How Does Transitional Justice Affect Lived Experiences of Individuals and Communities?

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What do victims and affected communities think about transitional justice (TJ)? Is transitional justice implemented in ways that are aligned with local expectations? Is transitional justice having the intended effects on individuals and their communities?

A growing body of research using country-level aggregate data has largely found that traditional, formal TJ mechanisms – such as trials and truth commissions – in countries transitioning from war or authoritarian governance is related to peace, good governance, democracy, and other desirable outcomes. At the same time, more granular or micro-level evidence on TJ is considerably more mixed, suggesting that TJ may sometimes have negative impacts on victims, groups, and communities. However, this research also suggests that some TJ policies that have received less research and policy attention – including apologies, localized communal practices, and exhumations and reburials – may lead to meaningful justice and reconciliation.

It is important to consider findings from victim- and community-focused research, as cross-national studies often obscure variation in the qualities of the policy or implementation, overlook potential causal pathways, and exclude approaches to justice that are valued by victims and affected communities.

Studies Included

While non-governmental and policy organizations have produced many studies on attitudes toward TJ, this review focuses on studies from the scholarly literature that analyze individuals, sub-groups, or communities. The included articles are drawn from a broader literature review of 674 articles about transitional justice and accountability published between 2010 and 2024, which included 103 individual- or community-level empirical articles.

Research methods used in these studies include surveys (n=32); survey experiments (n=7); ethnographic methods, including participant observation (n=22); and general qualitative methods, including interviews and focus groups (n=60).

The research covered global contexts including Europe (n=29); Latin America (n=20); the Middle East and North Africa (n=8); South, Southeast, and East Asia (n=19); and Sub-Saharan Africa (n=35).

Research suggests:

Affected populations typically support seeking justice for violations, though this varies by identity and past experiences.

Individuals and communities often see little impact of transitional justice (TJ) in their lives.

Elites sometimes manipulate TJ to serve their own ends.

TJ can have negative impacts on the wellbeing of victims.

TJ can have negative impacts on community reconciliation.

TJ has mixed impacts on individual attitudes toward government.

Less-studied TJ mechanisms, such as apologies, communal practices, exhumations and reburials, and memorialization can lead to meaningful justice and reconciliation.

Individual- and Community-Level Findings from Transitional Justice Research

Many affected communities support proposed justice-seeking, though this varies by identity and past experiences

The study of community and/or individual victim attitudes towards TJ is one of the most-researched topics in this literature, and the evidence base in this area has grown significantly since 2010. Most studies investigating overall demand for *proposed* justice-seeking or TJ polices in countries that have experienced conflict-related atrocities have found that the majority support such proposals. Such attitudes have been found in nationally or regionally representative survey research in diverse contexts, including Cambodia (Pham et al. 2019b), Colombia (Nussio et al. 2015; Taylor 2015), Northern Ireland (Brewer and Hayes 2015), Sri Lanka (Penić et al. 2021), and Zimbabwe (Bratton 2011; Thomson and Jazdowska 2012). High demand for TJ mechanisms has been found in survey research among specifically targeted groups, including internally displaced persons in northern Uganda (Anyeko et al. 2012), Syrian refugees (Fabbe and Sınmazdemir 2018), and Iraqi Yazidis in Germany (Pham et al. 2019a).

However, in some contexts, demand for TJ is modest; divergent attitudes toward seeking justice are often explained by the legacy of past conflict and its impacts on different political, social, ethnic, or religious groups. In Spain, Aguilar et al. (2011) find moderate support for most proposed TJ mechanisms; those with right-wing ideology, more religious people, and older people were less likely to support them, while those that had family on the Republican side of the Spanish Civil War more likely to support. Nalepa's (2012) research in the Czech Republic, Poland, and Hungary shows that concerns about false convictions reduce support for TJ. In Burundi, Samii (2013) finds moderate support for punishment and truth-seeking, with support motivated by political tendencies, insecurity, or lack of knowledge. In the former Yugoslavia, there was moderate support for the International Criminal Tribunal for the former Yugoslavia (ICTY), with support strongly dependent on ethnicity (Meernik 2015). In Northern Ireland, Brewer and Hayes (2015) find relatively high support for most TJ policies, though Catholics were more supportive than Protestants and non-religious people. In a study of Guatemala, Nepal, and Northern Ireland, Dyrstad and Binningsbø (2019) find only modest support for most TJ mechanisms, with amnesties being most strongly supported overall. They find that victims of government-initiated atrocities are more in favor of punishment of government forces and victims of rebel-initiated abuses are more in favor of punishment for rebel forces. A study from Bosnia demonstrates that exposure to direct violence and loss is associated with greater support for retributive justice mechanisms, while those with greater interdependence with perpetrators are more likely to support forgiveness or amnesty (Hall et al. 2018).

