Binningsbø et al. 2010). In some cases general amnesties can be given to lesser participants such as the armed forces when leaders face trials. In South Africa (post-1994) it was possible to apply for amnesty through the Truth and Reconciliation Commission only after a full disclosure of one's wrongdoings.

And finally, *exile* is the forced removal of individuals from the post-conflict country. Exile provides an opportunity for a new government to reduce the influence of past wrongdoers without going through lengthy legal processes and extraditions. Similar to amnesty, exile agreements can be de facto or de jure. Often exile is granted in exchange for a peaceful transition or the decision to end the conflict. In this way, exile is used as a bargaining tool by the incoming government to secure power or peace.

The Universe of Cases

Most of the recent empirical work on transitional justice has focused on classifying and collecting information on transitional justice across time and space. Originally this work consisted of single institution case studies, which focused on collecting comparable information on a specific institution across time (e.g. Hayner (2011)'s work on truth commissions). Recently, however, empirical work has expanded to include a number of global datasets on transitional justice. Some of these efforts have

focused on a specific institution type (e.g. the Amnesty Law Database[7]) while others attempt to catalogue all transitional justice institutions across a given period of time. While a necessary evolution in the study of transitional justice, these datasets suffer from the same definitional, methodological and theoretical limitations that have affected other areas of the field.

Of the data collection efforts which have been undertaken three are particularly worthy of note: the Transitional Justice Database (TJDB) which includes data on transitional justice institutions from 1970-2007 (Olsen et al. 2010), Sikkink and Walling (2007)'s collection of human rights trials and truth commissions from 1979 through 2004 and the Post-Conflict Justice Database (PCJD) on post-conflict justice institutions from 1946-2006 (Binningsbø et al. 2010). Each of these is described further below.

The Transitional Justice Database includes data on five transitional justice mechanisms—trials, truth commissions, amnesties, reparations and lustration. This data is collected for all countries from 1970-2007. This database focuses on institutions put in place following a political transition, as defined by Polity IV's 'regime transition' variable. Based on this coding the TJDB includes 91 transitions to democracy in 74 countries. Within these countries, the TJDB codes 49 trials, 30 truth commissions and 46 amnesties (Olsen et al. 2010).

Sikkink and Walling's (2007) data includes domestic truth commissions as well as domestic, foreign and international trials for past human rights abuses. This data looks at 192 countries and territories over a 26-year period (1979-2004). The dataset reports 34 truth commissions and 49 countries with at least one human rights trial. When the

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[7]http://www.qub.ac.uk/schools/SchoolofLaw/Research/InstituteofCriminologyandCriminalJustice/Research/BeyondLegalism/ Accessed on Dec. 22, 2010.

sample is reduced to 84 new and/or transitioning countries, Sikkink and Walling report over half of the countries attempting some form of judicial proceeding and more than two-thirds of the countries using transitional justice.

The Post-Conflict Justice (PCJD) database by Binningsbø et al. (2010) codes occurrences of post-conflict justice from 1946-2006. This dataset includes all justice efforts implemented in the five-year period following the termination of a conflict to address violations from that conflict. This dataset focuses solely on PCJ or transitional justice implemented following a transition to peace or the termination of a conflict. The universe of cases for this dataset includes all post-conflict periods in the time frame of reference. The PCJD includes 355 conflicts from 1946 through 2006. There are a total of 203 post-conflict justice efforts included in the dataset. In this dataset 61.5 percent of post-conflict countries implement at least one PCJ.

The total number of transitional justice institutions varies across these sources because of definitional and methodological differences. The Sikkink and Walling data, for example, focuses only on human rights trials and truth commissions with the smallest time frame. This dataset limits its definition of transitional justice to record information on accountability for human rights abuses. The TJDB uses political transitions as the potential universe of cases and therefore presupposes the level of political transition needed for transitional justice to take place (e.g. a three point gain on the Polity scale is needed to be included in the TJDB). The PCJD codes both the largest time period as well as the largest number of potential transitional justice institutions. However, this coding is limited to institutions that were implemented in a post-conflict period.

Each of these data sources provides specific information about global patterns of transitional justice. Here I rely on the PCJD to present some of the basic patterns regarding post-conflict justice across time and space as this data source most closely adheres to the topic of study for this dissertation- post-conflict justice.

Transitional and Post-Conflict Justice Across Time and Space

In order to explore patterns of transitional justice across time and space, I rely on the PCJD. As outlined above, this dataset collects information on post-conflict justice institutions implemented following periods of violent conflict. Because of definitional and methodological differences across datasets, patterns of TJ or PCJ implementation vary slightly across data source. Because my dissertation focuses specifically on post-conflict justice, I use the PCJD to elaborate patterns in PCJ implementation. Below I present some general information about PCJ implementation across time and across region. In addition to presenting patterns of implementation I also discuss potential variation in the types of institutions that are implemented.

While the general consensus in the literature is that transitional justice implementation is increasing over time (Lutz and Sikkink 2001), an important contribution of the PCJD is to demonstrate that while the overall number of PCJs seems to be on the rise, the proportion of armed conflicts terminating with PCJ is decreasing over time (see Figure 1 below). PCJ implementation peaked in the 1980s when post-conflict justice was implemented in the democratic transitions in Central America and lustration processes were put in place in Eastern Europe following the fall of

Communism. However this proportion sharply declined in the 2000s and currently accounts for less than 30 percent of conflict terminations.

Figure 1. Proportion of Armed Conflicts with Post-Conflict Justice across Time[8]
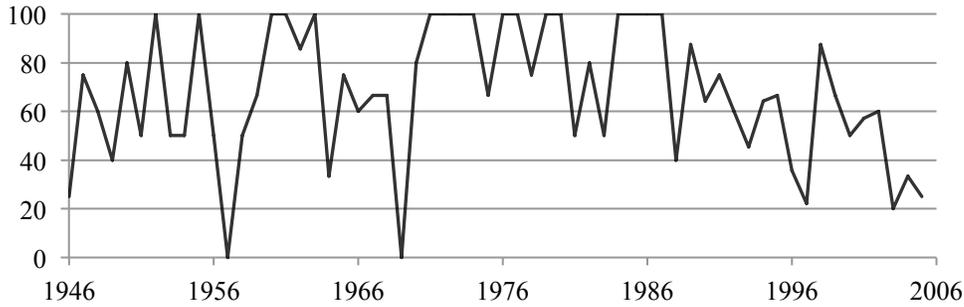
N=205 of 326

Figure 2. Number of Armed Conflicts with and without PCJ Efforts, by Region
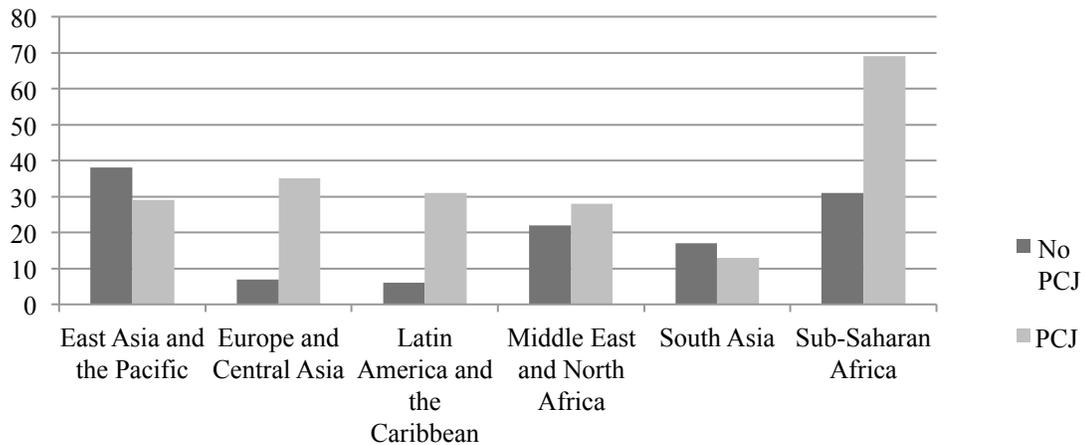
N=326

In addition to temporal patterns, PCJ implementation varies across space. Figure 2 presents the regional variation in PCJ implementation. Here we can see that implementation varies both in the overall number of PCJs which are implemented and also in the proportion of PCJ implementation to non-implementation. For example,

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[8] Graphics from the PCJD dataset are reproduced with permission from Binningsbø et al. (2010).

according to the PCJD, the majority of conflicts in Europe, Central Asia, Latin America and sub-Saharan Africa end in a post-conflict justice institution. This pattern does not hold for East Asia, the Middle East or South Asia. Sub-Saharan Africa also has a noticeably higher number of PCJs than any other region. Regional affects suggest that patterns of PCJ implementation may be related to political, cultural or social factors.

The *type* of PCJ implemented also varies by region (see Figure 3). Again, sub-Saharan Africa has a higher number of PCJs than any other region, but this prominence favors amnesty and exile, which are not information gathering processes. Judicial trials, on the other hand, are the most prominent PCJ type in Europe and Latin America, while amnesty is more popular in sub-Saharan African, East Asia and the Middle East. There were also no truth commissions implemented in the Middle East.

Figure 3. Types of Post-Conflict Justice Efforts, by Region
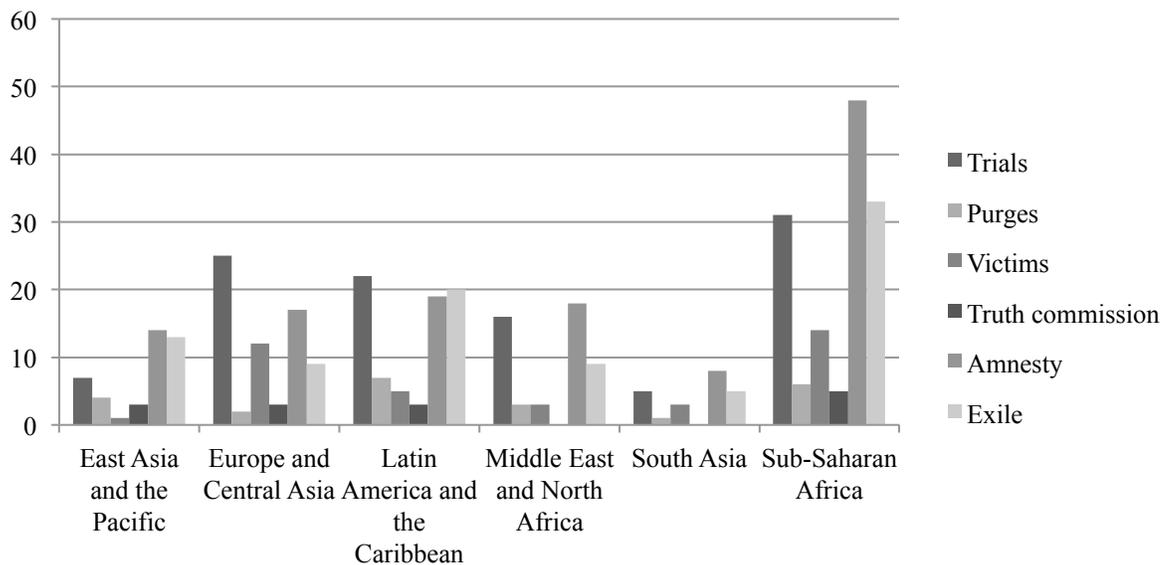
N=394

While recent quantitative data on PCJ has allowed us to determine certain patterns of PCJ implementation over time and space, the theoretical understanding of these patterns remains weak. Temporal and regional variation suggests that political as well as cultural and social factors can influence patterns of PCJ implementation. The nature of conflict has also changed over time as well as the international legal structure to support PCJ implementation. These are some possible explanations for the patterns, but the empirical relationships between these mechanisms have yet to be adequately theorized. Below I return to the broader literature on transitional justice and address the current theorizing on the goals and alleged outcomes of TJ.

The Theory of Transitional Justice

In the early 1990s the theoretical literature on transitional justice was primarily concerned with making the case for justice implementation (Kritz 1994; Zalquett 1995). These authors tried to understand the structural and political conditions that made transitional justice possible (O'Donnell and Schmitter 1986; Huntington 1991). Once transitional justice became a more widely implemented institutional outcome, the second wave of the theoretical literature wrestled with when and why transitional justice should be implemented. Known as the "peace versus justice" debate, scholars argued that under certain political conditions, justice could do more harm than good towards advancing goals of peace and democracy (Snyder and Vinjamuri 2003/04; Paris 2004). The third theoretical trend in the literature concerns the type of institution that should be created (known as the "truth versus justice" debate). Here, scholars debate when or if truth and acknowledgement should even be traded for justice (e.g. as in the case of South Africa

where individuals were able, in specific cases, to exchange information about wrongdoings for amnesty).

Despite the ongoing debates in the transitional justice literature, there is a pervasive assumption that transitional justice is implemented to advance normatively "good" goals. Arthur (2009) argues that this normative focus is the result of the "dominant lens through which political change" has historically been viewed, namely "transitions to democracy" (325). Support for democracy has lead to support for all institutions seen to promote democracy. In this section I outline the alleged goals of transitional justice and discuss the empirical literature, which investigates the effectiveness of TJ in achieving these goals.

Goals of Transitional Justice

The literature has generally agreed that transitional justice is implemented to serve three main goals: (1) to maintain peace and prevent the resumption of conflict; (2) to bring knowledge or "truth" to a population about the crimes that were committed; and (3) to contribute to democratization. Each of these goals is elaborated further below.

First, transitional justice is implemented in an attempt to prevent future violence (Zalquett 1995). By systematically and procedurally addressing past abuse, governments hope to prevent retribution killings or a resumption of violence. This mechanism works by demonstrating that individuals who commit violations will be held accountable for their actions. Orentlicher (1995) argues that domestic accountability prevents future violence on both the national and international level potentially discouraging those in neighboring countries from violating human rights.

Second, transitional justice is implemented to bring knowledge and "truth" to a population, thereby reconciling that society by addressing the causes and legacies of violence (Kritz 1995). Here one of the main goals of transitional justice is to bring to light information about past crimes. Hamber (2009) argues that greater information on violations can lead to social and psychological healing for the victims of abuse. These patterns of healing are thought to be transferable to society on the whole (Gibson 2004).

And third, transitional justice is used to increase the political legitimization of a particular government, often in times of democratic consolidation (Boraine 2006). Transitional justice ushers in rule-of-law, which may have been absent or systematically ignored during the previous period. Here, a new government can distance itself from past abuses by demonstrating its adherence to the rule of law, a key tenant of democracy. Addressing victim's rights and the rule of law further strengthens democratic values within the country (Gutmann and Thompson 2000).

While dominant, the normative trend in the literature has been challenged. Loyle and Davenport (2009), for example, argue that in addition to the favorable outcomes of transitional justice, TJ can also, or alternatively, be used to increase violence and state repression, promote denial and forgetting and strengthen authoritarianism. As Bell (2009) writes, it is unclear whether in practice transitional justice is " 'good' (an extension of human rights discourse, or necessary for democratization or peace), 'bad' (imperialist, hegemonic, impunity serving or promoting a dangerous legal exceptionalism) or a value-neutral tool with which both 'good' and 'bad' goals can be pursued" (6). While recent scholarship has begun to question the overall goals of transitional justice, the normative goals predominate.

While these "good" goals have been widely ascribed to transitional justice by the academic and policy communities, as well as through the mandate of the institutions themselves, there is little empirical evidence to suggest that transitional justice actually advances these goals. I turn to this now.

Empirical Investigations of Transitional Justice Outcomes

As introduced above, the general assumption in the transitional justice literature is that TJ is implemented for normatively "good" goals based on an altruistic intention on the part of the government. For that reason, much of the empirical work on transitional justice has focused on the relationship between transitional justice and these normatively good outcomes. This focus is one of the limitations of the current literature. Despite this focus there is little conclusive evidence that transitional justice has the desired normative effects over time.

This lack of evidence is apparent in recent studies on the effect of transitional justice on peace duration, human rights abuse and democracy. For example, when studying the effects of transitional justice implementation on the duration of peace, Lie et al. (2007) find that only trials contribute to a more durable peace and this result is sensitive to the type of conflict termination (e.g. military victory versus negotiated settlement). Brahm (2005)'s work on transitional justice and human rights abuses finds that transitioning countries that implement TJ do not have significantly improved human rights records in the post-conflict period compared to those countries that do not implement TJ. Using the TJDB data, Olsen et al. (2010) find that transitional justice does have a positive effect on human rights and democracy, but only when the

institutions are implemented in certain combinations (e.g. trials and amnesties, or trials, amnesties and truth commissions). The lack of substantial and consistent empirical evidence regarding outcomes, however, has done little to temper normative claims.

In part because of this lack of consistent empirical evidence, scholarship has recently begun to question the ability of governments to use transitional justice for politically motivated ends. I turn to this literature in the following section.

Governments and Transitional Justice

Until very recently, the normative focus of the transitional justice literature lead us to assume that transitional justice is a normative good that *should* be implemented, conditions permitting. A product of this assumption is that very little work has focused on how transitional justice processes are chosen. The literature has generally assumed that all transition or post-conflict governments want to implement a justice process, but structural conditions, generally regarding the type of transition, get in the way.

Below, I detail the current literature on how transitional justice is chosen including data from the PCJ dataset which addresses the affect that conflict termination type has on both the decision to implement a PCJ and the type of PCJ which is chosen. In addition, I discuss the new literature on political motivations for transitional justice implementation.

How is Transitional Justice Chosen?

The early literature on transitional justice focused on the structural determinants for TJ implementation. In his work *The Third Wave,* Huntington (1991) outlined the type

of structural elements that influenced whether the new elites chose to prosecute former leaders or not. These factors were mostly determined by the type of political transition that took place, such as the relative power balance between old and new elites. This framework assumes that all states want to punish past wrongdoers, but it is possible for balance of power and structural determinants to get in the way. These structural factors were mostly related to the influence of the past regime in contemporary politics.

Concentrating on the components of the transition itself, O'Donnell and Schmitter (1986) focus their argument on the significance of bargaining for transitional justice outcomes, specifically the form of pacts among elite groups. They argue that transitional justice is particularly difficult when collaborators with the past regime are still in positions of power, namely the military, police or judiciary. Despite these obstacles, in their study of transitions from authoritarian regimes to democracy O'Donnell and Schmitter find that "settling past accounts" is one of the essential characteristics which contributed to a successful transition.

Turning to the empirical evidence, the effects of elite bargaining are evident in data on PCJ implementation following conflict. For example, Binningsbø et al. (2010) demonstrate that PCJ implementation is more common following a conflict which is terminated by a military victory than one which is terminated through low levels of violence (see Figure 4). This suggests that the power of the new government (or elite) following the conflict is an important determinant of the ability of that new government to implement PCJ, and that strategic factors are likely at play.

Figure 4. Number of Armed Conflicts with and without PCJ, by Conflict Termination
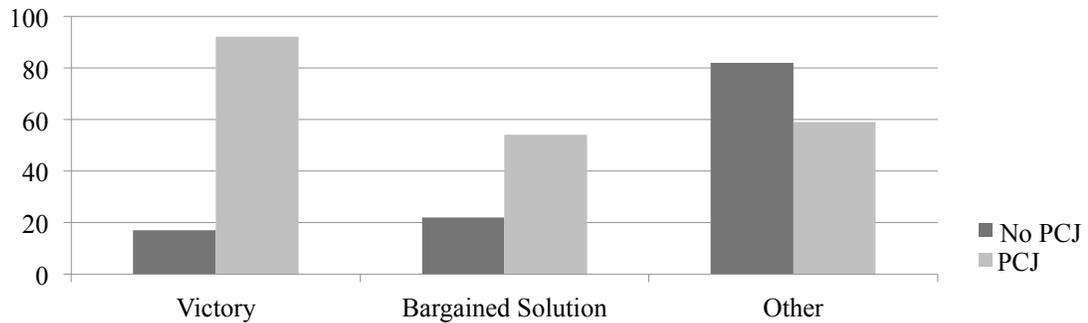
N=326

In addition to the implementation of PCJ, the type of PCJ that is implemented is also affected by the way in which the conflict was terminated. For example, trials are the dominant institutional outcome when a conflict is terminated by a military victory while amnesty and exile are more common with a bargained solution (see Figure 5 below). This finding, similar to Huntington's (1991) theory suggests that the strength of the opposition following the conflict is essential for understanding the justice policy that the government will select as well as the power that new elites have to take that course.

More recent literature has focused on domestic civil society and international influences on selecting transitional justice. Both Crocker (1999, 2000) and Hayner (2011) point to the role of civil society in the decision for a new government to choose to address past violations. Here it is argued that strong civil society is able to entice (or force) governments to implement transitional justice. Lutz and Sikkink (2001) argue that the growing proliferation of transitional justice is a result of an international norm of accountability that pushes for perpetrators of violations to be held accountable

for their actions. International norms of accountability challenge governments to implement transitional justice through political pressure and international socialization.

Figure 5. Types of Post-Conflict Justice Efforts, by Conflict Termination
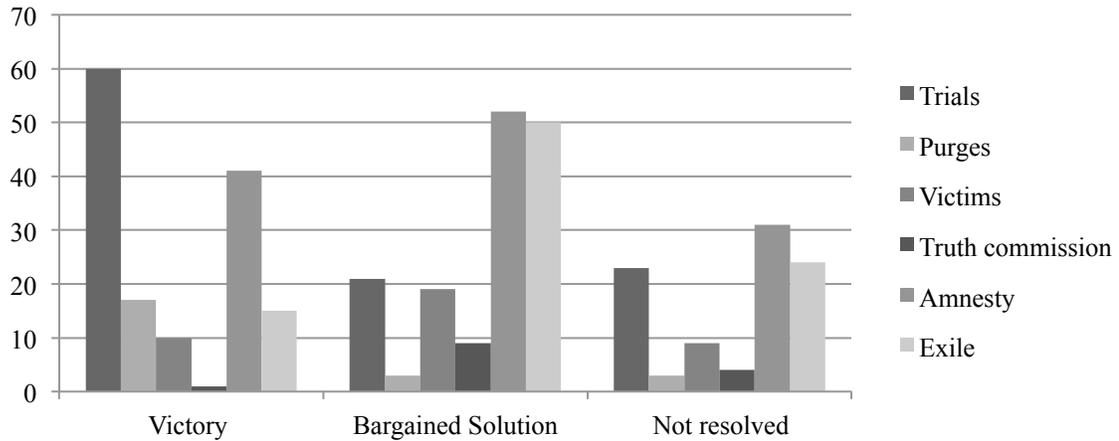
N=394

In addition to the structural and bargaining components to transitional justice implementation, there are also political motivations for the implementation of transitional justice. Below, I present some of the recent literature on both domestic and international political motivations for governments to implement transitional justice.

Political Motivations for Transitional Justice Implementation

Recently, the current literature has begun to question the strategic motivations for transitional justice implementation and to view justice institutions as "value neutral tools" through which both normatively "good" and "bad" goals have been pursed (Bell 2009). A new government may have both domestic and international political motivations for implementing a transitional justice process and may do so for strategic not altruistic reasons.

Nalepa (2010) looks at these strategic reasons in regards to lustration policy in Eastern Europe. Nalepa argues that the decision between implementing a transitional justice process or keeping promises of amnesty for past crimes is a product of the level to which the current opposition government is complicit in those crimes. In other words, it is a product of the number of "skeletons in their closet". Opposition parties who are likely to be implicated in collaborating with the past regime, or implicated in past violations in some way, may be less likely to support transitional justice and more able to credibly commit to amnesty during regime transitions. In this way transitional justice can be used as a strategic tool on the part of the current government to secure its own political future.

Subotic (2009), in her work on the former Yugoslavia, demonstrates that Serbia and Croatia were able to strategically use their cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY) to gain international favor while actually undermining domestic accountability. Subotic argues that both the governments of Serbia and Croatia were able to use the ICTY to give the appearance of cooperating with international legal norms strengthening their case for EU membership, while at the same time merely serving their own domestic political interest, strengthening their domestic political base without any real concern for justice or accountability.

Additional arguments have been made regarding the more practical incentives for transitional justice implementation. For example, Appel and Loyle (2010) make the case for post-conflict justice as a signaling mechanism for international investors. Appel and Loyle argue that governments are able use the implementation of post-conflict justice as a signal of future stability and adherence to the rule of law increasing levels of

foreign direct investment in the post-conflict period. Lutz and Sikkink (2004) argue that governments implement transitional justice, in part, to adhere to international norms and demonstrate their membership in the global legal community.

Despite these current advances, the recent literature focuses on the strategic motivations of *governments* in transitional justice implementation without much attention to the potential role of individuals in this process. In the final section I present an overview of our current understanding of individual interactions with transitional justice.

Individual Interaction with Transitional Justice

While the government plays a central and powerful role in the selection and implementation of domestic institutions, individual interactions with the process are often essential to the success or general functioning of the institutions themselves. There is a growing recognition within the TJ literature that individual attitudes and preferences towards the transitional justice process matter. This is particularly true in regards to the attitudes of victims of past violations. Individuals allegedly benefit from transitional through the termination of conflict, social reconciliation, reduction of human rights abuses and democratization (Hamber 2009), however little is actually known about these effects and outcomes. Understanding individual interactions with transitional justice and the motivations behind those interactions requires individual level data on people's preferences and responses.

Most of what we know about individual interactions with transitional justice is a product of extensive survey work in the country of interest. This work has generally

been single country focused (e.g. Gibson's work in South Africa (2004) and Lundy and McGovern (2006)'s work in Northern Ireland). Here surveys have been used to understand individual attitudes towards transitional justice (Lundy and McGovern 2006, Nalepa 2010), the interaction between individuals and the justice process (Pham et al. 2004) or the long-term effects of transitional justice on victims of violations and attitudes towards justice more broadly (Gibson 2004).

Community and individual characteristics have been demonstrated to be effective predictors of transitional justice attitudes. For example, Lundy and McGovern (2006), in their 2006 survey of citizens in Northern Ireland, found that an individual's religious community (e.g. Protestant or Catholic) affected their support for a truth commission. In their public health survey of victims of violence in Rwanda, Pham et al. (2004) find that exposure to trauma and symptoms of post-traumatic stress disorder are predictors of how an individual will view and interact with the national justice process. In addition, Gibson (2004)'s survey work in South Africa demonstrated that ethnic or racial identity is a determinant of how receptive an individual was to the message (or "truths") of the Truth and Reconciliation Commission.

While generally robust in scope, these surveys have not been designed to be comparable across countries. Recent work by the West African Transitional Justice (WATJ) project is working to address this limitation (Kulkarni et al. 2009). Between 2007 and 2008, WATJ conducted over 2,600 surveys of victims of violations in Ghana, Liberia, Nigeria and Sierra Leone. This project focused on individuals who had been victims of violations and their subsequent views and interactions with the justice process. Analysis and results from this project have yet to be released.

While survey work has been essential in developing our understanding of the effects of TJ and the reactions to the process, there has been little theoretical elaboration on the comparable nature of these findings. It is here where I situate the work of my dissertation. I develop and test a theory for individual participation and exclusion from transitional justice and test this theory using cross-national comparable data from Rwanda and Northern Ireland.

Conclusion

The literature on transitional justice suffers from definitional, methodological and theoretical under-development. While a rapidly growing field, there are still questions about the concept of transitional justice (Arthur 2009) and the boundaries of the field itself (Bell 2009). In this chapter I have outlined the existing theoretical and empirical work on transitional justice. I presented a general definition for transitional justice and post-conflict justice based on the existence of a power transition and the presence of past abuse. This chapter also demonstrated the universe of cases of post-conflict justice across time and space based on existing data collection efforts. Moving beyond the basic definition and occurrence of transitional justice, I presented the existing literature on the normative goals of TJ as well as existing critiques of this normative perspective. Finally, this chapter included an overview of our general theoretical understanding of the government and individual motivations surrounding transitional justice implementation.

While far from an exhaustive review of the literature, this chapter demonstrates the current limitations of the transitional justice debate. Aside from conceptual

problems, the literature has only begun to address the potential for strategic manipulation of transitional justice (e.g. the potential for a disjuncture between individual experiences and the national process) and the effect of individual interactions with the justice process (e.g. the potential for individual acceptance or denial of the process). In the following chapter, I develop a unique theory of participation and exclusion from post-conflict justice picking up where the existing literature has left off.

Chapter 3:
A Theory of Exclusion from Post-Conflict Justice

As outlined in Chapter 2, the current literature on post-conflict justice (PCJ) has failed to address questions of individual participation and potential exclusion from PCJ because of the normative focus of the literature and the aggregated way in which PCJ is studied. Existing work focuses on the structural conditions that lead to a particular transitional justice outcome without allowing for the possible political and strategic reasons for PCJ selection and the variation in participation that this may cause. This work goes a long way in explaining institutional selection, but it fails to address potentially strategic motivations behind the *mandate* of the processes themselves (i.e., the types of violations and perpetrators of violence that are addressed). The selection of a truth commission (institution type), for example, tells us nothing of which crimes will be included in the information gathering process, which victims will be consulted, which timeframe will be considered, and, ultimately, which political agenda will be put forth. In short, the "what" (mandate) of the process is just as important, if not more so, as the "which" (institution type).

I argue that the structure of the process matters. As introduced in Chapter 1, the experiences of Yvette and Geraldine in Rwanda and the two communities in Northern Ireland, cannot be explained without a deeper understanding of political exclusion from post-conflict justice and the variation in participation which that exclusion produces. Returning to the research questions I raised in the introduction: (1) what accounts for the disjuncture between individual experiences of conflict and the experiences addressed by

the national justice process; and (2) what effect (if any) does the disjuncture have on future participation in post-conflict justice and views of justice in general?

In this chapter, I lay out a theory to address these two questions. Towards this end, I discuss political conflict and violence, individual experiences with conflict, state construction of conflict frames, the subsequent selection of post-conflict justice and, finally, the interaction of individuals with the process put before them. Each element is discussed below.

The Basic Theoretical Model

Potential exclusion from a post-conflict justice effort and the variation in individual interaction with the process that it produces is a multi-stage process (as seen in Figure 6). This process begins with a conflict (represented by Circle A) and the collection of individual experiences included in the conflict (represented by the +/– within Circle A). Here an individual has a particular experience with the conflict measured by the type of violation, perpetrator of the violation, duration of the event and intensity of the violation. All of these individual experiences exist within the conflict (Circle A). Once a conflict has ended, the individual seeks justice for his/her own experience. Simultaneously in the post-conflict period, the government is working to consolidate power in light of the previous conflict events. To this end, the government creates a conflict frame (represented by Circle B). The conflict frame is the government's interpretation and synthesis of conflict events into a political advantageous frame that is used to determine post-conflict policy. The conflict frame overlaps to varying degrees with the actual events of the conflict (i.e. it can be an

accurate interpretation of events or it can represent a limited political interpretation of events). The government uses the conflict frame to create a post-conflict justice institution (represented by Circle C).

Figure 6. Theoretical Model for Inclusion and Exclusion from PCJ

A. Conflict
B. Conflict Frame
C. Post-Conflict Justice Institution
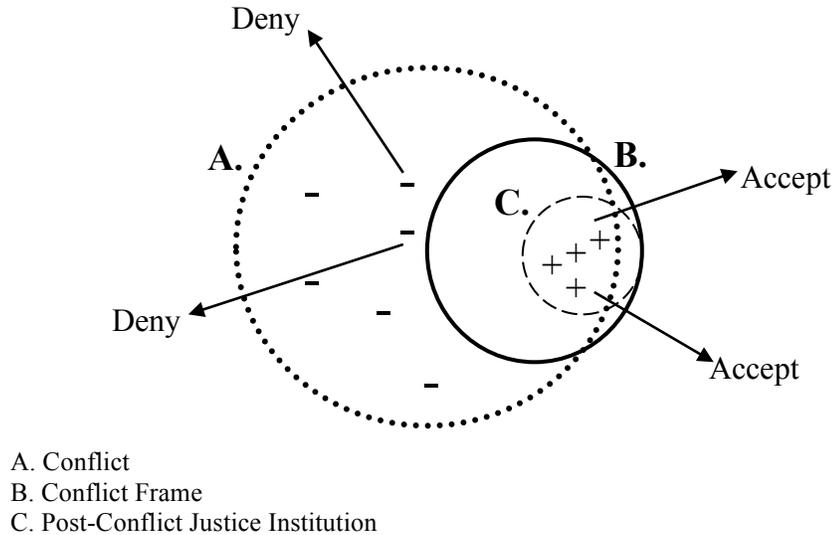
Once the post-conflict justice institution is created, its mandate may or may not match an individual's experience with the conflict. The mandate of the process may be such that not all violations that occurred during the conflict are included (i.e. prosecuted or addressed) or not all perpetrators of these violations are considered (i.e. only certain people are held accountable by the process). Some individual conflict experiences will be included in the process (represented by +) and others will be excluded (represented by -). It is at this point that a potential disjuncture occurs between the events addressed by the PCJ and an individual's conflict experience. The degree of this disjuncture determines whether an individual will be more likely to accept or deny the national process. I argue that if an individual's conflict experience is addressed by the PCJ (+)

then he/she will be more likely to accept the process. If an individual's experience is excluded from the PCJ (-) then that individual is more likely to deny the process.

I outline this argument in the sections that follow beginning with a brief discussion of conflict and the individual experience of conflict events. I then move on to discuss the creation of the government conflict frame and include an argument for the role of regime type in frame construction (as measured by veto) and the level of inclusivity or exclusivity of the frame. From here I elaborate how a post-conflict justice process is chosen and structured based on the conflict frame. I close this chapter with a discussion of individual reactions to the conflict frame based on an individual's experience with the conflict itself. Here I derive two hypotheses based on the potential disjuncture between the focus of the justice effort and an individual's experience with the conflict. I bring regime type back into the discussion by arguing that the level of political openness in the country (as measured by voice) determines the range of potential reactions to the disjuncture available to individuals. Here I present two additional hypotheses based on the potential eafect of regime type on the forms of resistance against the PCJ available to individuals.

The Conflict

Conflicts vary in terms of the actors involved (i.e., government vs. government or government vs. non-government), the conflict issues (i.e., an incompatibility over territory or a desire to take control of the government), the types of events (i.e., conventional war, guerilla war, terrorist attacks, genocide and/or civil war), the duration, and the intensity of the violence. Typically, these characteristics are conveyed as an

aggregated description of the conflict. For example, in the conflict literature duration is generally calculated based on the first battle-related death in a given country and the conflict is considered terminated when the number of battle deaths falls below a certain threshold in a given period of time (e.g. the UCDP Battle-deaths dataset (Lacina and Gleditsch 2005)). This measure of duration is calculated for the country on a whole. Communicated in this fashion this does not tell us about regional variation where the conflict may have arrived later and ended earlier or about individual experiences with the violence over the same timeframe.

Theoretically there exists a universe of events and individual experiences, which embody the conflict, illustrated as Circle A in the model (see Figure 7 below). The conflict is defined as the entirety of all violations, by all perpetrators, which were experienced by all individuals. The conflict itself is a theoretical construction and it may not be possible to ever know or fully catalogue every experience that took place as part of the conflict. For this reason, the circle is represented as bounded by a fuzzy border.

Figure 7. The Conflict

A.
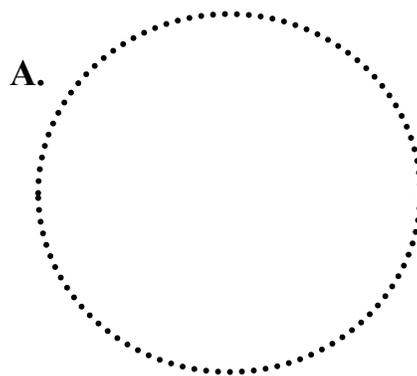
Individual Conflict Experience(s)

Included within every conflict are all the experiences of the individuals who were caught up in it. Therefore, by definition, all individual conflict experiences must be included within the conflict (within Circle A).

Regardless of the characteristics being considered, individuals within a country experience the violence differently. Individuals experience different events composed of potentially different violations by different perpetrators at different times. Take Kalyvas's (2006) analysis of the Greek Civil War, for example. In his work, he found that there was a large amount of variation in the patterns of violence experienced by individuals across the country as well as the level of participation in the violence. Kalyvas begins his analysis with a study of two similar villages in Greece during the German occupation. While the demographic characteristics of these villages were similar, one village experienced the massacre of five local families by an invading rebel group, while the other village was successful in thwarting a similar attack. The individuals within these two communities had a very different experience of violence over the course of the Civil War.

As concerned for this dissertation, an individual's experience with the conflict can vary across four variables: (1) type(s) of violations experienced; (2) perpetrator(s) of the violation; (3) duration; and (4) intensity of the violence. Each of these variations is outlined below.

Types of Violations

The type(s) of violation(s) an individual experiences is a categorization of the act(s) of violence committed against him/her. Types of violations can range from property violations to physical integrity violations to intangible violations or any combination of these three.[9] Property violations are material and involve the loss of property (either personal or communal such as a school or roads). These violations are generally one-off experiences such as a robbery or destruction of a house. During the course of the conflict property violations can be the result of direct targeting, such as an individual's pub being blown up by an IRA bomb during the Troubles in Northern Ireland. Or the experience could be the result of a more systematic policy of violation such as the consignment of Jewish goods in Germany during World War II.

Physical integrity violations are human rights violations that involve physical contact such as experiencing torture or other physical violence (e.g. being beaten, physically threatened, shot). These violations are often single occurrences (one-off events), but can occur multiple times. For example, a person could be shot multiple times over the course of the conflict in unique events. Physical integrity violations can be the result of an official state or rebel policy of violence towards civilians, but they can also be an accident (such as when an individual is caught in cross-fire between two armed combatant groups) or random targeting (such as being the victim of a terrorist attack).

Finally, intangible violations are those conflict experiences consisting of the "lack or loss of opportunity". These experiences cannot be easily measured (Elster 2004, 180). Intangible violations are generally systematic policies such as employment

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[9] Elster (2004) delineates violations into three similar categories: material, personal or intangible.

discrimination, the implementation of school quotas or racial/ethnic segregation and occur over an extended period of time (generally the entire length of the conflict). Often individuals will not recognize that they are or have been the victims of intangible violations until after the conflict has ended. Two of the most prominent cases of intangible violations are the long-term effects of slavery on the African American community in the United States and the economic and emotional legacy of Apartheid in South Africa. Also included in this category is the experience of fear, such as fear of movement, which can have physical as well as psychological consequences for individuals yet these effects remain intangible.

