After Dictatorship

Instruments of Transitional Justice in Post-Authoritarian Systems

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The Effectiveness of Instruments of Transitional Justice – An International Comparison

What are the benefits of coming to terms with dictatorships and mass crimes? At first glance, this question may seem irritating. However, as with all political concepts, it seems advisable to look at transitional justice not only in normative terms, but also to examine its actual effects. This is all the more valid in relation to a concept that is not only supported by numerous governments and has been applied in many countries around the world, but which has also been codified in a guideline laid down by the UN Secretary-General.[1] Given the considerable financial resources that have flowed into measures for ensuring transitional justice in recent decades and which continue to do so, it appears all the more sensible to analyse their effects more closely. In the best case, such an evaluation might lead to a more precise assessment of which instruments actually have an effect and which do not. This, in turn, could help political decision-makers plan their future actions.

This sort of 'reappraisal of reappraisal' has only received increased attention in research in recent years.[2] Despite a vast number of studies on the processes of transitional justice in all parts of the world, comparatively few scholars have dealt with the actual effects of corresponding measures. The early years of research into the topic were mostly dominated by descriptive contributions which attempted to trace efforts to come to terms with the past above all in South Africa and Latin America.[3] The ra-

1 *Guidance Note of the Secretary-General. United Nations Approach to Transitional Justice, March 2010*, accessed 9 November 2021, https://digitallibrary.un.org/record/682111.

2 Cf. Kirsten Ainley, *Evaluating Transitional Justice: Accountability and Peacebuilding in Post-Conflict Sierra Leone* (London: Springer, 2015); Anita Ferrara, *Assessing the Long-Term Impact of Truth Commissions: The Chilean Truth and Reconciliation Commission in Historical Perspective* (Oxford and New York: Routledge, 2015); Hugo van der Merwe, *Assessing the Impact of Transitional Justice: Challenges for Empirical Research* (Washington D.C.: US Institute of Peace Press, 2009); Tricia Olsen and Leigh Payne, *Transitional Justice in Balance: Comparing Processes, Weighing Efficacy* (Washington: Cambridge University Press: ICTY, 2010); Diane Orentlicher, *That Someone Guilty Be Punished: The Impact of the ICTY in Bosnia* (New York, 2010); Anja Mihr, *Regime Consolidation and Transitional Justice: A comparative Study of Germany, Spain and Turkey* (New York: Cambridge University Press, 2018); Oskar Thoms, James Ron and Roland Paris, *The Effects of Transitional Justice Mechanisms. A Summary of Empirical Research Findings and Implications for Analysts and Practitioners* (Ottawa: CEPI, 2008), accessed 23 November 2021, https://aix1.uottawa.ca/~rparis/CIPS_Transitional_Justice_April2008.pdf; Elin Skaar, Trine Eide and Camila Gianella Malca, *After Violence: Transitional Justice, Peace and Democracy* (New York: Routeledge, 2015); Eric Wiebelhaus-Brahm, *Truth Commissions and Transitional Societies: The Impact on Human Rights and Democracy* (London and New York: Routeledge, 2010).

3 See, for example, Kenneth Christie, *The South African Truth Commission* (Basingstoke, London and New York: Palgrave, 2000); Emily Hahn-Godeffroy, *Die südafrikanische Truth and Reconciliation*

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dius of observation soon expanded to include other states that had previously been somewhat disregarded, especially in Africa, but also in Asia and Central and Eastern Europe.[4] A series of transnational studies further analysed the handling of serious human rights violations in several states and attempted to identify typical procedures used in this context.[5] As a result, the focus shifted more towards individual instruments of transitional justice, such as criminal trials or truth commissions, which increasingly became the subject of specialized research.[6] It thereby became apparent that the use of these instruments yielded very different results from country to country. Some authors even came to the conclusion that, for some states, their use had

Commission (Baden-Baden: Nomos, 1998); Guido Klumpp, *Vergangenheitsbewältigung durch Wahrheitskommissionen – das Beispiel Chile* (Berlin: Berliner Wissenschafts-Verlag, 2001).

4 Cf. Kai Ambos and Mohamed Othmann, New *Approaches in International Criminal Justice: Kosovo, East Timor, Sierra Leone & Cambodia* (Freiburg im Breisgau: Max-Planck-Institut für ausländisches und internationales Strafrecht, 2003); Vladimira Dvořáková and Anđelko Milardović, *Lustration and Consolidation of Democracy and the Rule of Law in Central and Eastern Europe* (Zagreb: Political Science Research Centre Zagreb, 2007); Luc Huyse and Mark Salter, *Traditional Justice and Reconciliation after Violent Conflict: Learning from African Experiences* (Stockholm: International Institute for Democracy and Reconciliation, 2008); Renee Jeffery and Hun Joon Kim, *Transitional Justice in the Asia-Pacific* (New York: Cambridge University Press, 2015); Vesselin Popovski and Mónica Serrano, *After Oppression: Transitional Justice in Latin America and Eastern Europe* (n. p., 2012). Cesare Romano, André Nollkaemper and Jann K. Kleffner (eds.), *Internationalized Criminal Courts and Tribunals: Sierra Leone, East Timor, Kosovo and Cambodia* (Oxford: Oxford University Press, 2004); Lavinia Stan (ed.), *Transitional Justice in Eastern Europe and the Former Soviet Union: Reckoning with the Communist Pas*t (London: Routledge, 2009).

5 Cf. Kira Auer, *Vergangenheitsbewältigung in Ruanda, Kambodscha und Guatemala: Die Implementierung normativer Ansprüche* (Baden-Baden: Nomos, 2014); Samar El Masri, Tammy Lambert and Joanna R. Quinn, *Transitional Justice in Comparative Perspective: Preconditions for Success* (Cham: Palgrave Macmillan, 2020); Albin Eser and Jörg Arnold (eds.), *Strafrecht in Reaktion auf Systemunrecht: Vergleichende Einblicke in Transitionsprozesse* (Berlin: Duncker & Humblot, 2000 – 2012, ('14 vols.); Alexander Laban Hinton, *Transitional Justice: Global Mechanisms and Local Realities After Genocide and Mass Violence* (New Brunswick: Rutgers University Press, 2010); Hun Joon Kim, 'Expansion of Transitional Justice Measures: A Comparative Analysis of its Causes,' (PhD diss., Minnesota, 2008); Joachim Landkammer, *Erinnerungsmanagement: Systemtransformation und Vergangenheitspolitik im internationalen Vergleich* (Munich: Wilhelm Fink, 2006); Naomi Roht-Arriaza and Javier Mariezcurrena (eds.), *Transitional Justice in the Twenty-First Century: Beyond Truth versus Justice* (Cambridge: Cambridge University Press, 2006); Veit Straßner, *Die offenen Wunden Lateinamerikas: Vergangenheitspolitik im postautoritären Argentinien, Uruguay und Chile* (Wiesbaden: Verlag für Sozialwissenschaften, 2007).

6 Compare Onur Bakiner, *Truth Commissions: Memory, Power, and Legitimacy* (Philadelphia: University of Pennsylvania Press, 2016); Alison Bisset, *Truth Commissions and Criminal Courts* (Cambridge: Cambridge University Press, 2012); Wolfgang Kaleck, Michael Ratner, Tobias Singelnstein and Peter Weiss (eds.), *International Prosecution of Human Rights Crimes* (Berlin and New York: Springer, 2006); Priscilla B. Hayner, *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions* (New York, 2010); Eric Wiebelhaus-Brahm, *Truth Commissions and Transitional Societies: The Impact on Human Rights and Democracy* (Abingdon and New York: Routledge, 2010).

done more harm than good.[7] Nevertheless, why coming to terms with the past should apparently have proven more successful in some situations than in others is still largely a question that remains unanswered by the research carried out to date.