Individuals and communities see little impact in their lives from formal TJ mechanisms

Ethnographic and qualitative research from some contexts has found that, as implemented, the most common formal TJ mechanisms – including trials, truth commissions, and reparations programs – can be perceived by victims and affected communities to have little meaningful impact on their lives, positive or negative. In some studies, respondents remarked that the policies had not affected their day-to-day lives – if they were even aware of them. This is demonstrated in work on Colombia (Firchow 2017), the Democratic Republic of Congo (Hellmüller 2022), Sierra Leone (Martin 2016; Mieth 2013; Millar 2011), Timor-Leste (Robins 2012), and Uganda (MacDonald 2017b, 2019). Often this is because the outputs of TJ do not align with people's expectations. For example, in Sierra Leone many thought that the role of TJ was to bring peace to their communities, which to them would require local development – investments in healthcare, schools, and infrastructure – to improve their day-to-day realities. Justice for ordinary Sierra Leoneans often meant addressing the injustices they experienced daily, not those of past war violence; trials and truth-telling did not address these needs (Mieth 2013; Millar 2011). Research in Colombia (Firchow 2017) and the Democratic Republic of Congo (Hellmüller 2022) suggests that the implementation of TJ policies in these cases has had little impact on community reconciliation, despite being a key goal of their justice processes.

Elites manipulate TJ mechanisms to serve their own ends

TJ implementation can suffer due to elite manipulation of the process – leading to initiatives that promote justice and accountability in name, while undermining the justice demands of affected communities. In Cambodia, Kosovo, and Timor-Leste, Simangan (2017) finds local elite actors exploited the legitimacy of TJ institutions to avoid accountability or advance their political careers. Selim (2018) similarly finds that in Nepal, political actors used the language and institutions of TJ to further their own interests. In Uganda, MacDonald (2017a, 2019) finds that elites offered support to TJ initiatives but used their design and implementation to avoid genuine accountability. In Sri Lanka, the government declined to investigate alleged mass atrocities but still created weak accountability institutions. Cronin-Furman's (2020) research suggests that political elites create such "human rights half-measures" to signal to other states that they are addressing human rights issues, in order to influence votes on multilateral actions. In the former Yugoslavia, the ICTY made landmark convictions of high-level perpetrators but granted some early release. Yarnell's (2023) research suggests that their release contributed to destigmatization of perpetrators and the crimes they had committed, creating an opportunity for manipulation and the production of alternative histories by political elites in a divided society.

TJ mechanisms may have negative impacts on individual wellbeing and result in dissatisfaction

Participation in or exposure to TJ mechanisms has sometimes been found to worsen mental health, to heighten the sense of victimization, or to leave participants feeling a lack of justice. Findings suggest this may be related to how mechanisms are implemented.

Negative mental health effects have been demonstrated through both survey and qualitative research. Using a nationally representative survey, Brounéus (2010) finds that witnesses (those who give direct testimony for a judicial proceeding) in Rwanda's gacaca trials had higher levels of depression and PTSD compared to non-witnesses, even when controlling for key predictors of poor psychological health. In the former Yugoslavia, King and Meernik's (2019) survey of prosecution, defense, and chambers witnesses at the ICTY found that witnesses experienced a range of emotions after testifying, both positive and negative. Those that thought the prosecution treated them fairly and those that had better current health experienced fewer negative emotions. However, this was also true of those that experienced more physical threats due to testifying.