In addition to personally experiencing violations, an individual's conflict experience includes those violations experienced by an individual's family members or the violations experienced by other members in the individual's community. These categories are important for understanding the context of violence (i.e., broader community violence) in which the individual may have lived. Family members and members of the community could experience each of the three categories: property violations, physical integrity violations and intangible violations.

Perpetrator of the Violation(s)

An individual's experience with conflict is also a product of the perpetrator of his/her violations. A perpetrator of a given violation is the person or group of people who commit or perpetrate the violation against an individual. Perpetrators could be the government, rebels or vigilantes. Government perpetrators include the army, police or security forces or any other armed wing connected to the state. Rebel perpetrators are

associated with the other side (Side B) in the conflict. These rebels are a group in armed opposition to the government and may target civilians as a tactic in that opposition. And finally, vigilantes are those perpetrators who take advantage of the conflict and lawlessness that may follow to perpetrate violence against other individuals. This violence could be motivated by greed, fear, retribution etc., but these motivations are outside of the goals of the conflict itself and are not associated with either the government or the rebel group. Each perpetrator group is capable of perpetrating each type of violation (property, physical integrity and/or intangible), however intangible violations are most commonly perpetrated by the government.

Violations from any of these perpetrator categories could be either intentional or accidental. The rebel group could directly target a particular individual accused of informing on the group or it is possible for the government to perpetrate physical integrity violations when an individual gets caught in the cross-fire between the army and the rebel group. In this example, the government is not directly targeting the individual, but the government is still the perpetrator of the violation that the individual experienced.

Duration

Individual experiences with conflict can vary according to the length of time in which he/she experiences the violence. The duration of an individual experience with violence is simply the length of time over which the violation or series of violations occur. The duration of an individual's conflict experience is distinct from the duration of the conflict itself. For example, if a coup erupts in the capital city, it is possible for rural

communities outside of the capital to avoid the affects of the violence until the civil war erupts. Here individual experiences with the conflict may not begin until the violence reaches the rural area. By this same reasoning, it is also possible for individuals to live within the geographic boundaries of a conflict area (i.e., where the violence is taking place), but to not have any conflict experience at all. This is the case for some members of affluent communities in Northern Ireland, who, for example, did not experience or witness violence during the Troubles.

It is often difficult to determine when a conflict begins or ends. For this reason, individuals may experience violations that occur before or after the main episode of conflict. Even after a peace agreement has been signed between two warring parties, individuals could experience retribution killings or other attacks directly related to the previous violence. While these types of violence are often under recorded, they can become a very contentious issue when the mandate of a national justice process is being determined. For example, in South Africa, the negotiated date for the "end" of Apartheid (1993) became the marker for granting amnesty for politically motivated crimes. Crimes (or violations) experienced after this date were not considered part of the conflict, and therefore the perpetrators of these crimes were not eligible for amnesty. This temporal definition prevented members of AWB (Afrikaner Resistance Movement) who participated in election violence in early 1994 from being eligible for amnesty.

Intensity of Violence

Finally, an individual's conflict experience can vary according to the intensity of violation(s) he/she experienced. The actual intensity of an individual's experience with

violence is more difficult to measure than the type, perpetrator or duration of that violence. The intensity of the violence is the severity of the violation experienced by the individual, however, this is often challenging to scale. A researcher could assume that property violations such as being robbed are of lower intensity than physical integrity violations such as being shot which is comparatively lower than the death of a family member, but this need not be the case. Individuals often scale the intensity of certain experiences in ways that differ from traditional social science conceptions of intensity. For example, despite the murder of her grandfather in a paramilitary attack, one interview respondent from Belfast claimed that an army search of her home was the worst (highest intensity) violation that she experienced during the conflict. The respondent argued that while the death of her grandfather was tragic, it was a single event, while the raid of her home made her fearful of her living situation for the remainder of the conflict (A-4).[10]

The intensity of violence can therefore be conceived in multiple ways. It could be (1) the severity of the violations as scaled by the individual respondent, (2) the severity of the violations as scaled by the researcher or (3) a count variable of the number of violations experienced by the individual (their family and their community) across the course of the conflict.

Reasons for Variation

An individual's experience with the conflict can vary according to the person's ethnicity, religion, social status, education level, geographic location during the conflict,

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[10] Interviews are labeled according to the first two letters of the location where the interview was conducted and a number representing the order in which that interview was collected from the research location.

etc. By definition, an individual's conflict experience is included in the broader conflict (represented by "−" within Circle A in Figure 8). What is most important here is that anyone in a given society, regardless of the characteristics outlined above, could experience any violation across a variety of types, perpetrators, durations and intensities. Experiences are rarely unique to an individual or group. Certainly there are some violations that are more probable for certain groups than for others. For example, women are more likely to be the victims of sexual assault then men or members of the government opposition are more likely to be targeted by the government than government supporters. But there are exceptions across both of these examples. Finally, it is possible that some individuals experienced no violence during the conflict. The probability of not experiencing violations is a product of the level of diffusion of the conflict itself, but also individual characteristics such as personal wealth/resources and education level. The diverse nature of individual conflict experiences foreshadows the difficulty that governments will have in implementing a justice effort to address all of these experiences.

Figure 8. Individual Conflict Experiences
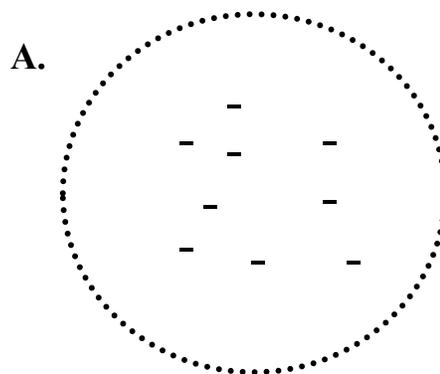
The Post-Conflict Period

Eventually, the conflict and individual violations will end. To prevent conflict reoccurrence or a sudden shift in power, the post-conflict government must work quickly to secure its own future. The primary motivation of the government during this period is to ensure the consolidation and strengthening of its political power (also called "political integration" in the early institutions literature (Zolberg 1966)). Institutions and processes implemented by the government in the post-conflict period will work towards this aim. Individuals in the post-conflict period work to rebuild their lives and begin to reckon with their own experiences of conflict.

Once the violence has ended, questions of justice are raised. While the government's main focus in addressing issues of justice is political consolidation, the individuals who experienced the conflict are working to address their own justice needs (i.e., locating the bodies of those who were killed or disappeared, punishing the person responsible for their injuries, gaining reparations for the damages that they suffered, etc.). At the most basic level, an individual has a preference for his/her personal conflict experience to be addressed.

Within the state, there are two main actors with preferences about what should be done: the government and its citizens. It is possible for outside actors, such as neighboring states or the international legal community to establish justice preferences as well but for the purpose of this argument I will focus only on the aforementioned two actors. So while the state's concerns about justice are confined to ensuring political consolidation, individuals are concerned with having their personal experiences of conflict addressed in some way.

The Creation of the Government Conflict Frame

In the period immediately following the conflict, the government must decide what, if anything, will be done to address the legacy of violence from the conflict. The government must decide whom, if anyone will be held accountable, for what and how. Instead of relying on an individual's conflict experience (as individuals do), governments create a *conflict frame* that is used to make decisions regarding the selection and implementation of justice efforts as well as the mandate of those efforts. The conflict frame is also an efficient way to present those decisions to its citizens.

The process by which the conflict frame is created is theorized below, but I begin with an understanding of what a conflict frame is and why a government would choose to create one.

Defining the Conflict Frame

Framing "refers to the process of selecting and highlighting some aspects of a perceived reality, and enhancing the salience of an interpretation and evaluation of that reality" (Entman 2004, 26).[11] Through a frame, the government "seek[s] to establish a dominant definition or construction of an issue" (Nelson and Oxley 1999, 1059). In the case of the conflict frame, the government seeks to construct the conflict itself. Because the government does not have an individual conflict experience, per se, it must create a frame through which to understand the conflict and make relevant policy decisions (in this case, regarding post-conflict justice). The conflict frame is a deliberate, strategic interpretation of the events and experiences of the conflict. The frame emphasizes

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[11] I would like to thank Anne Cizmar for her help in dissecting the American Politics framing literature.

certain events, actors and experiences over others to create an account of who did what to whom, when and where.

As with other types of issue frames, the conflict frame is "a declaration of what a policy dispute is really about and what it has nothing to do with" (Nelson and Oxley 1999, 1059). Here the government is able to use the conflict frame both to determine its own policy choices and to convince the public to accept those choices. Nelson, Clawson and Oxley (1997) argue that frames work by increasing the "psychological importance" or weight given to some beliefs with regards to the specific issue of concern. In the case of a previous conflict, the frame gives weight to particular violations or experiences that contribute to one version of events over another. The conflict frame is, therefore, a categorization of the issues. For example, a government may choose to highlight a rebel attack on the capital city, but may minimize a government attack on a neighboring village. While both events occurred and are therefore included in the conflict (refer back to circle A in Figure 7), including only the rebel attack in the conflict frame emphasizes that event over others and gives it greater importance and policy relevance.

The government *creates* a conflict frame. The political/strategic nature of a conflict frame means that the "accuracy" of the frame itself is susceptible to political will. The conflict frame may accurately represent conflict events or it may not. The frame may include multiple experiences or a single version of events. The conflict frame need not be a good faith effort to represent the broader experience of the conflict, but rather it could be the representation of a single type of experience because the representation of that experience is politically advantageous for the government.

Following this argument we can see that there are three conceptions of the violence: (1) the conflict, (2) the individual conflict experience, and (3) the government conflict frame. The conflict is the abstract conceptualization, which includes all events and individual experiences of a given period of violence. This conceptualization most closely reflects the actual conflict experience of the country. The individual conflict experience, as laid out above, is the events (defined as type[s] of violations, perpetrator[s] of these violations, intensity and duration) experienced by a single individual over the course of the conflict. The conflict frame is the events and experiences chosen by the government to represent the national experience of the conflict.

Figure 9. Conflict and Conflict Frames
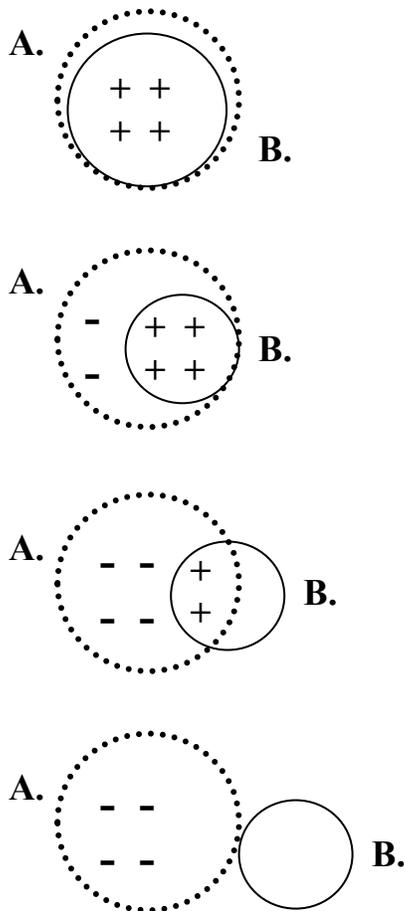
As we can see from the diagrams in Figure 9, these three concepts can be mutually exclusive and/or overlapping to varying degrees. Circle A represents the conflict and Circle B represents the conflict frame while the + and − represent individual conflict experiences which are either included or excluded from the conflict frame. The conflict frame (Circle B) is generally included within the set of experiences and events of the conflict (Circle A) as represented in the first and second diagrams. In the first diagram, the conflict

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frame captures nearly all of the events and experiences that occurred during the conflict.

Nearly all individual conflict experiences are included in the conflict frame (represented

by +). In the second diagram, the state has chosen a conflict frame that represents only a

subset of the events of the actual conflict. Here certain individual experiences are both

included (+) and excluded (-). In the third diagram the government conflict frame

includes both a subset of events and experiences from the conflict as well as a set of

events outside of the conflict. Here, the government has fabricated certain events or

experiences that didn't really occur (these events are entirely a product of the conflict

frame). And finally in the last diagram, the conflict frame shares no events or

experiences with the actual conflict. The government has entirely invented these events.

While this fourth conceptualization is a theoretical possibility in reality it is almost

impossible to imagine. It would be a situation such as the Dustin Hoffman movie, *Wag*

the Dog, in which the American government scripted an imaginary war with Albania in

order to distract attention from a presidential sex scandal. In practice, a conflict frame

will almost certainly be based on some experiences from the conflict; the variation is in

the degree the "inclusivity" of the conflict frame.

Why create a frame?

The goal of framing is for the government to win support for its issue or policy.

Frames are strategically constructed to favor particular outcomes (i.e. a vote or political

support) around an issue or event (Entman 2004). A conflict frame is therefore created

with three main purposes: (1) simplifying the understanding of the experience of the

conflict for domestic audiences, (2) expediting government decision making regarding

the conflict and (3) strategically consolidating power after the conflict. Each of these purposes is elaborated further below.

First, the frame simplifies the complex experience of the conflict to make it easier to understand for domestic audiences (Simpson 2007). Because a conflict is an elaborate series of experiences and events, individuals and the government use the conflict frame as the primary source for understanding an otherwise complicated experience. Frames can be used to educate the public by providing "correct, helpful information", but there are other circumstances where leaders "influence public opinion by providing incorrect, biased, or selective information" which can be used to deceive or mislead the public (Page and Shapiro 1992, 356). Deception and exclusion occur when the conflict frame does not (largely) overlap with the actual conflict (represented by the second, third and fourth diagrams in Figure 9).

The second purpose of a conflict frame is to allow the events of the conflict to be viewed in a way that is politically advantageous for the current government. The conflict frame allows the government to efficiently make policy decisions in the post-conflict period related to issues surrounding the conflict. Once the frame is created policies and institutions are selected to match the frame. Through simplifying the experience the government is able to focus political debates, identify victim and perpetrator groups and allocate post-conflict resources in a strategic and coherent way. For this reason, the construction of a conflict frame is an essential tool in post-conflict nation building (Marx 1998).

Third, political consolidation is accomplished through the conflict frame by strategically including and excluding certain events and individual experiences from the

fame. The government uses the frame to support or exclude certain individuals by defining the winners and losers of the conflict as well as the perpetrators and the victims. Political rivals, for example, could be linked to the losing or perpetrator group through the conflict frame, thus portraying them as a threat to the post-conflict state. Equally common, the dominant political party could be cast in a virtuous light by the conflict frame as either the victor or the victim of the conflict. Victor or victim status can be useful for gathering domestic (and often international) political support as well as fending off domestic political opposition. In the case of Rwanda, this outcome of the conflict frame is known as the "genocide credit" (i.e., gaining political traction through leveraging genocide guilt against the domestic and international community) (Reyntjens 2004). The conflict frame can also strategically exclude certain contentious events. For example, following the end of Apartheid the ANC's role in terrorism and the "black on black" violence of the Inkatha Freedom Party were minimized in the conflict frame and instead the military abuses of the Apartheid government were highlighted.

How the Conflict Frame is Created

The conflict frame influences the greater understanding of the conflict by "suggesting which of many, possibly conflicting, considerations [regarding the events of the conflict] should predominate" (Nelson and Oxley 1999, 1059). In the American politics literature the conceptualization of framing has been primarily linked to issue areas. Here the concept of issue framing is stretched to include the broader interpretation of historical and political events that make up the conflict. In this case "how citizens think about a public issue… depends on how it is framed" (Sniderman and Theriault

2004, 135). In order for a frame to function it must be widely disseminated to the population. The conflict frame is propagated through media, political speeches, legislation, memorials, educational curriculum, and, important for this project, through post-conflict justice institutions. Once the frame is disseminated it is continually reinforced through new government policies and institutions.

Regime Type and Its Effect on the Conflict Frame

The level of inclusively or exclusivity of the conflict frame is a product of many factors (e.g. the resources of the government, historical effects, strength of the opposition etc.). I argue that one of the most important factors is the regime type of the post-conflict government. The degree to which a government seeks and is able to attain political consolidation through exclusion is a product of the political structure of the government itself. More open regimes (such as democracies) should be more likely to create an *inclusive* conflict frame. More closed regimes, on the other hand, will have a greater ability and incentive to create an *exclusive* frame.

The level of inclusion of the conflict frame is a product of the state's ability to restrict the content of the frame. This is due, in part, to the level of "veto" across a given population. Veto is the degree to which an individual is able to sanction their government for unpopular policies (Davenport 2007). I argue that the competitive process of a more open political system restricts the potential for exclusion because the government has a certain level of obligation to its citizens in order to stay in power and the citizens have the opportunity to remove the government from power if those obligations are not meet. If a given individual, for example, has the opportunity to vote

the current government out of power, then the government has an incentive to include that individual's conflict experience therefore avoiding sanctioning.

Open regimes are also more likely to create an inclusive conflict frame because of the greater access to information of it citizens. Free press and open discourse within a country makes it more difficult for a government to create a frame that does not match individual conflict experiences. An exclusive conflict frame may not convince individuals if they are informed about the range of conflict experiences across the country. However, this effect requires access to information about the conflict. Open regimes are more likely to produce inclusive conflict frames reducing the need for denial or subversion of the process, which is discussed further below.

Closed, or less representative, political systems do not have this incentive. Closed regimes are more likely to have a government held in power by a small coalition of elites (Bueno de Mesquita 2003) therefore reducing the number of experiences that need to be included in the conflict frame. In a closed system, a government's obligation to its citizens is less of a constraint. Through control of the media, for example, the state is more easily and effectively able to construct an exclusionary conflict frame that may capture very few conflict experiences. Because its citizens cannot sanction the government as easily as they could in an open system, the government has less of an incentive to create an inclusive frame. In a closed system, the government's incentive is to construct a frame to include experiences that pacify the group that can keep the government in power. The greater ability of the government to control or influence national academic debates on the conflict, regional media and other sources of information, the higher the potential of exclusion for the frame.

The creation of conflict frames is further explored through the case analysis of Rwanda (Chapter 5) and Northern Ireland (Chapter 6).

Implementing Post-Conflict Justice

Once a conflict frame is created, the government uses the frame to select a post-conflict justice process. The government uses the conflict frame to determine the type of justice process, but more importantly, the mandate of the process. The type of the process refers to the institution type while the mandate of the process refers to which violations, perpetrators, intensity (level of severity) and duration (time frame) the process will address.

As previously defined, a post-conflict justice (PCJ) effort is implemented to address systematic patterns of abuse, individual violations and events which occurred during the conflict, but how these violations will be addressed along with which crimes and which perpetrators will be included in the process is not predetermined by the implementation of an institution itself. Which violations become relevant for PCJ and are therefore included in the PCJ mandate is a direct result of the violence accounted for in the conflict frame. For example, if one type or source of violence becomes significant as part of the frame, then the logical progression is to create a justice process which deals only with that type of violence. First, the government constructs the frame; then the justice institution follows. PCJ becomes a tool through which the government can reinforce the conflict frame defining who is a victim and who is not, who is a perpetrator and who is not, and which crimes will be punished and which will not. The PCJ effort is used to strengthen these categories and distribute justice accordingly.

As discussed above, the government creates a conflict frame based on a strategic political calculus. Because the conflict frame is rarely identical to the conflict (refer back to Figure 9), there will be individual conflict experiences that are included in the mandate of the PCJ process and experiences that are excluded. Exclusion from the conflict frame creates a disjuncture between an individual's conflict experience and the actual institution that was put in place by the government to address these experiences. Faced with this potential disjuncture individuals have the choice to either accept the process or to deny it in some way.

By definition, the justice process must exist within the government conflict frame. As Figure 10 demonstrates, the events addressed by the PCJ (Circle C) exist within the conflict frame and can exist to varying degrees within the conflict itself (Circle A). The degree to which the PCJ does or does not overlap with the actual conflict determines the potential disjuncture between individual experiences and the justice process.

Figure 10. Post-Conflict Justice
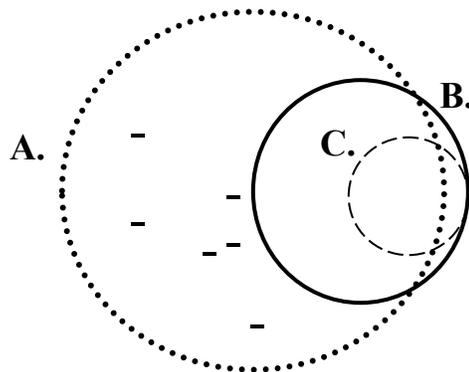
I will discuss the process of individual acceptance and denial below, but for now I turn to political exclusion and the decision by the government to exclude certain individuals and groups from the justice effort.

Political Exclusion and Post-Conflict Justice

The government may have a strategic incentive to exclude certain individuals from the justice process for reasons of political consolidation as outlined above. By restricting the conflict frame to include only certain types of violence and certain events from the conflict, the government is able to consolidate political support. Often this consolidation is aided by highlighting violent events in which the current government was not involved or events in which the current government can be identified as the hero or victor. As Elster (2004) outlines in regards to political transitions, incoming elites (or governments in general) are either *vote seeking* or *vote denying*. Here the PCJ can be used as a tool to strengthen relations with particular included individuals and deny the access of others.

Figure 11. Political Exclusion from Post-Conflict Justice

A.   B.   C.

75
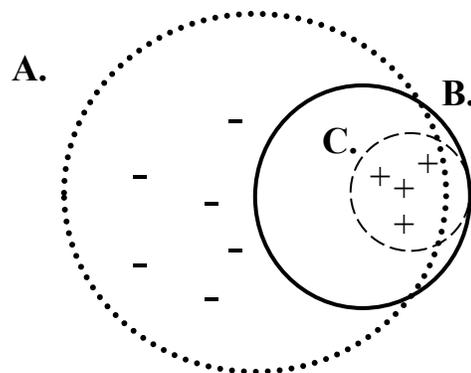
This potential exclusion is represented in Figure 11 above. Here some individual conflict experiences are addressed by the PCJ (represented by +) and others are ignored or excluded by the effort (represented by –).

One example of this type of political exclusion occurred in South Africa following the Apartheid regime. The Truth and Reconciliation Commission (TRC) mandated a focus on people who experienced "extreme violations". This decision excluded people who had been victims of other types of violations such as systematic discrimination and low levels of abuse, which were arguably the hallmark of the Apartheid regime (Wilson 2001). This restriction was a strategic decision on the part of the transition government to control the scope of the TRC and the potential political and monetary claims of victims. A similar restriction of mandate was evident in Chile when the new government elected to form a truth commission to investigate 'disappearances' during the previous regime. While disappearances were a widespread and systematic problem during the conflict in Chile, the truth commission was limited to dealing with a very specific subset of crimes (i.e. one type of violation). This restriction limited the number of potential victims and excluded those individuals and families who had been victims of other types of violence (Simpson 2007). This outcome was the product of an exclusionary justice process that strategically focused on a particular crime without criminalizing the entire Chilean military.

Individual Reactions to Post-Conflict Justice

Once a post-conflict justice effort has been selected and implemented by the government, it is up to the individual to determine how he/she will interact with the

effort. Individuals have the choice of whether they will accept the PCJ and implement it accordingly or whether they will deny the process. When a PCJ is *accepted* an individual adheres to the process's mandate and the individual participates in the process fully. When a process is *denied,* an individual will either: reject the process outright and refuse to participate; or, more often, present 'everyday forms of resistance' (Scott 1985) such as low-level participation in the process or the creation of parallel processes.

I argue that the decision to accept or deny the justice process is based on the potential disjuncture between an individual's conflict experience, as outlined above, and the PCJ which is selected. If the PCJ mandate focuses on violations and perpetrators that the individual did not experience, and fails to address the individual's personal experience then the individual is presented with a disjuncture between the PCJ effort and his/her own conflict experience. There will be variation in the degree of the disjuncture between an individual's conflict experience and PCJ, but for the purpose of this project I test two hypotheses on the extreme of either case. I argue that an individual who is presented with a justice process which matches his/her conflict experience (e.g. no disjuncture) will be more likely to accept the process. In addition, I argue that an individual whose conflict experience is excluded from the justice process (e.g. the process does not address the conflict experience of the individual) will be more likely to deny the process.

> *Hypothesis 1 (H1): When PCJ includes an individual's conflict experience the individual will be more likely to accept the process.*

> *Hypothesis 2 (H2): When PCJ excludes an individual's conflict experience the individual will be more likely to deny the process.*

Hypotheses 1 and 2 are illustrated in the complete causal model in Figure 12.

Figure 12. Mapping the Hypotheses
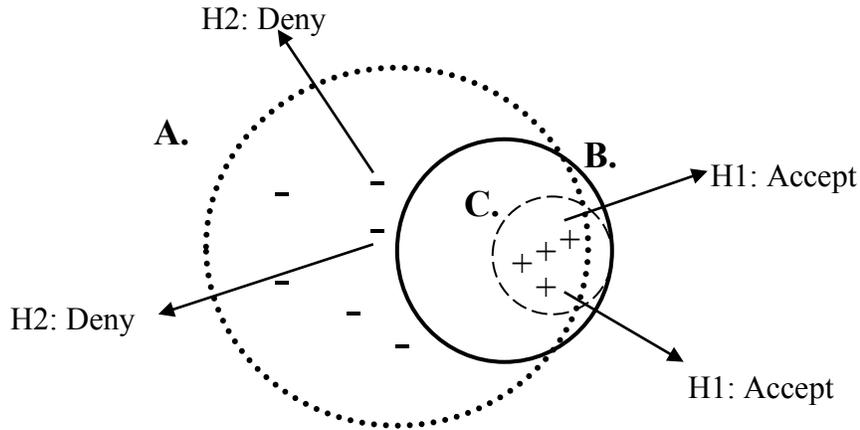
Regime Type and its Effect on Denial

In addition to the potential effect that regime type can have on the government's strategic response to the conflict (the conflict frame), regime type also has an influence on an individual's strategic response to PCJ. The opportunities available for an individual to deny a national justice process are a direct product of the level of political opportunity for that action within the state. The greater the political opportunity (i.e., an open regime) an individual has to deny PCJ the greater the chances for public forms of resistance such as refusing to participate in the justice process or the creation of parallel, non-state, justice processes to address unmet justice needs. Publically rejecting a process may be extremely dangerous in certain societies, but a legitimate form of resistance in others. 'Every day acts of resistance' such as foot dragging, failing to actively participate in a national justice process or private expressions of resentment will be more likely in states where there is little political opportunity to publically challenge the government

(i.e., in closed regimes). Here openly refusing to participate in a process may be too dangerous so individuals are forced to choose private (less public) methods of denial.

The forms of denial available to an individual are a product of the level of "voice" within the state. Voice is the degree to which the government is "made accountable to those subject to its power" (Davenport 2007, 22). I argue that the ability of an individual to openly challenge PCJ, if they choose to do so, is a product of the political opportunity within the society for that action. Based on this argument I maintain that open forms of denial such as refusal to participate in PCJ or the creation of parallel processes will be more likely in societies with high levels of voice. In addition, I argue that more 'everyday forms of resistance' such as foot-dragging or reduced levels of participation in the existing process will be likely in societies with low levels of voice.

> *Hypothesis 3 (H3): Individuals who choose to deny the PCJ effort in an open society will be more likely to use public forms of denial such as refusing to participate in the process or the creation of parallel processes.*

> *Hypothesis 4 (H4): Individuals who choose to deny the PCJ effort in a closed society will be more likely to use private forms of denial such as reduced levels of participation in the existing process or private expressions of resentment.*

These hypotheses are tested in the case of individuals who choose to deny the justice efforts in Rwanda and in Northern Ireland (in Chapter 7).

Conclusion

In this chapter, I developed a theory for participation in and exclusion from post-conflict justice based on individual conflict experiences and the government selection of

the justice process. This theory generated two hypotheses about participation based on the potential disjuncture between an individual's conflict experience and the justice institution created by the government and an additional two hypotheses on the effect of regime type on the type of denial an individual might choose when faced with this disjuncture.

In the following chapters I test these hypotheses, beginning first with a discussion of individual conflict experiences and the government conflict frame for each of the two cases, Rwanda and Northern Ireland and then testing patterns of participation across both cases. Before moving to the Rwanda and Northern Ireland cases I begin with an overview of the research methodology used to both collect and analyze the data.

Chapter 4:
Methodology and the Microfoundations of Post-Conflict Justice

I have asserted in the introduction to this dissertation that investigating individual participation in and exclusion from post-conflict justice (PCJ) is essential for understanding the functioning of PCJ on the whole. In this chapter I suggest that measuring this participation and exclusion requires a disaggregated approach focusing on the microfoundational mechanisms that drive the process. Taking this methodological approach is necessary for moving beyond the existing, government-created, conflict frame and its subsequent justice process and for cataloging individual conflict experiences and the effect that those experiences have on individual interactions with the justice process.

In this chapter I begin with the reasoning behind the use of microfoundations for this dissertation. I then present an overview of the methods used in my research. I organize this overview according to the two categories of data needed to address my research questions: (1) disaggregated conflict data; and (2) individual level data on PCJ participation. In this section I specifically address the use of microfoundational methods and justify my interview sample size. Next I turn to the research design for this dissertation. I present a justification for the case selection of both Rwanda and Northern Ireland, and also for the areas within each country where interviews were conducted. I discuss the interview methodology more specifically presenting the similarities and differences across both cases.

Why Microfoundations

As Kalyvas writes "wars, and their violence, display enormous variation- both across and within countries and time" (Kalyvas 2006, 7). The microfoundational approach has emerged in conflict studies in order to address this variation and the possible affects that it may have on other theories related to and surrounding conflict, such as theories of post-conflict justice. Microfoundations look at individual and local-level determinants of conflict and violence by disaggregating the mechanisms of conflict to the individual or community level. In moving beyond an emphasis on the aggregated, "national-level", the mircofoundational movement has been able to gain leverage on issues such as the dynamics of violence (Kalyvas 2006), rebel movement violence and organization (Weinstein 2007), peasant mobilization and participation (Wood 2003; Straus 2006) and patterns of civilian targeting (Davenport and Stam 2009). Scholars who use this methodology argue that these individual dynamics matter and that they are essential for understanding the patterns of the conflict more generally.

In addition to a different ideological presupposition, the microfoundational movement is rooted in a different methodological understanding than large-N, cross-national research on conflict. The unit of analysis in this framework moves from the conflict on a whole to individual level variables (such as economic inequality, land scarcity, ethnic heterogeneity etc.). This research generally focuses on within case comparisons to gain leverage on these questions (i.e., the villages of Manesi and Gerbesi in Greece (Kalyvas 2006), Marínguè and Ribáuè in Mozambique (Weinstein 2007) and contested communities across the Usulután region of El Salvador (Wood 2003)). Within

case comparison allows scholars to develop comparable cases for testing hypothesis *within* a given conflict.

Following on the existing work of microfoundational conflict scholars, I propose a more refined methodology for studying post-conflict justice that allows me to use detailed analysis of a limited number of cases (individual interviews) to understand individual experiences with the conflict and the government creation of the conflict frame. By taking this approach to the study of post-conflict justice, I move beyond the current understanding of the national process, which adheres to the government conflict frame, to a more nuanced understanding of how individual conflict experiences can affect individual interaction with and participation in national justice. By not *assuming* that the national justice process addresses all individual conflict experiences, we can begin to see the strategic decisions that go into constructing a government conflict frame and the subsequent justice solution.

I choose to address the research questions in my dissertation with a disaggregated, microfoundational methodology for three main reasons. First, the existing work on the overall effects of post-conflict justice has been inconclusive (e.g. Brahms 2005; Lie et al. 2007). I argue that this work is "digging in the wrong place" or rather by focusing on a national-level analysis we are not able to measure the effect of variation or patterns in individual implementation and participation which could condition these outcomes. By failing to address the possible effects of individual-level variation on the overall outcomes of post-conflict justice, the results of current investigations have been unable to find conclusive patterns of outcomes. It could be that PCJ is not related to the outcomes of interest. Alternatively, it could be that the negative effects of exclusion are

canceling out the positive effects of the process on included individuals leaving us with null results. By focusing on the micro-level of post-conflict justice, I move away from this limitation and theorize the variation in interaction and participation with PCJ on the individual level.

The second reason I choose a micro-level methodology is to incorporate the opinions of individuals into a broader theory of PCJ participation and exclusion. The current transitional justice literature is increasingly moving towards a greater incorporation of victim's experiences (or those who experienced violations), but this work has not been expanded to a broader theory of transitional justice implementation or participation (Kulkarni et al. 2009; Gibson 2004). As I will demonstrate in the empirical chapters (Chapters 5, 6 and 7), this has also caused the potential for strategic political exclusion from PCJ on the part of the government to be overlooked.

Finally, I employ a disaggregated methodology to gain a greater understanding of the mechanisms that drive events in the post-conflict period. The existing conflict literature has been making great strides in expanding our understanding of the form and function of conflict through greater attention to individual and regional variation in patterns of conflict participation and diffusion. As a student of conflict studies it is my intention to spread this understanding to the post-conflict period particularly the implementation of post-conflict institutions.

There are other ways to investigate these claims, notably: (1) relying purely on quantitative data regarding the conflicts in Rwanda and Northern Ireland as well as existing data sources on participation in the justice efforts in each country; or (2)

exclusively using interview or ethnographic work to substantiate my theory. In essence using exclusively large-N or small-N data. Both of these options have their limitations.

Large-N, quantitative data on conflict experience and PCJ participation are generally collected by the government or from government sources. This type of data collection favors the government conflict frame and is usually not able to capture wide variations in experiences across space and time. Conducting an analysis based on large-N data generates a superficial review of patterns of conflict for each case and would reveal only the dominant conflict frame. This level of analysis also fails to take individual experiences and subsequent strategic reactions into account.

However, the opposite extreme, small-N data is equally problematic. Focusing exclusively on individual experiences or personal accounts of conflict does not situate those experiences within broader patterns of violence. Without a greater understanding of the universe of conflict experiences or the pattern of conflict across a given country it is not possible to predict how representative is a give sample of violations. In my dissertation disaggregated conflict data for the whole country is used to select areas of interest and to situate the interview data within the broader context of the conflict.

Having made the case for the use of micro-level data for the study of post-conflict justice, I turn now to an overview of the methods used in my dissertation

Introducing the Research Methods

This dissertation investigates two research questions of interest. First I examine the mechanisms that account for the (potential) disjuncture between an individual's experience of conflict and the experiences address by the mandate of the national justice

process. Second, I investigate the affect that the disjuncture (if any) has on an individual's participation in the PCJ and his/her views of justice in general. In order to examine these two questions I needed to collect: (1) disaggregated data on conflict experiences throughout the country of interest relying primarily on non-state sources; and (2) individual-level data on participation in and views towards the national justice process. The rationale for each of these sources of data is explored below.

Disaggregated Data on Conflict Experience

In order to assess the disjuncture between individual conflict experiences and the mandate of the national justice process, I must first have an understanding of an individual's personal experience during the conflict as well as an understanding of the PCJ's mandate in relation to that experience. As discussed in the introduction, the current literature on post-conflict justice generally investigates these institutions at an aggregated level (e.g. variation and effects are studied across process without attention being paid to potential variation within the process). This focus prevents us from observing the potential disjuncture between individual conflict experiences and the process mandate. If we do not account for variation across individual experiences with the conflict, then we are unable to identify this disjuncture.

Paralleling the current trend in the conflict literature, my dissertation takes a mixed-methods approach using micro-level data on the two conflicts of interest (Rwanda and Northern Ireland) and combining that data with in-depth interviews from individuals. This methodology allows me to investigate the range of individual conflict experiences that occurred in each country outside of the government conflict frame.

Quantitative data is used for establishing the conflict frame as well as selecting the interview sites. For Rwanda, I use data from the GenoDynamics project by Christian Davenport and Allan Stam (2009). This project combines multiple data sources to create predictions for battle deaths and perpetrators across Rwanda from April 1994 through July 1994 (the duration of the Rwandan Genocide). For Northern Ireland, I rely on the disaggregated tabulation of people killed during the conflict from Sutton's Index of Deaths.[12] This tabulation relies on media sources to catalogue all people killed as a result of the conflict from 1968 through 1998 (the duration of the Troubles).

In addition to disaggregated quantitative data on the conflict, I use individual interviews to establish the range of potential conflict experiences for individuals in the country. To accomplish this, I conducted 80 randomly selected interviews in both Rwanda and Northern Ireland. Individuals were asked about violations they had experienced. These interviews did not assume a particular type of conflict experience, but rather catalogued specific violations and perpetrators across individuals. When compared with the quantitative conflict data these interviews begin to develop a theoretical range of conflict experiences across the population.

Unlike existing interview and survey work in this field, respondents were not sampled on conflict experience (i.e., perceived victim status) but rather by random sample across geographic location. This technique allowed me to come across a wider variety of experiences, including people who did not consider themselves "victims" and to gain a greater understanding of the possible range of experiences in each country. Participation in this research was not based on victim status, but rather on membership in the society. In this way I was able to develop an understanding of the range of conflict

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[12] http://cain.ulst.ac.uk/sutton/ Accessed on December 18, 2010.

experiences across each country and outside of the conflict frame. Additional information on the collection of the interview data is provided below.

Individual Level Data on Participation

Once I established the range as well as an individual's own experience with the conflict I could investigate the effect that this experience has on PCJ participation and views of justice in general. In addition to data on conflict experiences, I use the interview data collected in Rwanda and Northern Ireland to establish the relationship between conflict experience and PCJ participation. In Chapter 3, I theorize that an individual whose experience of conflict is excluded from the justice process will be less likely to accept and participate in the justice process, while an individual whose experience is included will be more likely to accept and participate. Individual level data on conflict experiences and PCJ participation is needed to test these two hypotheses.