The present volume aims to contribute to closing this gap. To this end, processes of transitional justice were analysed in seven countries from three continents with different experiences of violence and dictatorship: Albania, Argentina, Ethiopia, Chile, Rwanda, South Africa and Uruguay. Experts who have been working for a considerable time on coming to terms with the past in these countries have prepared detailed country studies according to a predefined framework.[8] In these concluding reflections, some of the results will be summarized and analysed comparatively. In the subsequent paragraphs, the methodological difficulties of impact research in the field of transitional justice will first be discussed, followed by a closer look at selected instruments.

1 Methodological Challenges

Those who study politically motivated large-scale crimes and the human suffering associated with them often have inhibitions about analysing how they are dealt with from the point of view of efficiency. Nevertheless, precisely when the aim is to prevent a repetition of such acts, it makes sense to look for the objectively best methods of doing so. If one assumes that societies can learn from historical experiences, then coming to terms with the past has a special role to play. However, this raises the question of which yardstick can be used to measure the effectiveness of transitional justice in two respects. On the one hand, the goals which are to be achieved via the measures implemented must be clarified. On the other hand, it must be determined how the achievement of these goals is to be quantified. Researchers have devoted themselves to this problem several times in recent years but have been unable to arrive at a conclusive answer to it.

For a long time, the normative terms 'truth', 'justice' and 'reconciliation' dominated the relevant literature as the goals of transitional justice. These terms reflected the self-image of the political actors in a number of countries and were – for the first time in Chile in 1990 – frequently even included in the name of corresponding commissions of enquiry.[9] The three terms attained central importance above all in the

7 See, for instance, Jack Goldsmith and Stephen D. Krasner, 'The Limits of Idealism,' *Daedalus* 132:47 (2003), 47–63; Roy Licklider, 'The Ethics of Advice: Conflict Management vs. Human Rights in Ending Civil Wars,' *Journal of Human Rights* 7:4 (2008): 376–387.

8 The research framework comprises eight sub-items on the topic of the experience of dictatorship and fourteen sub-items centred on transitional justice (including criminal prosecution, a change of elites, reparations, laws relating to transitional justice, places of remembrance, institutions of transitional justice and artistic reappraisal of the past).

9 Cf. Hayner, *Unspeakable Truths*.

context of the South African Truth and Reconciliation Commission.[10] Nonetheless, on closer inspection, it becomes clear that they can be interpreted very differently and in practice are often in a state of tension or even opposition to one another. The question of whether the expectations associated with them have been fulfilled can also be answered very differently depending on the observer's perspective. Moreover, the term 'reconciliation' is controversial, because in practice it primarily means that the victims should forgive the perpetrators.[11] As such, these concepts do not seem suitable for measuring the effectiveness of measures implemented within the context of transitional justice.

Other authors mention peace and democracy as goals.[12] These terms are also quite general. Although attempts have been made to define them more precisely, they still contain a great deal of room for interpretation. Furthermore, in some situations, they contradict each other. For example, an authoritarian regime may find it easier to prevent violent conflicts than a democratic system with fragile executive power and strong domestic polarization. Conversely, the democratization of a country can also provide violent forces with greater opportunities for action. Another drawback is that both terms refer to society as a whole, whereas the measures enacted by transitional justice can be effective even if they 'only' benefit the victims. Encouraging the education of young people whose parents were killed in the genocide in Rwanda, for instance, can certainly be a meaningful measure, even if it contributes neither to peace nor to democracy as such.

In comparison, the 'Principles to Combat Impunity', which the French diplomat Louis Joinet drafted for the UN Human Rights Commission in 1997 and which the American legal scholar Diane Orentlicher developed further in 2005, offer more room for differentiation.[13] The goals of transitional justice are defined here as rights

10 Eva-Lotte May, 'Die südafrikanische Wahrheits- und Versöhnungskommission: Wahrheit, Versöhnung und Gerechtigkeit,' in *Amnesie, Amnestie oder Aufarbeitung? Zum Umgang mit autoritären Vergangenheiten und Menschenrechtsverletzungen*, ed. Susanne Pickel and Siegmar Schmidt (Wiesbaden: Springer VS, 2009), 245–286; Robert I. Rotberg, *Truth Commissions And The Provision Of Truth, Justice, And Reconciliation: Truth v. Justice* (Princeton: Princeton University Press, 2010), 1–21.

11 Compare James Hughes and Denisa Kostovicova, *Rethinking Reconciliation and Transitional Justice after Conflict* (Abingdon: Routledge, 2018); Veit Straßner, 'Vergangenheitspolitik, Transitional Justice und Versöhnung: Begriffliche und konzeptionelle Annäherungen,' in *Handbuch Transitional Justice*, ed. Anja Mihr, Gert Pickel and Susanne Pickel (Wiesbaden: Springer, 2018), 201–231, 218–226. Mitja Žagar, 'Rethinking Reconciliation: The Lessons from the Balkans and South Africa,' *Peace and Conflict Studies* 17:1 (2010): 144–175.

12 Skaar, *After Violence*, 3–14.

13 United Nations, Economic and Social Council, Commission on Human Rights, *The Administration of Justice and the Human Rights of Detainees, Revised final report prepared by Mr. Joinet pursuant to Sub-Commission decision 1996/119*, 2 October 1997, accessed 9 November 2021, https://digitallibrary.un.org/record/245520/files/E_CN.4_Sub.2_1997_20_Rev.1-EN.pdf; United Nations, Economic and Social Council, Commission on Human Rights, *Promotion and Protection of Human Rights*, 8 February 2005, accessed 9 November 2021, https://digitallibrary.un.org/record/541829.

to which there is a claim after the end of politically motivated mass crimes. More specifically, these are:

1. The *Right to Know* – which refers to the right of victims and society alike to have serious human rights violations investigated.
2. The *Right to Justice* – which is understood as the state's obligation to atone for serious human rights violations, if necessary through international courts.
3. The *Right to Reparation* – which not only involves material compensation and medical support for victims, but also their non-material recognition and satisfaction, for example, via the creation of memorial sites.
4. *Guarantees of Non-Recurrence* – which include personnel and structural changes within the state apparatus, as well as the abolition of discriminatory laws, the demobilization of armed factions, or the democratic control of security organizations.

The question of the extent to which these rights are guaranteed after the end of dictatorships and mass crimes offers a comparatively concrete yardstick for evaluating the success or failure of transitional justice processes. In addition, it has the advantage of focussing on the victims and not on society as a whole. This is important because the latter often represents divergent interests, especially if larger parts of the population tolerated the crimes of the former regime or even participated in them.

However, ensuring the aforementioned rights by no means automatically guarantees successful transitional justice. In some situations, it can serve to prolong violent conflicts or even trigger them in the first place. For example, efforts to investigate serious human rights violations can strengthen the resistance of those responsible for them and can lead to violent opposition or a relapse into dictatorship.[14] The entitlement to prosecution can lead to the continuation of armed conflicts or to authoritarian rulers holding on to power. This holds especially true during periods of civil war or in transitional situations.[15] The establishment of memorial sites can also deepen political antagonisms under certain circumstances and thus make peaceful coexis-

14 Cf Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman: University of Oklahoma Press, 1993); Guillermo O'Donnell and Philippe C. Schmitter, *Transitions from Authoritarian Rule, Vol. 4, Tentative Conclusions about Uncertain Democracies* (Baltimore: John Hopkins University Press, 1986).