Ethnographic and qualitative research provides further insights into reasons why victims may be dissatisfied with TJ. In Sierra Leone, Millar's (2010, 2011) research demonstrates that survivors almost never felt positively about the country's TRC. They sometimes described the TRC as a "provocation," since it offered nothing material to victims or to those that told their stories. It was not seen as promoting healing, understood locally as the "creation of a cool heart." Millar posits that this may be due to the failure of the TRC to effectively communicate its methods of seeking justice with affected communities. Glucksam's (2018) research similarly suggests that Liberia's TRC led to an ongoing sense of victimization. Furthermore, the failure of TJ institutions to recognize sexual and gender-based violence can contribute to a lack of healing, as De Yeaza and Fox (2013) suggest in research from Rwanda and Uganda, and Kent (2014) in East Timor. In a panel survey with victims of apartheid-era violations in South Africa, Backer (2010) finds that the country's TRC and its conditional amnesty for perpetrators initially enjoyed high support from victims, who cited its practical rationale for ending conflict. Several years later, however, support among the same respondents had fallen, associated with a sense among victims that amnesties had been unfair and of dissatisfaction with the TRC's truth recovery process. The TRC had failed to provide victims with a lasting sense of justice.

TJ mechanisms can have negative impacts on reconciliation, often due to implementation challenges

Studes on the impacts of traditional TJ mechanisms on reconciliation and/or attitudes toward reconciling have mostly found negative or null effects. For example, David's (2012) survey in the Czech Republic finds that the

country's property reparations policy increased perceptions of truth and justice, but reduced perceptions that reconciliation had occurred. In Cyprus, de Waardt et al. (2021) find that housing, land, and property reparations policies have served to maintain competitive victimhood narratives and an exclusionary social structure; this suggests a pathway by which reparations might negatively impact reconciliation. In northern Uganda, Akello's (2019) ethnographic research shows that, despite two decades of conditional amnesty and re-integration policies, Acholi communities largely do not accept re-integrated Lord's Resistance Army fighters and make their day-to-day lives difficult. In Rwanda, Thomson and Nagy (2011) suggest that the country's *gacaca* trials left average Rwandans feeling powerless over the reconciliation process and maintained a climate of fear and insecurity in their day-to-day lives. One qualitative study conducted in the town of Prijedor, Bosnia (Strupinskienė 2022), in contrast, found that the ICTY had positively impacted reconciliation there by spurring grassroots mobilization for justice, leading local community members to cooperate across ethnic lines and building trust and empathy in the process.

Affected communities often support TJ policies, at least in theory – but they may be dissatisfied with implementation, especially where initiatives heighten communal tensions and resentment. For example, studying Rwandans' reactions to the *gacaca* trials for truth and reconciliation after the 1994 genocide, Pozen et al. (2014) find that the majority support the process and policies of *gacaca*, but believe that as implemented it had negative impacts that may have detracted from reconciliation efforts, such as including false testimony, leading to threats toward witnesses, and increasing tensions between families. Similarly, research from one region of Colombia (Taylor 2015) shows widespread support for TJ policies as concepts, such as perpetrator accountability measures. However, there was widespread dissatisfaction with the implementation of some initiatives – particularly Colombia's 2005 Justice and Peace Law, which provided conditional amnesty to former combatants in exchange for confessing their crimes, apologizing and providing reparations to victims. Many participants did not believe the law met conditions to transform the conflict, suggesting negative impacts on reintegration and reconciliation.

There are mixed impacts on attitudes toward government

Exposure to TJ mechanisms can impact individuals' trust in government and/or support for democracy. Two studies employing survey experiments assess responses to hypothetical situations. Choi and David's (2012) experiment with citizens of the Czech Republic, Hungary, and Poland finds that mechanisms proposing to expose officials who collaborated with former authoritarian governments but not punishing them or requiring them to confess decreased trust in government. In Guatemala, Kitagawa's (2023) experiment finds that proposed trials and reparations, which entail significant commitments from the government, increased trust in and perceived legitimacy of government in comparison to proposed truth commissions. Further, she finds that justifying a TJ policy using value-based rhetoric, focusing on the moral claims of victims, increased trust in government than using justification emphasizing institutional benefits, or not using any justification at all. Other research in this area is retrospective, studying the effects of past justice mechanisms. Capoccia and Pop-Eleches (2020) analyze historical survey data from West Germany, finding that respondents of the same ethnicity as defendants in the Nuremberg Trials had stronger support for democracy only where defendants got lighter punishments; where there were stronger punishments, their co-ethnics had less support for democracy.