Therefore interview data was used for elaborating individual experiences outside of the conflict frame and determining individual interactions with the PCJ and the motivations behind that behavior. For this research I interviewed 80 people, 10 respondents for each theoretical category. In Rwanda, I interviewed 10 people from each sector (two high-genocide sectors and two low-genocide sectors, one urban and one rural. See Table 1 below). In Northern Ireland, I interviewed 10 people from each community (Catholic and Protestant) across both urban and rural locations (See Table 2 below).

Table 1: Interview Categories in Rwanda		
	Urban	**Rural**
High-Genocide	10 (Nyamagabe)	10 (Karongi)
Low-Genocide	10 (Musanze)	10 (Rulindo)

Table 2: Interview Categories in Northern Ireland		
	Urban	**Rural**
Catholic	10 (Ardoyne)	10 (South Armagh)
Protestant	10 (Upper Ardoyne)	10 (South Armagh)

The theoretical categories were selected in order to maximize potential variation on conflict experience. Remember that the goal is to categorize the range of possible experiences with the conflict across the population. In Rwanda, high- and low-genocide areas are a likely predictor of violence. In the same way, Catholic and Protestant communities in Northern Ireland experienced potentially different types of violations and different patterns of violence. Urban and rural locations were selected in both countries to increase potential variation. This divide between urban and rural experiences was more pronounced in Northern Ireland. In Rwanda, I choose not to conduct research in Kigali (the capital city) and therefore all of my research locations were comparatively rural.[13]

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[13] Kigali was excluded from the sample for two reasons. First, as the country grows more urban, people in Kigali are general from all over the country and did not necessarily experience the conflict in that area. Many Kigali residents were actually raised outside the country and have returned to Rwanda with the support of the RPF government. People in Kigali also represent different demographics from the average Rwandan with higher levels of education, different language skills (people in Kigali are more likely to speak English) and higher incomes. Second, people in Kigali have a reputation for being less open and willing to participate in research than Rwandans outside of the city. While I did not empirically test this, elite level interviews cautioned against including Kigali in the sample.

Sample Size

The decision of how many people to interview was a product of resources (time and money), the current literature on qualitative research methodology, and best practices within current micro-level research. As a graduate student on a limited research budget, 80 respondents represented a feasible amount of interviews both for time spent within each country and the resources needed to code (and in Rwanda also translate) the data. However this decision was also methodological.

When doing large-N or survey work, the general consensus is the more observations the better. More observations reduce uncertainty in the estimates. This change in uncertainty is fairly dramatic when we are talking about small numbers of cases (i.e., adding 100 observations to 200 observations), but has diminishing marginal utility as the proportion between added and existing data increases (e.g. adding 100 observations to 1,000).

The conventions for qualitative research are less clear. Determining an appropriate formula for the sample size in qualitative research can be challenging because as Mugo (2010) states "the validity, meaningfulness, and insights generated from qualitative inquiry have more to do with the information-richness of the cases selected and the observational/analytical capabilities of the researcher than with sample size." Here there is no definite rule to follow. The number of individuals needed is a product of the quality of the data received from each interview determined by the length of time of the interviews, the number of visits to each respondent, the level of specificity of the interview questions, etc.

Best practices within current qualitative research have generally suggested between 10 and 30 interviews per category of interest. While there is no official rule, this has been the convention. In Weinstein's (2007) research on rebel organizations in Uganda, Mozambique and Peru, he interviewed between 3 and 29 people per category (See Table 3 below). Straus's (2006) research on leaders and aggressive killers in the Rwandan Genocide relied, in part, on 19 non-random interviews within the Rwandan prisons. It is worth nothing that scholars often include additional data in their final manuscripts. Straus (2006), for example, relies on 210 randomly selected interviews in 15 Rwandan prisons as well as micro-comparative data on the Genocide in five locations when conducting his final analysis. In other words, he used a mixed-methods approach.

Table 3: Weinstein's (2007) Distribution of Formal Interviews						
National Level	**Uganda**		**Mozambique**		**Peru**	
Political and Military Leaders	22		6		5	
Local Level	**Semuto**	**Kiwanguzi**	**Ribáuè**	**Marínguè**	**Huanta**	**Tingo María**
Combatants	3	10	10	10	--	--
Civilians	29	11	19	14	21	16

In my dissertation, I follow this convention. My interviews ranged between one and 3.5 hours long. These interviews took place in single sittings, though on some occasions, particularly in Northern Ireland individuals were introduced to the project on one day and I returned to conduct the interview on a subsequent day. This methodology

produced over 750 pages of analyzed texts directly on the research question of interest. Interview transcripts were coded and analyzed using TAMS Analyzer v.3.[14]

Above, I demonstrated that both disaggregated conflict data and individual level data on conflict experience and participation in PCJ is needed in order to address questions of the potential disjuncture between an individual's experience with conflict and the national justice process as well as the relationship between potential exclusion from the justice process and an individual's participation in the process. Below I present the research design implemented to collect this data.

Research Design

In order to address the hypotheses raised in Chapter 3, two types of data needed to be collected: (1) disaggregated data on the conflict (outside of the government conflict frame) including individual level data on conflict experiences; and (2) individual level data on participation and responses to the post-conflict justice effort. As introduced above, this was accomplished by using disaggregated data on both national conflicts (in Rwanda and Northern Ireland) and by conducting individual interviews in each country.

In this section, I outline how both the country cases and the interview locations were chosen describing the conflict data used in this selection. I also explain the interview methodology used for each of these cases.

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[14] TAMS Analyzer is freeware coding and text analysis software designed by Matthew Weinstein at Kent State University. For additional information on the software see: http://tamsys.sourceforge.net/gtams/

Case Selection- The Countries

Rwanda and Northern Ireland were selected as cases in this analysis for three reasons. First, in each country the conditions exist to create demand for a post-conflict justice process. Both Rwanda and Northern Ireland are post-conflict countries where people experienced human rights violations during the conflict period. In the post-conflict period, there has been a shift in power (a new government in Rwanda and power-sharing in Northern Ireland) and justice has become a central issue. In both countries, justice issues are debated in the national media and among individuals. Because justice is salient it makes it possible to question individuals about their current interaction (if any) with the national process and views of justice in general.

Second, across both countries there is a wide range of conflict experiences, allowing for variation on the most important theoretical variable of interest. The conflict was widespread enough to produce a range of experiences across the population in both Rwanda and Northern Ireland making it possible to test the effect of variation in conflict experience on participation in the national justice process.

And finally, in both cases the justice efforts selected by the government are locally implemented, allowing me to measure variation in individual participation in each process. Individuals have an ability to directly participate in each justice process without additional barriers to entry (e.g. lack of information about the process or resources needed to participate in the process) that may confound my theory. For example, in Rwanda the Gacaca process operates in each individual village. Individuals don't have to travel far in order to participate. If people choose not to participate in the

process it is most likely due to their desire not to participate, not because of outside impediments such as time, money or lack of information about Gacaca.

Despite these similarities, Rwanda and Northern Ireland differ in two important ways. First, Rwanda and Northern Ireland represent different types as well as patterns of violence. The conflict in Rwanda is known for its extreme levels of violence in a ten-year period (measured in both intensity and duration), while the conflict in Northern Ireland took place with relatively low intensity over a 30-year period (e.g. less than 4,000 people killed). Investigating the effects of conflict experience across both extremes of violence (high and low) allows me to note potential influences that the actual intensity of the experience may have on patterns of PCJ participation. The conflicts in both Rwanda and Northern Ireland are described in Chapters 5 and 6 respectively.

Second, the two countries have different political systems. Investigating both a democracy (Northern Ireland) and a semi-autocracy (Rwanda) allows me to note ways in which the degree of veto and voice of a country's political system can influence the relationship between the creation of a government conflict frame and the subsequent individual interaction with the national justice process. The predictions of these effects are discussed in Chapter 3. While a two case comparison does not allow me to conclusively determine causality, it does allow me to examine whether the outcomes in each country are consistent with what I predict based on the level of veto and voice. This difference allows me to investigate possible ways in which the conflict frame may emerge or be constructed differently across political system. In addition, comparing different political systems allows me to investigate the opportunities for denial that are

available to individuals across different levels of political voice. While there are differences in conflict and political system, similar mechanisms are at work across each case.

Case Selection- Within Rwanda

In addition to conducting cross-case comparisons between Rwanda and Northern Ireland, the primary analysis is conducted within each country. The conflict experiences and PCJ interactions are compared across individuals within Rwanda and Northern Ireland respectively. Below I discuss how research locations were chosen in Rwanda and describe each of the four research sites.

The interview data presented for Rwanda is the result of interviews conducted in four sectors[15] across the country.[16] Again, there is no convention for the number of research sites in qualitative research, however four sites allowed me to obtain regional variation (including urban and rural) and prevented me from relying on a single location for each level of violence (e.g. high-genocide and low-genocide). Sectors were selected based on the level of genocide violence experienced in each location as measured by duration of the violence (start and end date of genocide violence in that sector) and intensity of the violence (the number of people killed over the course of the Genocide [April through July 1994]). In addition, one urban and one rural sector were chosen from each category.

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[15] For administrative purposes Rwanda is divided into providences, districts and sectors. There are 4 providences, 30 districts and 416 sectors in the country.

[16] IRB approval was granted through the University of Maryland (Protocol # 09-0468). In addition to ethics approval, Rwandan government permission for research was received from the Minister in the President's Office in Charge of Science and Technology (MINIST/003/2009).

This selection was designed to maximize the range of potential conflict experiences by the respondents. As the main dependent variable in the analysis is individual conflict experiences (as compared to the government conflict frame), it was necessary to maximize difference on this variable. Using existing conflict data on Rwanda, two sectors were selected which experienced comparatively high levels of genocide violence (Nyamagabe and Karongi) and two sectors were selected which experienced comparatively low levels of genocide violence (Musanze and Rulindo).

High-genocide and low-genocide areas were selected based on existing data from the GenoDynamics project assembled by Christian Davenport and Allan Stam (2009). This project collects disaggregated data on political violence in Rwanda from April through July 1994 (the period of genocide violence).[17] The GenoDynamics project does not identify high and low categories of genocide violence, however, using the measures for the total number of people killed as well as the start date and end date of the violence in each sector, I scaled the violence into high and low categories across the country. For this project, high-genocide areas are defined as areas with the highest number of deaths and longest duration of violence (in comparison to other sectors in the country during 1994), and low-genocide areas are defined as sectors with a low number of deaths and a short duration of violence (in comparison to other areas in the country).

Selecting research locations based on variation in the level of genocide violations is consistent with the Rwanda government conflict frame, as I will demonstrate in

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[17] The data compilation and collection of GenoDynamics brings together a variety of sources of existing data in addition to other information gathering efforts: 1) interviews (both structured and unstructured throughout all provinces in Rwanda), 2) focus groups in Kigali and Butare, 3) one randomly-selected household survey in the prefecture/province of Butare regarding the violence and reconciliation effort (Gacaca), 4) information regarding the location of all military units before the conflict in April got underway, 5) information on the location and strength of all radio towers in Rwanda, 6) the collection of census information, agricultural zones, forced migration (internal displacement and refugees) as well as 7) international media coverage about Rwanda and the conflict (Davenport and Stam 2009).

Chapter 5. This selection allows me to demonstrate the validity (or lack thereof) of the government frame. This selection procedure is also the product of a limited amount of information on other periods of violence in Rwanda. Currently, the only non-governmental sources of disaggregated information on the Rwandan conflict deal exclusively with the Genocide making it difficult for me to sample on other conflict criteria.

Figure 13. Map of Research Locations in Rwanda [18]

1. Nyamagabe
2. Karongi
3. Musanze
4. Rulindo

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[18] United Nations, Rwanda no. 3717, Rev. 7, December 1997

In addition to a diversity of experiences with potential violence, the sectors selected were also in regionally diverse areas of the country (see Figure 13 above). Nyamagabe[19] is located in central Rwanda. It is southwest of the capital city, Kigali, and north of the old colonial capital, Butare. It is a hilly area which houses major genocide massacre sites such as Murambi and is an urban center for the region. Karongi, a rural area, is located on the western border of Rwanda on Lake Kivu. This area experienced both extreme genocide violence and high levels of refugee flows during the Genocide as people moved through the area and into Zaire (now the Democratic Republic of Congo). Musanze is located in the foothills of the Virunga National Park. It is a colder and wetter part of the country, known for its long rainy season. This area experienced early ethnic violence in the 1960s through 1980s. Musanze contains the largest urban center in the North of the country. Finally, Rulindo is located just north of Kigali. It is a flatter area of the country, rural but only 30 minutes by bus from Kigali. Because of its proximity to the capital it was constantly on the frontlines of the Civil War fighting.

Case Selection- Within Northern Ireland

In Northern Ireland, interviews were conducted in two locations: Ardoyne/Upper Ardoyne and South Armagh.[20] These two areas were selected based on the diversity in conflict experiences, measured by type of violations and perpetrators of the violence, across communities in these areas. Both locations experienced high levels of violence, but had different experiences of the conflict (measured in types of violations and

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[19] In 2004 Rwanda reorganized and renamed all of its geographic units. I refer to the contemporary names of each location. In 1994 geographic terms, Nyamagabe is proximate to Gikongoro. Musanze is located in ex-Ruhengeri. Rulindo is roughly encompassed by Kigali-Ngali. And Karongi is in ex-Kibuye.
[20] Research was conducted under University of Maryland, IRB Protocol 10-0198.

perpetrators). While the Ardoyne/Upper Ardoyne area is an urban center and was subjected to rioting and a high level of police and army surveillance, the South Armagh area is predominantly rural farm land and experienced violence which was more similar to a conventional guerilla war with substantial attacks between Republican paramilitary organizations and the British Army.

Table 4: Geographic Locations of Deaths During the Troubles in Northern Ireland (Sutton 1994)	
Location	**Count**
Belfast West	624
Belfast North	576
County Armagh	478
County Tyrone	340
County Down	243
Derry/Londonderry	227
Belfast South	213
County Antrim	207
Belfast East	128
Britain	125
County Derry	123
Republic of Ireland	114
County Fermanagh	112
Europe	18
TOTAL	**3528**

These locations were selected using Sutton's Index of Deaths (Sutton 1994). Information for this database was collected through newspaper archives, coroner reports, organizational pamphlets and additional supplemental material. This is a database cataloguing information about the total number of people killed over the course of the Troubles. As displayed in Table 4 above, both the Ardoyne area in North Belfast and

South Armagh area experienced some of the highest levels of deaths over the course of the conflict.[21]

While violence in these areas was *generally* high, it is possible for individuals to have varying experiences with the conflict across each location. Unlike Rwanda, which had comparatively high levels of violence across the country, violence in Northern Ireland varied quite severely with some areas of the country experiencing very low or no violence. While in Rwanda the justice process both welcomes and requires the full participation of all members of the Rwandan community, in Northern Ireland existing PCJ is available only for people who have experienced violations. For this reason, the sampling in Northern Ireland required that I speak with people who experienced some violations or people who could potentially participate in the justice process. I focused my sampling on people who lived in high violence areas over the course of the conflict. In this way, the sample is not representative of the "average" experiences with conflict in Northern Ireland, but rather represents the range of experiences *with violence* across the country.

Ardoyne and Upper Ardoyne are adjacent areas in North Belfast.[22] The larger of the two areas is Ardoyne traditionally a predominantly Catholic, Nationalist and strong Republican community. Ardoyne is composed of approximately 11,000 people. In part because of its Republican/paramilitary leanings, Ardoyne has one of the highest concentrations of people killed during the Troubles. The Ardoyne Commemoration project tabulated 99 people killed from the Ardoyne area out of 1,500 people total in all

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[21] The highest number of deaths during the conflict was experienced in West Belfast. However, due to the highly politicized nature of the area it was difficult to find community organizations which were not mobilized around conflict and justice issues. For this reason I choose to work in North Belfast.
[22] This area is located up the Crumlin Road to the east of the Shankill and the west of Old Park Road.

of Belfast from 1968 through 1998 (Sutton 1994).[23] The majority of violence experienced in the Ardoyne area was the result of rioting, police and army raids and paramilitary attacks (Ardoyne Commemoration Project 2002).

Figure 14. Map of Research Location in North Belfast (Ardoyne/Upper Ardoyne) [24]
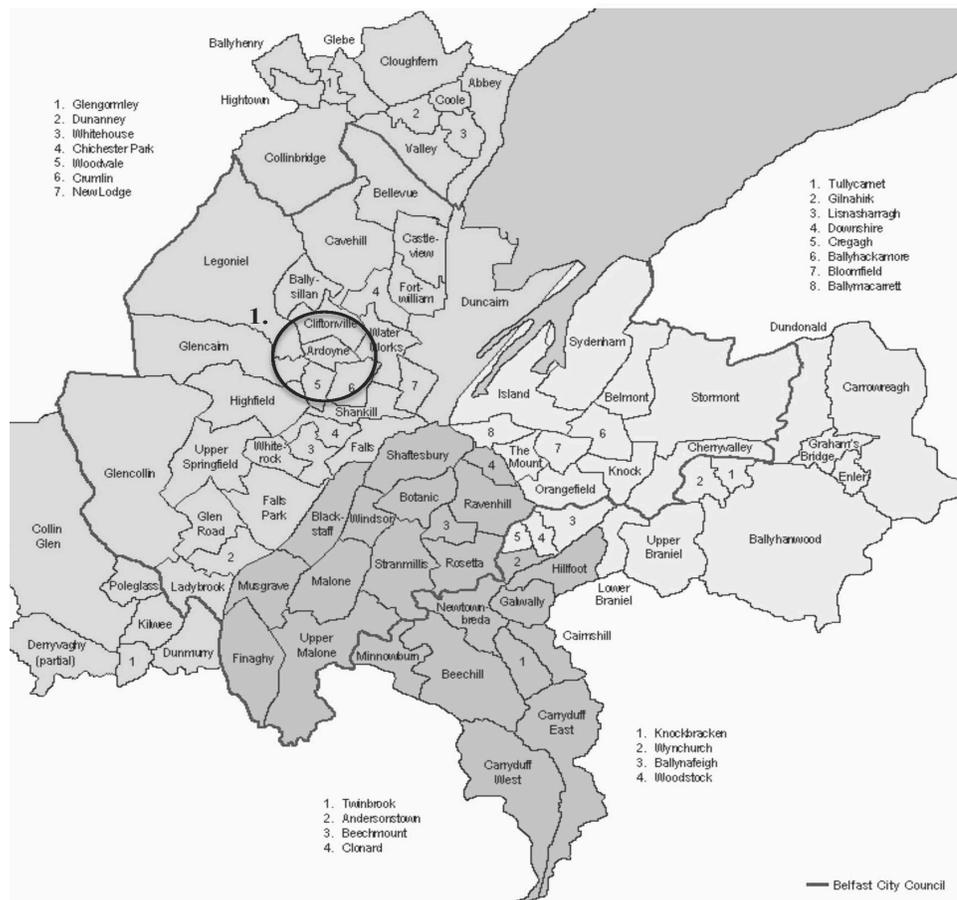
1. Ardoyne/Upper Ardoyne

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[23] It is worth noting here that the Ardoyne Commemoration Project was later faulted for its failure to include members of the Protestant community who were born in Ardoyne but later left (or were forced to leave) due to the changing political climate (Lundy 2006). As such the individuals included in the project are likely representative of Catholic deaths in this area during the conflict.

[24] Kelly, Conal 2007 http://www.ark.ac.uk/elections/gboun07.htm

Upper Ardoyne is the area which boarders Ardoyne to the north separated by Alliance Avenue and a group of shops called the Ardoyne Shops. Upper Ardoyne is primarily a Protestant, Unionist area with Loyalist paramilitary leanings. The name, Upper Ardyone, itself is relatively new emerging in the post-1998 period as an attempt to refine the community identity of the area and to separate community redevelopment money between the Catholic and Protestant areas of Ardoyne. See Figure 14 above for the location of Ardoyne and Upper Ardoyne within Belfast.

The second research site, South Armagh, is in the southeast of Northern Ireland spanning County Armagh and County Down, bordering the Republic of Ireland and about 60 miles outside of Belfast. The area of South Armagh is more of a cultural distinction than a geographic one. It includes such infamous conflict towns as Crossmaglen, Forkhill and Markethill.

Over the course of the conflict, South Armagh developed a different, though no less noteworthy, reputation from Ardoyne. Known as "Bandit Country", South Armagh was a highly militarized area of the conflict due mainly to the battles between the British Army and the South Armagh Brigade of the IRA (the main Republican paramilitary group during the conflict). Between 1969 and 1993, 106 British troops were killed in the South Armagh area (out of 502 over the course of the conflict (Sutton 1994[25]). Today, in 2011, the area still has a high level of violent activity from dissident Republican groups who have not accepted the peace process (BBC 2010). Violence against civilians

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[25] For the purpose of this dissertation I am relying solely on the tabulations of deaths from Sutton's Index of Deaths. It is worth noting that these numbers are debated particularly in regards to the organization responsible for the killing and whether or not the circumstances surrounding the death was directly related to the conflict.

in the South Armagh area was primarily the result of paramilitary attacks on the security forces. See Figure 15 for the location of South Armagh within Northern Ireland.

Figure 15. Map of Research Location In Northern Ireland (South Armagh) [26]

2. South Armagh

In addition to selecting areas in Northern Ireland with diversity in conflict experiences I also interviewed individuals within certain communities (e.g. Catholic and Protestant). It is generally assumed in the conflict literature on Northern Ireland that the experiences of Catholic and Protestant communities varied over the course of the

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[26] CIA World Fact Book

Troubles (Lundy and McGovern 2007). In order to account for this potential variation, I was careful to sample evenly from both communities.

Interview Methodology in Rwanda and Northern Ireland

Once interview locations were selected for each country, interviews were conducted in each of the research sites. Interviews in Rwanda were conducted between October and December 2009. Interviews in Northern Ireland were conducted between April and July 2010. Respondents were questioned on their conflict experience, their knowledge and participation in existing justice institutions as well as their current views of justice in their country. Interview questions were divided into four sections: (1) General Survey and Demographic Questions; (2) Respondent's Conflict Experience; (3) Respondent's Experience with Post-Conflict Justice; and (4) Respondent's Justice Issues.

The interview questionnaire relied on a combination of open answer and closed answer questions based in part on McCracken's (1989) method from *The Long Interview*.[27] The closed answer questions are those with a specific set of choices presented to the respondent (e.g. scaling questions such as ranking a topic between strongly disagree and strongly agree). Closed answer questions were used to derive easily comparable responses across categories. Open response questions where those in which the respondent was asked a broad or general question. Open response questions were designed with two goals in mind. First, open response questions allowed me to verify the information that was gained from the closed response questions. If a respondent was not satisfied with the choices in the closed answer question, he/she was

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[27] For an illustration of the method see Adler et al. 2008.

free to add additional information in the open response portion. For this reason, open response questions generally followed the closed response section on the same topic. The second reason for including open response questions was to give respondents an opportunity to talk freely about their conflict experiences. From my experiences with previous research (Adler et al. 2008; Adler et al. 2009), open questions are essential for individuals who have had a traumatic experience, such as experiencing violations through conflict. Restricting a respondent's desire to tell their story was counterproductive to my research and also nearly impossible. For example, when conducting an interview in Northern Ireland, one respondent interrupted in the middle of the closed answer questions and asked, "Can I tell my story yet?" (SAP-4).

The interaction between open and closed response questions is most apparent in the collection of information on conflict experience. In order to determine the experience that a given individual had with the conflict he/she was first asked a series of yes or no questions about different types of violations (e.g. Were you physically assaulted? Was your property destroyed? etc.). Once this series of questions was completed, respondents were asked, "Are there any other ways that you suffered?" This open-ended question allowed respondents to add to the given list of violations or broaden their descriptions of those experiences. The total time of each interview ranged between one hour and 3.5 hours with the average interview taking about two hours. Interviews took longer in Rwanda because of both translation time and a more elaborate oral tradition (e.g. Rwandans generally use more descriptive language than people from Northern Ireland do).

While the interview methodology was similar in both Rwanda and Northern Ireland, there are important differences across case, which is a necessary product of doing research in two very distinct social and political spaces. This was particularly true in regards to participant selection. For that reason I review the methodology separately for each country case and highlight the main differences below.

Participant Selection and Interview Methodology in Rwanda

In Rwanda I coordinated a three-person research team consisting of a research coordinator, a research assistant/translator and myself. Participants in Rwanda were recruited through direct contact. The research coordinator entered the village and houses were randomly selected on both the main market street and on individual farming plots. Potential respondents were first approached and asked if they would be willing to learn about the project. The research coordinator also verified that the respondent had been living in Rwanda in 1994 (a condition for participating in the research). After the project was explained, potential respondents were asked if they would be willing to participate.[28] Once people agreed to participate all three members of the research team were present and the consent protocol was read and agreed upon. Participants received no monetary compensation for their participation.

Interviews were primarily conducted on the respondent's property, generally in his/her yard in public view yet out of earshot from passersby. When the respondent preferred (or if weather mandated), interviews were conducted inside his/her home. On

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[28] Everyone approached agreed to listen to the project description. Upon hearing the description two people (one in Nyamagabe and one in Musanze) refused to participate. One respondent in Rulindo terminated the interview after 10 minutes. As per the IRB protocol, all of this individual's information was removed from the sample.

four occasions, interviews were conducted in private rooms in local community buildings.

Interviews were conducted in Kinyarwandan with simultaneous English translation (conducted by my research assistant). With permission from all respondents, interviews were digitally recorded (including the consent procedure) and later re-translated and transcribed into English. The individual interview data was collected through 40 interviews (10 in each sector). Fifty percent of respondents were 18 or older in 1994 while the other 50 percent were under 18. This was a characteristic of the research design developed to gain a range of opinions across Rwandan society and not to sample solely from a particular group. This was a sampling technique, but it is not theorized to have any effect on the final analysis. Twenty-five (62.5 percent) of the respondents were male. Ninety percent of the interview respondents have attended primary school and have basic literacy, which is higher than the national estimate of approximately 70 percent of the population.[29] Additional descriptive information for the respondents is presented in Table 5 below.

Respondents in the Rwanda sample were questioned on their experience of conflict in general. Throughout the interview I was careful not to indicate that I was interested in one particular type of violence (i.e., violence from the Genocide). This was mostly accomplished through using the words in Kinyarwandan for "the Troubles", meaning the broader period of violence in Rwanda not specifically the Genocide. On many occasions I had to clarify for respondents that I was interested in their experiences from all perpetrator types not just genocide violence.

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[29] Descriptive information was taken from the CIA World Fact book
https://www.cia.gov/library/publications/the-world-factbook/geos/rw.html. Accessed on December 14, 2010.

Table 5: Descriptive Statistics of Interview Respondents in Rwanda, by Research Location

Research Location	Gender	Age Range (in 1994)	Median Age (in 1994)	Education (#of Respondents)	Electricity in Home (# of Homes)	Running Water in Home (# of Homes)
Nyamagabe	5 Men 5 Women	4-50	16	1 No Formal Education 4 Primary School/Basic Literacy 4 Secondary School 1 Some University or Higher	6 (60%)	6 (60%)
Karongi	8 Men 2 Women	6-36	17	1 No Formal Education 5 Primary School/Basic Literacy 4 Secondary School 0 Some University or Higher	1 (10%)	2 (20%)
Musanze	5 Men 5 Women	3-37	16	0 No Formal Education 6 Primary School/Basic Literacy 3 Secondary School 1 Some University or Higher	3 (30%)	2 (30%)
Rulindo	7 Men 3 Women	8-31	16.5	2 No Formal Education 6 Primary School/Basic Literacy 2 Secondary School 0 Some University or Higher	4 (40%)	1 (10%)

Survivors of violence in a semi-authoritarian country can be a problematic group to interview. It can be hard to gain trust and comfort as well as to receive answers off of the "scripted" national narrative. For example, some questions from my questionnaire were answered almost exactly the same, word for word, by each respondent.[30] But surprisingly, even to me, I received forthright information on many of the most difficult questions, including questions regarding sexual violence,[31] and opinions, which, in a round about way, directly countered existing government policies. I attribute this entré primarily to the "student" status of the group. The research team was composed of three

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[30] This was particularly true of the question "What is unity and reconciliation?" In addition, every single respondent said that he/she believed that "good government" had come to Rwanda and that the new leaders could be trusted.

[31] Three women in our survey admitted to having been raped, something that I did not expect within the confines of the research design.

people, myself (a Ph.D. candidate at the time), my research coordinator who was currently working on his Masters degree in Genocide Studies at the National University and my research assistant who was an undergraduate at a small private university in the capital city. Participants were generally very receptive to the idea of helping students and often shared stories of their family members who had recently been accepted to university or other levels of study. Far from being overwhelming, the size of the research group (three researchers and the respondent) added a degree of discussion that was distinct from a one-on-one interview format.

In addition to the "student" status of the group, the gender, age and ethnic composition were carefully selected. Both the research coordinator and research assistant were men, which lent a certain degree of authority to the procedure. While there is leeway in Rwandan society given to "Western" women, it could have been perceived as inappropriate for me (I am a woman) to be interviewing men in their homes alone or traveling with a single man alone. Having a woman present in the interviews (myself) however allowed female respondents a different degree of comfort that may not have been present with an all-male interview team. The gender dynamic was noticeable over the course of the interviews as respondents would turn and face different members of the group at different times. Having a younger student on the team (the research assistant) as well as a more established Rwandan researcher (the research coordinator) contributed to this dynamic. Both Rwandan members of the research team were of mixed ethnicity though one demonstrated physical characteristics traditionally associated with Hutu ethnicity and the other demonstrated stereotypic Tutsi traits.

These dynamics were different in Northern Ireland where I conducted research alone. This methodology is described below.

Participant Selection and Interview Methodology in Northern Ireland

The process of interview selection differed slightly in Northern Ireland based on the social and economic structure in Northern Ireland. Once research areas were selected, I interviewed members from both communities (Catholic and Protestant, 10 respondents per research site). Respondents were not selected based on their religion or political affiliations, but rather respondents were approached through community centers, one in a predominantly Catholic neighborhood and one in a predominantly Protestant neighborhood. An important point of departure of this research from existing work, particularly existing survey work in Northern Ireland, is that the respondents were not selected based on "victim status". In fact, a huge effort was made to interview "ordinary" people from the two research areas. Respondents were approached through local community centers and other community groups that were not "victim"-focused, such as women's groups and youth organizations. In this way I moved away from the "usual" suspects who are frequently interviewed about their conflict experience in order to interview people who had not previously mobilized around justice issues.[32] By moving away from victims' organizations I believe that the respondents I interviewed were less likely to be re-articulating a group's issue platform and instead answering questions based on their own justice views.

Community centers were a useful way to locate respondents for this research. The Northern Ireland government funds community centers in Northern Ireland, but

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[32] Of the 40 respondents, 16 (40%) had been interviewed for any type of conflict-related research before.

local community members staff these centers. Most medium size towns in Northern Ireland have their own community centers as so do most areas within Belfast. The selection of the individual community centers was not random; there is only one community center per research location. However, the selection of respondents from the center was based on individuals who were at the center on the particular day that I conducted interviews.

Working through community centers was especially important in Northern Ireland. Because I had no "local" team members as I did in Rwanda, I relied on local community workers to make first contact with potential respondents as per my IRB protocol. In addition, one of the legacies of the conflict in Northern Ireland is a strong distrust for outsiders, or unidentified individuals. Contacts with community workers were able to overcome this skepticism.

Respondents in Northern Ireland were introduced to the project through community leaders at four local community centers. These leaders would schedule the interview and get general consent from the participants before the potential respondent met with me.[33] Once the interviews were scheduled, I would meet privately with the respondents. Interviews generally took place at the community center. Other research locations included a respondent's place of business, a local library and two local pubs. In all cases these locations were semi-private and generally visible, but out of earshot. Before the interview began respondents were asked to read and sign the consent document. Respondents received no monetary compensation for their participation. All interviews were conducted in English. I conducted the interviews personally both taking

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[33] Because potential respondents were first approached by community leaders, I have no way of knowing how many people the leader approached before gaining consent for the respondents who participated in the interview.

notes and digitally recording the interviews with the respondent's written permission. Interview transcripts were transcribed and coded using TAMS Analyzer v.3.

Forty-two percent of the respondents were male. The median age of the sample was 52.7 years. This is higher than the national median, but is intentionally skewed to include a greater number of respondents who experienced the conflict in during the 1970s and 1980s. The education level of the respondents varied widely across research site. Respondents from Ardoyne had mostly received university or post-graduate degrees. On the opposite extreme, the majority of Protestant respondents from South Armagh had completed only primary or secondary school. Additional descriptive information for the respondents is presented in Table 6.

Table 6: Descriptive Statistics of Interview Respondents in Northern Ireland, by Research Location					
Research Location	*Gender*	*Age Range*	*Median Age*	*Education (# of Respondents)*	*Employment (# of Respondents)*
Ardoyne (Catholic)	5 Men 5 Women	21-57	42.5	2 Secondary School 2 Trade School 5 University 1 Post-Graduate	1 Unemployed/Benefits 0 Part Time 9 Full Time 0 Retired
Upper Ardoyne (Protestant)	3 Men 7 Women	20-56	51	1 Primary School 5 Secondary School 3 Trade School 1 University	5 Unemployed/Benefits 1 Part Time 1 Full Time 2 Retired
South Armagh (Catholic)	4 Men 6 Women	27-77	54.5	3 Secondary School 1 Trade School 5 University 1 Post-Graduate	1 Unemployed/Benefits 0 Part Time 5 Full Time 3 Retired
South Armagh (Protestant)	5 Men 5 Women	38-83	64.5	4 Primary School 4 Secondary School 1 Trade School 1 Post-Graduate	4 Unemployed/Benefits 0 Part Time 0 Full Time 6 Retired

An important point of distinction between the Rwanda and Northern Ireland cases was in the wording of the questionnaire. In Northern Ireland the word "justice"

was replaced by "legacy". For example, in the introduction to the Northern Ireland questionnaire I stated that I would be talking about legacy issues instead of justice issues. This was done because of the strong connection between the word justice and the Republican/Catholic community. After a series of preliminary elite interviews (not included in the analysis), it became obvious that the concept of justice was associated purely with the Republican call for justice and human rights and not broader concerns about accountability and the rule-of-law in Northern Ireland. In order to address this association, I used the word legacy, which was seen as a more neutral term by both communities.

Conclusion

In this chapter I have demonstrated the necessity of using disaggregated, micro-level data in order to investigate the processes of participation in and exclusion from post-conflict justice. The aggregated level at which current data on post-conflict justice has been collected prevents us from observing variation within the process as well as individual interactions with the process.

To overcome this limitation I collected disaggregated data on the conflicts in Rwanda and Northern Ireland and used this data to select research locations within each country. I conduced 80 interviews in both Rwanda and Northern Ireland to investigate the relationship between an individual's conflict experience, the potential disjuncture between that experience and the national justice process and the individual's subsequent acceptance or denial of the justice process. The results of that analysis are presented in the concluding chapters.

Chapter 5:
Framing the Conflict in Rwanda

As introduced in the preceding chapters, individual conflict experiences can vary widely across the population. The case of Rwanda is no exception. When analyzed with individual level data, the variation in type of violations and perpetrators of those violations can be seen. This variation is both spatial and temporal and is the essence of how an individual personally experienced the conflict. As outlined above, I argue that an individual's experience with a given conflict is directly linked to his/her overall interaction with the national justice process. Before I begin to investigate this interaction it is first necessary to understand the conflict experience itself.

Rwanda is a small country in East Africa that has suffered much violence. It is bordered by Uganda to the North, Tanzania to the East, Burundi to the South, and the Democratic Republic of Congo (DRC) to the West. It is a small landlocked country, roughly the size of the American state of Maryland. As of 2010, there were approximately 11 million people living in the country, making Rwanda the most densely populated country in Africa. Rwanda is composed of three main ethnic groups and according to the CIA Worldfact book, approximately 84% of the population is Hutu, 15% is Tutsi and 1% is Twa.[34] The country is poor, with 90% of the population engaged in subsistence agriculture. Rwanda is a former Belgian colony, first belonging to Germany and then switching hands to the Belgians following World War I. In 1962, the country gained independence and it now functions under a presidential multi-party system. The official languages are Kinyarwanda, French and English.

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[34] https://www.cia.gov/library/publications/the-world-factbook/geos/rw.html#top Accessed on October 20, 2010.

In this chapter I present an overview of individual conflict experiences in Rwanda, as well as the government framing of the conflict and the subsequent justice process, which was implemented in the post-conflict period. I begin with a general (aggregated) history of the conflict and then move to a disaggregated analysis of individual violations to develop the theoretical range of conflict experiences in the country. In order to theorize the range of possible conflict experiences, I rely on 40 randomly selected interviews from four sectors in Rwanda. In these interviews I survey individuals about their experiences (if any) with violence in Rwanda. In the following section of the chapter, I describe the creation of the government conflict frame in Rwanda highlighting the core "truths" which make up the frame and the strategic way in which the frame has been constructed by the current government to emphasize the government's own attributes and to weaken the position of the domestic opposition. Most important for this project, the conflict frame leads to the selection and implementation of the Gacaca process, a system of community level courts designed to address crimes committed during the Genocide of 1994. I turn to the case below.

The Conflict in Rwanda

The contemporary conflict in Rwanda began in October 1990 with the onset of a civil war.[35] The Civil War was initiated by a group of Rwandan refugees living on the border in Uganda. This army, calling itself the Rwanda Patriotic Front (RPF), had the military goal of winning political participation and legitimacy for Tutsi refugees who had fled Rwanda during early pogroms against Tutsis in the 1960s and 70s. Far from

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[35] In addition to this period of violence, there was violent civilian targeting in the 1960s and 1980s (Prunier 1995).

being a rag-tag army, this group contained experienced military men and women, some of whom had fought in the Ugandan Bush War which brought Yoweri Museveni, the current president of Uganda, to power in 1986 (Prunier 1995).