15 Compare Francesca Lessa and Leigh A. Payne (eds.), *Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives* (Cambridge: Cambridge University Press, 2012); Louise Mallinder, *Amnesty, Human Rights and Political Transitions: Bridging the Peace and Justice Divide* (London: Hart Publishing, 2008); Héctor Olásolo, *International Criminal Law: Transnational Criminal Organizations and Transitional Justice* (Boston: Brill, 2018); Further relevant literature can be found in Lina Grip and Jenniina Kotajoki, 'Deradicalisation, Disengagement, Rehabilitation and Reintegration of Violent Extremists in Conflict-Affected Contexts: A Systematic Literature Review,' *Conflict, Security & Development* 19:4 (2019), 371–402.

tence more difficult.[16] The demand for changes of personnel within the state apparatus or stronger control of security services can likewise have a counterproductive effect in specific situations, if it leads to processes of democratization being abandoned or reversed.[17]

It follows from this that the success of processes undertaken in regard to achieving transitional justice cannot be viewed statically. Rather, these processes must be evaluated in their respective temporal and political contexts. As numerous studies show, dealing with the past usually goes through different chronological phases. This is likewise confirmed by the country analyses published in this volume. What seems to makes sense in one phase can have a counterproductive effect in another. The same applies to the national and international context. Measures that were successful in South America do not necessarily have to be so in Africa. The starting conditions are often very different even within an individual region.[18] Another factor – and one that often receives too little attention in research on the topic – is whether the process of transitional justice takes place after the end of a dictatorship or following the cessation of an armed conflict, and in what form this end was brought about in each case. Which measures are realistic, meaningful and effective in the sense of the rights mentioned above thus depends to a large extent on the circumstances.

However, a distinction must also be made in another respect. The collective of all citizens of a state cannot, as mentioned, be the only yardstick for judging the success or failure of transitional justice mechanisms. Rather, the victims of grave human rights violations are entitled per se to have them atoned – even if this does not correspond to the interests of the majority society.[19] As the modern state replaces the private justice of the pre-state era, it must act on behalf of the victims and provide them with the satisfaction and peace guaranteed under the law by punishing the perpetrators. This is additionally and especially true in the area of politically motivated mass crimes and has therefore found expression in its own international criminal

16 Cf. Trine Eide and Astri Suhrke, 'Rwanda: Some Peace, No Democracy, and the Complex Role of Transitional Justice,' in Skaar, *After Violence*, 125 – 148, 142 ff.

17 An example of this is the 2013 military coup in Egypt. Compare Omar Ashour, *Ballots versus Bullets: The Crisis of Civil-Military Relations in Egypt* (Doha: Brookings Doha Center, 2013), accessed 23 November 2021, https://www.brookings.edu/wp-content/uploads/2016/06/Ashour_Egypt_Civil-Military-Relations_Al-Jazeera-Center-for-Studies.pdf; Jean-Francois Letourneau, 'The Perils of Power: Before and After the 2013 Military Coup in Egypt,' *British Journal of Middle Eastern Studies*, 46:1 (2019): 208 – 213.

18 Skaar et al. distinguish between global, national and regional contexts. Compare Skaar, *After Violence*, 40 – 46.

19 Raquel Aldana-Pindell, 'In Vindication of Justiciable Victims' Rights to Truth and Justice for State-Sponsored Crimes,' *Vand. J. Transnat'l L.* 35 (2002); 1399; Raquel Aldana, 'A Victim-Centered Reflection on Truth Commissions and Prosecutions as a Response to Mass Atrocities,' *Journal of Human Rights* 5.1 (2006): 107 – 126; Diane F. Orentlicher, 'Settling Accounts: The Duty To Prosecute Human Rights Violations of a Prior Regime,' *The Yale Law Journal* 100 (1991): 2537 – 2615, accessed 23 November 2021, https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=7376&context=ylj.

law.[20] However, even in realms which lie beyond criminal law, victims' organizations play a significant role in advancing the political process of democratization and making it irreversible through their insistence on the *Right to Know* and *the Right to Justice*.[21]

How, though, does one measure the success or failure of the actions taken to ensure transitional justice? Some authors have tried to gauge the effects by means of quantitative indicators.[22] Institutions such as Freedom House, for example, have developed complex calculation systems to indicate the current freedom status of a country every year.[23] Research projects such as the Cingranelli-Richards (CIRI) Human Rights Dataset or the Political Terror Scale (PTS) also provide annual indicators on the extent of terror and violence.[24] The so-called Democracy Barometer likewise collects data at wider intervals on the state of democracy in a number of former dictatorships.[25] The resulting information can be used to check whether changes have occurred over time that correlate with certain transitional justice measures. For instance, one can measure whether or not the freedom status of a country has improved after the establishment of a truth commission. In the same way, it is possible to determine whether or not the number of human rights abuses has decreased

20 Cf. Florian Jeßberger and Gerhard Werle, *Völkerstrafrecht* [5](Tübingen: Mohr Siebeck, 2020); Kaleck, *International Prosecution*; Christoph Safferling, *Völkerstrafrechtspolitik: Praxis des Völkerstrafrechts* (Berlin: Springer, 2014).

21 Cf. Ram Kumar Bhandari, *The Role of Victims' Organisations in Transition from Conflict: Families of the Disappeared in Nepal* (Phd. diss., Hamburg: Institute for Peace Research and Security Policy, 2011); Gérard Birantamije, 'Civil Society Organisations and Transitional Justice in Burundi: When Making is Resisting,' in *Resistance and Transitional Justice*, ed. Briony Jones and Julie Bernath (London: Routledge, 2017), 77–100; Sri Lestari Wahyuningroem, 'Towards Post-Transitional Justice: The Failures of Transitional Justice and the Roles of Civil Society in Indonesia,' *Journal of Southeast Asian Human Rights* 3 (2019): 124.

22 An – older – overview of relevant works can be found in Oskar Thoms et. al., *The Effects of Transitional Justice Mechanisms*, 68–77. See also Olsen, *Transitional Justice*; Wiebelhaus-Brahm, *Truth Commissions*.

23 Compare Arch Puddington, Jennifer Dunham, Elen Aghekyan, Shannon O'Toole, Tyler Roylance and Sarah Repucci (eds.), *Freedom in the World 2017: The Annual Survey of Political Rights and Civil Liberties* (New York: Freedom House, 2019), 651–664, accessed 23 November 2021, https://freedomhouse.org/sites/default/files/FH_FITW_Report_2017_Final_EMBARGOED.pdf.

24 Cf. David L. Cingranelli and David L. Richards, 'Das Menschenrechtsdatenprojekt von Cingranelli und Richads (CIRI),' *Human Rights Quarterly* 32 (2010), 401–424, accessed 23 November 2021, https://www.researchgate.net/publication/236759507_The_Cingranelli_and_Richards_CIRI_Human_Rights_Data_Project; Peter Haschke, *The Political Terror Scale (PTS) Codebook* (Ashville, 2017), accessed 23 November 2021, https://www.politicalterrorscale.org/Data/Files/PTS-Codebook-V100.pdf.

25 Mark Bühlmann, Wolfgang Merkel, Lisa Müller et al., 'Demokratiebarometer: ein neues Instrument zur Messung von Demokratiequalität,' *Zeitschrift für Vergleichende Politikwissenschaft* 6 (2012): 115–159, accessed 23 November 2021, https://link.springer.com/article/10.1007/s12286-012-0129-2.

after the implementation of criminal proceedings against those responsible for previous crimes.[26]

Another method is to fall back on surveys that measure the population's satisfaction with the work of state institutions or the functioning of the political system.[27] For Central and Eastern Europe, Eurobarometer is particularly relevant in this respect. Initiated by the European Commission, it has been surveying the opinions of the populations of the EU member states since 1974.[28] A similar approach is taken by *Latinobarómetro*, which conducts annual surveys in 18 Latin American countries.[29] The World Values Survey network organizes worldwide polls in almost 100 countries, albeit only at wider intervals.[30] The results of these surveys can then be related to individual transitional justice measures in order to gauge their impact. Cynthia M. Horne, for example, has used the Eurobarometer and New Democracies Barometer surveys as a yardstick to determine whether or not lustration – the vetting and replacement of people in certain key positions – has increased trust in social institutions in Eastern and Central Europe.[31]

In most of these attempts at statistical evaluation, however, it remains open as to whether improvements, such as those in the freedom status of a country or its trust in social institutions, can actually be attributed to the mechanisms introduced by transitional justice. As a rule, these indicators are also determined to a considerable extent by other factors.[32] Precisely those studies that compare a large number of countries on the basis of statistical data arrive in part at problematic generalizations.[33] Moreover, the quantitative approaches do not usually differentiate according to social subgroups. Consequently, the effects of measures in favour of victims in particular are barely reflected in the results of such studies. Although the above-men-

26 See Thomas Ostertag, *Der gezähmte Diktator: Die Wirkung von Menschenrechtsverfahren auf das Repressionslevel in Autokratien* (Berlin: De Gruyter Oldenbourg, 2017).