Less-studied mechanisms show promise for meaningful justice and reconciliation

Many ways of dealing with past atrocities, including apologies, communal practices, exhumations and reburials, and memorialization, have received comparatively less attention in the empirical TJ literature, despite findings that these mechanisms may help individuals and communities.

For example, in Ireland, public apologies have been perceived as a needed form of accountability (Bryson and MacCarthaigh 2022). Localized and traditional practices, such as religious or spiritual ceremonies or

community-based reconciliation, can provide healing and a sense of justice where trials and national truth commissions do not, as has been found in Mozambique (Igreja and Skaar 2013), Northern Ireland (Gilmartin 2021), and Sierra Leone (Martin 2016). However, Këllezi and colleagues' (2023) research from Albania cautions that communities can also be conduits of harm after atrocities due to the local presence of perpetrators.

Limited evidence also suggests that assistance with searching for missing family members and exhumations can contribute to justice, and survivors often see such assistance as a key need in justice processes (Robins 2011, 2012). Kovras (2012) finds that in Cyprus, initiatives to search for the missing and conduct humanitarian exhumations supported communal reconciliation. Eppel's (2014) study in Zimbabwe finds that exhumations of mass graves and reburial of the dead was broadly perceived as "putting wrongs right."

Finally, research on museums and memorials commemorating atrocities in Chile (Balcells et al. 2022; Hamber et al. 2010), and Rwanda and Uganda (De Ycaza and Fox 2013) demonstrates their potential to positively impact reconciliation and communities' ability to reckon with the past.

Implications and Recommendations

Practitioners and policymakers should consider researchers' methodology when interpreting findings on TJ individual-level preferences. It is important to keep in mind to who is consulted (e.g., victims/survivors versus the general public), when they are asked (before, during, or after implementation, or in hypothetical scenarios), and how questions are framed (open-ended versus closed). Additionally, some research methods (experimental, quasi-experimental) allow for causal inference while others don't, important to note when trying to determine if specific TJ approaches cause certain types of outcomes. These methodological decisions impact study findings and generalizability.

Traditional TJ mechanisms may inadvertently undermine trust and negatively affect victims' well-being. Future research and practice should further explore this topic, including how such harms can be mitigated. For example, additional research is needed on potential mechanisms driving poor mental health outcomes, including better understanding of interactions between TJ participation in combination with other factors (e.g., individual-level and environmental characteristics). This includes a need to further investigate the impact of participation (such as testifying), in both the short and longer term, including victim/survivor reflections on overall cost-benefit assessments.

Researchers and evaluators should build the evidence base on the impacts of mechanisms that have received less scholarly attention, including apologies, communal practices, exhumations and reburials, and memorialization.

Researchers and evaluators should build the evidence base on other potential outcomes that can be studied at the individual level, including how participation in TJ mechanisms may materially impact victims' lives.

Scholarly research should engage more with practitioners to gain better insights into the effects and dynamics of TJ. Improved understanding of potential causal mechanisms is likely to be important for research on the divergent outcomes of TJ mechanisms in different contexts.

Limitations

This review has several limitations. While there is a growing individual- and community-level literature, there are still a limited number of studies, and in some outcome areas findings are mixed or directly conflict with one another. Additionally, the included studies either focus on single cases or compare a small number of cases. Both present challenges for making evidence-supported recommendations and generalizing findings beyond the cases studied. Furthermore, the authors of these studies use diverse methodologies, often suited to their research questions; differences in study timing, sampling approaches, question framing, and inclusion/exclusion of options in questionnaires may lead to divergent findings.

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