The first few weeks of the Civil War progressed slowly. As the RPF moved down from the North, RPF commander Fred Rwigema was shot and killed (allegedly by friendly-fire though this point is debated). Upon hearing of his death, Paul Kagame, who was in the United States at the time, returned to Rwanda to take command.[36] General Kagame reorganized the army and launched a new guerilla offensive from the Virunga Mountains in the north of the country bordering Uganda. Under Kagame's leadership the army advanced quickly and decisively; the Rwandan Armed Forces (Forces Armées Rwandaises [FAR]) lost ground (Prunier 1995). Violence during this period consisted primarily of battle line confrontations with medium artillery and low-level guerilla warfare. An estimated 9,000 soldiers and civilians were killed as a direct result of the Civil War (Lacina and Gleditsch 2005).

In 1992, the United Nations brokered a peace agreement between the two sides. The peace agreement ended the conflict and resulted in the deployment of a UN peacekeeping mission, UNAMIR, which would monitor the ceasefire and the implementation of a transitional government. The transitional government was selected and tasked with negotiating the repatriation of the Tutsi refugees still outside the country (mostly in Uganda). The Protocol of Agreement on the Repatriation of Rwandese Refugees and the Resettlement of Displaced Persons entered into force in June 1993.[37]

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[36] Paul Kagame was attending a course at the Command and General Staff College, Fort Leavenworth, Kansas.
[37] See the full text of the agreement at: http://www.unhcr.org/refworld/docid/3ae6b50318.html (Accessed December 3, 2010)

This agreement stated that the Rwanda government would make land available for these refugees and that returning refugees had the right to repossess their property.

Tensions mounted through 1993, as Hutu hardliners in the transition government were unwilling to support a Tutsi return and to accept the negotiated peace. On April 6, 1994, President Habyarimana, the president of the transitional government and Rwanda's president for the past 20 years, was killed in a plane crash over Kigali International Airport. While culpability has never been determined, there is much evidence to suggest that the plane was deliberately targeted by heavily armed individuals (or troops).[38]

The death of President Habyarimana became the inciting event for the beginning of the 1994 Genocide (Adler et al. 2008). From the way in which the Genocide was executed, it has been argued that months, and possibly years, of planning went into arming, motivating and organizing the participants (Straus 2006). The first acts of violence were primarily the targeting of Tutsi and Hutu political opposition in Kigali, the capital city. These killings were conducted in large part by the Rwandan army, loyal to Colonel Bagosora, the Cabinet Minister at the Ministry of Defense. These killings were followed by attacks on Tutsis throughout the country as the radio and local authorities blamed this group for collaborating with the RPF's advance and the death of the President (Mamdani 2002). In addition to members of the military, acts of violence were carried out by militarized gangs and small local militias known as Interahamwe (Straus 2006).

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[38] Evidence from the current Rwanda government suggests that Hutu extremists shot down the plane, possibly from the Rwanda army (Mutsinzi Report 2010). The RPF itself was implicated in the shooting by French Judge Jean-Louis Bruguière's 2006 report on a judicial inquiry into the crash. For a critique of both these reports, see Reyntjens (2010).

From the early weeks of April genocide violence spread. Participation in the violence has been linked to fear (Adler et al. 2008), group pressure (Fujii 2009), the ongoing war (Adler et al. 2009; Straus 2006), the nature of Rwandan state institutions and, predictably, ethnicity. Violence was rampant and included one-on-one killing using machetes, farm instruments and blunt objects. In addition to personalized killings, there were more systematic attempts of extermination such as the deliberate military targeting of civilian areas including churches and schools (African Rights 1995; Human Rights Watch 1999). Over the course of 100 days, approximately 800,000 people were killed.[39]

Shortly after the downing of the President's plane, the RPF moved out of its UN-assigned safe zones. Fighting resumed in both the North of Rwanda and in Kigali between the RPF and the FAR. This was not genocide violence. This violence is best described as a continuation of the 1990 Civil War. The RPF troops in the Northwest moved swiftly towards Kigali in order to provide relief for the 600 troops stationed there as part of the peace process (Prunier 1995). This march south was deliberate and decisive. For most of its advance the RPF held strict battle lines (Davenport and Stam 2009).

The Civil War and Genocide ended in July of 1994 when the RPF, still led by General Paul Kagame, took control of the capital city. Interahamwe militia members and FAR soldiers stopped fighting and many fled along with a large number of civilians to neighboring Zaire (later the Democratic Republic of Congo [herewith, Congo]). What

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[39] Both the total number of people killed and the ethnic composition of that number are currently debated in the literature. Early estimates of deaths emerged from Human Rights Watch and African Rights of around 500,000 people killed, however later it was admitted that this was a conservative number. At one point, IBUKA, the Rwandan survivor organization placed the number around 1.2 million. The quoted figure of 800,000 people represents a median consensus in the literature. Original sources believe this number to be made up almost entirely of Tutsi victims, however recent work has suggested that a large part of this figure, over 50% could have been Hutu deaths (see Davenport and Stam 2009). Due to the nature of the data, this work is still inconclusive.

followed was one of the largest refugee movements in UNHCR history. Prunier (1995) estimated that there were 2 million, mostly Hutu, refugees. Close to a million of these refugees fled into Congo.[40] At one time UNHCR had as many as 37 refugee camps in operation in Easter Congo with another 7 in Burundi and 5 in Tanzania.[41]

International media and human rights organizations have accused the RPF of reprisal killings following the end of violence in 1994 including attacks on civilian refugee camps in Rwanda (e.g. the Kibeho massacre [HRW 1999]). These killings appear to be linked to RPF soldiers and Tutsi refugees returning to their homes to find loved ones killed and perpetrators still living in their villages, sometimes in the homes of those who were murdered. The level of direct RPF involvement in these reprisal killings has never been determined, but human rights sources have consistently substantiated these claims of violence (African Rights 1995; Human Rights Watch 1999).

Although July 1994 is commonly identified as the termination point of the conflict, this was not the end of the violence in Rwanda. The Interahamwe and soldiers (ex-FAR) who fled the country were able to re-arm and re-group. From the internationally-run refugee camps in Tanzania and Congo,[42] and the neighboring countryside, these groups were able to recruit troops and launch attacks into the Northwestern area of Rwanda, through the Volcano National Park and southwest in the Bukavu area.[43] Now the RPF was in power, and the former Army became the rebels.

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[40] In addition to the refugees in Congo there were approximately 270,000 in Burundi, 577,000 in Tanzania and 10,000 in Uganda (Prunier 1995).

[41] These numbers changed over time as camps were combined and new camps were created. See the UNHCR camp population map from 1994 http://www.reliefweb.int/mapc/afr_east/gl_reg/gl_ref94.html (Accessed on December 3, 2010).

[42] The refugee camps were a huge point of contention for foreign aid groups who were aware that they were funding rebels and supporting the military hierarchy within the camps. But these groups, particularly the UN, proved unable to separate and secure the camps without ceasing aid.

[43] See Reyntjens's (2009) work on why Congo was the ideal environment to ferment this type of rebellion.

Known as the Abacengezi, or 'those who come without giving notice', this new rebel group terrorized civilians demanding money, goods and recruiting (often forcibly) new troops.

In addition to causing civilian terror, the Abacengezi coordinated attacks on local military barracks, police stations and officials in the transition government. The new Rwandan army (Rwandan Defense Force [RDF]) fought back against this insurgent force, using counter-insurgency tactics that often targeted civilians suspected of assisting in the rebel efforts (Prunier 1995). Lacina and Gleditsch (2005) estimate that between 1997 and 2002 approximately 13,800 soldiers and civilians were killed as a direct result of this period of conflict.

The actual make-up of the new rebel group (post-1994) has been difficult to ascertain based largely on their disorganized roots. Originally organized as the Rwandan Liberation Army (ALiR), the group was approximately 20,000 members strong and consisted mostly of military personnel from the former Rwandan Army (ex-FAR). This group fought from approximately 1994 through 1998, when it was militarily defeated by the Rwandan Army (International Crisis Group 2003). This defeat led to a period of conflict between disparate rebel groups throughout East Africa with different capacity and organization levels and different grievances against the Rwanda government (some decidedly genocidal in nature others more political).

In 2000, these separate groups united to form the Democratic Forces for the Liberation of Rwanda (FDLR). The FDLR was/is comprised of three main groups: (1) ex-FAR and Interahamwe members who participated in the Genocide; (2) ex-FAR members who did not participate in the Genocide; and (3) post-genocide recruits who

arguably make up the bulk of the current fighting forces (ICG 2003).[44] The FDLR represents both a military and political opposition to the new Rwandan government (lead by the RPF). The group argues that the majority of Hutu people do not have an equal representation in the Rwandan government and after the national elections in 2003 the FDLR refused to recognize Paul Kagame (the former RPF commander) as the legitimate president. The FDLR continued to launch attacks into Rwanda and was a serious threat to the country through 2001 when the RPF was able to diminish the strength of the organization and successfully drive most of the rebels deep into Congo.[45] In addition to military force, there has been a number of demobilization programs aimed at returning former FDLR soldiers to their communities (UN 2009).

In Table 7 I present a summary of the periods of violence in Rwanda.

Table 7: Periods of Violence in Rwanda				
	Time Period	*Description*	*Combatants*	*Death Totals*
Civil War	1990-1992	RPF invasion from Uganda began civil war, ended by UN negotiated ceasefire and peace agreement	Rwandan Government Army (FAR) vs. Rwandan Patriotic Front (RPF)	9,000 soldier and civilian deaths
Genocide (against the Tutsi)	April – July 1994	Government extremist from Hutu parties perpetrated genocide against Tutsi civilians and Hutu political moderates	Rwandan Government Army (FAR), Interahamwe, civilians vs. Tutsi civilians	800,000-1.2 million civilian deaths
Resumed Civil War	April 1994- July 1994	RPF broke cease-fire and returned to civil war after genocidal violence began, conflict was ended with an RPF victory	Rwandan Government Army (FAR), Interahamwe vs. Rwandan Patriotic Front (RPF)	Unknown (numbers conflated with Genocide totals)
Abacengezi	1995 – 2001 (minor violence is ongoing)	Former Rwandan army soldiers and Interahamwe fled to Congo and continued attacks into Rwanda	Transitional Rwandan Government, Rwandan Army (RDF) vs. Forces Democratiques de Liberation du Rwanda (FDLR)	13,800 soldier and civilian deaths

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[44] From 1994 through 1996 there was a period of heavy recruitment within the refugee camps, particularly in Congo and Tanzania (ICG 2003).

[45] The FDLR and its armed wing, the Force Combattantes Abacunguzi (FOCA), are still active today and participate in attacks mostly in Eastern Congo (ICG 2003).

Above I have presented an overview of the aggregated conflict in Rwanda. But how was this long history of violence experienced by individuals throughout the country? I turn to an investigation of individual experiences of the conflict below.

Variations in Violence Across Rwanda

Conflict across a country is rarely, if ever, a uniform experience for the population. This statement holds true for the conflict in Rwanda. The violence that people experienced across the country varied according to geographic location, a person's perceived ethnicity, political affiliation and demographic characteristics such as income and education. However, as I have argued above, in the post-conflict period there has been a strong focus on individuals who experienced genocide violations with comparatively little attention to individuals who experienced other types of violence. In many ways, people's experiences have been dichotomously aggregated such that you are a genocide survivor or you are not. You were targeted during the Genocide or you were not.[46] This focus is a product of the government conflict frame, as I will discuss further below.

In the following section I move away from this simplification to catalogue the range of possible individual conflict experiences through 40 individual interviews. These interviews allow me to diversify the current understanding of the violence people experienced both by type of violation and by perpetrator.[47] I begin with a discussion of the patterns of conflict experience and perpetrators of violence that were present across

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[46] This category also matches along ethnic lines with, Tutsis being understood as the only victims of the Genocide and Hutus being seen as the perpetrators of those crimes.

[47] In Chapter 3 I also presented duration and intensity of violations as characteristics of individual conflict experiences. However, for the purpose of this analysis I focus exclusively on type of violation and perpetrator.

interview respondents. These results are neither designed to present the totality of conflict experiences in Rwanda nor to represent proportions of experiences generalizable to the whole population. These interviews were conducted to problematize the existing aggregated understanding of the violence in Rwanda and to present a range of conflict experiences, which will be used to generate theoretical conclusions about subsequent participation in the national justice process in later chapters.

Types of Violations and Conflict Experience

In order to capture conflict experiences across the country, four research sites were selected in both 'high' and 'low' genocide areas (based on aggregate levels of violence in those areas).[48] As discussed above, the current focus in Rwanda has been on genocide violations. If genocide violations were the most prominent violence in the country then we would expect to find the majority of violations across the population occurring in high-genocide areas. But this is not what I find. Rather I observe that violations are spread throughout the country with only slightly higher reporting of violence in high-genocide areas. Instead of a discrepancy across types of violations (e.g. property, physical integrity and intangible), I find that the greatest variation is across the perpetrators of the violence that individuals experienced. Within my sample, I find that people experienced high numbers of violations in both high- and low- genocide areas, however people in high-genocide areas experienced these violations as a result of the Genocide while people in low-genocide areas experienced similar types and numbers of violations but as a result of the Civil War and Abacengezi period. I turn to an analysis of three patterns below.

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[48] In Chapter 4 I describe the selection protocol for the research locations.

The first objective of the interviews was to determine the ways that each individual experienced the conflict, including the types of violations he/she experienced as well as the perpetrators of those violations. Respondents were questioned on their experience of conflict in general. Throughout the interview the research team and I were careful not to indicate that we were interested in only one particular type of violence (i.e., violence from the Genocide). In order to move away from the existing focus on genocide violations and to uncover the possible range in types of violations that people in Rwanda experienced across different perpetrators, I asked participants to respond to an eight-question variable of conflict experience. Respondents were asked to answer yes or no to having experienced: (1) property loss or damage; (2) physical threat; (3) forced eviction; (4) witness a killing; (5) personal assault; (6) attempted killing; (7) killing[49]; and (8) rape. In addition to answering these questions for his/her own experience, each respondent was asked to answer the questions for family members (defined as a relative living in the same house). [50]

This eight-part variable allowed for a comparable understanding of what people experienced personally and within their family. Table 8 presents the total number of each violation reported (for self and family) across respondents in the sample for each of the eight violations. What is most noticeable from this table is the sheer number of violations that people experienced in Rwanda over the course of the conflict. Rather than only a small section of the population being exposed to the violence of the conflict (or the violence of the Genocide) there were high levels of violations experienced by all

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[49] Death could obviously not have happen to the respondent him/herself so in this case the respondent could only answer for family members.

[50] I would like to thank David Backer and the *West Africa Transitional Justice (WATJ) Project* for assistance with the design of the interview questionnaire.

respondents that I interviewed. The average respondent in the data listed having experienced 7 violations, of these 3 violations were personal (out of 7 possible categories) and 4 were family violations (out of 8 possible categories).

Table 8: Types of Violations Experienced in Rwanda By Respondent and Family Members		
	Self	*Family Member*
Property Loss or Damage	25 (62.5%)	29 (72.5%)
Physical Threat	27 (67.5%)	22 (55%)
Forced Eviction	19 (47.5%)	18 (45%)
Witnessed Killing	22 (55%)	16 (40%)
Assault	16 (40%)	25 (62.5%)
Attempted Killing	14 (35%)	21 (52.5%)
Killing	X	32 (80%)
Rape	2 (5%)	5 (12.5%)
Total	125	168

Despite the division of research locations between high-genocide and low-genocide sectors, respondents described a similar experience of conflict across the country (as measured by the types of violations they experienced). As one respondent put it: "Of course, during a war you can not *not* have something happen to you." (MU-1) The conventional understanding of the conflict would lead us to believe that violations would be prevalent in high-genocide areas, and less common in low-genocide areas. This is not what we find. Indeed, as demonstrated in Figure 16 and 17, the total number of violations and type of violations were high across all regions. For example, at least 50% of respondents in all research locations lost a member of their family. As the aggregated narrative of the conflict would predict, people in Nyamagabe and Karongi

(the high genocide-locations) experienced the highest level of physical violations for both respondents and their families. People from Rulindo (a low-genocide location) experienced less physical and property violations but these types of violations were still present across the respondents.

Figure 16. Types of Violations Experienced in Rwanda by Research Location, Self
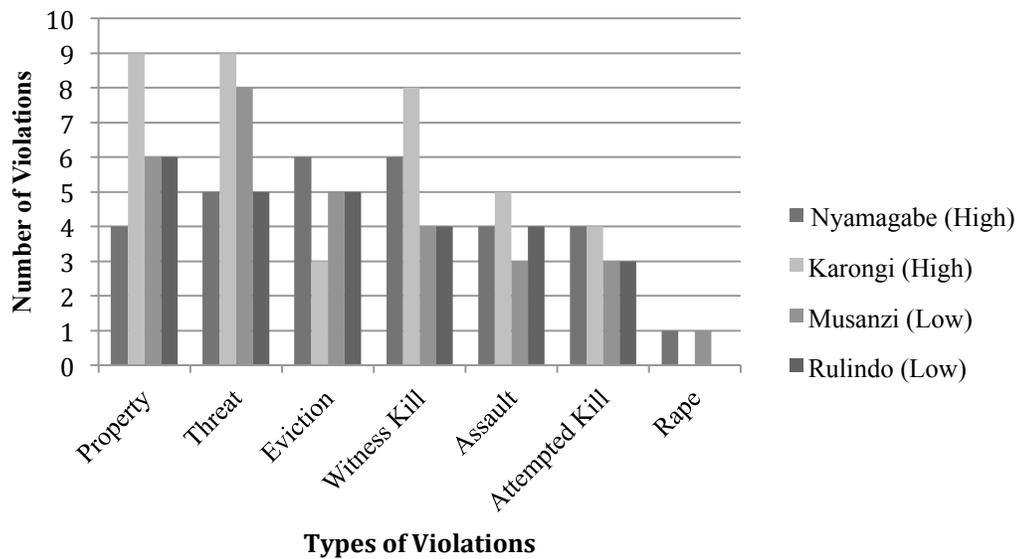
Figure 17. Type of Violations Experienced in Rwanda by Research Location, Family Members
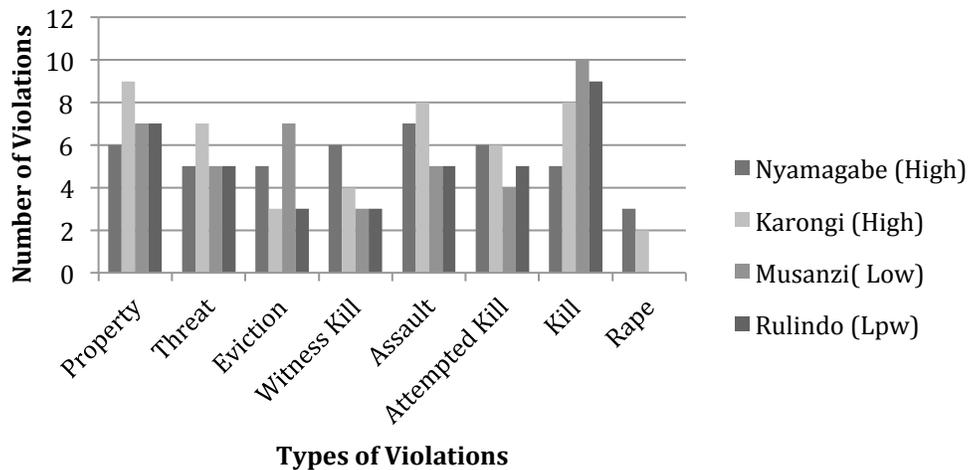
While the patterns of high and low genocide areas loosely hold there are some noticeable exceptions to these predictions. People from Musanze and Rulindo (low-genocide areas), for example, reported the killing of a family member more than people from either Nyamagabe or Karongi (high-genocide areas). People from these four communities reported having experienced almost equal levels of personal assault and attempted killing. If these violations in Musanze and Rulindo were not related to the Genocide, than what can account for this conflict experience?

Perpetrators of Violations and Conflict Experience

While the *types* of violations experienced by people were similar across region, the perpetrators of that violence varied. People experienced violence from the Genocide, the Civil War, and the Abacengezi period.

Determining the perpetrators of the violations that respondents experienced was more difficult than determining the violation type. While respondents were asked directly about the types of violations they experienced, it was not prudent (or permissible in Rwanda) to directly ask about the perpetrator(s) of the violence. Asking the perpetrator question directly ran the risk that respondents would admit to being victimized by the Kagame/RPF government. This was a potentially hazardous finding for the research team, the respondent and myself because the culpability of the government in civilian violence is publically denied. In order to circumvent this hazard, I relied on a temporal coding which allowed me to impute the perpetrator of the violation.

In two-thirds of the interviews respondents attributed the perpetrator of the violence themselves without being directly asked, either in questions about the identity of their perpetrators or in other questions regarding the nature of the violence. When respondents did not self-attribute, the perpetrator of the violations was determined by temporal cues. For the purpose of this project, crimes of genocide are defined as anything that happened during the year 1994, as '1994' is now a common euphemism for genocide violence in Kinyarwanda. Civil war violence is defined as any violence happening before 1994, this accounts of the violence from the RPF invasion as well as infighting between the RPF and the then Rwandan Army. Abacengezi violence is defined as anything happening after 1994.[51]

When there were not temporal indicators, the perpetrator of the violence was not attributed and the respondent was removed from this part of the analysis.[52] It is important to note that these categories do not attribute the actual perpetrator to a given violation. As mentioned above, the measure of perpetrator is imprecise. The data can only attribute violations to a given period of conflict, not a particular side that was active during this period.[53]

Of the two-thirds of respondents who did attribute the violence, people who suffered genocide crimes were more likely to assign the violence to the Genocide directly. For example, when answering a question in regards to property violations, a respondent would answer "Yes, that happened to me during the Genocide." People who experienced Civil War and Abacengezi violence were more likely to gauge their

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[51] The Abacengezi violence in the Karongi area was particularly concentrated in 1997. As such, many respondents referred to this violence as the "Conflict of 1997" or simply "1997".
[52] This coding rule affected one respondent from Nyamagabe and one respondent from Rulindo.
[53] Of note, no single respondent attributed any of their violations to the current Rwandan government.

violence by the temporal point of the Genocide, such as "that happened to me before the Genocide reached here" to refer to violence related to the Civil War, or "that was after the Genocide was over" referring to the period of the Abacengezi violence. The temporal measure biases the perpetrator variable towards an over-reporting of genocide violence, as it is likely that people experienced Civil War in 1994 as well. The reader should keep in mind that this coding method leads to an over-reporting of genocide violations, however this biases my findings towards an over-reporting of genocide violence which will strengthen my argument if results are found for Civil War and Abacengezi violence (the excluded experience as per my hypothesis).

The aggregated understanding of the conflict would predict that most if not all of the violence experienced in Rwanda was a result of the Genocide, but this is not the case. From the interview data I find that less than half of the violence experienced by respondents is attributable solely to the Genocide. The distribution of perpetrators across the sample is as follows: 18 respondents (47.5%) experience genocide violence; 4 respondents (10%) experienced civil war violence; and 11 respondents (27.5%) experienced violence from the Abacengezi period. Seven respondents were recorded as experiencing multiple sources of violence. This means that over 50% of the respondents experienced something other than only genocide violence. This finding certainly challenges the current understanding of the Rwandan conflict. Table 9 summarizes the patterns of perpetrators of violations across respondents.

Table 9: Perpetrators of Violations in Rwanda Experienced Across Respondent	
Genocide Violence only	18 (45%)
Civil War Violence only	4 (10%)
Abacengezi Violence only	11 (27.5%)
Genocide & Civil War Violence	2 (5%)
Civil War & Abacengezi Violence	4 (10%)
All Three Types	1 (2.5%)
Total	40

Unlike the types of violations that people experienced, the perpetrators of violations reported by respondents vary significantly across region. In Nyamagabe, a high-genocide sector, all respondents reported only genocide violence, except for one woman who fled to Congo in early 1994. In Karongi, the other location with high levels of genocide violence, six respondents reported only genocide violence while three reported only Abacengezi violence and one reported violence from the Civil War. In Musanze, a low-genocide sector, all respondents reported Abacengezi violence except for one person who was not living in the area at the time. Here there was only one case of genocide violence. Finally, in Rulindo, the other location of low-genocide violence, experiences by perpetrator were mixed. There were four cases of genocide violence, five civil war cases and three cases of Abacengezi violence. Note that three of the respondents in this location experienced violence from multiple perpetrators. This location also includes the respondent who experienced violations from all three perpetrators. The breakdown of perpetrators by research location is presented in Figure 18.

Figure 18. Perpetrators of Violations Experienced, by Research Location
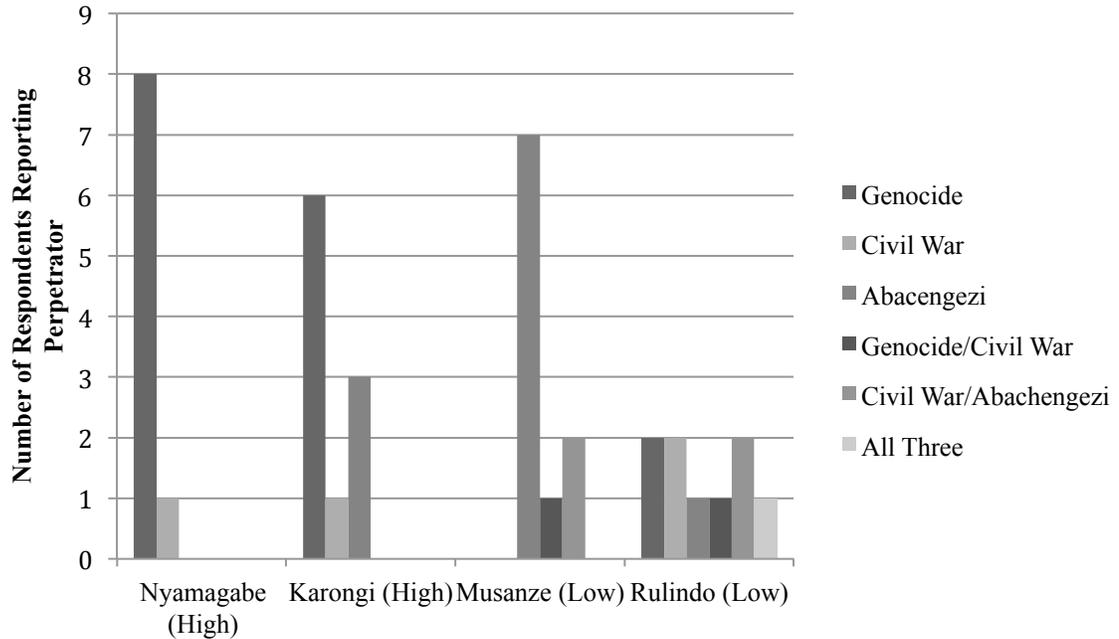
While the perpetrators of the violence differed, the actual violations themselves were very similar. Respondents with violations from all three perpetrator types reported the death of family members, physical assault, threats, property destruction and forced relocation. While victims of Abacengezi violence report higher counts of property crime, there is no type of violence that is unique to a particular perpetrator of violence. Personally experiencing sexual violence is a notable exception, as this was reported solely by women who reported crimes of genocide. It is unclear whether this is a systematic pattern in the type of violation or a result of the public support given to genocide survivors who were raped over other victims of sexual violence making it more likely for this category of women to share their story.

From the sample we see that violence in Rwanda was not confined to acts of genocide but rather crossed a variety of periods from the Civil War, Genocide and

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Abacengezi. However, this is not what is included in the government-created conflict frame. As described in Chapter 3, a conflict frame is the government interpretation of conflict events strategically selected to strengthen the government's political power in the post-conflict period. In Rwanda, this frame focuses solely on the Genocide. I turn to an analysis of the selection and development of the frame below.

The Government Conflict Frame in Rwanda

Following the transition from the Civil War in 1992, the government in Rwanda has grown more repressive (Freedom House 2007). While there are regular elections, both choice and information is limited, leading Freedom House to declare that Rwanda is both "not an electoral democracy" and "not free". Since the military victory in 1994, the RPF is said to maintain careful control over political life. It is in this political context that the conflict frame has emerged.

Above, I demonstrated that there was a wide range of individual experiences with violence in Rwanda across the 10-year period that includes multiple perpetrator groups. The government conflict frame, however, only recognizes the violence from the Genocide perpetrated by the then Rwandan Army (FAR), the Interahamwe militia groups, and vigilante individuals. In this way the conflict frame only acknowledges violence in which the RPF government cannot be implicated. I argue that the government has systematically ignored all other violence in Rwanda in an attempt to strategically consolidate political power and place blame.

Why Construct the Frame?

The national conflict frame in Rwanda is an example of a meticulously constructed narrative for international and domestic consumption. The conflict frame is used both by Rwandan society, and those outside of the country who seek to understand the course of the violence in the country in a unified way. When faced with the complexity and extreme variation of conflict events, individuals, governments and the international community seek a simplified version of events. This desire for aggregation is exaggerated in the presence of extreme violence – such as genocide – which is universally difficult to comprehend. What did people experience? Who is right and who is wrong? Who should be punished? These questions become overstated in times of extreme moral upheaval and support the emergence of a unifying frame.

The conflict frame in Rwanda was strategically constructed to support the RPF government (the current majority party in Rwanda[54]), and to present a version of the violence that highlights the RPF victory in the Civil War. It both challenges and excludes political opposition to the government. Instead of recognizing all violence experienced over the course of the conflict, the RPF strategically restricts the dialogue. Political opposition is classified as genocidal and therefore the legitimacy of this opposition is undermined.

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[54] In the 2010 presidential election, the RPF candidate (Paul Kagame) received 93.08% of the vote. The next highest candidates were from the Social Democratic Party (PSD) receiving 5.15% and the Liberal Party (PL) receiving 1.37%. See African Elections database http://africanelections.tripod.com/rw.html#2010_Presidential_Election Accessed February 23, 2011.

What is the Conflict Frame?

The current conflict frame in Rwanda exists as three main "truths". First and foremost, there is the Genocide against the Tutsi. This violence is recognized for its deliberate, targeted destruction of the Tutsi ethnic group. This period of conflict is called "the Genocide Against the Tutsi" by the Rwanda government to further highlight the targeting of the Tutsi ethnic group over Hutu political moderates who were also killed at that time.[55] The violence of the Genocide and the targeting of the Tutsi is elevated in importance above all other periods of violence that were experienced during the conflict. Here the current government uses the violence from the Genocide to create what Reyntjens (2004) calls a "genocide credit". This piece of the frame serves to remind people of the horrible and disruptive violence that took place in 1994 and the "bad leadership" that brought the country to that place. Strategically, the focus on the Genocide is able to justify a demand for new leadership that will not take the country in such a disruptive direction. This disruption refers to the genocide violence, but also the property destruction, economic collapse and refugee movements associated with that violence. While the Genocide was by many accounts the most violent and disruptive period of the conflict, violence against the Tutsi is also the only type of violence in which the RPF government can in no way be implicated.

The second "truth" of the conflict frame highlights the RPF victory over the Rwandan Army (ex-FAR) during the second phase of the Civil War. In this component of the frame, the RPF is championed for having saved the Tutsi population (and

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[55] In 2009 there was a shift in the national name of the conflict from "The 1994 Genocide" to the "Genocide Against the Tutsi". There is speculation that this change was made to exclude Hutu political moderates from the national narrative. This change was received in Rwanda with mixed response (Author's Interviews, 2009).

Rwandan population in general) as well as having won a military victory over a repressive government. This "truth" is manifested in national holidays such as Heroes' Day and Liberation Day. Heroes' Day is a holiday that recognizes the achievements of all types of heroism in Rwanda, though in recent years awards have focused on RPF officers and military accomplishments (Kimenyi 2007). Liberation Day is more specifically meant to remember the role of the RPF in the liberation of the country. If the first truth's focus on the Genocide frames the call for new leadership, the second truth's focus on the RPF as liberators answers the question of who those new leaders should be. By leveraging the military success of the RPF and by championing this group as those who stopped the Genocide, the RPF is able to frame itself as Rwanda's rightful moral and military leader.

Finally, the conflict frame includes the threat of attack from the Abacengezi rebels in the Northwest (particularly in Congo). Having established that new leadership is needed, and that the RPF is the best option for that new leadership, the convergence on a domestic threat justifies a restrictive, semi-authoritarian form of rule. Here, the Abacengezi rebels enter into the conflict frame in a very specific and strategic way. Far from being seen as having legitimate political goals, the FDLR is classified as a group of ex-genocidaires continuing the fight for the elimination of the Tutsi. While this was true in part, particularly in early 1995, the FDLR currently represents a political opposition to the RPF government. By focusing on the genocide links of the organization, however, the RPF is able to dismiss the FDLR as illegitimate but still threatening and bring the conflict frame full circle. By maintaining the presence of an active military threat against the country, the RPF is able to defend the political consolidation needed to maintain

domestic political power. Here the government is again able to leverage the "genocide credit" against accusations of strong-armed politics and state repression. As Reyntjens describes it:

> Of course the genocide is a massive reality with a lasting impact, but it has also become a source of legitimacy astutely exploited to escape condemnation, not unlike the way in which the Holocaust is used to deflect criticism of Israel's policies and actions towards the Palestinians. … [T]he 1994 genocide has become an ideological weapon allowing the RPF to acquire and maintain victim status and, as a perceived form of compensation, to enjoy complete immunity (Reyntjens 2004, 199).

While the conflict frame highlights violence from both the Civil War and the Genocide, it does not include an analysis of the violence from the Abacengezi period. Through the individual interviews conducted in Musanze and Rulindo, we can see that insurgent violence from the Abacengezi period was a significant conflict experience for some individuals in Rwanda, however this experience is not included in the existing conflict frame. The narrow focus of the government conflict frame excludes the experiences of people who were violated during the Abacengezi period and further denies their participation in the national justice process as discussed below.

Opposition to the Government Conflict Frame in Rwanda

Conflict frames are often essential for the reconstruction of a post-conflict country. By distilling down the complications and various grey areas that are an inevitable part of violence, a nation is able to move forward with an uncontested history. The purpose of analyzing the conflict frame in Rwanda is not to challenge the reason for its existence, but rather to reveal the strategic role that the frame takes on in the contemporary political functioning of the country. Everything from political

campaigning to international funding requests circle around the Genocide violence of 1994.

Yet despite this exclusion there has been minimal domestic opposition to the government conflict frame. Victims of Abacengezi violence are not organized or mobilized in any politically meaningful way. There are no victim groups or civil society organizations. Abacengezi victims lack a cohesive consciousness of their experiences. Challenges to the RPF government itself have also been minimal. As hypothesized in Chapter 3, this is due in large part to the restriction of veto within Rwandan society. While Rwanda is a democracy in theory, in practice there have been major restrictions on civic participation and political opposition to the RPF party has been limited. Freedom House characterizes the Rwanda elections as being "marred by bias and intimidation which precluded any genuine challenge to the RPF" (Freedom House 2007).

Attempts to launch rival political parties have been met with intimidation and, in some instances, violence. For example, in the 2010 presidential election three opposition candidates were excluded from the ballot: Victoire Ingabire, leader of the Union of Democratic Forces Party remains under extended house arrest, Bernard Ntaganda is in prison under attempted murder charges and Frank Habineza's deputy was murdered a month before the election in a currently unsolved case. The restriction of viable political alternatives to the RPF party has limited the power of individual citizens to veto the government and thus enforce a more inclusionary conflict frame. Most of the opposition to the conflict frame has come through international actors, mainly human rights

organizations and international academics who have no power to domestically sanction or veto the RPF government.

Post-conflict justice in Rwanda, particularly the Gacaca courts (or Inkiko Gacaca in Kinyarwanda), has been designed to address grievances that arise from the RPF conflict frame, and not the conflict more broadly. Below, I explore the history of post-conflict justice in Rwanda focusing on the origins and implementation of Gacaca as well as the ways in which the Gacaca courts have emerged from the existing conflict frame.

Selecting Post-Conflict Justice in Rwanda

As I theorize in Chapter 3, the purpose of a conflict frame is to support political consolidation in the post-conflict period not to address individual grievances. Post-conflict justice (PCJ) is a product of this strategic conflict frame and as a result all individual experiences of conflict are rarely if ever realized in the creation of a national justice process. First, it may not be possible for a single justice process to address all individual experiences in a given political context. This limitation could be the function of domestic resources or the feasibility of addressing a wide variety of claims. But second, and more likely, the political choice to construct and implement a given justice process is a strategic selection by the government of which individuals to favor and which to exclude. It is precisely this strategic political exclusion that can have lasting effects on individual participation in a given process and the views towards justice in the country on a whole. In this way political exclusion can threaten the success of the justice process for all individuals including the included group. Rather than base a national justice process on a disaggregated experience of the conflict itself, post-conflict justice is

more often constructed based on a government conflict frame which is the product of the strategic political decision on the part of the state to shape the understanding of the conflict in a particular way. This is the process we see in Rwanda.

After the military victory of the RPF in July 1994, justice (i.e., the accountability and prosecution of those responsible for crimes during the conflict) was a major priority. The transition government stated that "(t)here can be no reconciliation without justice".[56] The particular path toward this end was unique. With extensive consultation from international actors, the Rwandan government engaged in three different justice efforts: the International Criminal Tribunal for Rwanda (ICTR), national-level domestic courts and the Gacaca courts. While the Gacaca courts are the main focus of this analysis, I outline each process briefly below.

The International Criminal Tribunal for Rwanda (ICTR). Created by the UN Security Council in 1994 immediately following the end of mass violence, the ICTR was sponsored and supported by the international community. The Tribunal was intended to handle the "prosecution of persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda between 1 January 1994 and 31 December 1994 (United Nations 1994)." Accordingly, the goals of the ICTR are to "contribute to the process of national reconciliation in Rwanda and to the maintenance of peace in the region" by punishing those accountable for violent activity (United Nations 1994). As structured, the ICTR was created in order to address a number of problems that the Security Council believed the Rwandan government was not able to tackle without international legal support. These problems included the

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[56] Government of Rwanda 2009.

history of cyclical conflict within post-independence Rwanda, the necessity of international assistance in engaging in high profile, contentious arrests throughout the world and a legitimacy crisis for the transitional Rwandan government both at home as well as abroad.