27 On this topic, too, a – likewise older – overview can be found in Thoms et al., *The Effects of Transitional Justice Mechanisms*, 78 – 85 and 68 – 77.

28 Sylke Nissen, 'The Eurobarometer and the Process of European Integration,' *Quality & Quantity* 48.2 (2014): 713 – 727.

29 Cf., accessed 23 November 2021, https://www.latinobarometro.org/lat.jsp.

30 Compare, accessed 23 November 2021, https://www.worldvaluessurvey.org/wvs.jsp.

31 Cynthia M. Horne, 'Lustration, Transitional Justice, and Social Trust in Post-Communist Countries: Repairing or Wresting the Ties that Bind?,' *Europe-Asia Studies* 66:2 (2014): 225 – 254, accessed 9 November 2021, https://www.tandfonline.com/doi/abs/10.1080/09668136.2014.882620.

32 For example, in the view of some authors, a correlation exists between the level of human rights abuses and the per capita income or population growth in a country. See Neil Mitchell and James McCormick, 'Economic and Political Explanations of Human Rights Violations,' *World Politics* 40:4 (1988): 476 – 498; Christian Davenport, *State Repression and the Domestic Democratic Peace* (Cambridge: Cambridge University Press, 2007).

33 On the basis of a statistical analysis of 97 countries with autocratic regimes, Ostertag comes to the conclusion that the legal enforcement of human rights in neighbouring states has a 'repression-reducing effect on personalized regimes and one-party dictatorships,' while in military dictatorships it can lead to an 'increase in repression'. Cf. Ostertag, *Diktator*, 146.

tioned calculations and surveys can thus be used to assess the democratic quality of a political system, they are not especially suited to evaluating the success or failure of individual measures employed in the context of transitional justice.[34] Only in the case of targeted victim surveys can they be assumed to provide relatively precise information regarding how those questioned rate the process of transitional justice or the implementation of compensation programmes.

In addition, many of the aforementioned criteria for successful transitional justice cannot be quantified. There is no objective standard for determining when the *Right to Know* is fulfilled. Even the ways in which this goal should be achieved can be defined very differently – from court cases via public hearings to the opening of secret archives and academic research. The establishment of justice is, *a fortiori*, not an objective quantity. Measures to bring about justice can range from the conviction of a dictator to the punishment or dismissal of a large number of state officials. The same is true of the *Right to Reparation*, because actual recompense for the damage suffered is not possible in most cases. Finally, even the most successful programme of transitional justice cannot provide an absolute *Guarantee of Non-Recurrence*.

Against this background, a different, historically-orientated approach was chosen for this volume. In seven country studies, different ways of coming to terms with the past were examined. The aim was to analyse the different ways of dealing with mass crimes within a chronologically longer-term perspective and to relate these to their respective temporal and political contexts. This qualitative analysis first makes clear which instruments of transitional justice have been used in each country and which of them have brought about improvements in accordance with the criteria mentioned above. It thereby becomes apparent that the instruments utilized are often more comprehensive than the truth commissions and criminal trials which have been primarily studied by researchers. Some of these instruments – for example, in the field of reparations or the creation of specific institutions of transitional justice – have hitherto received comparatively little attention, even though they appear to be suitable as best practice models for other countries as well.[35]

Furthermore, this qualitative analysis helps to clarify which factors have advanced or blocked the process of transitional justice in the countries examined. Comparison accordingly proves to be a useful heuristic method, because these factors become more visible when comparing the processes of transitional justice in different countries. The use of a uniform framework, which underlies all the studies published

34 On the criticism of studies based on statistics, see also Skaar, *After Violence*, 17–21 and 53.
35 Some of the instruments developed in South America, such as the creation of state institutions to continue the work of truth commissions, the establishment of genetic databases to identify the remains of those killed, the formation of governmental or ombudsmen's offices for human rights, the concentrated assistance for former victims of persecution through the Office for the Support of Victims of State Terrorism in Uruguay or the participation of human rights organizations in the institutions responsible for compensation in Chile, appear to be applicable globally.

in this volume, makes differences and similarities particularly clear. Comparing the different ways of coming to terms with the past also reveals the factors that have helped to further or block this process. This is important not only when taking measures that help to improve the contextual conditions into account, but also when developing a realistic strategy that is adapted to the respective circumstances.

The observations made so far display that there are no simple answers to the question, posed at the beginning of this chapter, concerning the effect that dealing with mass crimes has and how this can be measured. Nevertheless, by analysing and comparing the processes of transitional justice in different countries, it is certainly possible to ascertain which instruments have brought about improvements in accordance with the criteria established by the UN Commission on Human Rights mentioned above and why this was the case. As such, some of these instruments will now be examined more closely on the basis of the country studies published in this volume.

2 Prosecution

The prosecution of politically motivated mass crimes is the most common instrument in dealing with past dictatorships and serious human rights violations.[36] Since the end of World War II, when the victorious powers tried leading politicians and military leaders from Germany and Japan in Nuremberg and Tokyo for waging a war of aggression, war crimes and crimes against humanity, there have been numerous efforts to ensure that dictatorship and war crimes no longer go unpunished.[37] Despite this, it took another half-century before a permanent International Criminal Court was created. This occurred following the establishment of temporary International Criminal Tribunals for Yugoslavia (ICTY) and Rwanda (ICTR) with the foundation of the ICC in the Hague in 1995 via the Rome Statute.[38] Since 2002, this has meant that, for the first time in history, there is an international court that can prosecute

36 Cf. Kaleck, *International Prosecution;* Ulfrid Neumann and Paulo Abrao, *Transitional Justice: Das Problem gerechter strafrechtlicher Vergangenheitsbewältigung* (Frankfurt am Main: PL Academic Research, 2014); Naomi Roht-Arriaza, I*mpunity and Human Rights in International Law and Practice* (New York: Oxford University Press, 1995); Ruti G. Teitel, T*ransitional Justice* (Oxford: Oxford University Press, 2000).

37 Of particular importance here are the Universal Declaration of Human Rights of 1948, which is not binding under international law, the Geneva Conventions of 1949, the International Covenant on Civil and Political Rights, which entered into force in 1976, the United Nations Convention against Torture, which became effective in 1987, as well as numerous regional agreements.

38 On the origins and work of the ICC see Salla Huikuri, *The Institutionalization of the International Criminal Court* (Cham: Palgrave Macmillan Cham, 2019).

'the most serious crimes affecting the international community as a whole' (Paragraph 4, Preamble of the Statute) in 121 participating states.[39]

On the initiative of the UN, so-called hybrid courts were additionally established in Sierra Leone and Cambodia, in which national and international judges passed sentences jointly.[40] Furthermore, the provisions of international criminal law were incorporated into many national penal codes so that these crimes could also be prosecuted by the respective national judiciaries. In Germany, a corresponding International Criminal Code came into force in 2002.[41] However, ordinary criminal codes likewise tend to contain regulations that make the crimes typical of dictatorships, such as murder, torture or unlawful detention, punishable offences.

The country studies published here analyse the prosecution of dictatorships and mass crimes within the framework of transitional justice in different contexts. The studies describe almost all known approaches – from far-reaching or conditional amnesties via the comprehensive or conservative application of national criminal law to the punishment of serious human rights abuses with the help of international criminal law and international courts. The studies not only make it possible to compare the different instruments and their results, but also show how and why the means and methods of using criminal law within transitional justice changed over time.