Although well intentioned, the ICTR had some limitations. As conceived, it was not structured to deal with nor is it capable of trying all the persons believed to be involved with the violence. The ICTR was only expected to deal with the persons "*responsible* for genocide" taken to mean the leaders and organizers of the violence not lower level participants. As the ICTR's mandate draws to a close, only 50 cases have been completed with 25 cases in progress and 2 individuals awaiting trial.[57] Seemingly in an effort to fill this void, new legislation and procedures were established in Rwanda.[58]

National-Level Courts. Immediately following the conflict, the Rwandan transitional government initiated a massive legal plan of arrests and prosecutions for suspected perpetrators living in the country (USIP 1995).[59] The establishment of courts and relevant proceedings (trials) relied on both new and pre-existing Rwandan criminal law, functioning in accordance with the new Rwandan judiciary. Unlike the ICTR, individuals in the national court system are charged and tried according to Rwandan criminal law and not international law. The post-conflict effort was extensive. By early

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[57] http://www.unictr.org/Cases/tabid/204/Default.aspx Accessed on March 25, 2010
[58] In 2010 uncompleted ICTR cases were scheduled to be transferred to the Rwanda National Courts for trial however as of the writing of this dissertation the process has yet to begin.
[59] Rwandan Organic Law 40/2000.

1995, more than 6,500 suspected genocide perpetrators were being held in Rwandan prisons. By 2005, that number was close to 72,000 (USIP 1995).[60]

While effort was extended, the infrastructure in Rwanda was not at the level necessary to support the number of individuals being brought into the legal system. The lack of infrastructure did not prevent the arrest of suspected perpetrators but rather it led to a backlog in the national courts and an overflow in the Rwanda prison system, which required the development of yet another institution, Gacaca.

Gacaca Courts. Created in part to address issues of reduced judicial capacity[61] and the overwhelming number of prisoners[62] following the conflict the Rwandan government introduced a justice system called Gacaca in 2002.[63] Gacaca (Inkiko Gacaca in Kinyarwanda, literally translated to mean "justice on the grass") was designed as an extensive series of local courts to try genocide suspects in their own communities. These courts were created to address the backlog in the national court system as well as to bring the responsibility for the prosecution of genocide perpetrators to the community level. Unlike the international court system with its adherence to international law and focus on accountability and punishment, and the national court system with its emphasis on civil and customary law, Gacaca encourages the public confession of crimes, truth

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[60] See also: http://news.bbc.co.uk/2/hi/africa/4726969.stm. Accessed on December 30, 2010.

[61] At the end of the Genocide and Civil War, there were only 40 lawyers remaining in Rwanda from over 800 in 1992 the others having been killed or fled the country (USIP 1995). The Rwandan government states that these numbers were slightly higher. The National Service of Gacaca Jurisdiction reports that before 1994 there were 758 judges and 70 prosecutors in Rwanda and in November of 1994 there were 244 judges and only 12 prosecutors (http://www.inkiko-gacaca.gov.rw/En/Generaties.htm accessed March 25, 2010). Government buildings and supplies were also destroyed and looted.

[62] The United States Institute of Peace estimates that in 1995 there were over 6,500 people in Rwanda's prisons (USIP 1995), by 2005 that number was close to 72,000. The prison conditions were equally problematic. As a post-conflict country, Rwanda lacked the material resources to accommodate all of the prisoners. International attention was drawn to the poor living conditions that the prisoners suffered (http://news.bbc.co.uk/2/hi/africa/4726969.stm)

[63] Established by Rwandan Organic Law nº 16/2004 of 19/06/2004.

telling and community service in exchange for reduced punishments (Neuffer 2003). Gacaca is a direct product of the RPF conflict frame focusing exclusively on crimes committed during the Genocide.

The Gacaca courts function like a local community meeting. Elected judges, trained by the Rwanda government, preside over the meeting. The accused in Gacaca manage their own defense, while members of the community volunteer information and their own experiences about a particular crime. All members of the community are asked by the government to attend.[64] Because of the structure of the Gacaca courts, the success of the process is highly contingent on local-level, individual participation. In order for the process to be most effective, individuals must put forward cases, testify and supply evidence for those cases. Although operating on the local level, the Gacaca courts were designed and implemented from the top down.

While the national courts in Rwanda are still responsible for prosecuting higher-level genocide crimes such as murder, rape and the organization as well as leadership of violence, the Gacaca courts have allowed less severe crimes to be tried in a less formal, quasi-legal manner at the community level. Crimes tried in Gacaca courts include property crimes, assault and joining with and assisting killers in finding the location of targeted individuals. When the Gacaca process got underway there was an estimated 800,000 to one million people accused of crimes of genocide ("Rwanda Abolishes" 2007). Though Gacaca was scheduled to be completed in December 2009, it is still ongoing in areas with extremely high levels of genocide violence. In these areas, completing the caseload of all alleged perpetrators was not possible in the time allotted.

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[64] http://www.inkiko-gacaca.gov.rw/En/Generaties.htm

The large number of genocide perpetrators in Rwanda is due in part to the way that the government has chosen to define crimes of genocide. In Rwanda, crimes of genocide range on a scale from organization of the violence at the high extreme to low-level participation on the other extreme where participation can include property crimes and "showing" or divulging the location of someone in hiding. In some cases, these low-level crimes were motivated by genocidal ideology, but it is also possible that people participated in looting and more superficial acts of violence against Tutsis because of the social and political breakdown at the time (Davenport and Stam 2009). While these crimes are classified as crimes of genocide, it is extremely difficult to prove actual genocidal intent or ethnic targeting through the Gacaca courts (Morrill 2004; Karbo and Mutisi 2008).

In line with the existing conflict frame in Rwanda, Gacaca was designed and implemented solely to address crimes of genocide. The effect of the limited focus of the justice process is to provide elevated status for survivors and victims of the Genocide in Rwanda. Genocide survivors receive special compensation for school fees, property and other allotments through national Genocide survivor funds such as FARG (Fonds National pour l'Assistance aux Rescapés du Génocide/National Fund for the Assistance of Survivors of Genocide). While these dispensations can in no way compensate for their experiences during the Genocide and those who were lost, a strong effort is made to assist survivors in their current living conditions. In addition, Genocide survivors receive the less tangible benefits of post-conflict justice through the Gacaca courts. Where possible Genocide survivors are provided with additional information about violations that they experienced including information about the death of a family

member. Genocide survivors are also given an opportunity to participate in the potentially cathartic experience of testifying against their aggressor(s).[65]

The focus on survivors of the Genocide and, most important for my argument, a singular focus on crimes of genocide prevent other areas of violence from being examined in the current justice effort. The Freedom House (2007) country report on Rwanda, for example, describes Gacaca as one-sided and argues that the failure to prosecute RPF war crimes from 1990 through 1995 or violence in the Congo from 1996 through 2000 opens up the critique that the Gacaca process is simply victor's justice. Some quick and decisive war crimes trials took place immediately following the Civil War, but in most cases, members of the ex-Rwandan army and other suspected political officials were rounded up, briefly tried and summarily executed (USIP 1995). Following that brief period of "justice"[66] there has been virtually no systematic attention paid to crimes that took place during the Civil War or Abacengezi period. One possible explanation for this justice focus is the problem of limited resources, which already taxes the country. While struggling to prosecute crimes of genocide, it is necessary for the government to focus on a single, dominant justice issue. Another possible, and more cynical, explanation for the focus of the current justice process is that crimes of genocide are the only crimes in which the current RPF government can in no way be implicated.[67]

While there are three justice efforts in Rwanda, for the purpose of this dissertation I focus the analysis of participation exclusively on the Gacaca process. The

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[65] The psychology and transitional justice literature is in an active debate about the benefits of public testimony (Stover and Weinstein 2004).

[66] International human rights sources have questioned the impartiality and legality of these trials (USIP 1995).

[67] A concept known as the 'double genocide' hypothesis has emerged in recent literature on Rwanda suggesting that there were two genocides, one committed by the Hutu against the Tutsi and another committed by Tutsi (specifically the advancing RPF) against the Hutu. For a detailed explanation, see Verwimp (2003).

Gacaca courts are central to this analysis for three reasons. First, Gacaca is a domestic process. It was selected and implemented by the Rwandan government. While there was significant consultation with international funding agencies, the process itself is largely understood to have originated in Rwanda.[68] While the international community influenced the mandate of the ICTR, according to my theory the Gacaca courts will be most closely matched to the Rwandan government's conflict frame. Second, Gacaca is a post-conflict justice process. Unlike the national courts, which are part of the judicial system in Rwanda, the Gacaca courts were created simply to investigate crimes committed during the conflict and the Gacaca courts will be disbanded once these crimes have been addressed. Finally, the Gacaca courts are a locally implemented process. The local implementation of the process is essential for testing the hypotheses raised in Chapter 3. The local nature of the process is needed to measure individual participation in the process as the barrier to entry for individuals is minimal. For example, a PCJ with hearings held only in the capital city would require individuals to be informed about the process and to travel to the capital city in order to participate. Because Gacaca is held on the village level, individuals have very little reason not to participate if they are willing to do so.

Conclusion

In the above chapter I demonstrate that genocide violence was not the only source of violence experienced by Rwandans over the course of the conflict. To the contrary, through a series of interviews with individuals in Rwanda I found that more than 50% of these individuals experienced something other than only genocide

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[68] For an overview of the international community's role in the construction of Gacaca see Oomen (2005).

violations. While the types (e.g. assault, property destruction, etc.) of violations that people experienced were the same, the perpetrators of those violations were different.

Indifferent to this empirical reality, the conflict frame in Rwanda focuses solely on the violence of the Genocide. In this chapter I argue that that focus is a deliberate strategic choice on the part of the current RPF government to highlight the successes of their political party and deny their own culpability while challenging political opposition and legitimating state repression. This focus on crimes of genocide within the conflict frame has lead to the creation of a post-conflict justice process, Gacaca, which focuses exclusively on one type of violence while excluding others. As presented in Chapter 3, I argue that this focus will have a negative effect on participation in the Gacaca process as well as views of justice in Rwanda on the whole.

Chapter 6:
Framing the Conflict in Northern Ireland

In the preceding chapter, I summarized the conflict in Rwanda. I presented original data on individual conflict experiences in the country across both different types of violations and different perpetrators. This information was then compared to the government conflict frame and the mandate of the post-conflict justice (PCJ) process in Rwanda. In this chapter I look at the contemporary conflict in Northern Ireland (from 1968-1998) and discuss the similar mechanisms of conflict frame creation and PCJ selection at work in this case.

The experience in Northern Ireland[69] is similar to that in Rwanda in many ways. First, the violence in Northern Ireland was experienced differently across the population (measured by both different types of violations and different perpetrators of those violations).[70] These differences created a range of conflict experiences across individuals and across the country similar to the range of experiences in Rwanda. Second, at the termination of the conflict, the British government in Northern Ireland had an incentive to frame the events of the conflict in a strategic way. And third, the resulting justice efforts in Northern Ireland are a result of this strategic framing on the part of the government.

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[69] As with many things in Northern Ireland history, the name of the area itself is a contentious issue. Individuals sympathetic to the Unionist cause tend to prefer the term Northern Ireland or Ulster. Those sympathetic to the Nationalist cause tend to refer to the area as the North of Ireland or the Six Counties. For the purposes of this dissertation I will refer to the area as Northern Ireland as this is the political term for the area used by both the United Nations and the European Union.

[70] As discussed in Chapter 3 conflict experience is also measured as the duration and intensity of the violations. However, for the purpose of this analysis I focus exclusively on the types of violations experienced as well as the perpetrator of those violations.

While similar in many ways, the mechanisms at work in Northern Ireland differ from Rwanda in an important way. I argue that the existence of a (weak) democracy in Northern Ireland is essential for understanding the creation of the conflict frame and the ways in which excluded individuals have interacted with that conflict frame. In Rwanda, the military victory on the part of the RPF allowed for a consolidated conflict frame to emerge with little domestic resistance. While in Rwanda I observed little resistance to the RPF frame, but in Northern Ireland I observed a dynamic set of groups and individuals working to advance counter-narratives that challenged and subverted the British conflict frame. This discrepancy is due in large part to the differences in political structure across both countries, as I will argue in the subsequent chapter.

Northern Ireland consists of the six counties on the northeast quarter of the island of Ireland and is bordered by the Republic of Ireland to the south and west and the Irish Sea to the North and East. In 1921 after a war of independence with England, a political settlement was reached and the island of Ireland was partitioned. The six northern counties that make up Northern Ireland today remained part of the United Kingdom (UK) while the rest of the island was granted independence. With the Good Friday Agreement of 1998 ending the conflict, Northern Ireland currently has a devolved government within the United Kingdom, meaning that power from the UK government is granted to Northern Ireland for its own governance. As of the 2001 Northern Ireland census, there are approximately 1.7 million people living in Northern Ireland. The area consists of roughly 2.9% of the UK's total population. According to the same census, an estimated 40% of the population of Northern Ireland identifies as Catholic, with approximately 46% identifying as Protestant (including Presbyterian, Church of Ireland

and Methodist) and the remaining 14% of the population identifying with no religious tradition or answering 'other' (to include Jewish, Muslim and Hindu).[71]

In this chapter I present an overview of individual conflict experiences in Northern Ireland over the period of the conflict (1968-1998) as well as the British government framing of the conflict and the subsequent justice processes which have been implemented in the post-conflict period. I begin with a general (aggregated) history of the modern conflict in Northern Ireland (beginning with the Civil Rights Movement in 1968) and then move to a disaggregated analysis of individual violations to develop the theoretical range of conflict experiences in the country. In order to theorize the range of possible conflict experiences, I rely on 40 interviews from two locations in Northern Ireland (across two communities, for a total of four research sites). In these interviews I question individuals about their experiences (if any) with violence in Northern Ireland. In the following section of the chapter, I describe the creation of the British government conflict frame in Northern Ireland highlighting the core "truths" which are included in the frame. I also discuss the way in which the frame has been constructed by the British government to strengthen the government's position in Northern Ireland and to protect the British government's strategic interests pertaining to the conflict. Most important for this project, the British conflict frame leads to the selection and implementation of a variety of ad hoc justice processes put in place in Northern Ireland. I turn to this case below.

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[71] See http://www.nisranew.nisra.gov.uk/Census/Census2001Output/KeyStatistics/keystats.html. Accessed December 27, 2010.

The Conflict in Northern Ireland

The contemporary conflict in Northern Ireland is one of competing identities and competing political goals. Essentially it is a clash over the question of who should govern the six counties in the North of Ireland: the United Kingdom or the Republic of Ireland (or in some cases, the people of Northern Ireland themselves). Different groups place emphasis on different components of this debate. Protestants are historically more likely to be concerned about maintaining the union with Britain and as a minority group on the island would see a united Ireland as a major threat to their own security. Historically a minority group within Northern Ireland, Catholics have focused on abolishing the discriminatory practices of Protestant rule in Northern Ireland and many argue for the uniting of the island of Ireland and complete British withdraw from the six counties (Darby 1997). This is not a war of ethnic or religious hatred, though this divide has certainly played a major role in the conflict. Rather this is a conflict between two opposing political views: Unionists- those favoring the union with the UK and Nationalists- those favoring a united Ireland. Each of these views is reinforced by proponents who support the use of force in achieving these two aims: Loyalists for the cause of unionism and Republicans for nationalism (McGarry and O'Leary 1995; Darby 1997). The main actors to the conflict are further elaborated in Table 10.

For many, the contemporary conflict in Northern Ireland begins with partition, or at least, the major dispute over how Northern Ireland should be governed can be linked to that partition. However, Darby (1997) contends that the source of the conflict can be argued to being in "1170, 1641, 1690, 1798, 1912, 1916, 1921 or 1969" (19). This is not an exaggeration. Strident Nationalists may trace the origins of the conflict back to the

invasion of the island of Ireland by England in the Twelfth Century. Unionists may cite the rise of IRA violence in the early 1970s. Others would argue that Bloody Sunday (a civil rights march turned violent which resulted in the British army killing 14 protest participants) and the advent of Internment in 1971 mark the escalation of the conflict and a new and distinct chapter of violence.

Table 10: Political Groups in Northern Ireland		
Group	**Political View**	**Representative Organizations**
Unionist	Maintain union with Britain	Orange Order
Loyalist	Advocates violence if necessary in maintaining the union with Britain	Ulster Volunteer Force (UVF) Ulster Defense Association (UDA)
Nationalist	Return to a union with the Republic of Ireland, opposition to British rule	Sinn Féin (political party)
Republican	Advocates violence if necessary to return to a union with the Republic of Ireland and to expel British troops from Northern Ireland	Irish Republican Army (IRA)- Provisional and Original, INLA
British Government	Historically supportive of Unionist rights	British Army, SAS (British Special Forces)
Republic of Ireland Government	Historically supportive of Nationalist rights	Irish Police

For the purposes of this dissertation, I place the starting point of the modern period of conflict in Northern Ireland in 1968 with the rise of the Civil Rights Movement. At this time the Protestant majority dominated Northern Ireland politics. There was growing inequality between Protestants and Catholics in education, employment and public housing. Though there had been low-level violence and contestation going back for decades, the rise and eventual fall of the Civil Rights

Movement in Northern Ireland marked a new period of sustained violence that would last through 1998.

The Civil Rights Movement gained force in Northern Ireland around 1967 with the founding of the Northern Ireland Civil Rights Association (NICRA), an umbrella organization which organized various political and civil groups around a central call for human rights. The demands of the Civil Rights Movement in Northern Ireland focused on discrimination against Catholics and centered around five issues: voting rights, housing, unemployment, education and human rights and the administration of justice (Darby 1997). Modeled off the U.S. Civil Rights Movement, NICRA used protest marches, sit-ins, house-squatting and other forms of civil disobedience that attracted national as well as international attention (McKittrick and McVea 2000).

The Civil Rights Movement in Northern Ireland had a number of early successes, however, in 1969 the political situation began to deteriorate. Civil rights demonstrations grew increasingly contentious. Confrontations between protesters and the police broke out during protest marches. Riots and civil disobedience became increasingly violent, involving petrol bombs, bricks and barricades that injured police, participants and bystanders. At this time British troops began to replace Northern Ireland police on the streets in attempts to quell the violence. This period also marked the rise of the provisional Irish Republican Army (IRA), a paramilitary group supporting violence in defense of Nationalist beliefs and the Catholic community.

In 1970, amid rising violence and in an attempt to suppress the IRA, the British government implemented the Falls Road Curfew in which over 20,000 people in the West Belfast area were ordered not to leave their homes for a period of several days

while the Army conducted door-to-door searches. The curfew was a major turning point in the relations between the British government and the Catholic community. Catholics felt directly targeted and systematically violated by the policy. One civil servant recalled: "It is hard to remember any other incident that so clearly began the politicization and alienation of a community" (qtd. in McKittrick and McVea 2000, 62). One hundred and seventy one people were killed in 1970 and IRA violence against the Army gained momentum through this period (Sutton 1994).

In an effort to weaken the rise of the IRA, a policy of internment was implemented in August 1971. Internment was a plan of large-scale arrests and detention, which eventually led to allegations of torture and prison abuse against the British Army (Murray 1998). Due in part to poorly maintained police files, the process of internment was inefficient, highly disruptive and discriminatory against the Catholic community. McKittrick and McVea (2000) argue that this period of indiscriminate justice was partly responsible for the surge in IRA violence which followed:

> To the outside world internment might be seen as a response to IRA violence, but many Catholics in areas such as west Belfast regarded IRA activity as a response to violence from the authorities (69).

The most violent year of the conflict came in 1972 when 480 people were killed (Sutton 1994). It was in this same year that the Northern Ireland government was dissolved and the British Parliament resumed direct rule, a policy by which the responsibility for governing Northern Ireland was transferred to the newly created Northern Ireland Office (NIO) in London and away from Northern Ireland itself. In 1973 a power-sharing government (between Protestants and Catholics) was put in place, but lasted only three months (Darby 1997). While other forms are political agreements were

attempted, violence continued in Northern Ireland and the political situation did not stabilize.

During the 1980s violence increased again across Northern Ireland. The British army presence increased from 2,280 personnel in 1969 to 19,170 personnel in 1980.[72] At the same time, there was a sharp increase in violence from Loyalist groups. These paramilitary groups, such as the Ulster Volunteer Force (UVF) and the Ulster Defense Association (UDA), claimed to protect and defend Protestant interests during the conflict through carrying out targeted assassinations as well as random civilian violence against Catholic neighborhoods. In recent years there has been evidence of British army and intelligence collusion with Loyalist groups. The role of collusion is gaining greater attention as new information becomes available regarding the use of British intelligence by Loyalist groups in prominent assassinations such as the murder of Catholic lawyer, Pat Finucane as well as cross-border (into Ireland) sectarian killings (Cassel et al. 2006).

The contemporary conflict in Northern Ireland ended in 1998 with the signing of the Good Friday (or Belfast) Agreement. The agreement focused on ending the most recent phase of violence in Northern Ireland (post-1969). It was signed by all but one major political party in Northern Ireland[73], the British government and the government of the Irish Republic (Bell 2002). The agreement was a commitment to peace and the democratic process and included provisions for majority vote and power sharing within the Northern Ireland Executive. With the signing of the Good Friday Agreement, the British government agreed to an Assembly and Executive within Northern Ireland for

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[72] See http://www.dasa.mod.uk/modintranet/UKDS/UKDS2008/c7/table704.html Accessed on Janunary 1, 2011.
[73] The Democratic Unionist Party (DUP) opposed the agreement.

the maintenance of internal affairs, as well as a British-Irish council to promote relations between the UK and the Republic of Ireland.

Over 3,700 people died during the course of the Troubles, an additional 40,000 were injured,[74] tens of thousands were arrested and home searches and roadblocks were an almost daily occurrence for people across the country. These violations occurred across community and throughout the country, though some areas had a larger concentration of violations than others. The scope and duration of the conflict had affects on the economy, social services, education and psychological health of the entire population. The full legacy of these experiences has yet to be determined (Muldoon et al. 2004).

Below I move away from the aggregated understanding of conflict experiences in Northern Ireland and explore the range of violations that people experienced during the conflict.

Variation in Violence Across Northern Ireland

As presented in Chapter 5 on Rwanda, violence during a conflict is rarely a uniform experience across a population. Different individuals and communities experience the conflict differently, often with different violations and from different perpetrators. This was particularly true for the conflict in Northern Ireland. Despite the variation in violence that was experienced across the population, only very specific violations from specific perpetrators have been considered "crimes" as a part of the conflict frame. For example, there has been a strong focus on people who were killed

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[74] See http://www.psni.police.uk/updates_fy_security_situation_and_public_order_statistics Accessed on Aug. 25, 2010.

during the conflict (e.g. Sutton 1994 and McKittrick et al. 1999) as well as crimes committed by paramilitary groups (particularly the IRA). Yet, as I will demonstrate below, people in Northern Ireland experienced a wide range of violation across different types of perpetrators. The range of violations included home raids, arrests, assault and other physical abuse as well as attempted killings and the deaths of family members. In addition to deaths by paramilitary organizations, people experienced violence from the police (RUC), local military (UDR) and the British Army. Despite this variation the frame of the conflict has remained narrow.

In the following section I catalog the range of possible individual conflict experiences over the thirty-year period of violence. I use the 40 interviews collected in Northern Ireland to diversify the current understanding of violence that people experienced by both the type of violation and the perpetrator of that violation. To do this I discuss the patterns of conflict experiences presented across the interview respondents. As with the interviews in Rwanda, these results are neither designed to present the totality of conflict experiences across Northern Ireland, nor to represent proportions of those experiences that are generalizable to the whole population. Rather, these interviews were conducted to problematize the existing aggregated understanding of violence in Northern Ireland and to present a range of conflict experiences, which will be used to generate theoretical conclusions about subsequent participation in the national justice processes in the next chapter.

Types of Violations and Conflict Experiences

In order to capture the variation in violence across Northern Ireland two research sites were selected (one urban and one rural) and interviews were conducted across both the Catholic and Protestant communities in each area. Ardoyne/Upper Ardoyne and South Armagh were selected because of the severity of violence in these areas as well as the diversity of experiences with the conflict across both locations. The selection process and the individual research areas are described in detail in Chapter 4, which describes the research methodology of this dissertation. The individual interview data from Northern Ireland was collected through 40 semi-structured interviews (10 from each community in each of the two locations).

An important point of departure from existing research on Northern Ireland is that in the sampling of these respondents I tried to avoid selecting individuals with close ties to organized victim groups. Many victim groups in Northern Ireland have particular political platforms on violations or justice issues and for this reason respondents from these organizations could be biased in their responses in favor of the group's program. To avoid this I relied on sampling from community groups organized around different goals (e.g. women's groups or neighborhood redevelopment groups).

One of the difficulties that I encountered using this selection technique was finding members of the Protestant community in South Armagh who had not previously been involved in or with the security forces in the area, namely the RUC[75]. For both political and social reasons, Protestants in South Armagh were very supportive of the local police and army. This affiliation led to a high number of people from that community volunteering for active service in the security forces. For this reason, I found

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[75] The Royal Ulster Constabulary or police force in Northern Ireland.

that Protestants in the South Armagh area experienced high levels of violations both individually and within their families. These violations were often experienced on active duty or as the result of the individual being targeted because of his/her affiliation with the security forces. This group rarely experienced random violence. While these patterns do not invalidate the findings from this group, it is worth noting the reason for the high number of violation in the sample of the South Armagh Protestant community.

As mentioned above, there has been a strong focus within Northern Ireland on people who have been killed or have lost a member of their family through the conflict. While no doubt an extreme violation, the focus on people who were killed during the conflict has led us to ignore or overlook other violations that took place during the same period. In many ways, these daily violations, such as road blocks, property damage and physically assault, were the hallmarks of the violence for many people in Northern Ireland and occurred with more frequency than deaths during the conflict (e.g. 3,700 deaths compared with 40,000 injuries). Emphasizing the experience of people who were killed leads us to assume that this type of violation was either the only or certainly the most prevalent violation that people experienced. This is not the case.

In order to evaluate the range of violations that people experienced in Northern Ireland I asked a series of questions regarding conflict experience. A list of experiences was read and respondents were asked to answer yes or no if they had experienced the violation or not. These experiences included: (1) property damage; (2) being forced from his/her home; (3) stopped at a road block; (4) threatened with violence; (5) witnessed someone being physically assaulted; (6) witnessed someone being killed; (7) physically assaulted; (8) arrested; and (9) attempted killing. In addition to asking these questions

for each person individually, respondents were also asked the questions for his/her family members (i.e. did a member of the respondent's family experience these violations?). Family members were defined as a member of the respondent's immediate family (not necessarily living in the same house). In addition to the nine violations listed above, respondents were asked if a family member was killed during the conflict. The breakdown of these violations is as follows.

There were 187 individual violations experienced by respondents across the sample and 252 family violations. The average person received 5 violations (4.68) and had family members experience 6 violations (6.3). Across research location and community, people from Belfast had a higher rate for violations both individually and for their family then respondents from South Armagh. Members of the Catholic community reported only a slightly higher rate of violations to Protestant respondents (4.85 violations on average as compared with 4.5). People from Ardoyne experienced the highest number of violations, followed by Upper Ardoyne and Protestant members of South Armagh. Family violations followed the same pattern. The total number of violations experienced by research location is presented in Table 11.

Table 11: Number of Violations in Northern Ireland by Location					
Location	**Individual Violations**		**Family Violations**		
	Total	*Median*	*Total*	*Median*	**Total**
Ardoyne (Catholic)	62	7	81	8	143
Upper Ardoyne (Protestant)	50	5.5	64	6.5	114
South Armagh (Catholic)	35	3	49	4	84
South Armagh (Protestant)	40	3.5	58	6.5	98
Total	187	--	252	--	439

In addition to variations in the total number of violations that people experienced, there was variation in the types of violations that people experienced (e.g. property damage, assault, etc.). The most common violation for both individuals and their immediate family was being stopped at a roadblock, which happened to 92.5% of individuals and 97.5% of family members. While twenty-one people acknowledged experiencing the death of a family member, this experience fell below the median of violations across the sample. More people experienced property damage, being stopped at a roadblock, threats on their lives and witnessing physical violence than experienced a death in their family. The number of people who experienced a death in their family is also high, in part, because of the presence of a number of former security personnel from South Armagh in the sample. In addition, while the question regarding deaths was worded to ask specifically about immediate family members, some respondents mentioned the deaths of cousins and grandparents that are included in this total. While these results suggest that a number of people were affected by the death of a family member, the rest of the sample was affected by other types of violence. Figures 19 and 20 present the types of violations experienced by individuals and their families across research location.

In Figure 19 and 20 we can see the differences in the types of violations experienced in urban and rural locations. For example, people from Belfast, both Ardoyne and Upper Ardoyne witnessed more physical violence and were more likely to have been physically threatened than respondents from South Armagh. The Belfast respondents were also more likely to have witnessed a killing or to have been personally assaulted. Home raids were most common among respondents from Ardoyne as was the

destruction of property. Respondents from the Protestant community in South Armagh reported higher levels of attempts on their own lives as well as the lives of family members than the Catholic community in South Armagh, but this finding is due, again, to the high level of security personnel included in the sample, as explained above. Variations in the types of violations experienced by individuals suggests that in urban areas people experienced higher numbers of physical violations and were therefore more likely to be exposed to violence that people in rural areas (even high violence rural areas such as South Armagh).

Figure 19. Types of Violations Experienced in Northern Ireland, Self
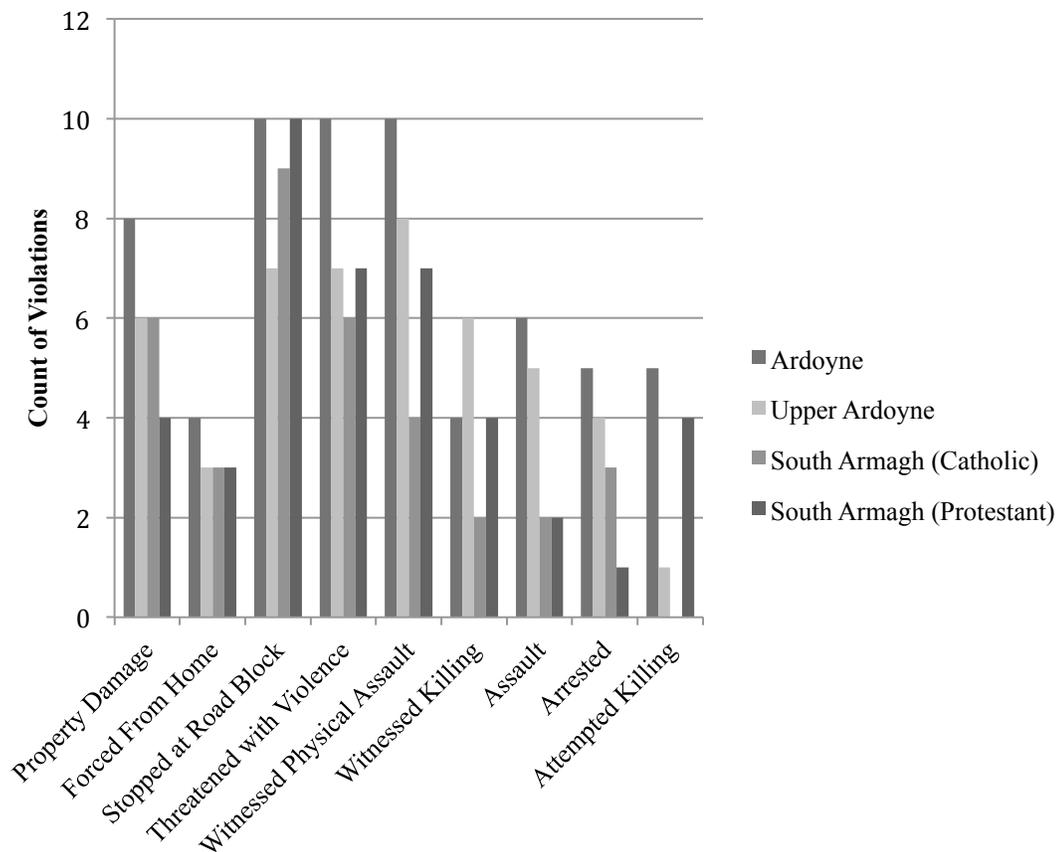
Figure 20. Types of Violations Experienced in Northern Ireland, Family Members
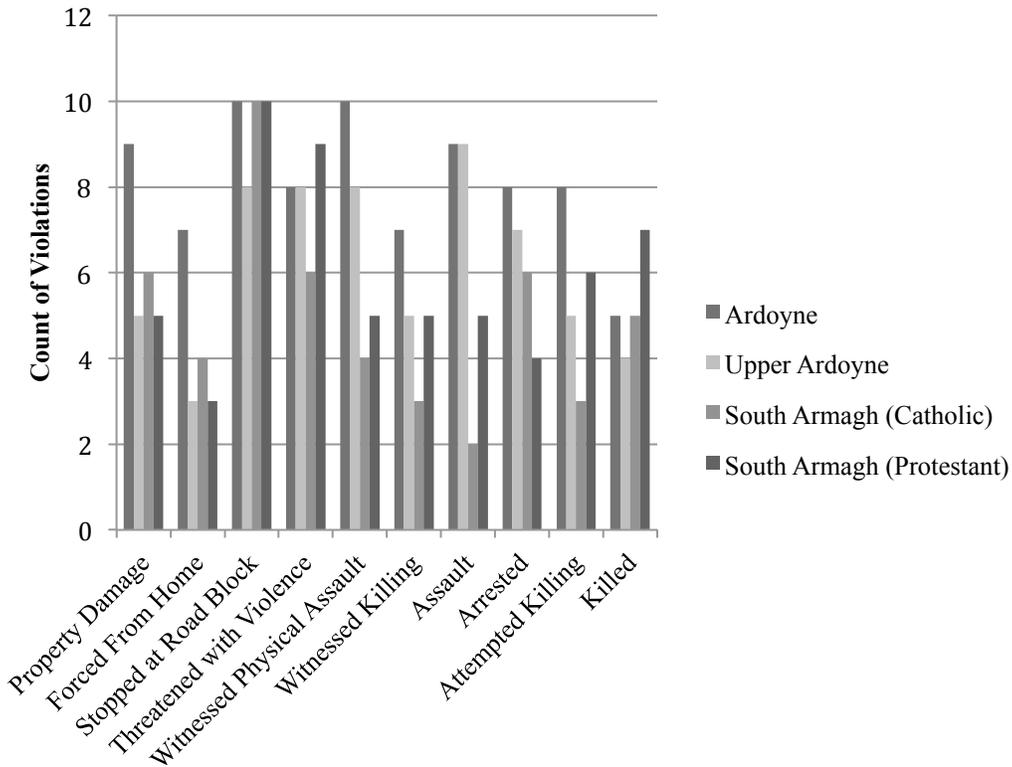
The interviews I conducted in Northern Ireland reveal the range of violations that people experienced during the conflict. These patterns suggest that the focus on people killed during the conflict may obscure the variety and sheer numbers of violations that people experienced over thirty years of violence. No one in the sample was left untouched by the conflict. Below I turn to the perpetrators of these violations to see if the focus on paramilitary violence is warranted.

Perpetrators of Violations and Conflict Experience

In addition to the types of violations people experienced, I asked questions about the perpetrator(s) of those violations. While our current focus has been on violations

perpetrated by paramilitary groups, this was not the only source of violence people experienced. Respondents in the sample attributed their violations to paramilitary groups as well as the army and police. The inclusion of security personnel as perpetrators of violence will be particularly important in the following sections when I review the British conflict frame.

In order to determine the perpetrator of an individual's violations, respondents were asked, "Who was responsible for this violence?" This was an open-ended question and respondents could choose any answer to this question. It is important to note here that in many cases the perpetrator of an individual's violations is a matter of perspective. The individual him/herself may not have actual evidence to substantiate this claim. This method differed from the technique employed in Rwanda. In Northern Ireland I judged it safe for the respondent, my data and myself to ask the perpetrator question directly. However, I did not ask people to identify individuals or perpetrators with specific violations (e.g. who was responsible for the death of your brother?). This could have been potentially more risky particularly with the presence of active Loyalist paramilitaries in the Upper Ardoyne area as well as possibly interfere with ongoing criminal investigations.

When asked who was responsible for the violence committed against him/her, respondents' answers included police, army, Republican and/or Loyalist paramilitary organizations, Catholics and/or Protestants as well as other answers such as politicians or the British imperial system. The most common perpetrator of violence was listed as Republicans (39%), followed by Loyalists (30%). The police and army together accounted for 30% of the perpetrators in the sample. Additional combinations of

violence include police and paramilitaries or army and paramilitaries. These combinations suggest that individuals could be victims of violence from both the State and non-state actors. In Table 12, I list the number of times that each group was listed as a perpetrator. Note, some respondents listed multiple perpetrators so this number is higher than the number of interviews. In Figure 21, I present the percentage of violations attributed to each group.

Table 12: Perpetrators of Violations Experience in Northern Ireland, by Respondent	
Perpetrator	*Total*
Republican Paramilitary	26
Loyalist Paramilitary	23
Police	12
British Army	11
Other	3
Total	*75*

Figure 21. Distribution of Perpetrator Violence in Northern Ireland
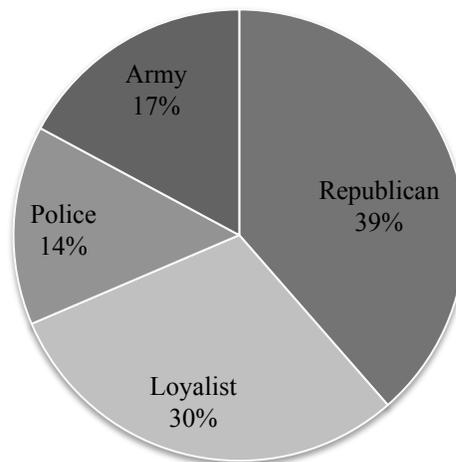
While types of violations varied across research location, patterns regarding the perpetrator of violations were linked more closely to individual communities. The Protestant communities in Upper Ardoyne and South Armagh reported the majority of their violations coming from Paramilitaries. In South Armagh this violence was primarily the responsibility of Republican paramilitaries namely the IRA. In Upper Ardoyne, however, respondents listed both Republican and Loyalist paramilitaries as the primary perpetrators of violations. The Catholic communities in Ardoyne and South Armagh experienced a wider range of perpetrators. These communities listed Loyalist paramilitaries, Army and Police as well as many combinations of these groups. Respondents from South Armagh even discussed the targeting of the Catholic community by Republican paramilitaries (particularly the IRA). The wide range of perpetrators suggests that paramilitaries were responsible for some – but definitely not all – of the violations people experienced. The patterns of perpetrators across these communities are presented in Figure 22.

Despite the narrow focus of our current understanding of the conflict, interviews with individuals in Northern Ireland demonstrate a broad range of violations and perpetrators across the population. While there is a range of experiences across both types of violations and types of perpetrators, the British conflict frame focuses only on specific violations from specific perpetrators. Below I explore the creation of the British conflict frame for Northern Ireland and discuss the subsequent justice policy to emerge from this frame.

Figure 22. Perpetrator of Violations in Northern Ireland, by Research Location
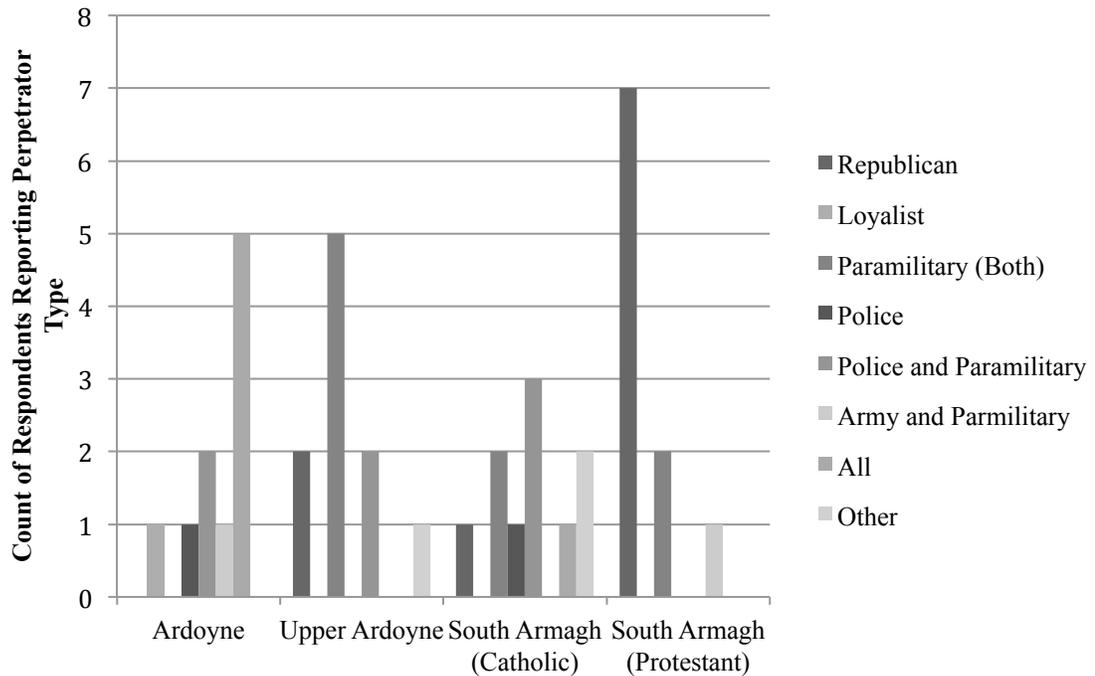
The British Conflict Frame in Northern Ireland

Before outlining the conflict frame in Northern Ireland, I want to begin with a discussion of the current role of the British government in the region. As discussed briefly above, the British government has been involved in the island of Ireland since the Twelfth century when Henry II invaded, yet the relationship between Britain and Northern Ireland, or Ulster, has changed over time. Today a Nationalist discourse would argue that the British government still views Northern Ireland as a colonial holding or at least lesser than mainland Britain in some way. There is some evidence to suggest that this is true, for example, the unwillingness of UK political parties (e.g. the Liberal Democratic and Labour Parties) to organize in Northern Ireland. The lack of political integration between Northern Ireland and the rest of the UK means that British influence in the region trends more towards bureaucratic and less democratic. That is to say that

Britain contributes to the day-to-day functioning of Northern Ireland society with little democratic accountability to the people of Northern Ireland. This division is heightened by the failure of MPs elected from the Sinn Féin (Nationalist) party to take their seats in Westminster.[76]

Following the Good Friday Agreement, today Northern Ireland has a devolved government consisting of the Assembly and the Executive. The Northern Ireland Assembly is responsible for passing laws on "transferred matters" or those issues such as health, education, agriculture and rural development, policing and justice which are transferred to the Northern Ireland government from the UK Parliament as part of devolution.[77] Some issues remain with the UK government, for example foreign affairs, and ultimately the decision to transfer issues to the Northern Ireland Assembly is under the purview of the UK Parliament. The Northern Ireland Executive branch is made up of a First Minister and deputy First Minister who also have power over transferred issues. In addition to the Assembly and Executive, Northern Ireland representatives are elected to seats in the UK Parliament and in the European Parliament. Northern Ireland holds 18 out of 646 seats in the UK House of Commons. Because of this structure the British government still retains control over much of the Northern Ireland political agenda.

Through this structure the British government has maintained the political power needed to select and implement post-conflict justice. British influence on PCJ issues is relevant for two reasons. First, prior to the Good Friday Agreement the British government maintained primary responsibility for justice issues in Northern Ireland. As I will elaborate further below, in practice this meant that from 1968 through 1998 the

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[76] This political protest is based on the belief that British rule of Northern Ireland is illegitimate.
[77] See http://www.northernireland.gov.uk/ Accessed on January 6, 2011.

British government heavily influenced commissions of inquiry, inquests and domestic court proceedings. Second, the effective functioning of any justice process in Northern Ireland has been and remains contingent on British cooperation. Because of the active role that the British government and Army played in the conflict, information from the British government is essential for broad-based justice and accountability. I focus on the British government in order to understand the framing of the conflict, subsequent justice efforts and the potential for political exclusion in Northern Ireland today.

Below I discuss why the British government chose to construct a conflict frame in the first place as well as the components of the frame that was created. I then turn to an analysis of the current opposition to the British conflict frame in Northern Ireland.

Why Construct the Frame?

Even after the conflict in Northern Ireland has ended, the British government retains political control over Northern Ireland. While the Good Friday Agreement included devolved rule for Northern Ireland, the area remains part of the United Kingdom. As such issues of justice are still, in part, under the direct control of the UK parliament. The British government therefore has two main motivations in constructing the conflict frame: political control and public opinion.

First, like the RPF government in Rwanda, the British government has an incentive to maintain control in the area. This is done through strengthening its own political position and discrediting opposition. In regards to the conflict frame, this is accomplished through delegitimizing claims against British rule. Through legitimating

British rule in Northern Ireland, the government is able to effectively maintain its political control and influence in the area and discredit challengers.

Second, because of the involvement of British security forces (mostly the British Army) in the conflict, the British government has an incentive to maintain positive public opinion and "save face" in light of the growing opposition to British involvement in the area. It has been and remains important for the British government to have public support for its actions in Northern Ireland from both domestic and international audiences. As a democracy and world leader, reputation on issues of human rights, particularly state abuses matter for Britain. The democratic system also increases the risk that leaders will be sanctioned for their actions and removed from office. The British government therefore has a strong incentive to frame the events of the conflict in a way that supports these political goals.

What is the Conflict Frame?

In many ways, the British conflict frame is more complex than the frame in Rwanda. The duration of the conflict in Northern Ireland as well as the international attention and sophisticated media coverage of events have made it difficult for the British government to construct and maintain a rigid frame over time. The decisive victory of the RPF in Rwanda in 1994 allowed for the creation of a strong conflict frame which has been maintained and strengthened, however the lack of clear victory in Northern Ireland as well as the presence of well-organized political opposition weakens the British frame. Yet over time the British conflict frame has maintained three main "truths": (1) the British Army as "peacekeepers" during an ethnic conflict; (2)

Republican paramilitaries as criminals during the conflict; and (3) deaths by paramilitary violence as the main violation of the conflict. Each of these points is elaborated below.

To begin with, the role of the British Army in the conflict has always been debated. At the two extremes, Republicans argue that the British Army is an occupying force, while the British government has argued that the presence of the Army is a peacekeeping necessity in light of the ethnic conflict between Catholics and Protestants. The British conflict frame emphasizes the role of the British army as a pacifying force in the conflict, not an instigating one. In this way, the British conflict frame denies the culpability of British security personnel in the violence or that there is any motivation for British military involvement in the conflict.

This "truth" is further strengthened by the occasional denial of an actual conflict. At times British civil servants and politicians denied the very presence of a conflict in Northern Ireland and British involvement in that conflict. For example, when asked about the British contribution to the conflict in 1992, Secretary of State for Northern Ireland, Sir Patrick Mayhew said:

> First of all, what's the conflict? There's not a conflict between constitutional parties in Northern Ireland. The only 'conflict' is the conflict that is waged by paramilitary forces, whether orange or green, against the forces of law and order, and in practice, against the ordinary people of Northern Ireland… So I don't look at this in terms of conflict. I do look at it in terms of what you might call a mismatch (qtd. in McGarry and O'Leary 1995).

This component of the conflict frame is essential for strengthening the British position towards the current governance of Northern Ireland. The British conflict frame emphasizes the altruistic intentions of British involvement. No concessions need to be

made if the British government had no real influence or effect on the conflict in the first place.

The second "truth" of the British conflict frame portrays Republican paramilitaries, particularly the IRA, as criminals. Note that I did not say as perpetrators. One of the main characteristics of the British conflict frame has been the refusal of the British government to identify Republican paramilitaries as a legitimate fighting force thereby legitimizing their political cause. This point is consistent with historical British denial of an actual conflict or legitimate political grievances in the area. By relegating the IRA to the status of common criminals, the British government is able to legitimize its role as peacekeeper or external security force, and further undermine what the IRA portrays as the legitimate use of violence towards a political end.

At no point in the conflict was this point more apparent than during the Hunger Strikes of the early 1980s. During this period, Northern Ireland prison facilities resembled World War II prisoner-of-war camps where regulations were weak and paramilitary prisoners maintained command structure taking orders from their commanding officers rather than prison officials (McKittrick and McVea 2000). In part to address this, Prime Minister Margaret Thatcher changed the status of paramilitary prisoners (particularly IRA members) from political to criminal. This seemingly semantic difference resulted in a deliberate change of prison regulations. For example, prisoners classified under a criminal status were required to wear prison uniforms, while political prisoners were allowed to wear civilian clothing. In addition to attempting greater prison control, the policy was also a strategic attempt to devalue the use of violence and delegitimize the IRA by reducing them to common criminals. Again this

component of the conflict frame legitimates British actions in the conflict, justifies the strong tactics (including torture) used against the "criminals" while at the same time delegitimizing political opposition to British rule.

The final component of the British conflict frame highlights the violence, particularly killings, committed by the paramilitary organizations. As I demonstrated above, there was a wide range of violations experienced across the population, however the conflict frame has focused primarily on support and acknowledgement for people who were killed during the conflict. In addition to the variation in types of violations, the British conflict frame ignores the role of security personnel, particularly the British army, in the violations that individuals experienced. While paramilitary organizations were responsible for the majority of deaths during the conflict, 363 deaths are attributed to British security forces.[78] The focus on paramilitary violence strategically directs attention away from Army and police violations and focuses the attention on the indiscriminate seemingly immoral violence of paramilitary organizations. As a result the frame downplays potential illegitimate uses of force by the British State including prison abuse, torture, accidental violence against civilians and collusion with Loyalist paramilitary groups.

As in Rwanda, the British conflict frame is constructed through media, political speeches, education and memorialization campaigns and post-conflict justice. The three components of the conflict frame focus on individuals who experienced a single type of violation from a single perpetrator, and exclude the experiences of those who faced low-level or systematic patterns of violence such as property destruction and home raids. The frame also ignores those violations committed by the British army or police. As in the

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[78] See http://cain.ulst.ac.uk/sutton/tables/Organisation_Summary.html Accessed January 6, 2011

case of Rwanda, I argue that this political exclusion will be particularly relevant when I examine participation in and views towards post-conflict justice in subsequent chapters. While the British conflict frame has been dominant in the post-conflict period there has been opposition to it. I turn to this below.

Opposition to the Government Conflict Frame in Northern Ireland

Despite the strength of the British government presence in Northern Ireland, there has been substantial opposition to the conflict frame. The presence of this opposition is due in large part to the high level of "veto" within Northern Ireland society. As outlined in the theory in Chapter 3, veto is the degree to which an individual is able to sanction their government for unpopular policies (Davenport 2007). Democratic elections as well as high levels of access to information across the population in Northern Ireland help to hold the British government accountable for their actions both during the conflict and within the creation of the conflict frame. Individuals in Northern Ireland have the ability to make informed decisions about the range of conflict experiences and therefore are less likely to be convinced by the British government's exclusive conflict frame. Accountability to public opinion has weakened the ability of the British government to create a strong, exclusionary frame.

Opposition to the conflict frame in Northern Ireland has frequently taken the form of alternative frames. Counter narratives from Unionist and Republican groups (both political and civil) have been essential for providing sustained opposition to the British frame. During the conflict, opposition took the form of public protest, the organization of victim groups, international campaigns, etc. Through these forms of

opposition, individuals were able to undermine the British government's ability to consolidate political power and delegitimize their experiences through the creation of an exclusionary frame.

Despite this opposition, the British government has still been able to effectively use its conflict frame for selecting and implementing post-conflict justice. I turn to this below.

Selecting Post-Conflict Justice in Northern Ireland

In Rwanda, a strong and coherent government conflict frame led directly to a unified strategy for post-conflict justice. In Northern Ireland contention surrounding the conflict frame is evidenced in the ad hoc way in which post-conflict justice has been implemented. For one, varying forms of justice have been ongoing through the conflict challenging the definition of "post" in post-conflict justice. Second, there has been no *unified* attempt to address justice issues resulting from the conflict, but rather a series of institutions implemented with varying degrees of success overtime. And finally, none of these justice solutions have been unique attempts to address systematic violations during the conflict. Instead, post-conflict justice in Northern Ireland has consisted of using existing legal or political institutions to address specific events or violations.

Below I provide an overview of past justice processes that have been implemented in Northern Ireland as well as the current post-conflict justice mechanisms in place.

Overview of Past Justice Processes in Northern Ireland

The implementation of justice in Northern Ireland has been ad hoc at best (Bell 2002). During the conflict justice issues were addressed through existing legal institutions such as the national courts and the UK system of public inquiries. In addition to these forms of redress there have been three major events that have focused the post-1998 justice debate both politically and socially. While these were not post-conflict justice efforts in Northern Ireland, all three events are attempts to address the past, thus shaping the current justice context in Northern Ireland.

The first event was the signing of the Good Friday Agreement. The agreement includes two main justice components. First, it granted early prison release, or amnesty, for political prisoners on both sides of the conflict. Following the signing of the Agreement approximately 453 people were released from prison for crimes ranging from possession of an unauthorized firearm to murder.[79] Second, the agreement acknowledged the suffering of victims and a commitment was made to address and remember those concerns. While the Good Friday Agreement contained a strong human rights component, there was no specific mechanism outlined for dealing with past abuses or truth telling (Bell 2002). In many ways, the issue of truth was noticeably lacking in the final agreement and signaled the deliberate attempt to sidestep the topic of justice by all parties involved.

The second major justice event was the establishment of the Bloody Sunday Inquiry[80] in January 1998. The inquiry was created under the Tribunal of Inquiry (Evidence) 1921 Act as an inquiry into the deaths of 14 people killed by the British

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[79] http://www.niprisonservice.gov.uk/index.cfm/area/information/page/earlyrelease Accessed on Aug. 25, 2010.

[80] Also called the Saville Inquiry after the head of the inquiry, Lord Saville of Newdigate.

Army at a political protest in Derry/Londonderry on January 30, 1972.[81] The inquiry was a reinvestigation of the events following the public outcry that accompanied the release of the first report of Inquiry, the Widgery Inquiry, in April 1972. The Widgery Report found no substantial fault from the Army in regards to their conduct and found that while none "of the dead or wounded is proved to have been shot whilst handling a firearm or bomb… there is a strong suspicion that some… had been firing weapons or handling bombs… and that yet others had been closely supporting them" (qtd. in Hegarty 2002). Evidence seemed to be lacking in Widgery and its findings ran counter to the testimony of many witnesses. The public release of the Bloody Sunday Inquiry on June 15, 2010 reversed many of these findings and was accompanied by a formal apology by British Prime Minister James Cameron. The apology on the part of the British government marked a major turning point for justice efforts, particularly from the Republican community, aimed at greater information from the British government (Pat Finucane Center 2010).

The third justice event in Northern Ireland was the convening of the Consultative Group on the Past (or Eames-Bradley Commission). This commission was created in 2007 as a conclusive attempt to advise on justice issues resulting from events of the conflict. The commission spent over a year consulting with victim groups, church groups and community organization to determine the justice and legacy needs of individual communities. The result was a final report designed to summarize and synthesize competing justice claims. The final report put forward recommendations for a

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[81] For many, the Bloody Sunday Inquiry is as an example of how justice can be costly and arguably a waste of money. For example, one interview respondent from Ardoyne complained, "[Justice] is all just a money making machine, like Saville… £198 million for giving answers that we all know… Jesus, a 5,000-page document. Who is going to read it?" (A-1).

Legacy Commission (similar in structure to a truth commission); support for an international day of remembrance; and suggestions regarding storytelling and memorial projects. Unfortunately, the report is best known for one of its lesser recommendations—the suggested payment of £12,000 for all victims killed during the conflict regardless of the perpetrator of his/her violation. This recommendation created public outcry, with some arguing that the payment was blood money and others arguing that there was a moral difference between service men killed on active duty and IRA members who were killed committing a terrorist attack. These arguments were never resolved and in the end most hope for the recommendations of the group has vanished.

While each of these three events have advanced debates surrounding justice issues in Northern Ireland they have failed to produce a coherent policy towards post-conflict justice. Some scholars have argued that this piecemeal approach to justice is both pragmatic and a necessary way to continue compromise and strengthen the peace process (Bell 2002). But the fact still remains that Northern Ireland has not had a unique policy or institution for dealing with the past. Below I turn to the existing opportunities for justice in Northern Ireland today.

Post-Conflict Justice in Northern Ireland Today

The lack of a coherent policy of justice in Northern Ireland is the result of the contested and exclusionary British conflict frame. This frame has resulted in the ad hoc policies listed above and two contemporary forms of post-conflict justice. Today the two main sources of post-conflict justice available to people who experienced violations during the conflict are: (1) public inquiries; and (2) the Historical Enquires Team (HET).

Both of these mechanisms address violations from the conflict however neither are a unique justice institution, rather, public inquiries and the HET use existing legal and bureaucratic structures to address violations. These two mechanisms are a product of the British conflict frame, focusing on people who were killed and failing to address the systematic involvement of the British state in the conflict. By addressing justice issues through the existing legal system and by failing to create an independent justice process the British government is further reinforcing the idea that the activities in Northern Ireland were criminal and that no substantial or unique event took place. Below I describe each justice mechanism individually and explore how the mechanisms are a direct product of the British conflict frame.

Public inquiries are a system of judicial redress within the UK legal system. They are a legal mechanism designed to examine one particular event or occurrence. Inquiries can be held for any one of three reasons: (1) when the facts of an event require public investigation; (2) when the facts are unknown and there is a reason for public concern; or (3) when the facts are known, but when the facts have been denied or contested in the past (Hegarty 2002). Public inquiries are generally driven by a public demand for an accounting of certain events. In the UK public inquiries have been sought from a wide range of people including victims of a rail crash and families of patients who were murdered by their doctor (Hegarty 2002). In Northern Ireland public inquiries have been convened to address specific and egregious violations of human rights.

There have been nine public inquiries regarding the conflict in Northern Ireland. The nine inquiries include: (1) the Cameron Inquiry into the civil disturbances surrounding the Civil Rights Movement in 1968; (2) the Compton Inquiry regarding

State brutality during Internment; (3) the Parker Inquiry to investigate interrogation procedures of terrorist suspects; (4) the Widgery Inquiry into Bloody Sunday as discussed above; (5) the Scarman Inquiry into the civil disturbances in 1969; (6) the Bloody Sunday Inquiry also discussed above (Hegarty 2002); and inquiries into the deaths of (7) Rosemary Nelson, (8) Robert Hamill and (9) Billy Wright.[82]

It is generally understood that the British government agrees to public inquiries because of public pressure. Instead of a legitimate concern for truth and accountability, the British government has often enacted inquiries to deflect domestic and international criticism (Hegarty 2002). Here the implementation of public inquiries is consistent with the British conflict frame. All nine of the inquiries were set up to investigate allegations of human rights abuse on the part of the British State as if to suggest that these were the only nine incidents of abuse which took place. Inquiries are limited to the particular event in question so the system of public inquiry prevents an examination of systematic patterns of abuse over time. In addition, the proceedings and final report of public inquires are not always made public. At the Widgery Inquiry, for example, testimony from British soldiers was kept confidential.

While I have listed public inquiries as a form of post-conflict justice, it is debatable as to whether that is actually the case. Public inquiries are not unique institutions designed to examine past abuses, but rather a creative way of adapting an existing institution to address violations in the absence of a PCJ process. In addition, five of the nine public inquiries listed were implemented during the conflict, not after it challenging the notion of *post*-conflict justice. One of the main reasons for addressing

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[82] There have also been calls for a public inquiry into the murder of Pat Finucane, but as of this writing it has not been convened.

justice issues in the post-conflict period is to give the time and political space needed to adequately address violations. Here this is not the case. And finally, public inquiries are only available to individuals who experienced egregious violations in particularly noteworthy cases. This is not a form of redress open to the general public.

The second post-conflict justice process in Northern Ireland is the Historical Enquiries Team (HET). The HET is a unit within the Police Service of Northern Ireland (PSNI) tasked with reinvestigating all deaths related to the conflict (occurring between 1969 and 1998). Established in September 2005, the HET reviews existing evidence and seeks new information which is then turned over to the family of the victims by way of a final report. Where necessary the HET has the authority to present information to the PSNI for new charges or arrests to be made in regards to these cases. PSNI calculates that there are 3,268 deaths attributable to the conflict arising from 2,546 separate incidents. Cases are taken in chronological order except when there is reason to address "humanitarian concerns" or linked cases. Work on cases began in January 2006. As of this writing approximately 1800 cases have been completed.

The HET was created to address the lack of information which many families had surrounding the death of loved ones. Often this information was either not revealed to the families during the original investigation or not collected by the police at the time the person was killed. According to their own mandate, the HET has two main objectives: first, to provide families with a report on the death of their loved one and where possible, to address their specific questions and concerns, and second, to conduct a professional reinvestigation of cases at "the current level of analysis and

professionalism".[83] The HET operates independently from PSNI and reports directly to the Chief Constable. The HET is funded, in large part, through the Northern Ireland Office (NIO). Thirty-four million pounds sterling (approximately $54.4 million) was made available to fund the project. The HET has received mixed reviews. Some hope that reinvestigations are a viable means towards the prosecution of perpetrators previously unidentified or not held accountable. Critics of the HET, however, have refused to participate in the process arguing that it is not possible to have the police themselves investigate potential police misdeeds.

Like the system of public inquiry, the HET is a direct product of the British conflict frame. Here violations are addressed through the existing police service and are treated as criminal offences. Situating the HET within the PSNI also suggests that the police themselves are not responsible for any of the deaths they are re-investigating. And finally, the HET focuses very specifically on people who were killed during the conflict excluding both individuals who experienced other types of violations as well as the broader historical questions surrounding the conflict.

Conclusion

In this chapter I have demonstrated the variety of violations that people experienced in Northern Ireland and the variation in perpetrators involved in that violence. The British conflict frame, however, ignores this variation. The British conflict frame emphasizes the lack of British army involvement in the violence of the conflict, the criminal nature of paramilitary activity and focuses specifically on people who were killed during the violence. This framing of events is manifested in the creation and

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[83] See http://www.psni.police.uk/historical-enquiries-team/het-our-role.htm Accessed on January 4, 2010.

implementation of post-conflict justice in Northern Ireland today. First, justice in the area has been ad hoc. The lack of a unified justice framework is indicative of the failure of the British government to address the root causes and subsequent legacies of the conflict. Second, current justice issues in Northern Ireland have been addressed through existing legal structures such as the public inquiries system and the police service. The failure to create a new and unique legal institution to address justice and legacy issues arising from the conflict is further evidence of the British government's denial of its involvement in and the historical roots of the violence.

The limited framing by the British government excludes those individuals who experienced systematic violations over time which were not a product of massive state abuse (to be included in a public inquiry) or which resulted in death (to be examined by the HET). Existing post-conflict justice in Northern Ireland is also biased against those individuals who do not feel comfortable seeking redress from the British government (i.e. those who were victims of British state violence). As I will examine in the following chapter, I argue that the exclusion of certain experiences from the government conflict frame will affect the degree to which people participate in national justice proceedings as well as the views that these individuals have towards justice in general.

Chapter 7:
Political Exclusion and Post-Conflict Justice: Participation in Rwanda and Northern Ireland

In Chapters 5 and 6, I explored the conflicts in Rwanda and Northern Ireland. In each of these chapters I developed the current understanding of the violence and how the RPF and British governments respectively have created a frame for each conflict. In addition to presenting the government constructed conflict frame, I also presented the range of possible conflict experiences within each society. In this way we are able to identify the experiences excluded from the government conflict frame, and subsequently the disjuncture between these experiences and the mandate of the post-conflict justice (PCJ) process.

Now I return to the question of the affect that this disjuncture between an individual's conflict experience and the mandate of the justice process will have on that individual's participation in the process and his/her views towards justice in general. In Chapter 3, I theorized that (H1) individuals whose experience is *included* in a national justice process will be more likely to accept the process and (H2) individuals whose experience is *excluded* will more likely to deny the process. Returning to the interview data collected in both Rwanda and Northern Ireland I test the plausibility of these hypothesis.

Before turning to an analysis of the individual level data by research location, I begin with a brief description of the data on the main variables of interest. While I will discuss this relationship further below, by conducting a basic cross tabulation on conflict experiences and justice participation I find that the relationship between the two is

statistically significant at p=.04 for a one-tailed test.[84] In order to conduct this analysis I

coded each respondent in both Rwanda and Northern Ireland as having either an

included conflict experience (as defined by the government conflict frame) or an

excluded experience. Once the respondents were grouped into these categories I coded a

dichotomous variable for justice participation (which is defined by country later in this

chapter). I have reservations about the usefulness of these frequencies because of the

sample size and because I have combined respondents across research location, however

I report the tabulation in Appendix 1.

In this chapter I look at participation in post-conflict justice in both Rwanda and

Northern Ireland and analyze patterns of participation across the Gacaca process and

post-conflict justice in Northern Ireland. I begin by outlining the excluded group created

by the government conflict frame in each country. Then I turn to individual participation

in post-conflict justice and views towards justice in each country and examine these

patterns across both included and excluded groups. I close this chapter with a discussion

of denial of post-conflict justice by excluded groups looking at the way in which levels

of "voice" in each country effects the choices available for individuals who wish to deny

or subvert the process in some way.

Participation in Gacaca

Following the Genocide and military victory by the RPF in 1994, Rwanda has

maintained a strong emphasis on the necessity for justice in the post-conflict period. Its

application, however, has been almost entirely in support of the RPF conflict frame.

Justice has focused on victims of genocide violence while systematically overlooking

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[84] Pearson Chi2(1)= 3.0626, p= .080

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individuals who experienced violations from other periods of violence namely the Civil War and post-1995 Abacengezi period. In this section I analysis the effects of this exclusion. I begin by defining the excluded group in Rwanda, created as a product of the RPF conflict frame, and then turn to an examination of participation in Gacaca and views of justice more generally.

Identifying the Excluded Group in Rwanda

As described in Chapter 5, the RPF government in Rwanda has constructed an exclusionary conflict frame that focuses solely on individuals who experienced violations as part of the 1994 Genocide. As elaborated in this same chapter, while the 1994 Genocide was a significant source of violations for individuals in Rwanda at the time, it was not the only source of violence. From my interviews in Rwanda I find that less than 50% of respondents received violations solely as a result of the Genocide. In addition to genocide violence people experienced violations as a result of civil war and Abacengezi violence, however, these experiences are not included in the RPF conflict frame.

The result of the government conflict frame is to create a group of individuals who experienced violence during the conflict but whose experiences have been systematically excluded from the broader narrative of the conflict and from subsequent justice processes designed to address the legacy of the conflict. While victims of civil war and Abacengezi violence are not included in the conflict frame, they experienced similar types and levels of violations to those individuals who experienced genocide violence. Despite experiencing high numbers of violations and similar types of

violations (e.g. assault and property destruction) to those individuals who were victims of genocide violence, this group is excluded from post-conflict justice in Rwanda. In Rwanda, the excluded group is explicitly made up of people who experienced violations as a result of the Civil War and/or violations from the Abacengezi violence. But what are the long-term effects of exclusion on this group? I turn to this below.

Variations in Participation in Gacaca

My theory of political exclusion from post-conflict justice, as presented in Chapter 3, led me to hypothesize that excluded groups (i.e., those whose experience of the conflict is not addressed by the justice process) would be less likely to participate in the relevant justice process. In the case of Rwanda, I examine participation in the Gacaca process. According to the predictions in Chapter 3, I would expect individuals who experienced genocide violations to be more likely to accept Gacaca and therefore more likely to participate in the process. Conversely, I would predict individuals who experienced civil war and Abacengezi violations to be more likely to deny the process Gacaca and therefore less likely to participate in it.

In order to test the relationship between people who experienced violence from different perpetrators and his/her resulting participation in the Gacaca process I first define participation. For the purpose of this dissertation, participation in Gacaca is defined behaviorally as attendance at Gacaca, testifying in a case and/or brining a case before the Gacaca courts. Attendance involves merely showing up for the process. Gacaca is a public proceeding and all community members are asked to attend. Testifying includes publicly providing information for a case that one experienced,

participated in, or witnessed. Here an individual either volunteers information or is called to present information before the courts. Bringing a case could either be presenting one's own case to the court or presenting a case of genocide violence witnessed or participated in by the respondent.

Remember that an individual need not have experienced genocide violations him or herself in order to participate in Gacaca. In fact, the functioning of Gacaca requires the cooperation of anyone who has information related to these crimes. Gacaca has weak investigative power, and therefore relies on community information for accurate judgments. Because of the widespread nature of the genocide violence, it is unlikely that anyone in the sample did not have some information to bring forward; what varies is people's willingness to do so.[85]

In order to determine participation in Gacaca, respondents were asked to answer yes or no for each activity (e.g. Did you attend Gacaca? Did you testify before Gacaca? etc.). Following the closed response questions, individuals were asked an open-ended question about why they chose to participate. I turn to an analysis of these responses below.

To begin with I conducted a basic test of my hypothesis that conflict experience in Rwanda (particularly experience with the Genocide) was related to Gacaca participation. While I have a relatively small number of observations (respondents) I found that the relationship between experiencing violence from the Genocide and

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[85] Because of the sensitive nature of this question, respondents were not directly asked if they were deliberately withholding information from Gacaca. Failure to provide information in a criminal investigation is a serious offense. For this reason I doubt that even if the question was asked individuals would have responded truthfully.

participating in Gacaca was statistically significant with p=.052 for a one-tailed test.[86] While due to the size of my sample I have reservations about the usefulness of the represented frequencies, I report the tabulation in Appendix 1. Next, I proceed with an in-depth, text-based analysis of the interviews.

When looking at individual acts of participation, there is virtually no variation in Gacaca attendance across the sample; almost every responded attended Gacaca. Only two people in the sample admitted to not attending Gacaca proceedings: one woman from Nyamagabe had only recently returned from Congo and another respondent was at school away from his village and did not have the (financial) means to return home for Gacaca proceedings. Upon reflection, this is hardly surprising as attendance at Gacaca is a requested community activity in a country with a history of active participation in community programs (Straus 2006).[87] While Gacaca is not officially mandatory, the request for attendance by the President arguably carries the weight of law.

While there was little variation in Gacaca attendance, the reasons for attending and other types of participation varied largely in line with my hypothesis regarding the perpetrators of the violence. Before turning to the two other measures for participation (testifying and bringing a case), I explore the reasons that people gave for attending Gacaca.

The reasons respondents gave for attending Gacaca suggest that the majority of individuals were self-motivated, concerned about their own goals and not the broader benefits of their participation for Rwandan society more generally. People participate in

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[86] Pearson Chi2(1)= 2. 6374, p= .104
[87] In addition to Gacaca, Rwandans are required to participate in umuganda, or national community service. Straus (2006) cites the history of umuganda as one of the common tenants of the 'Rwandans as followers' hypothesis suggesting that Rwandans are adherent to authority by nature.

Gacaca for four main reasons: (1) individuals felt required to participate; (2) individuals wanted to support the process through their participation; (3) individuals wanted to gather general information about the Genocide; and (4) individuals wanted to learn personally relevant information in regards to the crimes that they experienced.

The majority of respondents began by saying that attendance at Gacaca was required and that is why they chose to participate. One group of respondents made clear that they were attending the proceedings solely on the bequest of the state. This group consisted of nine respondents, four who had experienced genocide violations and five who had not.[88] Even when pressed as to their personal motivations, this group appeared to be participating in Gacaca only because it was required. For example:

MU- 7: "We were told to come and listen to what happened."

KA-9: "Because it was said 'today is for Gacaca, no other movement, no other work'."

Despite the perceived requirement to attend being the first response for most individuals, the majority of respondents had additional reasons for attending. The second category of responses suggested that individuals attended Gacaca as a way to support the process and reconciliation in the post-conflict period more generally. This group saw Gacaca as a tool for reconciliation and as part of the country's progress towards peace. This group was represented equally across people who experienced violations from the Genocide versus those who experienced violations from other perpetrators. Of the eight respondents who reported this motivation, four had experienced violations during the

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[88] In this analysis, people who experienced Civil War and Abacengezi violations are included together in a category for "non-Genocide violations".

Genocide and four had experienced violations during other periods of violence. Two examples of this response are:

> NY -1: "I thought it was one of the ways to reconcile the Rwandan people and I wanted to know how this reconciliation would happen."

> MU-10: "We were going to listen to the cases, to see the criminals and even the victims. It was said on the radio that they need us to contribute to reconciliation."

The third category of responses was those respondents who attended Gacaca to use the process as an information-gathering tool. The largest number of respondents referenced this category (27 respondents); 11 of these respondents were victims of genocide violence while 16 were victims of non-genocide violations. [89] These respondents were using Gacaca to learn about an event they deemed to be important for Rwandan political history namely the Genocide or in some instances to satisfy a sense of morbid curiosity. The two respondents below best summarize this reasoning.

> MU- 4: "I wanted to know what happened because I was young. I was curious to see a person who killed another one and to see how problems are being solved."

> MU-6: "I was going to listen to what happened, and to see those people who killed others."

Finally, there were those who attended Gacaca in order to gain personally relevant information. This group is almost exclusively made up of those who personally experienced crimes of genocide. In addition, this group is overly representative of those who experienced severe crimes such as the death of a parent or who were personally

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[89] Of note, the respondents who were genocide victims tended to be younger than the average respondent suggesting that these individuals were using Gacaca to help fill in events or experiences which they might have been too young to remember.

targeted. This group represented the smallest number of responses. Only five individuals cited gaining personal information as their reason for attending Gacaca. Three examples of this type of response are listed below.

> NY-8: "[I participated] because it was the only institution I could address concerning what happened to me in 1994. And I was sure that they were the ones to solve my problems."

> MU-5: "Those people who died at Mburabuturo, I wanted to know who killed them. Imagine, there was a baby of 6 months among the dead bodies!" (The respondent's father was also killed at Mburabuturo.)

> KA-5: "The reason why I decided to participate is because of what happened during the Genocide. Gacaca was established to solve all those problems and I was among all those people who had such problems."

The variation in reasons for participation demonstrates a division in rationale between people who experienced crimes of genocide and those who did not. Individuals who experienced genocide violations were more likely to use the Gacaca process to gain personally relevant information while non-genocide victims were slightly more likely to attend Gacaca to gain general information or because it was required. While there is little variation across actual Gacaca attendance the motivations for this attendance help us to understand the rationale behind this behavior. For the purpose of this dissertation, however, it is worth noting that only eight out of 40 respondents attended Gacaca to support the process or to further justice. The majority of this participation, particularly by non-genocide victims was for information gathering (i.e. personal goals). The motivations for participation are presented across respondents who experienced genocide versus non-genocide violations in Figure 23.

Figure 23. Reasons for Gacaca Attendance, by Perpetrator Type
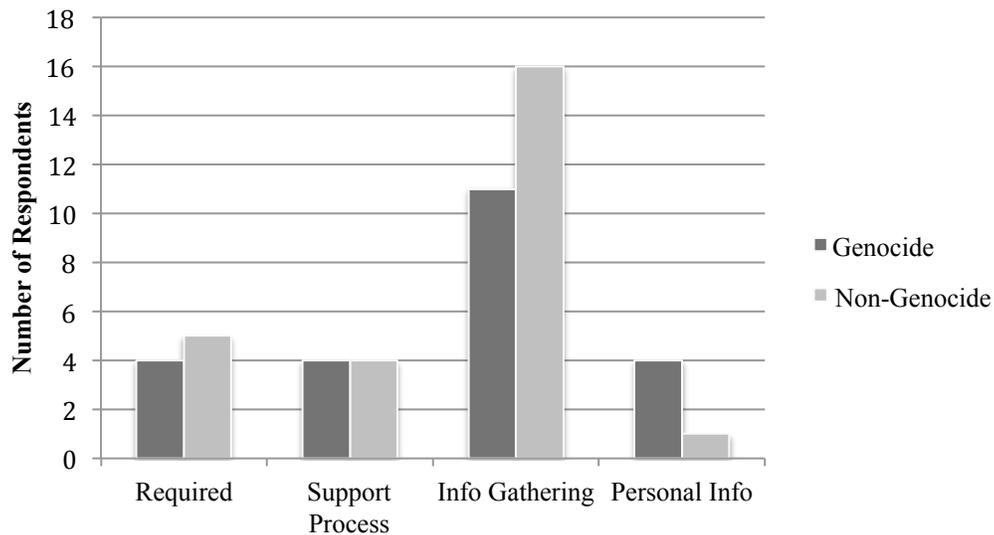
In addition to physically attending Gacaca there are two other methods of participation that I included in my questionnaire. Respondents were questioned about whether or not they testified or were called to testify at Gacaca and whether or not they brought a case before Gacaca. Of the sample, only 14 (34%) individuals testified before Gacaca and only 8 (20%) individuals brought a case. Nine of the individuals who testified before Gacaca were victims of genocide violations while the remaining five were not. When questioned about their participation, of these five non-genocide victims three said that they testified after being called to do so but they did not voluntarily testify. The remaining two non-genocide victims who testified did so in a case that they had personally brought forward.