The model of a far-reaching amnesty is represented in this volume by the case of Uruguay, as analysed by Veit Strassner.[42] A state of emergency was declared in this small country on the east coast of South America in 1968, and the parliament was dissolved in 1973. Around 2,900 people were arrested and 80 lost their lives in the fight against the leftist guerrilla organization *Tupamaros*. After the military seized power, the crackdown intensified. Approximately 25,000 people were imprisoned for political reasons, about 6,000 of them for a longer period of time. In relation to the population of almost three million at the time, this amounted to a higher proportion of incarcerations than during the military dictatorships in Argentina, Brazil or Chile. A further 183 people 'disappeared' without a trace, most of them in neighbouring Argentina. They were almost certainly murdered. After several years of nego-

39 *Rome Statute of the International Criminal Court*, accessed 24 November 2021, https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf. Compare, too, the commentary on the Rome Statute by William Schabas, *The International Criminal Court: A Commentary on the Rome Statute* (Oxford: Oxford University Press, 2010).

40 On the establishment and work of hybrid courts, see Aaron Fichtelberg, *Hybrid Tribunal: A Comparative Examination* (New York: Springer, 2015).

41 Florian Jeßberger and Julia Geneuss (eds.), *Zehn Jahre Völkerstrafgesetzbuch* (Baden-Baden: Nomos, 2013); Jeßberger, *Völkerstrafrecht*.

42 On transitional justice in Uruguay, see also Eser, *Strafrecht*, *Teilband 11: Chile, Uruguay* (2007), 449–641; Francesca Lessa, *Memory and Transitional Justice in Argentina and Uruguay: Against Impunity* (New York: Palgrave Macmillan New York, 2013); Francesca Lessa and Elin Skaar, 'Uruguay: Halfway towards Accountability,' in *Transitional Justice in Latin America: The Uneven Road from Impunity towards Accountability,* ed. Elin Skaar, Jemima Gracía Godos and Cath Collins (New York and London: Routledge, 2015), 77–102; Skaar, *After Violence*, 67–93; Straßner, *Wunden*, 159–226.

tiations with the military, the dictatorship ended in November 1984 with free elections.

Unlike its counterparts in Chile and Argentina, the Uruguayan military had not initially codified an amnesty for itself in law. Only after the release of all political prisoners in March 1985 and the subsequent filing of over 700 charges against those responsible for the original arrests did the military demand an amnesty similar to the one previously granted by parliament for the prisoners. In December 1986, therefore, a law was passed that accommodated this request and left it up to the president to decide whether or not an act fell under the amnesty regulation. Mainly out of fear of another coup d'état, President Julio María Sanguinetti subsequently had all outstanding trials terminated. Human rights organizations initiated a referendum against the law twice – in April 1989 and in October 2009. However, on both occasions a narrow majority voted for the continuation of the amnesty.

As a result, in no other country in the world did the policy of immunity from prosecution possess such a high degree of democratic legitimacy as in Uruguay. Nevertheless, a gradual 'erosion' of the amnesty began to set in after about 15 years. Firstly, human rights groups and the lawyers associated with them sought legal loopholes, which they found, among other things, in civil claims for damages against the state and in criminal proceedings against civilian politicians who were not covered by the amnesty law. For example, they regarded the forced disappearance of individuals as continuing abductions because the victims' remains could not be found. Seen from this perspective, the act of disappearance lay outside the amnesty's period of validity. In addition, they appealed to the Inter-American Court of Human Rights, which in 2011 declared the amnesty law invalid in several cases because it prevented the criminal investigation of serious human rights violations. Moreover, from 2005 onwards, the presidents of the centre-left *Frente Amplio* alliance gave the judiciary a free hand, allowing it to decide independently and with less restraint about possible prosecutions.

After the Supreme Court declared the amnesty law unconstitutional in several cases, the Uruguayan parliament ultimately passed a law on the state's right to inflict punishment in 2011. This declared the crimes committed during the dictatorship to be 'crimes against humanity'. Since it was now necessary to weigh two contradictory laws in each individual case, the criminal justice process in Uruguay proceeded in a slow and halting fashion. Of 339 cases, 102 were dropped, while 45 people were convicted of human rights abuses between 2002 and 2020. As of 2020, the rest were still pending. Those convicted included former president Juan María Bordaberry, who was sentenced to 30 years' imprisonment, former *de facto* president General Gregorio Álvarez, who received 25 years in prison, and a number of other military and police officers.

A similar development occurred in Chile, which Ricardo Brodsky examined in his country study.[43] After a coup by the armed forces and the police, a military dictatorship held power there from September 1973 onwards under the commander-in-chief of the army, General Augusto Pinochet. Especially in the early years of its rule, the military junta acted with great brutality against leaders and activists of the left-wing electoral coalition *Unidad Popular*, which had brought the socialist politician Salvador Allende into office in 1970. Thus, following the coup, thousands of people were interned in stadia, camps, military compounds and secret detention centres. After the dissolution of the secret service *Dirección de Inteligencia Nacional* (DINA) in 1977, the extent of the repression decreased. Despite this, of a population of ten to twelve million at the time, a total of more than 38,000 people were imprisoned and tortured for political reasons. More than 2,000 were executed and more than 1,000 disappeared. Free elections were held in December 1989, after Pinochet had lost a vote on whether to serve another term as president. However, he remained commander-in-chief of the army until 1998 and enjoyed immunity from prosecution, having had himself declared a senator for life.

As early as 1978, the military junta had declared an amnesty that exempted a large proportion of the violent acts committed under its aegis from prosecution. This decree was not repealed by subsequent democratic governments. In Chile, as in Uruguay, human rights organizations and lawyers aligned with them therefore looked for legal loopholes. Since the amnesty only applied to acts up to 1978 and did not cover all eligible offences, initial investigations were launched in the 1990s. These led to the arrest of former DINA leader Manuel Contreras in 1994. 1998 witnessed a turnaround in jurisprudence, when the Supreme Court ruled that the Geneva Convention applied in cases of enforced disappearances. This brought about the resumption of proceedings. A few weeks later, Pinochet was arrested in London at the request of a Spanish investigating judge and placed under house arrest there for a year and a half – a decision that echoed around the world. In Chile, too, lawsuits against the former dictator were now permitted for the first time, and in the year 2000 his immunity as a senator was lifted.[44]

Against this background, the Supreme Court appointed 60 judges in 2001 at the request of the socialist president Ricardo Lagos. These were to give priority to deal

43 On transitional justice in Chile, compare Cath Collins, *Post-Transitional Justice:. Human Rights Trials in Chile and El Salvador* (Pennsylvania: Pennsylvania State University Press, 2010); Cath Collins and Boris Hau, 'Chile: Incremental Truth, Late Justice,' in Skaar, *Latin America*, 126–150; Albin Eser, *Strafrecht, Teilband 11: Chile, Uruguay* (2007), 23–447; Claudio Fuentes, 'The Unlikely Outcome: Transitional Justice in Chile 1990–2008,' in Popovski, *After Oppression*, 116–142; Klumpp, *Vergangenheitsbewältigung;* Stephan Ruderer, *Das Erbe Pinochets: Vergangenheitspolitik und Demokratisierung in Chile 1990–2006* (Göttingen: Wallstein, 2010); Straßner, *Wunden*, 227–307.

44 Cf. Heiko Ahlbrecht, *Der Fall Pinochet(s): Auslieferung wegen staatsverstärkter Kriminalität?* (Baden-Baden: Nomos, 1999); Roger Burbach, *The Pinochet Affair* (London and New York: Zed Books, 2003); Bruno Zehnder, *Immunität von Staatsoberhäuptern und der Schutz elementarer Menschenrechte – der Fall Pinochet* (Berlin: Nomos, 2003).

with about 110 cases of serious human rights violations. Lagos' successor Michelle Bachelet, who had herself been imprisoned and whose father had died in custody, also actively campaigned for a reappraisal of the crimes committed by the regime. However, due to the judiciary's slow *modus operandi* and the gradual erasure of criminal responsibility by the Supreme Court, in the end – judged in comparison to the number of victims – only a small proportion of those responsible were punished. In total, Chilean courts imposed just over 600 prison sentences between 2010 and 2019, mostly against members of the security forces. Pinochet was not among them, as he had been declared unfit to stand trial in 2001.