Rwandans who bring a case to Gacaca are required to testify in that case. Of the total number of people who testified (14 respondents), eight respondents testified in a case they brought forward themselves. This means that there were only six respondents who testified, but did not bring their own case. Three of these respondents were non-

genocide victims. This suggests that people who experienced genocide violations were more likely to testify than people who experienced violations from other perpetrators.

This pattern holds for bringing a case before Gacaca as well. Those respondents who brought cases before Gacaca were disproportionately victims of crimes of genocide. Six of those respondents who brought a case before Gacaca were victims of genocide crimes while the other two respondents were victims of non-genocide violence. Figure 24 presents the total number of respondents who participated in Gacaca separated by perpetrator type. Figure 25 presents the same information with the total percentages of each type of participation by perpetrator type.

Figure 24. Respondent Participation in Gacaca, by Perpetrator Type
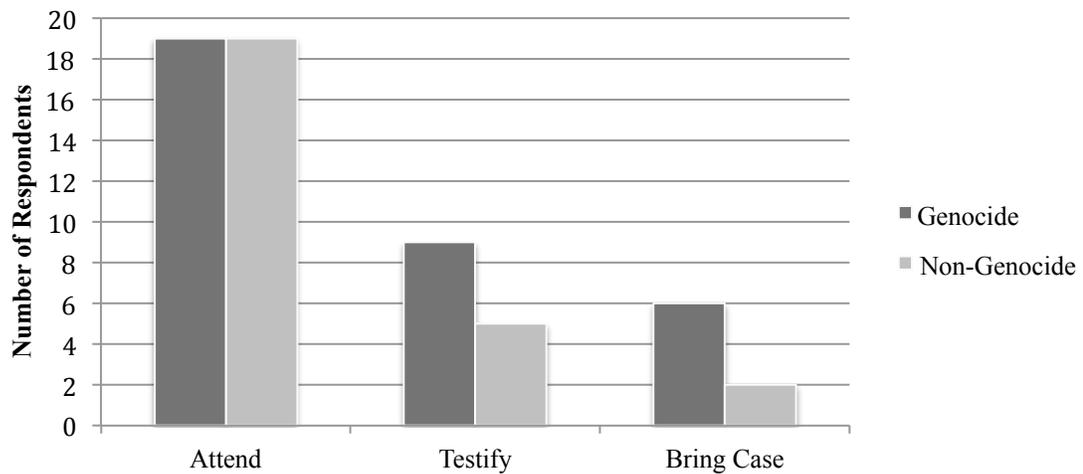
Figure 25. Percengage of Gacaca Participation, by Perpetrator Type
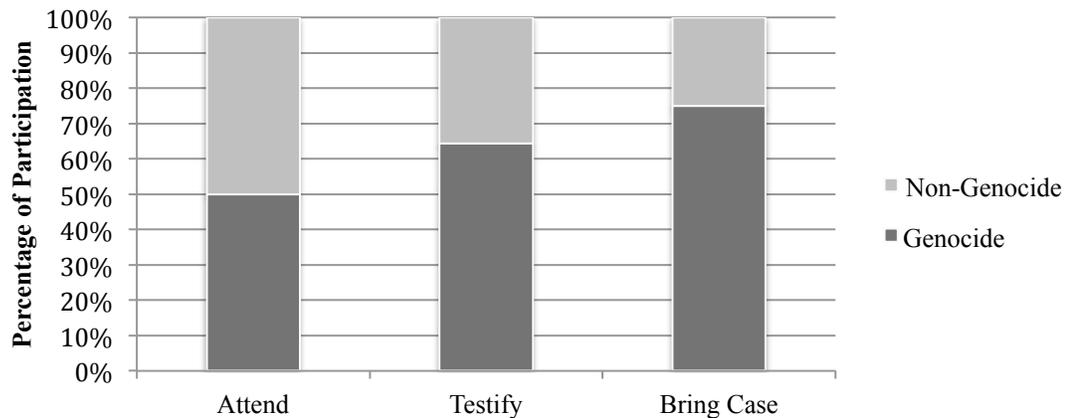
As predicted in Chapter 3, individuals who did not experience crimes of genocide had lower levels of participation in Gacaca than individuals who experienced genocide violations. Respondents who experienced non-genocide violations were less likely to accept and subsequently participate in Gacaca in general. These respondents expressed that they had nothing to say and that they were aware that Gacaca courts were not a place to discuss their violations. The respondent quoted below was a victim of violations from the Civil War and knew that Gacaca was not the place to address his grievances.

> RU-6: "[I did not put my case before Gacaca because] I consider [what happened to me to be] the violence of the general conflict, but it is not related to Genocide and Gacaca is trying the Genocide cases. Let's say, for example, your brother has been killed at Jali (a hill close to the capital city), you can even see his body, but it was just in the general conflict like that. Who do you have to accuse? Except if you accuse maybe the state [respondent laughs]."

One woman from Nyamagabe who did not experience crimes of genocide believed it was inappropriate to address her problems in front of genocide survivors.

NY-5: "Do you think that we can talk about this! No! There are people who suffered a lot more than me. So there is no reason that I should talk about [my experiences]. Take for example, those who got HIV from the Genocide, they are suffering a lot. So you see that for me, I should not talk about my suffering in front of those people."

Both of these respondents expressed knowledge of their exclusion from the Gacaca process based on the types of conflict experiences that they had.

Above, I identified different patterns of participation in Gacaca based on variation in the perpetrator of violations that people experienced. From the responses for participation and non-participation we can see that individuals who experienced genocide violations were more likely to attend Gacaca and participate in the process to address those grievances. Individuals who did not experience genocide violence were more likely to attend Gacaca as an information gathering tool or because they were required to and expressed a knowledge of exclusion from the Gacaca process. This group was also less likely to testify or bring a case to Gacaca.

The findings from these interviews generally support the hypothesis that people whose conflict experience is excluded from the national justice process are less likely to participate in the justice process in general. In addition to the individual effects of exclusion, limited participation by non-genocide victims threatens to compromise the ability of Gacaca to successful identify and prosecute all cases of genocide violence as well as contribute to social reconciliation. While these findings are not conclusive, they suggest that there are measurable behavioral differences between those individuals whose conflict experience is included in the justice process (i.e. those who experienced genocide violations) and those individuals whose experience is excluded (i.e. those who experienced non-genocide violations).

Below, I explore the views of justice in general to emerge from each group in order to explore the potential long-term effects that this exclusion might have.

Views of Justice in Rwanda

People's views of justice in Rwanda vary by conflict experience. Here individuals were asked: "Given what has happened in Rwanda, what do you feel justice would be?". This was an open-ended question that allowed individuals to speak on the current justice situation in Rwanda as well as the individual's views on justice and whether or not he/she believed justice could be done or was being done in Rwanda (presumably through Gacaca). Even more so than questions of Gacaca participation these responses broke down by conflict experience (specifically perpetrator type). The responses to this question lend additional support to my hypothesis. Those respondents who experienced genocide violence were more likely to believe that justice in Rwanda was possible and that it was being achieved through Gacaca and the Rwandan justice system. Like the respondents quoted below, this group had clear strategies for achieving justice and its desired objectives. They believed that the Rwandan government was capable of achieving justice through existing legal mechanisms. For example, the two respondents below discuss achieving justice through the Gacaca courts:

> NY-1: "If all cases are tried and finished with transparency, without corruption and likes (preferential treatment), I think justice can achieve its objective."

> NY-6: "What I think should be done for justice is to follow all the cases and judge and finish them all in the right way. To make the situation clear."

Respondents who experienced civil war violence tended to suggest that a separate justice institution should be created to deal with their specific crimes (RU-6). This group of respondents acknowledged that their violations were not currently being addressed through Gacaca, but believed that justice could be possible through any alternative post-conflict justice mechanism. Like the respondent quoted below, this group acknowledged that they had not suffered crimes that could be tried in Gacaca, but also did not express lasting resentment towards their exclusion or towards the RPF government. Here it is important to note that this group was often unable to identify their perpetrators and suggested that the types of violations they experienced were the order of the day in times of war making these respondents less likely to benefit directly from information potentially revealed in a justice process:

> RU-5 "If it doesn't pass through Gacaca, you just have to let it go like that. Because you don't know who killed your family member, so what would you say in front of the judges."

Those respondents who had experienced violations as a result of the Abacengezi violence, however, had a more severe reaction to their exclusion. While this group also tended to suggest that an additional institution should be created to investigate violations experienced during non-genocide periods of violence, there was a greater understanding of the unwillingness of the government to address their particular violations. Individuals who experienced Abacengezi violence expressed open resentment for being excluded from the Gacaca process and acknowledged that while their violations were similar to those who experienced genocide violence, their experiences were being ignored. Three examples of this perspective are:

MU-9: "There should be justice for both sides, 1994 (referring to the Genocide) and even those who died after (referring to the Abacengezi period). To know how people have been killed, even at the beginning of the war, and show how things happened. It should go like that, from that time (meaning the beginning of the Civil War, 1990)."

KA-2: "According to me the justice should try to compare [cases of violence after the Genocide] to the Genocide cases to see if there is any relationship, if there is a link they should try them in Gacaca, if there is not a link then the justice should also follow the cases (in another institution) because all human beings have red blood."

KA-3: "[The violence of] 1997! No one is giving it value. They say it is because we didn't listen."

While everyone experienced the violence in Rwanda differently, definite patterns emerge when people are questioned about their participation in the Gacaca process and their thoughts about justice in Rwanda. Of particular interest are respondents who did not suffer genocide violence, but rather suffered violations during the Civil War or during the Abacengezi period. While interested in pursuing justice for their personal cases, those who suffered violence during the Civil War were more likely to see that violence as part of the broader conflict and not necessarily attributable to any one person therefore not specifically in need of justice. People who suffered violence during the Abacengezi period, however, often knew the identity of their perpetrator or saw this violence as outside of the "normal" course of conflict. This group of people argued that the government was ignoring their particular justice needs and felt excluded from existing justice processes. This group was subsequently less likely to participate in Gacaca giving support to the hypothesis that people who are excluded from the national justice process are less likely to accept the process.

As hypothesized, the interviews conducted in Rwanda suggest that people who experienced genocide violence participated in Gacaca through testifying and bringing

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cases more than people who did not experience this type of crime. Victims of other sources of violence, particularly violence during the Abacengezi period, are more likely to express feelings of exclusion from the Gacaca process and doubt about justice in Rwanda more generally. These findings give support to the hypotheses outlined in Chapter 3.

Below, I turn to the case of Northern Ireland to further explore these patterns.

Participation in Post-Conflict Justice in Northern Ireland

As described in Chapter 6, post-conflict justice in Northern Ireland has been a disjointed process. Following the Good Friday Agreement in 1998, the British government has implemented a number of public inquiries into major events during the conflict as well as created the Historical Enquiries Team within the Police Service of Northern Ireland to address criminal issues arising from individual deaths. As outline in the preceding chapter, however, these mechanisms for justice are directly linked to the British conflict frame. The focus of both public inquiries and the HET prevents a broader discussion about low-level violations and historical injustice in Northern Ireland as well as relegating the violence of the conflict to preexisting legal institutions.

Below, I contrast the British conflict frame with the range of possible violations in Northern Ireland to outline the groups that are excluded from post-conflict justice. Then I turn to an analysis of the variation in participation in post-conflict justice in Northern Ireland by conflict experience, and between included and excluded groups. I close this section with an evaluation of views of justice contrasted by conflict experience as well as inclusion in and exclusion from the conflict frame.

Identifying the Excluded Group in Northern Ireland

To briefly review, the British conflict frame focuses exclusively on people who were killed during the conflict, particularly those killed by paramilitary organizations. This frame supports the role that the British army and security forces played during the conflict and relegates the activities of the paramilitaries, particularly the IRA to the realm of criminal activity. Through this focus the frame strategically ignores a discussion of British and security force culpability in violations during the conflict.

From the conflict frame, the British government has created a strategic and exclusive mandate for post-conflict justice. Because of the narrow concentration of the British conflict frame, the excluded group is quite large. Unlike in Rwanda where all conflict experiences are included in the frame (i.e., all types of violations), in Northern Ireland post-conflict justice is limited to a focus on those individuals who were killed as a result of the conflict. This emphasis excludes individuals who suffered lower level violations such as assault, property violations or economic discrimination. Post-conflict justice in Northern Ireland also focuses on paramilitary activity over security force violations. While we know from human rights organizations as well as my own interview data that individuals experienced violations from the army and police, the British conflict frame ignores these experiences or considers them to be extraordinary when they do occur.

When security force violations are investigated, they are investigated as examples of extreme circumstances, generally through public inquiries and as a result of public demand and international pressure. This handling suggests that security forces committed violations only in extreme circumstances. Post-conflict justice in Northern

Ireland assumes this relationship; it is not empirically examined. Therefore in Northern Ireland the excluded group consists of any individual who experienced a violation that was not related to a death (e.g. home search, property violation or physically assault) or any one who was a victim of or targeted by the security forces.

Below, I examine the ways in which this exclusion affects participation in post-conflict justice in Northern Ireland as well as views of justice more generally.

Variations in Participation in Northern Ireland

Testing participation in post-conflict justice in Northern Ireland is made difficult by the lack of justice options available for aggrieved individuals. While in Rwanda *all* individuals are asked to participate in the Gacaca process, in Northern Ireland the opportunities for people to participate in post-conflict justice are limited to the included group. As discussed in Chapter 6, the limited number of justice options available to people in Northern Ireland is a direct product of the British conflict frame. For this reason, discussions of justice participation are already biased towards the included experiences since members of the excluded group do not have the opportunity to bring their own cases forward.

Today existing post-conflict justice options in Northern Ireland, namely the system of public inquiries and the Historical Enquiries Team, are available for individuals who experienced egregious violations or for those who suffered the death of a member of their family. Public inquiries focus exclusively on extraordinary public events while the HET is investigating people who were killed. People who did not experience these types of violations have no current redress or justice options under the

existing PCJ system in Northern Ireland. The current system precludes a justice process for individuals who experienced lower-level violations. The system also makes it much more likely that individuals who were violated by the state will receive no justice at all. If an individual did not address their violation at the time that it occurred through the police or national court system they are ineligible for redress following the conflict. [90]

As mentioned above, the limitations of existing post-conflict justice in Northern Ireland makes it difficult to measure participation (i.e., if excluded individuals are not permitted to participate in the first place, then measuring participation is no longer an active measure of their acceptance or denial of the process). For this reason, I evaluate participation differently in Northern Ireland than I do in Rwanda. First I look at patterns of participation in three types of justice: (1) the HET; (2) Public Inquiries; and (3) the National Courts. This analysis is used to demonstrate the exclusive nature of post-conflict justice in Northern Ireland.

I include participation in the national courts to determine if people are using non-PCJ mechanisms of justice as a substitute for PCJ. Unlike Rwanda, there was a semi-functioning legal system at work in Northern Ireland throughout the conflict. People who experienced a violation had the opportunity to address their grievances at the time that the violation occurred. However, it was much more likely for individuals who experienced either a death or a violation by the paramilitaries to report these violations-reinforcing the British conflict frame. Individuals who experienced a death in their family were more likely to report that violation because of the extreme nature of the

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[90] People who were violated by the State had other, non-state options for addressing these violations. For example the Associates for Legal Justice, a west Belfast-based human rights organization, collected over 7,000 statements of low-level, mostly state violations over the course of the conflict. These statements were used in book writing projects as well as international human rights appeals (Davenport et al. 2010).

crime. In addition, individuals who experienced violations which were not related directly to state violence (i.e., were related to paramilitary violence) would also have been more likely to report that violence to the state. It stands to reason that individuals who experienced low-level violations and violations from the British state would have been less likely to use existing justice mechanisms during the conflict.

As in Rwanda, I begin by defining participation behaviorally. In Northern Ireland participation could include testifying or presenting information before a public inquiry or testifying or presenting information before the HET. I also asked a question about providing information to the Consultative Group on the Past and participation (testifying) in a national court case. In order to determine patterns of participation I ask individuals a closed answer yes or no question (e.g. did you participate in the HET?). As I expected, participation in both public inquiries and the HET was limited because of the restricted nature of post-conflict justice in Northern Ireland.

Similarly to the analysis in Rwanda, I begin with a test of my hypothesis that experiencing conflict events included in the British conflict frame (namely paramilitary violence and/or the death of a family member) is related to participation in justice in Northern Ireland. Due to the small number of observations, I find the relationship to be slightly significant with p=.08 for a one-tailed test.[91] I report the tabulation in Appendix 1. Next, I turn to a more in-depth analysis of the data.

From the 40 respondents interviewed, five individuals participated in the HET and four individuals participated in a public inquiry. In addition to these post-conflict justice options, twelve respondents participated in a national court proceeding during the

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[91] Pearson Chi2(1)= 1.9730, p= .160

conflict. Individuals who participated in these processes have conflict experiences similar to those predicted above. I discuss the patterns of this participation further below.

First, the relationship between the number of violations individuals experienced and their participation in a justice process is relatively inconclusive. As demonstrated in Figure 26, people who experienced a larger quantity of violations were more likely to participate in national court proceedings, but this does not apply for post-conflict justice (e.g. public inquiries and the HET). These relationships are difficult to determine because of the small number of respondents who participated in post-conflict justice. Participation in PCJ is roughly evenly distributed across the total number of violations for each individual. This suggests that the number of violations an individual experienced is not a significant predictor of their involvement in post-conflict justice.

Figure 26. Participation in PCJ in Northern Ireland, by Number of Violations
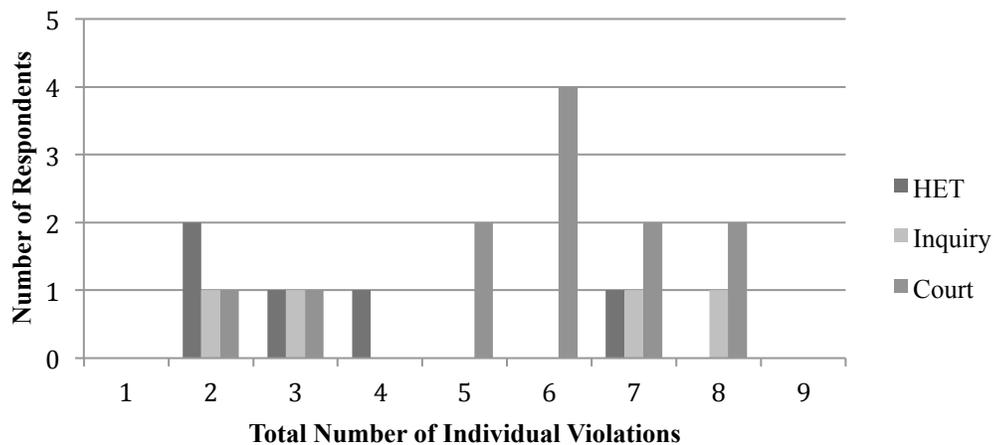
This pattern changes, however, when we look at the characteristics of individual conflict experiences included in the British conflict frame, namely the death of a family member and perpetrator type. Four of the five people who participated in the HET experienced the death of a family member as well as three of the four people who

participated in a pubic inquiry. This suggests that post-conflict justice is more widely available to and more utilized by individuals whose conflict experiences are included in the British conflict frame. This pattern is less applicable for participation in the national courts where roughly equal numbers of people participated who had and had not lost a member of their family. Patterns of national court participation seem to be more closely linked to the number of violations that people experienced, but also the perpetrator of those violations as I discuss further below. In Figure 27, we can see that individuals who had a conflict experience that is included in the conflict frame make up a greater proportion of those who participate in post-conflict justice than those who have excluded experiences.

Figure 27. Participation in PCJ in Northern Ireland, by Conflict Experience
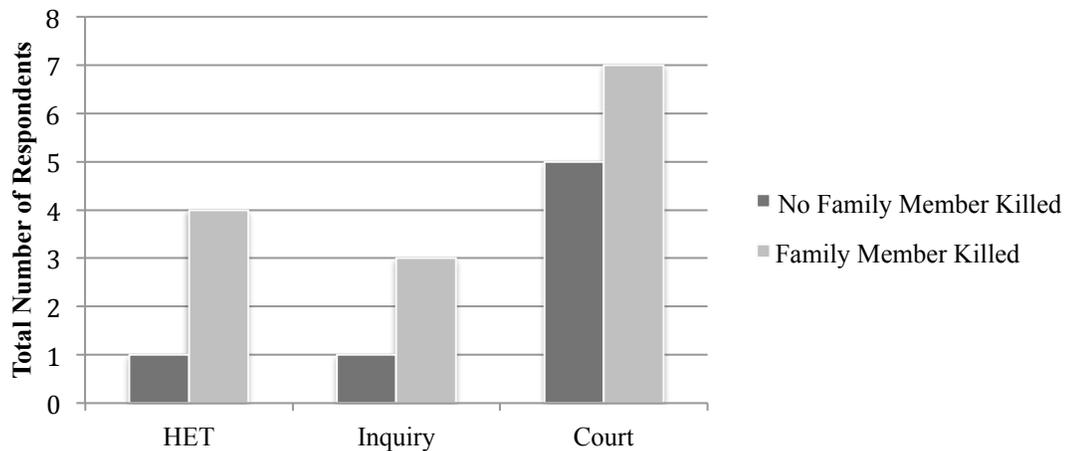
In addition to behavior based on the types of violations (e.g. death of a family member), patterns of participation based on perpetrator type firmly illustrate the affects of the British conflict frame on justice in Northern Ireland. Participation in justice processes is made up almost entirely of people who experience violations as a result of

paramilitary organizations. Only one person who experienced violations by security forces participated in a justice process and this respondent participated in a national court proceeding, not a post-conflict justice process. Some individuals who experienced violations from both types of perpetrators participated in a public inquiry and national court proceedings as shown in Figure 28. In this graph, I have also included information on participation in the Consultative Group on the Past to further illustrate the point that post-conflict justice is focusing exclusively on certain conflict experiences.

Figure 28. Participation in PCJ in Northern Ireland, by Perpetrator Type
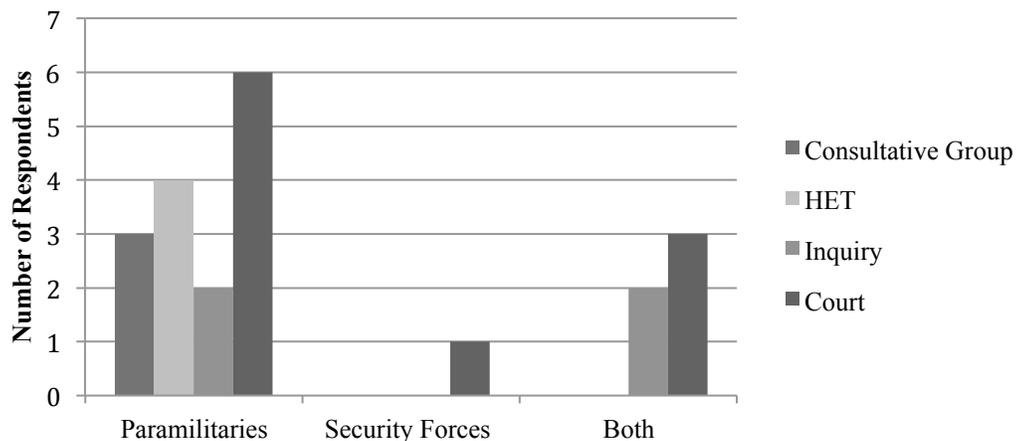
While the limited focus of post-conflict justice in Northern Ireland makes it difficult to use participation as a measure of acceptance or denial of the process, patterns of participation across conflict experience demonstrate the effectiveness of exclusion from justice in Northern Ireland. While there is no significant difference between the number of individual violations people received and justice participation, the majority of participation in post-conflict justice is by individuals who experienced the death of a

family member and who were violated by a paramilitary organization, as dictated by the British conflict frame.

Below, I turn to an overview of the views of justice across both included and excluded groups.

Views of Justice in Northern Ireland

In light of the failure of a dynamic post-conflict justice process in Northern Ireland, I turn to the question of how people view justice in the area more broadly. Because participation in post-conflict justice in Northern Ireland is generally limited to individuals who experienced the death of a family member, individual views on justice become increasingly important for understanding the differences between included and excluded groups and their interaction with the justice process. While patterns of participation in existing post-conflict justice processes in Northern Ireland suggest a sharp contrast between people whose conflict experiences are included in the conflict frame and those whose experiences are not, views of justice suggest that many people, across conflict experience are still deeply dissatisfied with the justice options available today. Based on the predictions in Chapter 3, I would expect people who have included experiences (i.e., death of a family member and violations by paramilitary organizations) to be more likely to accept state-controlled justice processes such as the national courts and the existing legal system. I would predict people whose conflict experience is excluded from post-conflict justice to be more likely to support non-state forms of justice such as information gathering campaigns.

As in Rwanda, in order to determine views of justice respondents in Northern Ireland were asked the open-ended question: "Given what happened in Northern Ireland, what do you feel justice would be?" This was an open-ended question, so respondents were not given any prompts as to the type of justice that I was interested in. Most interestingly for this project, no one across the entire sample, regardless of conflict experience said that they believed that justice had been achieved in Northern Ireland instead individuals presented a range of areas where justice could be applied and current programs could be strengthened.

Individual responses to the question of justice in Northern Ireland can be grouped into five categories: (1) the need for acknowledgement and truth; (2) justice as punishment (generally through the rule-of-law); (3) greater respect for human rights and rule-of-law in general; (4) alternative political solutions; or (5) justice as unattainable given the current political climate. I discuss each of these five responses below and look at the way that inclusion and exclusion from the British conflict frame influences these attitudes.

First, some respondents argued that justice in Northern Ireland required acknowledgement and truth. This group argued that people should take responsibility for their actions or "own up" to the crimes that they committed. Individuals expressed this view in regards to paramilitary members, the British government or perpetrators in general. This was the most popular response and occurred across all victim categories regardless of types of violations or perpetrators. Some examples of this view of justice are listed below.

A-1: "I think justice for me… would just be people admitting their past and their roles and that would be it. … It would just be a matter of 'yeah it was me'."

A-9: "The truth has to be [there] for us all to move on and we can't do it without it."

SAC- 10: "To me, justice is probably the facts, truth."

A-10: "There will be justice when [the British] give inquiries to the Hamills and the Finucanes and when they come clean on shoot to kill. You can talk about justice then!"

The second response concerned punishment. This group of respondents argued that justice could be achieved in Northern Ireland through harsher and more consistent punishment of perpetrators. This request was framed through a stronger reliance on the rule-of-law and generally called for harsher prison sentences. In some cases respondents even called for the death penalty (SAP-10). People who discussed punishment generally discussed the early prison release for people who got out of jail as part of the Good Friday Agreement and gave this release as a reason why justice had not been accomplished. This response is best exemplified by the quotes below:

UA-1: "I feel that justice would be getting the perpetrators that committed the crimes behind bars, and giving them good hefty sentences… you know the way you hear in American that someone got 100 years and all. Well, I wish they would bring that here."

SAP-5: "People who perpetrated these atrocities should be brought to account."

SAP- 7: "For me personally, it would be [for] the man or men who murdered my father [to] serve a jail term. A life for a life."

The third category of responses called for a greater respect for human rights and the rule-of-law in general. Here, respondents frequently cited justice as equality or the lack of discrimination in society. Some respondents said that justice would be achieved

through education, social services and equal access to health care or by creating systems to ensure that the violence does not resume. The following are three respondents who typify this response:

A-2: "I suppose that [if] everyone is treated with respect regardless of their religion… and there is no discrimination and it is equal jobs, equal housing, education."

A-5: "Justice would be for everyone to be equal."

UA-7: "Justice would be lets get our act together, stop the cutbacks around hospitals, around schools and education, around housing… at the end of the day people here have suffered so much, they deserve a break."

The next category of responses is individuals who offered alternative political solutions as a means for obtaining justice in Northern Ireland. This group tended to suggest radical political solutions such as returning to a united Ireland or having people who did not want to live under British rule "move house" to the Republic of Ireland. This was the smallest group of responses including only three individuals. Two of the responses are listed below:

SAC-8: "British rule out of Ireland."

SAP-6: "Justice would be plain and simple. We are a small island… those who do not want to live under British rule should simply move house."

The final group of responses was those individuals who felt that there was no possibility for justice in Northern Ireland give the current political situation. This group was likely to cite the failures of the Good Friday Agreement, particularly the power sharing provisions as a reason why justice would not be possible. This group either thought that achieving justice would upset the peace agreement or that the Good Friday Agreement had made unjust compromises that could not be remedied. Ten respondents

thought that there was no possibility of justice in Northern Ireland, the same number of respondents who called for accountability. Examples of this response are:

UA-4: "I don't think you can have justice when you have a government that is half filled with perpetrators of the violence."

UA-6: "There is no trust in courts or police, so there wasn't, on both sides... I don't think there is any justice in Northern Ireland, I don't think there ever will get."

SAC-9: "I don't think the Irish nation could extract enough out of Britain to be adequately compensated."

In order to understand the effect that exclusion from the conflict frame has on views of justice, I look at the difference across justice responses between individuals who lost a family member and those who did not and individuals who experienced violations by the security forces and those who did not.

The largest difference between those who experienced the death of a family member (the included experience) and those who did not (the excluded experience) was the difference between those who saw justice as human rights and those who favored stronger punishment. Consistent with the tenants of the British conflict frame, people who experienced the death of a family member saw this as a criminal act which should be punished and therefore saw a stronger need for punishment as a means of achieving justice. People who did not experience the death of a family member were more likely to suggest stronger human rights and equality as a means of achieving justice. As predicted, individuals whose conflict experience was included in the British conflict frame were more likely to support rule-of-law (albeit much harsher laws) than those whose experience was excluded. Individuals with an excluded experience favored rule-of-law, but only when combined with a call for greater respect for human rights and

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equality. Interestingly, accountability was supported equally by those who experienced the death of a family member and those who did not suggesting that the need for information and acknowledgement is the same across all groups. Figure 29 displays views of justice presented by conflict experience.

Figure 29. Views of Justice in Northern Ireland, by Conflict Experience
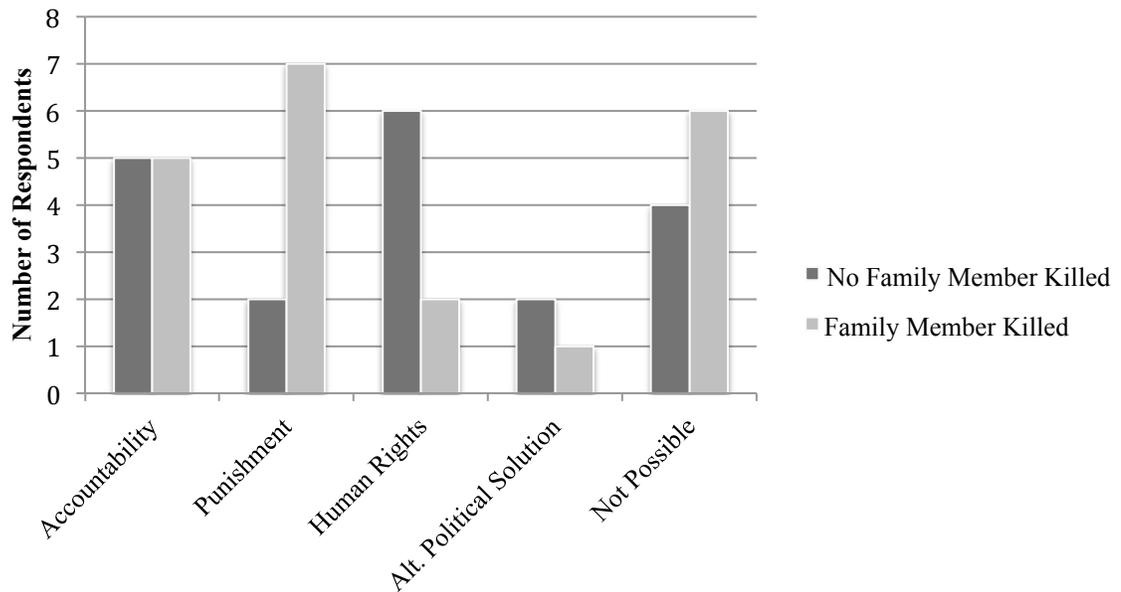
In addition to people who lost a member of their family during the conflict, I separated the justice responses across individuals who were violated by paramilitary organizations (the include experience) compared with those who received violations from the security forces (the excluded experience) or both the paramilitaries and security forces. Here the views of justice appear to be roughly equal across perpetrator type. The perpetrator of an individual's violations does not appear to be an adequate predictor of their views towards justice. Figure 30 displays view of justice by perpetrator type.

Figure 30. Views of Justice in Northern Ireland, by Perpetrator Type
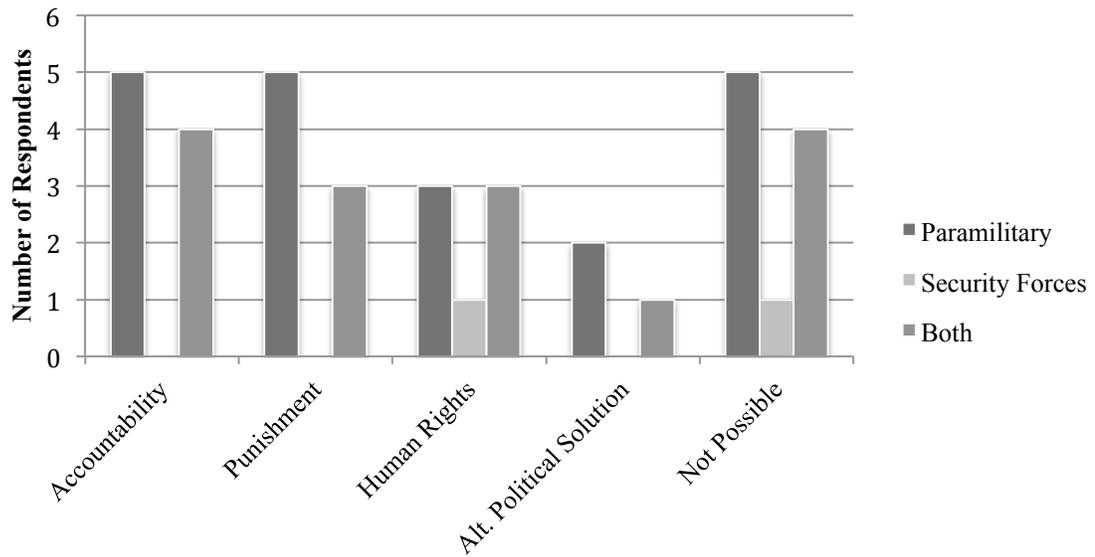
In this section I have demonstrated the differences in patterns of participation in post-conflict justice between individuals whose conflict experience is included in the mandate of the justice process and those whose experience is excluded. The findings in Northern Ireland suggest that the British conflict frame is successfully able to restrict excluded experiences from participation in post-conflict justice. In addition to measures of participation, I found that the types of violations people experienced (i.e., the death of a family member) influenced their views of justice. As in Rwanda, these findings lend support to the theorized relationship between exclusion and participation in post-conflict justice.

While I have demonstrated the plausibility of the relationship between exclusion and participation, below I turn to a look at possible options for denial available to individuals in Rwanda and Northern Ireland who are excluded from the existing justice process in both countries.

Denying Justice in Rwanda and Northern Ireland

Above I identified the ways in which exclusion from the conflict frame and subsequently the post-conflict justice processes in Rwanda and Northern Ireland have influenced people's participation in and views of these processes. I found evidence to suggest that individuals who were excluded from the conflict frame were less likely to accept the post-conflict justice process. In my theory on exclusion from post-conflict justice, I argue that excluded individuals will be more likely to deny the process in some way. While I found evidence of resentment among victims of Abacengezi violence in Rwanda, I have yet to make the case for subversion. I turn to this now.

In this section I explore the ways in which excluded individuals have chosen to deny the process in both Rwanda and Northern Ireland. As I argue in the theory in Chapter 3, people's ability to deny the justice process and the options available for them to do so are highly contingent on the political structure within which they operate. I hypothesize that individuals who deny PCJ in an open society will be more likely to use public forms of resistance such as refusing to participate in the process or the creation of parallel processes (H3). I also predicted that in closed societies individuals would be more likely to use private forms of denial such as foot-dragging and reduced levels of participation (H4).

While opposition to the conflict frame is a product of an individual's ability to "veto" the government and that policy, denial of the post-conflict justice process is a product of the level of "voice" that an individual has within his/her society. As introduced in Chapter 3, voice is the degree to which the government is made accountable to its citizens (Davenport 2007). For the purposes of this project voice is a

measure of the political space available for individuals to challenge an exclusionary justice policy. Examples of voice include levels of access to independent media, regulations regarding civic organizing, independent human rights organizations etc. Below I look at patterns of denial in both Rwanda and Northern Ireland.

Exclusion and Denial of Gacaca

In the current political climate, opportunities for voice in Rwanda are limited. In part the RPF government has used the strong conflict frame as a justification for reducing political space and opportunities for denial and subversion within Rwandan society. The RPF government justifies these actions on the basis of national security; however, these restrictions have the effect of limiting political mobilization around issues of post-conflict justice. Above, I established that individuals whose experience with conflict is excluded from the Gacaca process are less likely to participate in the process and also express more negative views towards justice in Rwanda on a whole. I would therefore predict that this group would be more likely to attempt to deny the Gacaca process in some politically meaningful way. While victims of Civil War and Abacengezi violence participate in Gacaca in lower numbers, this excluded group has failed to mobilize. While I have argued that excluded individuals are more likely to attempt to deny the justice process, this has not been possible in Rwanda because of the restrictions on voice. In Rwanda, I find support for my hypothesis that deniers in a closed society will be more likely to use everyday forms of resistance.

Political organization in Rwanda is limited to those groups who mobilize around the existing government conflict frame. In Rwanda, the largest and most powerful victim

group, IBUKA, is focused on the experiences of genocide survivors. IBUKA does not provide social or monetary assistance to individuals who experienced other types of violations. At the same time this group is a political lobbying organization that campaigns for the rights of genocide survivors. While IBUKA is a dynamic and powerful organization, there is no similar organization for individuals who had other experiences with the conflict (e.g. violations as a result of the Civil War or Abacengezi violence). In addition to the lack of victim organizations, there has been no measurable call for justice for victims of Civil War or Abacengezi violence from political parties, human rights organizations or national media outlets. Again, this is a product of the reduced political space that exists in Rwanda not a general satisfaction with the exclusionary post-conflict justice process. Faced with a lack of voice, excluded individuals in Rwanda are restricted to private acts of denial and subversion.

I attribute the lack of measurable denial in Rwanda to the limitations of voice in Rwandan society. Denial of the Gacaca process by the excluded group has been entirely confined to everyday acts of resistance such as voicing resentment and a failure to dynamically participate in the justice process itself. Much like limitations to veto prevents the current Rwandan government from being responsive to potential challenges to an exclusionary conflict frame; limits on voice prevent overt challenges to an exclusionary justice process. While excluded individuals express resentment towards Gacaca they are not able to mobilize in any politically meaningful way.

Denial takes a different form in Northern Ireland. As I predicted in Chapter 3 the (semi) democratic system in Northern Ireland allows for higher levels of voice and subsequently there is a greater opportunity for civil participation and organizing. Higher levels of voice permit more public forms of challenge against the exclusionary justice package. Instead of expressing resentment through foot dragging and lack of participation in existing justice processes, individuals in Northern Ireland have a greater range of political activities available to subvert the British conflict frame.

When asked about participation in public inquiries and the HET, respondents in Northern Ireland were also asked an open ended question about any other types of justice processes which they participated in. Here respondents listed book-writing projects, memorialization events such as the creation of a memorial garden as well as testimony and filming projects. Respondents frequently discussed the community-level information gathering necessary for these projects. For example, the Ardoyne Commemoration Project conducted over 300 interviews in the Ardoyne area and published a 500-page book recording the lives and deaths of the 99 people killed from the area. In the absence of state or government information projects individual organizations were able to address outstanding justice needs within excluded communities. Here, individuals and communities are able to use parallel justice processes to circumvent the lack of existing post-conflict justice.

Higher levels of voice within Northern Ireland make these individual-level projects possible. As I hypothesized, the open society in Northern Ireland allows for more public displays of denial from excluded individuals. Instead of private displays of

resistance individuals in Northern Ireland are able to more openly challenge the British conflict frame. In the absence of post-conflict justice for excluded experiences, individuals are able to create parallel justice processes addressing needs of accountability and information.

Conclusion

In this chapter I presented an overview of participation in post-conflict justice across groups who are included and excluded from the conflict frame and subsequently the mandate of the post-conflict justice process. In Chapter 3 I hypothesized that individuals who were included in the mandate of the post-conflict justice process would be more likely to accept the process and those that were excluded from the process would be more likely to deny the effort. In this chapter I presented evidence of the influence of inclusion and exclusion on PCJ participation and subsequent views towards justice in both Rwanda and Northern Ireland.

In Rwanda, there was a meaningful difference in participation between those individuals who experienced genocide violations and those who experienced violations from other sources. Despite the call for all people to participate in Gacaca, those who experienced violations outside of the Rwandan government conflict frame were less likely to participate in Gacaca and more likely to express resentment towards the process and concerning justice in general. Participation in Northern Ireland was more difficult to measure because of the absence of post-conflict justice options available for people who experienced violations outside of the British conflict frame. Here, people who did not experience the death of a family member or violence from paramilitary groups have little

or no access to post-conflict justice. The British government's focus on egregious acts of violence limits the ability for people to receive justice for daily, lower-level violations or violence from security forces and the British State. In both Rwanda and Northern Ireland I found evidence that being excluded from the government conflict frame has an effect on how people participate or interact with the post-conflict justice process and their views of justice in the country more generally.

In addition to these findings about individual participation and exclusion, evidence of denial suggests that political structure matters. In Chapter 3 I hypothesize that in open societies individuals will be more likely to use public forms of denial while in closed societies denial is more likely to be private. Higher levels of voice in Northern Ireland gave excluded individuals opportunities for subversion through parallel "justice" processes such as book writing projects and memorialization. While the result in Northern Ireland is a highly contested political space with open challenges to the British conflict frame, excluded groups in Northern Ireland are able to gain some measure of justice through non-state processes. In Rwanda, however, these options are not available to people who experienced violence outside of the government conflict frame. Low levels of voice in Rwandan society prevent mobilization and broader information campaigns around issues of exclusion, perhaps explaining the expressions of resentment from the excluded group.

Chapter 8:
Conclusions

After the termination of a conflict, a government begins to rebuild. In this same period, the government may choose to implement a justice institution to address the legacies of human rights violations and abuse that people in the country suffered. We currently understand these justice institutions as altruistic, designed to further human rights and democracy within the country, but as I have demonstrated, this need not be the case. Post-conflict justice institutions are strategic institutions with political goals, subject to manipulation and subversion from both the government and the individuals that the institutions are purported to assist. In this dissertation I presented a theory for political exclusion from post-conflict justice that helps to make sense of the actors and motivations behind these institutions. I argue that political exclusion within post-conflict justice is both more prevalent and potentially more harmful than the current literature suggests.

In this chapter, I conclude with a review of my dissertation and the main empirical findings. I argue that my theory of exclusion from post-conflict justice and findings are generalizable beyond the two cases that I use in this dissertation: Rwanda and Northern Ireland. I then turn to a final discussion of the importance of the study for post-conflict justice and post-conflict institutions more generally. I conclude this chapter, and my dissertation, with some closing thoughts.

Review of the Dissertation and Findings

In the introduction of this dissertation, I set out to answer two research questions: (1) what accounts for the disjuncture between individual conflict experiences and those experiences addressed in the national justice process; and (2) what affect does this disjuncture have on future participation in post conflict justice and views of justice in general?

To answer this first question, I develop a generalizable theory of the presence and effects of exclusion from post-conflict justice. I demonstrate that this disjuncture between individual experiences and the justice process arises when the government chooses to frame the conflict in a way that excludes an individual's experiences. Conflicts are a complicated series of events and while it may not be possible for a conflict frame to capture all the experiences of all people across the course of the conflict, some governments construct deliberately exclusive conflict frames which seek to further political goals not justice goals. The construction of the conflict frame is a strategic choice on the part of the government that leads directly to the selection and implementation of a justice process which mirrors the exclusionary policies of that conflict frame.

Through the cases of Rwanda and Northern Ireland I demonstrate the plausibility of this theory. I find evidence of a strategically constructed government conflict frame in both countries and suggest that this frame was politically motivated to exclude certain conflict experiences (and subsequently certain groups). Both the RPF government in Rwanda and the British government in Northern Ireland have political incentives to construct exclusionary conflict frames that focused on specific events and types of

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violations. In Rwanda, the RPF government has focused the conflict frame exclusively on events and violations surrounding the 1994 Genocide. This conflict frame excludes violations and experiences from other periods of violence such as the Abacengezi period and the 1990 Civil War and has systematically overlooked potential violations on the part of the RPF itself. In Northern Ireland, the British government has focused its conflict frame on violations that occurred at the hands of paramilitary organizations. Here the British conflict frame strategically ignores violations committed by the British army, police or other branches of the security forces. The British conflict frame also focuses on egregious violations during the conflict, specifically people who were killed. These frames have been constructed to support the political goals of both the RPF and the British government, namely political consolidation. By carefully scripting what is and is not considered an event of the conflict each government is able to alienate political opposition and strengthen its own position in the post-conflict period.

In both Rwanda and Northern Ireland, I find evidence that the justice process in each country was created to reinforce the conflict frame. The Gacaca process in Rwanda and the ad hoc justice processes in Northern Ireland uphold to the limited mandate put forth by the government conflict frame. It follows from here that the same group of individuals who are excluded from the government conflict frame are also excluded from justice processes created to adhere to that frame. Instead of providing acknowledgement and accountability, post-conflict justice in these countries further engrains feelings of alienation and exclusion.

In the final section of my dissertation I turn to the second research question: the effect of this exclusion on participation and views of justice. To answer this question I

used individual-level interviews in both countries to understand people's experience with the conflict and their subsequent interaction with the justice process. Through establishing an individual's conflict experience, I determine whether their experience was included or excluded from the government's conflict frame. I find evidence to support my hypotheses that individuals who are excluded from the conflict frame and justice process will be less likely to support the process than those individuals whose experience is included. If the creation of the conflict frame is strategic for the state, then individual interactions with that frame and justice process are an equally strategic response by the individual. I find further evidence that the form that this interaction takes is a product of the political space in each country, making denial of the process look differently in Rwanda to denial in Northern Ireland. Despite this difference the motivations for these actions are the same.

In both countries, individuals who are excluded from the justice process fail to accept the process as given. Exclusion from post-conflict justice decreases participation for excluded groups. In Rwanda, people who experienced violations as a result of the Civil War or Abacengezi violence are less likely to participate in the community justice process, Gacaca. This group is more likely to foot-drag, not participating and failing to bring forth information that could be potentially relevant for the process. Excluded individuals in Rwanda also expressed resentment towards the justice process and were less likely to think that justice in Rwanda was possible at all. In Northern Ireland, excluded individuals are not able to participate in state justice processes (namely public inquiries and the HET). Unlike in Rwanda, the British conflict frame restricts post-conflict justice to specific violations, namely criminal offenses and those individuals

who were killed. Subsequently, excluded individuals in Northern Ireland have subverted existing processes by creating parallel justice processes on the community level as a way of extending justice to a broader group of people and overcoming exclusion. Excluded individuals in Northern Ireland are less likely to view justice as heavier punishments or the rule-of-law and more likely to call for acknowledgement and accountability as a means of addressing past violations.

I find evidence of these mechanisms across Rwanda and Northern Ireland. Below, I turn to the generalizability of these findings outside of the two cases.

Generalizability of the Findings

This dissertation uses individual level interview data from eighty people in two countries. These data were designed to be neither definitive nor are they meant to conclusively demonstrate the generalizability of these findings, rather this investigation was designed to be a probability probe into the general theory of this dissertation. We have very little existing theory about the government framing of conflict events, exclusion from post-conflict justice and individual level participation in justice institutions. This dissertation was designed, therefore, to present new theory and test the plausibility of these hypotheses in two cases.

The findings in Rwanda and Northern Ireland demonstrate the plausibility of my theory in two distinct cases. I argue, however, that the findings reviewed above are generalizable beyond Rwanda and Northern Ireland. While both Rwanda and Northern Ireland represent unique experiences of conflict in many ways, the findings from both these countries are generalizable beyond this context.

So how do these mechanisms transfer across case? I contend that a post-conflict government will always have an incentive to frame the events of a conflict in a way that is politically beneficial to that government. Governments are concerned about maintaining power and will subsequently seek to portray the events of the conflict in a beneficial political light. What varies across case, however, is the ability of the government to do so. In a similar vein, individuals will always have a strategic reaction to exclusion. Individuals will weigh their political options and act accordingly. Again, what varies across case is the ability of individuals to act on this reaction. As I demonstrated in both Rwanda and Northern Ireland, the political space within a state is going to be an important indicator of an individual's ability to respond to exclusion in the way that he or she may choose.

My theory of political exclusion applies specifically to governments in the post-conflict period. While governments may have similar political motivations at other points in time, the post-conflict environment offers a unique opportunity for both conflict framing and the creation of institutions. This theory also applies specifically to the creation of new institutions or sub-institutions in the post-conflict period. Depending on the severity of the conflict, rewriting existing legal or judicial code presents additional challenges to the government not theorized here. And finally, this theory applies specifically to individuals who have been violated or aggrieved in some way. If violence was not particularly widespread in a given conflict then the government may have greater success in creating an exclusionary policy without opposition. This theory only predicts the behavior of those who would have motivation to seek justice and therefore potentially choose to deny the justice process.

Despite the generalizability of these findings, a number of factors could potentially influence the predicted outcomes. Though not explicitly examined in my dissertation, I would expect state structure, the aggregated nature of the conflict itself and the level of international involvement to affect the process theories I share here.

State structure influences the construction of the conflict frame through the political payoffs which result from exclusion as well as the individual opportunities available for denial. I observe that veto and voice in Rwanda and Northern Ireland are powerful indicators of the types of denial or alternative justice processes that are available to individuals who have been excluded from the conflict frame. This suggests that institutional and government structure will be an important indicator for understanding how individuals will participate in or potentially subvert an exclusive process. The degree to which the government is held accountable to its citizens also determines the level of inclusion and exclusion that the government is permitted to include in the conflict frame.

The nature of the conflict itself is another potential source of variation. Rwanda and Northern Ireland are both examples of severe conflicts: Rwanda involving a large number of deaths and the conflict in Northern Ireland taking place over an extended period of time. The type of conflict (e.g. ethnic, territorial etc.), duration and severity will all impact the political structure in the post-conflict period influencing how the conflict frame is constructed, resources available following the conflict and ultimately the structure of the post-conflict justice process.

Finally, I argue that the international community has an important role to play. The level of international involvement in a given country will help to determine the

ability that a state has to create an exclusionary conflict frame. International attention to a country in the post-conflict period will influence the events included in the government conflict frame. The funding that governments receive for post-conflict justice and other forms of foreign aid will also be important in understanding the influence of the international community. When there are high levels of foreign aid or other types of support for post-conflict justice, countries and organizations will be more likely to actively monitor the processes increasing the likelihood of a more inclusive mandate. The presence of international media is an additional component of international involvement. International media is less subject to the power of the domestic government and can influence the ability of the government to construct and enforce exclusionary conflict frames and subsequent justice policy.

Despite potential for variation in this process, I argue that the mechanisms in each country for creating an exclusionary conflict frame function in the same ways, and individuals react in similar ways. But why are these findings important? I turn to this below.

The Importance of Understanding Exclusion and Participation

As I argued in the introduction of my dissertation, the investigation and understanding of post-conflict justice is important for three reasons. First, with the growing prevalence and international support for post-conflict justice and democratization institutions in general, it stands to reason that we should want to know how these institutions function. In recent years the reliance on PCJ institutions in the post-conflict period has grown (Lutz and Sikkink 2004; Binningsbø et al. 2010; Olsen et

al. 2010). In support of the creation of post-conflict justice institutions, both domestic and international organizations espouse goals of human rights, the rule-of-law and democratization yet we have done very little in the way of empirically testing the effectiveness of post-conflict institutions in achieving these goals.

In this dissertation, I demonstrate that variation in government goals and individual participation in PCJ can have potentially negative affects on the overall success of the institution. Gacaca, for example, isn't working as effectively as it could be. In this case, even if we are only interested in the justice outcomes for people who experienced genocide crimes, we should be concerned that Gacaca would have higher participation and subsequently more information if it was a more inclusive process or if a parallel institution existed for those individuals who experienced other violations.

In addition, if individuals fail to accept or attempt to subvert the process because of exclusion, PCJ will be less likely to accomplish its goals in the country on a whole. If the goal of post-conflict justice is to bring human rights, the rule-of-law and democracy to countries in the post-conflict period, then political exclusion and lack of participation can potentially undermine these goals. Gutmann and Thompson (2000) make the argument that transitional justice, particularly truth commissions, gives individuals an opportunity to learn democratic principles of civic engagement. Surely political exclusion from these processes teaches citizens the opposite. Political exclusion from post-conflict justice in Northern Ireland, for example, is strengthening overall distrust for the state. Instead of teaching civic responsibility and lessons about equal participation and democracy, exclusion from justice in Northern Ireland is reinforcing existing ideas of discrimination and majority rule. Furthermore, in addition to reduced

levels of participation in post-conflict institutions specifically, I would also expect excluded individuals to be less engaged in other civic activities, such as voting.

Second, the study of post-conflict justice can tell us more about post-conflict institutions in general. In addition to the arguments in the dissertation being generalizable beyond Rwanda and Northern Ireland, I argue that the main findings of this project are generalizable beyond post-conflict justice. Understanding how individuals interact with justice institutions gives us greater leverage for understanding: (1) how the state asserts control through post-conflict institutions; (2) what affects how post-conflict institutions are implemented on the local level; and (3) what effect political exclusion has on the functioning of the institution on a whole.

The international community has no mechanisms in place to observe or monitor government manipulation of post-conflict institutions, such as post-conflict justice. The widespread assumption in both the policy community and the academic literature has been that post-conflict justice is implemented based on an altruistic impulse on the part of the government. We have no mechanisms in place to counter government framing of conflict events or the potential political exclusion in regards to justice. This further calls into question the motivations behind other post-conflict institutions. If post-conflict justice institutions can be created and implemented for political gain then it stands to reason that this pattern could apply to all post-conflict institutions such as demobilization and reintegration programs, elections and election monitoring, human rights legislation etc.

Finally, the investigation of post-conflict justice provides a unique angle from which to examine the post-conflict state and the ways that people interact with and

challenge that state. In most literature on institutions there is the assumption of uniform participation across the population, but when do people willingly participate and when do they challenge the state. In my dissertation I explored the ways in which people can behaviorally "act out" their acceptance or denial of a given process and examine the institutional structures which affect the opportunities available to individuals, namely veto and voice. Through demonstrating variation in participation, I challenge the assumption that once implemented individuals uniformly and willingly participate in state institutions. Subsequently this variation could undermine the functioning of the institutions themselves.

Closing Thoughts

I began this dissertation with a discussion of two women in Rwanda, Yvette and Geraldine, and sought to understand why justice in Rwanda seemed to benefit one and not the other, why Yvette was pleased and Geraldine was dejected and why one would later choose to participate and the other reject the process outright. In many ways this dissertation raised more questions than it answered. How does the government solidify a conflict frame? When is the frame most successful in this strategic pursuit? What mechanisms do individuals have to challenge exclusion from the government? When will individuals be successful?

And I have not come much closer to understanding the cases themselves. Will the RPF be successful in consolidating its focus on genocide crimes? What are the long-term effects of resentment among victims of potential RPF crimes? Will the British

government ever find it politically advantageous to turn over information about its potential involvement in the conflict?

In closing, and instead of attempting to answer all these questions definitively, I would propose to use the findings of this dissertation as a call to critical consciousness. I effectively demonstrate that government manipulation of post-conflict institutions is both possible and effective. Through the successful framing of conflict events, a government is able to reduce the scope and mandate of justice in the post-conflict period and limit the involvement of excluded groups. I challenge scholars and policy makers alike to be critical of our understanding of conflict. Recent work has problematized the neutrality of the media when reporting contentious politics (Davenport 2010), but this should also apply to the government's interpretation of these same events. Conflicts are a complicated and contentious series of events. Any attempt to suggest otherwise should be challenged. Simplification should suggest exclusion.

In addition, I have demonstrated that post-conflict institutions are not politically neutral. Rather, these institutions are strategic tools that can be used by the government to further political goals. It should not surprise us that governments work to increase political consolidation and stay in power. These same motivations apply to institutional creation in the post-conflict period. No institutions should ever be considered all "good", much like no institutions should ever be considered all "bad".

Appendix 1. Cross Tabulations for Main Variables of Interest

Appendix Table 1. Cross Tabulation of Conflict Frame and PCJ Participation, Rwanda and Northern Ireland			
	Did Not Participate in PCJ	*Participated in PCJ*	*Total*
Experienced Conflict Frame Violations Only	30 (52.63%)	17 (73.91%)	47 (58.75%)
Other Conflict Experience	27 (47.37%)	6 (26.09%)	33 (41.25%)
Total	57 (100%)	23 (100%)	80 (100%)
Pearson chi2 (1)- 3.0626 p= .08 (.04 one-tailed test)			

Appendix Table 2. Cross Tabulation of Conflict Frame and PCJ Participation, Rwanda			
	Did Not Participate in PCJ	*Participated in PCJ*	*Total*
Experienced Genocide Violations Only	8 (30.7%)	8 (57.14%)	16 (40%)
Other Conflict Experience	18 (69.23%)	6 (42.86%)	24 (60%)
Total	26 (100%)	14 (100%)	40 (100%)
Pearson chi2 (1)- 2.637 p= .104 (.052 one-tailed test)			

Appendix Table 3. Cross Tabulation of Conflict Frame and PCJ Participation, Northern Ireland			
	Did Not Participate in PCJ	*Participated in PCJ*	*Total*
Experienced Conflict Frame Violations Only	20 (64.52%)	8 (88.89%)	28 (70%)
Other Conflict Experience	11 (35.48%)	1 (11.1%)	12 (30%)
Total	31 (100%)	9 (100%)	40 (100%)
Pearson chi2 (1)- 1.9730 p= .16 (.08 one-tailed test)			

Bibliography

Reva Adler, Cyanne Loyle and Judith Globerman, "A Calamity in the Neighborhood: Women's Participation in the Rwanda Genocide," *Genocide Studies and Prevention* 2 no. 3 (2007).

Reva Adler, Cyanne Loyle, Judith Globerman and E. Larson, "Transforming Men Into Killers: Attitudes leading to hands-on violence during the 1994 Rwandan genocide," *Global Public Health: An International Journal for Research, Policy and Practice* 3 no. 3 (2008): 291-307.

African Rights, *Rwanda: Death, Despair and Defiance*. (London, UK: African Rights, 1995).

Benjamin Appel and Cyanne E. Loyle, "Investing in the Truth: Economic Incentives for Post-Conflict Justice," (paper presented at the annual meeting for the International Studies Association, New Orleans, Louisiana, 2010).

Ardoyne Commemoration Project, *Ardoyne: The Untold Truth* (Dublin, Ireland: Colour Books Ltd, 2002).

Paige Arthur, "How 'Transitions' Reshaped Human Rights: A Conceptual History of Transitional Justice," *Human Rights Quarterly* 31 (2009):321-367.

David Backer, 2009. "Cross-National Comparative Analysis" in *Assessing the Impact of Transitional Justice: Challenges for Empirical Research* ed. Hugo van der Merwe, Audrey R. Chapman, & Victoria Baxter (Washington, DC: USIP Press, 2009).

Gary J. Bass, *Stay the Hand of Vengeance: The Politics of War Crimes Tribunals* (Princeton, NJ: Princeton University Press, 2002).

BBC Online. "Timeline of Dissident Republican Activity," accessed on Aug. 25, 2010, http://www.bbc.co.uk/news/uk-northern-ireland-10866072.

Christine Bell, "Dealing with the Past in Northern Ireland" *Fordham International Law Journal* 26 (2002-2003): 1095-1147.

Christine Bell, "Transitional Justice, Interdisciplinarity and the State of the 'Field' or 'Non-Field'" *International Journal of Transitional Justice* 3 (2009):5-27.

Helga Malmin Binningsbø, Jon Elster, Scott Gates and Cyanne E. Loyle, "Armed Conflict and Post-Conflict Justice, 1946-2006: A Dataset" (Working Paper, 2010)

Alex Boraine, "Truth and Reconciliation Commission in South Africa Amnesty" in *Retribution and Reparation in the Transition to Democracy*, ed. Jon Elster (New York: Cambridge University Press, 2006).

Eric Brahm, "Patterns of Truth: Examining Truth Commission Impact in Cross-National Context," (presented at the annual meeting of the International Studies Association Meeting March 2005).

Bruce Bueno de Mesquita, *The Logic of Political Survival*. (Cambridge, MA: MIT Press, 2003).

Douglass Cassel, Susie Kemp, Piers Pigou and Stephen Sawyer, *Report of the Independent International Panel on Alleged Collusion in Cross Border Sectarian Killings in Ireland* (Center for Civil and Human Rights, Notre Dame: IN, 2006).

"Country at the Crossroads, 2007" Freedom House, accessed Jan. 1, 2011, http://www.freedomhouse.org/template.cfm?page=140&edition=8&ccrpage=37&ccrcountry=167.

David A. Crocker. "Civil Society and Transitional Justice" in *Civil Society, Democracy, and Civic Renewal* Robert K. Fullinwider ed. (Lanham, MD: Rowman & Littlefield Publishers, 1999).

David A. Crocker "Truth Commissions, Transitional Justice, and Civil Society" in *Truth v. Justice* Rotberg, Robert I. et al ed. (Princeton: Princeton University Press, 2000).

John Darby, *Scorpions in a Bottle: Conflicting cultures in Northern Ireland* (London: Minority Rights Publications, 1997).

Christian Davenport, *State Repression and the Domestic Democratic Peace* (New York, NY: Cambridge University Press, 2007).

Christian Davenport, and Alan Stam, "Rwandan Political Violence in Space and Time" (Working Paper and Dataset, 2009).

Christian Davenport, Cyanne E. Loyle and Christopher Sullivan, "Northern Ireland Research Initiative" (Working Paper, 2010).

Jon Elster, *Closing the Books: Transitional Justice in Historical Perspective*. (New York, NY: Cambridge University Press, 2004).

R. M. Entman, *Projections of power: Framing news, public opinion, and US foreign policy*. (Chicago, IL: University of Chicago Press, 2004).

Lee Ann Fujii, *Killing Neighbors: Webs of Violence in Rwanda*. (Cornell, NY: Cornell University Press, 2009).

James L. Gibson *Overcoming Apartheid: Can Truth Reconcile a Divided Nation?* (New York: Russell Sage Foundation, 2004).

Amy Gutmann and Dennis Thompson, "The Moral Foundations of Truth Commissions". in *Truth v. Justice: The Morality of Truth Commissions,* Robert I. Rotberg and Dennis Thompson ed. (Princeton: Princeton University Press 2000).

Brandon Hamber, *Transforming Societies after Political Violence: Truth, Reconciliation, and Mental Health*, (Springer: New York, 2009).

Priscilla B. Hayner, *Unspeakable Truths: Facing the Challenge of Truth Commissions*. (New York: Routledge, 2011).

Angela Hegarty, "The Government of Memory: Public Inquires and the Limits of Justice in Northern Ireland" *Fordham International Law Journal* 26 (2002):1148-1192.

Human Rights Watch & FIDH, *'Leave None to Tell the Story': Genocide in Rwanda*, (New York, NY: Human Rights Watch/Paris, Fédération Internationale des ligues des Droits de l'Homme [International Federation of Human Rights], 1999).

Samuel Huntington, Samuel. *The Third Wave: Democratization in the Late Twentieth Century* (London: University of Oklahoma Press, 1991).

International Crisis Group, "Rwandan Hutu Rebels in the Congo; A New Approach to Disarmament and Reintegration," *ICG Africa Report No.63*, 23 (May 2003).

Stathis Kalyvas, *The Logic of Violence in Civil Wars* (New York, NY: Cambridge University Press, 2006).

Marek M. Kaminski and Monika Nalepa, "Judging Transitional Justice: A New Criterion for Evaluating Truth Revelation Procedures" *Journal of Conflict Resolution*, 50 no. 3 (2006): 383-408.

Tony Karbo and Martha Mutisi, "Psychological Aspects of Post-Conflict Reconstruction: Transforming Mindsets, The Case of Gacaca in Rwanda" (paper prepared for the Ad Hoc Expert Group Meeting on Lessons Learned in Post-Conflict State Capacity: Reconstructing Governance and Public Administration Capacities in Post-Conflict Societies, Accra, Ghana. Oct. 2-4 2008).

Kelly Kimenyi, "More Heroes Honored" *New Times* July 5, 2007.

Neil J. Kritz, *Transitional Justice: How Emerging Democracies Reckon with Former Regimes* (Washington DC: United States Institute of Peace, 1995).

Anupma Kulkarni, David Backer and Harvey Weinstein, "Trauma and Efficacy: The Impact of Transitional Justice Interventions on Post-Conflict Development Processes in West Africa" (paper presented at the annual meeting of the *International Studies Association*. New York, NY. February 17, 2009).

Bethany Lacina and Nils Petter Gleditsch, "Monitoring Trends in Global Combat: A New Dataset of Battle Deaths", *European Journal of Population* 21 no. 2–3 (2005): 145–166.

Tove Grete Lie, Helga Malmin Binningsbø and Scott Gates, "Post-Conflict Justice and Sustainable Peace" (paper presented at DC Area Workshop on Contentious Politics, College Park, MD 2007).

Elizabeth Lira, "The Reparations Policy for Human Rights Violations in Chile" in *The Handbook of Reparations* Pablo De Greiff ed., (New York, NY: Oxford University Press, 2006), 55-101.

Cyanne E. Loyle and Christian Davenport, "Transitional Injustice: Rwanda, Overcoming Violence and the Dark-Side of Post Conflict Societies." *(Working Paper 2009)*.

Patricia Lundy, "Participation, Truth and Partiality: Participatory Action Research, Community-based Truth-telling and Post-conflict Transition in Northern Ireland" *Sociology* 40 no. 1 (2006): 71-88.

Patricia Lundy and Mark McGovern 2006, "A Truth Commission for Northern Ireland?" Northern Ireland Social and Political Archive: Research Update 46.

Patricia Lundy and Mark McGovern, "Attitudes towards a Truth Commission for Northern Ireland in Relation to Party Political Affiliation," *Irish Political Studies* 22 (2007): 321-338.

Ellen Lutz and Kathryn Sikkink, "The Justice Cascade: The Evolution and Impact of Foreign Human Rights Trials in Latin America", *Chicago Journal of International Law* 2 no. 1 (2001):1-34.

Mahmood Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda*. (Princeton University: Princeton University Press, 2002).

Anthony Marx, *Making Race and Nation: A Comparison of the United States, South Africa and Brazil* (New York: NY, Cambridge University Press, 1998).

G. McCracken, *The Long Interview* (Newbury Park, CA: SAGE Publications, 1998).

John McGarry and Brendan O'Leary, *Explaining Northern Ireland: Broken Images* (Blackwell Publishers: Oxford, UK, 1995).

David McKittrick, Seamus Kelters, Brian Feeney, and Chris Thornton, *Lost Lives: The stories of the men, women and children who died as a result of the Northern Ireland Troubles* (Edinburgh: Mainstream Publishing, 1999).

David McKittrick and David McVea, *Making Sense of the Troubles* (Belfast: Blackstaff Press, 2000).

Martha Minow, *Between vengeance and forgiveness: Facing history after genocide and mass violence* (Boston, MA: Beacon Press, 1998).

Constance F. Morrill, "Reconciliation and the Gacaca: The Perceptions and Peace-Building Potential of Rwandan Youth Detainees." *Online Journal of Peace and Conflict Resolution* 6 no. 1 (2004): 1-66.

Fridah W. Mugo, "Sampling in Research," accessed Nov. 10, 2010, http://www.socialresearchmethods.net/tutorial/Mugo/tutorial.htm.

Orla Muldoon, Katharina Schmid, Ciara Downes, John Kremer and Karen Trew, "The Legacy of the Troubles: Experience of the Troubles, Mental Health and Social Attitudes" (Prepared for the Cross-Boarder Consortium under the EU Peace II Programme, 2004).

Raymond Murray, *Hard Times: Armagh Gaol 1971-1986* (Dublin, Ireland: Mercier Press, 1998).

Republic of Rwanda, Independent Committee of experts charged with investigation into the crash on 06/04/1994 of Falcon 50 Aeroplane, registration number 9XR-NN, *Report of the investigation into the causes and circumstances of and responsibility for the attack of 06/04/1994 against the Falcon 50 Rwandan Presidential Aeroplane, Registration number 9XR-NN* (Kigali, Rwanda, April 20 2009).

Monika Nalepa, *Skeletons in the Closet: Transitional Justice in Post-Communist Europe* (New York, NY: Cambridge University Press, 2010).

Thomas E. Nelson and Zoe M. Oxley, "Issue Framing Effects on Belief Importance and Opinion" *The Journal of Politics* 61 no. 4 (Nov., 1999): 1040-1067.

T.E. Nelson, A Clawson and Z.M. Oxley, "Toward a psychology of framing effects". *Political Behaviour*, 19 no. 3(1997):221-246.

Elizabeth Neuffer, *The Key to My Neighbor's House: Seeking Justice in Bosnia and Rwanda* (New York: Picador, 2002).

Guillermo O'Donnell and Philippe C. Schmitter. "Tentative Conclusions about Uncertain Democracies" in *Transitions from Authoritarian Rule: Prospects for Democracy*. Guillermo O'Donnell, Philippe C. Schmitter and Laurence Whitehead ed. (Baltimore: Johns Hopkins University Press, 1986).

Tricia Olsen, Leigh A. Payne and Andrew G. Reiter, *Transitional Justice in Balance: Comparing Processes, Weighing Efficacy* (Washington, DC: United States Institute of Peace Press, 2010).

Barbara Oomen, "Donor-Driven Justice and Its Discontents: The Case of Rwanda" *Development and Change* 36 no. 5 (2005): 887-910.

Diane Orentlicher, "Settling Accounts: The Duty to Prosecute Human Rights Violations of a Prior Regime" *Yale Law Journal* 100 (1991): 2537-2615.

Benjamin I. Page and Robert Y. Shapiro, *The Rational Public* (Chicago: Univ. of Chicago Press, 1992)

Roland Paris, *At War's End: Building Peace After Civil Conflict* (New York, NY: Cambridge University Press, 2004).

Pat Finucane Center, "Setting the Truth Free" Press Statement Released June 25, 2010.

P.N. Pham, Harvey Weinstein and Timothy Longman, "Trauma and PTSD symptoms in Rwanda: implications for attitudes toward justice and reconciliation" *Journal of the American Medical Association* 292 (2004): 602-612.

Gérard Prunier, *The Rwanda Crisis: History of a Genocide* (New York, NY: Columbia University Press, 1995).

Filip Reyntjens, "Rwanda, Ten Years On: From Genocide to Dictatorship" *African Affairs* 103 no. 411 (2004): 177–210.

Filip Reyntjens, *The Great African War: Congo and Regional Geopolitics, 1996-2006* (Cambridge University Press: Cambridge, MA, 2009).

Filip Reyntjens, "A Fake Inquiry into a Major Event" IOB Working Paper / 2010.07 (prepared for the Institute of Development Policy and Management, University of Antwerp).

"Rwanda Abolishes Death Penalty," Amnesty International, accessed January 1, 2011, http://www.amnesty.org/en/news-and-updates/good-news/rwanda-abolishes-death-penalty-20070802.

James C. Scott, *Weapons of the Weak: Everyday Forms of Peasant Resistance* (New Haven, CT: Yale University Press, 1985).

Katherine Sikkink and Carrie Booth Walling, "Argentina's Contribution to Global Trends in Transitional Justice" in *Transitional Justice in the Twenty-First Century*, Naomi Roht-Arriaza & Javier Mariezcurrena eds. (New York, NY: Cambridge University Press 2006).

Kirk Simpson, "Voices Silenced, Voices Rediscovered: Victims of Violence and the Reclamation of Language in Transitional Societies" *International Journal of Law in Context* 3 no. 2 (2007): 89-103.

Paul M. Sniderman and Sean M. Theriault, "The Dynamics of Political Argument and The Logic of Issue Framing" in *Studies in Public Opinion: Attitudes, Nonattitudes, Measurement Error, and Change,* Willem E. Saris and Paul M. Sniderman (eds.) (Princeton, New Jersey: Princeton University Press, 2004).

Jack Snyder and Leslie Vinjamuri, "Trials and Errors: Principles and Pragmatism in Strategies of International Justice" *International Security* 28 (Winter 2003/04): 5-44.

Scott Straus, *The Order of Genocide: Race, Power, and War in Rwanda* (Ithaca: Cornell University Press, 2006).

Eric Stover and Harvey M. Weinstein ed. *My Neighbor, My Enemy: Justice and Community in the Aftermath of Mass Atrocity* (New York, NY: Cambridge University Press, 2004).

Jelena Subotic, *Hijacking Justice: Dealing with the Past in the Balkans* (Ithaca, NY: Cornell University Press, 2009).

Malcom Sutton, *Bear in Mind These Dead ... An Index of Deaths from the Conflict in Ireland 1969-1993* (Belfast: Beyond the Pale Publications, 1994).

Ruti G. Teitel, *Transitional Justice* (Oxford: Oxford University Press, 2002).

United Nations, "Statute of the International Criminal Tribunal for Rwanda" (1994), accessed at http://untreaty.un.org/cod/avl/ha/ictr/ictr.html.

United Nations Group of Experts on the Democratic Republic of the Congo, "Final Report" S/2009/603 (9 November 2009).

United States Institute of Peace, "Rwanda: Accountability for War Crimes and Genocide" Special Report No. 13 (1995).

Philip Verwimp, "Testing the Double-Genocide Thesis for Central and Southern Rwanda" *Journal of Conflict Resolution* 47 no. 4 (2003).

Elizabeth Wood, *Insurgent Collective Action and Civil War in El Salvador* (New York, NY: Cambridge University Press, 2000).

Jeremy Weinstein, *Inside Rebellion: The Politics of Insurgent Violence* (New York, NY: Cambridge University Press, 2006).

Steven Wilkinson, *Votes and Violence: Electoral Competition and Ethnic Riots in India* (Cambridge, MA: Cambridge University Press, 2004).

Richard A. Wilson, *The Politics of Truth and Reconciliation in South Africa* (Cambridge: Cambridge University Press, 2001).

Jose Zalaquett, "Confronting Human Rights Violations Committed by Former Governments: Principles Applicable and Political Constraints" in *Transitional Justice: How Emerging Democracies Reckon with Former Regimes,* Kritz, Neil J. ed. (Washington DC: United States Institute of Peace, 1995).

Aristide R. Zolberg, *Creating Political Order: The Party-States of West Africa* (Chicago, IL: University of Chicago Press, 1966).