The third South American country examined in this volume is Argentina.[45] There too, high-ranking military officers staged a coup in the 1970s. Between 1976 and 1983, the junta under General Jorge Rafael Videla and his successors arrested around 10,000 opposition activists, predominantly on the left. Almost 9,000 are believed to have disappeared and were presumably killed. In relation to the population of 26 to 30 million at the time, more people were killed on average per capita in Argentina than in Chile or Uruguay.

The picture that Veit Strassner paints in his country study in this volume displays how the process of transitional justice as regards criminal law in Argentina occurred in several waves. Although the military had guaranteed a comprehensive amnesty by passing the Law of National Pacification shortly before the free elections in October 1983, the Argentinian parliament declared the law unconstitutional soon afterwards. Instead, in 1985, on the orders of the new president Raúl Alfonsín, the so-called junta trials took place, in which Videla and other junta members were sentenced to lengthy prison terms.

However, primarily due to fears of another military coup, prosecutions were soon stopped. In December 1986, the parliament passed the so-called Full Stop Law, which stipulated that new criminal charges relating to the human rights abuses committed under the regime had to be brought within 60 days. This was followed six months later by the Law of Due Obedience, which reduced the number of charges permitted to only 18. President Carlos Menem, who came to office in 1989, then opposed prosecution altogether and gradually also pardoned all military officers and civilians who had already been convicted.

As in Uruguay and Chile, human rights organizations and their lawyers subsequently sought legal loopholes in the amnesty legislation. For example, relatives of the victims sued the state for compensation and, in 1998, a mother won the

45 On transitional justice in Argentina, see Arnold, *Strafrecht, Teilband 3: Argentinien* (2002); Lorena Balardini, 'Argentinia: Regional Protagonist of Transistional Justice,' in Skaar, *Latin America*, 50 – 76; Mario Hemmerling, *Vergangenheitsaufarbeitung im postautoritären Argentinien: Ein Beitrag zur Reaktion des Verfassungsrechts und der Verfassungsgerichtsbarkeit auf staatlich gesteuertes Unrecht im Lichte völkerrechtlicher Verpflichtungen* (Baden-Baden: Nomos, 2011); Lessa, *Memory*; Catalina Smulovitz, 'The Past is Never Dead: Accountability and Justice for Past Human Rights Violations in Argentina,' in Popovski, *After Oppression*, 64 – 85; Straßner, *Wunden*, 73 – 158.

right to have the fate of her disappeared child legally clarified. In both cases, however, the Argentinian state only gave way after the Inter-American Court of Human Rights became involved. In addition, criminal proceedings were brought for child abduction, because this offence was not covered by the amnesty laws. Consequently, Videla and other high-ranking military officials were tried again and finally sentenced to terms of imprisonment in 1998.[46]

Following the election victory of the Peronist politician Néstor Kirchner, the Argentinian parliament repealed the amnesty laws as unconstitutional in 2003. The Supreme Court confirmed this two years later. Thus, 22 years after the end of the military dictatorship, there were no longer any legal hurdles for the prosecution of serious human rights violations in Argentina. As a result, by September 2020 there had been around 600 trials for crimes against humanity, in which almost 1,000 responsible parties were convicted. However, owing to their now advanced age, the majority served their jail terms under house arrest.

In light of the above, it can be said that amnesties played an important role in the process of transition from dictatorships to stable democracies in all three South American states.[47] Since the military could assume that no-one from their ranks would be held accountable, they renounced their political power or attempts to regain it by force respectively. At the same time, it can be observed that a strong human rights movement, in cooperation with lawyers, courts and the Inter-American Court of Human Rights, slowly eroded the commitments to immunity from prosecution and in one case – Argentina – finally brought them down altogether. Furthermore, it is striking that the intensity of the criminal justice process depended strongly on the political balance of power, above all on which party was in power and what influence the military had in each case.

Criminal justice developed in a markedly different way in Albania, examined in this volume by Jonile Godole.[48] Between 1944 and 1990, the Balkan state – which has less than three million inhabitants – was ruled by one of the most repressive communist dictatorships in Europe. The total number of political prisoners under dictator Enver Hoxha is estimated to stand at between 24,000 and 34,000, and the number of politically motivated executions is estimated at over 6,000. Around 1,000 people are said to have died in custody. About the same number again were killed at the bor-

46 Wolfgang Kaleck, *Kampf gegen die Straflosigkeit: Argentiniens Militärs vor Gericht* (Berlin: Wagenbach, 2010).

47 On this topic, cf. Mark Freeman, *Necessary Evils: Amnesties and the Search for Justice* (Cambridge: Cambridge University Press, 2009).

48 On transitional justice in Albania, compare Robert Austin and Jonathan Ellison, 'Albania,' in Stan, *Eastern Europe*, 176–199; Arolda Elbasani and Artur Lipinski, 'Transitional Justice in Albania: Historical Burden, Weak Civil Society and Conflicting Interests,' in *Transitional Justice and Civil Society in the Balkans*, ed. Olivera Simié and Zala Volčič (New York: Springer, 2013), 105–121; Lavinia Stan and Nadya Nedelsky (eds.), *Encyclopedia of transitional justice*, vol. 1 (Cambridge: Cambridge University Press, 2013), 7–14.

der. The dictatorship in Albania not only lasted considerably longer than in the South American states examined here. It also led to the wholesale destruction of established social structures. The previous elites were killed or imprisoned. The borders were hermetically sealed. The economy was completely nationalized. Agriculture was forcibly collectivized. In 1967, even any kind of religious practice was banned.

After the first free elections in 1991, from which the communist Party of Labour emerged victorious, the judiciary inherited from the dictatorship conducted a series of trials against former leading officials. For example, the dictator's widow was sentenced to nine years in prison for embezzlement in December 1991. Hoxha's successor, Ramiz Alia, received the same prison sentence in 1994. Similar sentences were handed down to a number of other officials, but the will to prosecute soon waned and most of the sentences were overturned. A second attempt to resolve matters was made in 1995, when the Albanian parliament passed the law 'On Genocide and Crimes against Humanity' following the election victory of the Democratic Party (DP), which was founded by former opposition members. As a result, 24 former high-ranking officials were arrested – among them Alia, who has since been released, and the head of the secret service, Zylyftar Ramizi – and sentenced to heavy fines.

After a severe economic and political crisis, the Socialist Party (SP), as the Party of Labour now called itself, won the elections again in 1997. The court of appeal decided shortly afterwards to drop the charges against Alia and other top officials because they 'could not be punished for acts that were not illegal at the time they were committed'.[49] In 1999, the court further acquitted those officials who had already been convicted. However, the aforementioned officials had already escaped from prison two years earlier during the unrest and, in some cases, had fled abroad. In total, 26 people were convicted in Albania, but none of them had to serve their full sentences.

Albania, like South America, reveals a close connection between the political balance of power and the intensity of transitional criminal justice. However, the consequences of this are more significant in Albania's case, because the country lacked several influential factors that were crucial in Latin America. These included a strong human rights movement supported by qualified lawyers, a relatively independent judiciary and a supranational judicial body such as the Inter-American Court of Human Rights, which could have exerted external influence on the administration of justice in Albania. Another difference to South America is the fact that all political camps were intertwined with the old regime in terms of personnel, and former persecutees had only a weak political elite at their disposal.

49 Quoted in Bledar Abdurrahmani, 'Transitional Justice in Albania: The Lustration Reform and Information on Communism Files,' *Interdisciplinary Journal of Research and Development*, 5:3 (2018): 123.

South Africa, which Hugo van der Merwe has examined in this volume, took a fundamentally different path than the states mentioned so far.[50] The policy of racial segregation practised there, especially between 1948 and 1994 – known as apartheid – led to the persecution of the black opposition movements spearheaded by the African National Congress (ANC) and Pan Africanist Congress (PAC). This in turn engendered a guerrilla war supported by the Soviet Union, which also involved brutal actions against 'traitors' in the ranks of the opposition by its own members. In 1990, the ban on the ANC was lifted and its leader Nelson Mandela released. After several years of negotiations with the white government, free elections were held in 1994. These ended with an electoral victory for the ANC. The transition period from 1991 to 1994 in particular witnessed fierce conflicts between the ANC and the black, anti-communist Inkatha Freedom Party (IFP). These clashes claimed the lives of at least 14,000 people – far more than had died during more than 40 years of apartheid. It is still not known how many of the country's approximately 60 million inhabitants were victims of political violence in total.

Haunted by these bloody clashes, the South African parliament passed a law for 'the Promotion of National Unity and Reconciliation' in 1995.[51] Those responsible for serious human rights violations during the period from 1960 to 1994 were to be granted an amnesty, provided that they 'make a full disclosure of all the relevant facts [...]'. A Truth and Reconciliation Commission set up by Mandela and chaired by the black Archbishop Desmond Tutu was to shed light on the crimes committed via public hearings, grant amnesty to self-confessed perpetrators and make recommendations regarding reparations for victims. The commission had two years to complete its work and presented its final report in October 1998.[52]

The legislature's offer, however, met with only a limited response. Although the commission received in excess of 7,000 amnesty applications, these came mainly from perpetrators from the ranks of the liberation movement who had already been convicted and from white officials whose deeds had already become known. Victims appealed against more than 1,600 amnesty applications, resulting in public hearings. Over 1,000 applicants, mostly ANC members, were nevertheless granted amnesty. After concluding its work, the commission handed over about 400 investi-

50 On transitional justice in South Africa, see Ole Bubenzer, *Post-Trc Prosecutions in South Africa: Accountability for Political Crimes After the Truth and Reconciliation Commission's Amnesty Process* (Leiden and Boston: Brill, 2009); Audrey Chapman and Hugo van der Merwe, *Truth and Reconciliation in South Africa: Did the TRC deliver?* (Philadelphia: De Gruyter, 2008); Antje du Bois-Pedain, *Transitional Amnesty in South Africa* (Cambridge: Cambridge University Press, 2007); Eser, *Strafrecht, Teilband 8: Südafrika*; Paul Gready, *The Era of Transitional Justice: The Aftermath of the Truth and Reconciliation Commission in South Africa and Beyond* (New York: Routledge, 2010).

51 *Promotion of National Unity and Reconciliation Act 34 of 1995*, accessed 24 November 2021, https://www.justice.gov.za/legislation/acts/1995-034.pdf.

52 *The TRC Report*, accessed 24 November 2021, https://www.justice.gov.za/trc/report/index.htm. Cf. Adam Sitze, *The Impossible Machine: A Genealogy of South Africa's Truth and Reconciliation Commission* (Ann Arbor: University of Michigan Press, 2013).

gation files relating to instances in which it had rejected the respective amnesty applications made to the public prosecutor's office. Nevertheless, even these cases tended not to be prosecuted. Van der Merwe attributes this fact to influence exerted by the ANC, which feared that it too would otherwise end up in the cross-hairs of the investigations.[53]

In total, approximately 20,000 serious crimes were reported to the commission. However, due to its short mandate and understaffing, it was not able to investigate most of them in more detail. Only about ten percent of the victims or relatives who came forward were heard in public. Most of the human rights abuses were neither publicly dealt with nor punished. Contrary to the expectations of Mandela and Tutu, the South African approach did not lead to the establishment of lasting peace in this fractured society, as has most recently been demonstrated by the unrest in the summer of 2021.

By comparison, the criminal proceedings employed within the context of transitional justice in two other African states examined in this volume took a fundamentally different course. Unlike South Africa, though, this process did not take place after a negotiated transition, but following a military victory by rebels over the regimes that had held sway until then. The criminal proceedings initiated in those nations were thus imbued with characteristics more akin to victors' justice than to prosecution under the rule of law.

In Ethiopia, to which Tadesse Metekia has devoted his country study, a Marxist-Leninist-orientated military junta ruled from 1974 to 1991. The regime enjoyed the support of the Soviet Union and other Eastern Bloc states.[54] Especially during the time of the 'Red Terror' in 1977/78, the multi-ethnic state endured mass persecution, which is said to have cost the lives of up to 150,000 Ethiopians. However, thousands were arrested, tortured and executed both before and after that period. In addition, over 10,000 civilians were killed by bombardments in the fight against independence movements in the north of the country. Furthermore, the regime was partly responsible for a severe famine in which more than half a million people perished between 1984 and 1985. In total, between 725,000 and two million people are said to have lost their lives under dictator Mengistu Haile Mariam in Ethiopia, which has a population of just over 100 million. After several years of civil war, the regime was overthrown in

53 Compare the contribution of Hugo van der Merwe in this volume.

54 On transitional justice in Ethiopia, cf. Girmachew Alemu, Charles Schaefer and Kjetil Tronvoll, *The Ethiopian Red Terror Trials: Transitional Justice Challenged* (Woodbridge: Boydell & Brewer, 2009); Tadesse Metekia, 'Violence Against and Using the Dead: Ethiopia's Dergue Cases,' *Human Remains and Violence* 1:4 (2018): 76–92; Demelash Shiferaw Reta, *National Prosecution and Transitional Justice: The Case of Ethiopia* (n. p., 2014); Jeremy Sarkin, 'Transitional Justice and the Prosecution Model: The Experience of Ethiopia,' *Law, Democracy & Development* 2:3 (1999): 253–266; Stan, *Encyclopedia*, vol. 2, 167–173; Marshet Tadesse Tessema, *Prosecution of Politicide in Ethiopia: The Red Terror Trials* (The Hague: Asser Printing Press, 2018).

1991 by the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) and the Oromo Liberation Front (OLF).

The newly created transitional government, which the OLF soon left, initially made no effort to deal with the past in terms of criminal law. However, in response to international pressure, a law was passed in 1992 that provided for the establishment of a special prosecutor's office. The constitution, which came into force in 1995, further stipulated that genocide and crimes against humanity were neither subject to a statute of limitations nor to a pardon.

The Special Prosecutor's Office carried out investigations under the precepts of international criminal law, as well as investigating murder, grievous bodily harm with intent, unlawful arrest and similar offences. The investigations, which lasted from 1992 to 2010, were not only directed against political decision-makers, field commanders and officials of the communist regime, but also against private individuals who had participated in atrocities. In addition to several regional courts, the Federal Supreme Court, which heard the most prominent cases and also served as a court of appeal, was primarily responsible for conducting the trials.

In total, more than 5,000 people were charged and almost 3,600 convicted. Nevertheless, only 2,275 people actually had to serve their sentences, as the rest had left the country and efforts to extradite them proved unsuccessful. Mengistu, who had fled to Zimbabwe, could also only be sentenced in absentia to life imprisonment for genocide, manslaughter and other charges in 2006, and to death in absentia in 2008. The same applies to 19 of his 73 co-accused. Of the 23 individuals accused of war crimes, only five were even present at their trials. In addition to lengthy prison sentences, 52 unenforced death sentences were handed down during the trials, 18 of them against junta members.

The EPRDF attempted to gain more political legitimacy as regards both domestic and foreign policy via the trials. However, given the successor regime's authoritarian character and the instrumental character of the prosecutions that it initiated, this has only been achieved to a limited extent. For example, during Mengistu's stay in South Africa, Amnesty International explicitly opposed his extradition to Ethiopia because he would have been extradited to a country where suspects would arguably face unfair trials and the death penalty.[55] The Director-General of the Ethiopian Agency for Civil Society, Jima Dilbo Denbel, further argued that the trials had hindered rather than promoted the quest to find the truth. In his opinion, if the government officials who had formally apologized had not been imprisoned and threatened with the

55 Amnesty Interational, 'Äthiopiens Ex-Diktator Mengistu nicht verhaftet,' *AI-Journal* (January 2000), accessed 24 November 2021, https://web.archive.org/web/20160304074225/http://www.amnesty.de/umleitung/2000/deu05/264?lang=de%26mimetype%3dtext%2fhtml.

death penalty, but had been given the opportunity to testify voluntarily, this would have been more likely to aid the healing process for the victims.[56]

In Rwanda, which is examined in this volume by Julia Viebach, criminal prosecution took place under similar conditions.[57] However, the acts of violence committed there differed from those in Ethiopia in that they claimed an extremely high number of victims in a very short period of time and had been committed with the broad participation of the population. Moreover, due to the dimensions of the genocide and the passive attitude of the UN, the process of transitional criminal justice in Rwanda was to a large extent an international issue.

In spring 1994, at least 800,000 people were killed in Rwanda in just 100 days. Armed units as well as around 200,000 civilians took part in the mass murder, which was mainly committed with primitive hand-held weapons. The violence originated with the majority Hutu section of the population and was directed against the minority Tutsis. However, moderate Hutus such as Prime Minister Agathe Uwilingiyimana were also among the victims. The genocide was ended by the decisive military victory of the Tutsi rebel army the Rwandan Patriotic Front (RPF), which is also said to have killed at least 25,000 civilians during its campaign.

The dimensions of the crimes and the large number of people responsible for them made criminal prosecution particularly difficult. Furthermore, national and international actors worked side by side with and sometimes even against each other. In November 1994, the UN Security Council decided to establish a temporary International Criminal Tribunal for Rwanda (ICTR), the jurisdiction of which was limited to genocide, war crimes and crimes against humanity committed in 1994.[58] In order to prevent influence being exerted by the RPF, the court was located in neighbouring Tanzania. Rwanda, which had originally requested the establishment of the court, voted against the resolution. From 1995 to 2014, the ICTR indicted a total of 93 people. These consisted primarily of individuals involved in organizing the genocide ('*génocidaires*'), such as cabinet members, regional and local politicians, military leaders and members of the *Interahamwe* militia, in addition to some prominent

56 Jima Dilbo Denbel, 'Transitional Justice in the Context of Ethiopia,' *International Letters of Social and Humanistic Science* 10 (2013), 73–83, accessed 24 November 2021, https://www.scipress.com/ILSHS.10.73.pdf.

57 On transitional justice in Rwanda, see Urs Behrendt, *Die Verfolgung des Völkermordes in Ruanda durch internationale und nationale Gerichte: Zugleich ein Beitrag zu Inhalt und Funktion des Universalitätsprinzips bei der Verfolgung von Völkerrechtsverbrechen* (Berlin: Berliner Wiss.-Verlag, 2004); Eide and Suhrke, 'Rwanda,' in Skaar, *After Violence* (New York: Taylor & Francis Ltd., 2015), 139–162.; Sam Rugege and Aimé M. Karimunda, 'Domestic Prosecution of International Crimes: The Case of Rwanda,' in *Africa and the International Criminal Court,* vol. 1., ed. Gerhard Werle, Lovell Fernandez and Moritz Vormbaum (The Hague: Springer, 2014), 79–116.

58 UN Security Council, *Resolution 955* (8 November 1994), accessed 24 November 2021, https://www.humanrights.ch/cms/upload/pdf/100916_SC_Res_955.pdf. Cf William Schabas, *The UN international criminal tribunals: The former Yugoslavia, Rwanda and Sierra Leone* (Cambridge: Cambridge University Press, 2006).

businessmen and media representatives. 61 people received prison sentences, and three cases were handed over by the court to the judiciary in Rwanda.[59]

Rwanda itself was initially without a functioning judicial system, since the new rulers had broken up the previous Hutu-dominated one. However, as part of their 'policy of maximum criminal responsibility', they wanted to punish not only high-ranking perpetrators but all those involved in the genocide. Up to 140,000 people, including around 5,000 youths, were taken into custody. This led to catastrophic conditions in the overcrowded prisons, where detainees frequently experienced inhumane treatment. The war crimes and revenge killings committed by Tutsis were not prosecuted, not even by the ICTR.

For the purposes of prosecution, the Rwandan penal code was supplemented with elements of international criminal law. At first – more precisely, from 1996 to 2000 – special courts had jurisdiction over the proceedings. In order to speed up processing the cases, the suspects were classified according to the severity of their crimes into four, and, later, three categories. Moreover, a system of so-called confession hearings was introduced, in which defendants could expect a considerable reduction in their sentences if they made a comprehensive confession and apologized to their victims. This procedure was used above all in relation to minor offences.

Nevertheless, even these measures did not resolve the backlog in processing the cases, which was mainly due to the considerable number of them. The first and most serious category alone, which included genocide, incitement to violence, sexual torture, murder and the desecration of corpses, encompassed 70,000 to 80,000 suspects. By mid-1997, however, the special courts had handed down only 142 sentences, including 61 death sentences. Later, the tempo increased. By the end of 2001, a good 4,000 people had been brought to trial and, by the close of 2003, a further 2,300. In spite of this, although about 10,000 people had been prosecuted by mid-2006, it would still have taken about 100 years to try all the accused if the pace had remained the same.

From 2002, the Rwandan government thus began to establish so-called *gacaca* courts. Utilizing an ancestral tradition, whereby in conflict situations the village elder – the *inyangamugayo* – was called upon to make a decision, these were granted additional authority, which allowed them try crimes against humanity and genocide and to decide on punishments and reparations. Following a pilot phase, these village courts were introduced throughout Rwanda in 2005.[60]

59 ICTR, *Key Figures of ICTR Cases*, accessed 24 November 2021, https://unictr.irmct.org/sites/unictr.org/files/publications/ictr-key-figures-en.pdf.

60 On the g*acaca* courts, compare Paul Christoph Bornkamm, *Rwanda's Gacaca Courts: Between Retribution and Reparation* (Oxford: Oxford University Press, 2012); Philipp Clark, *The Gacaca Courts, Post-Genocide Justice and Reconciliation in Rwanda: Justice without Lawyers* (Cambridge: Cambridge Universitiy Press, 2010); Nandor Knust, *Strafrecht und Gacaca: Entwicklung eines pluralistischen Rechtsmodells am Beispiel des ruandischen Völkermordes* (Berlin: Duncker & Humblot, 2011); Charity

The village communities elected over 250,000 men and women to serve as *inyangamugayo* judges at that point in time. Those chosen received only basic legal training. Lawyers or qualified judges did not participate in the proceedings. At the lowest level, more than 9,000 cell courts were responsible for hearing evidence as well as handling property offences. Approximately 1,500 sector courts tried more serious crimes and dealt with appeal cases. Cases in the first of the aforementioned categories were initially referred to national courts, but from 2008 they were also tried by sector courts. The *gacaca* courts could sentence defendants to up to 25 years in prison or to community service. By 2012, when they ended their work, they had sentenced in excess of 1.9 million people. 273,000 were declared innocent.

In a similar fashion to its Ethiopian counterpart, the government in Rwanda claimed that the trials were intended to end a 'culture of impunity'. Admittedly, they did indeed contribute to providing for the *Right to Justice* mentioned earlier. The price, however, was a massive restriction of the rights of the accused in the *gacaca* courts. This led to international criticism, especially from jurists. Whether – as Denbel postulates for Ethiopia[61] – the *Right to Know* would have been better served if criminal prosecution had been dispensed with altogether seems doubtful. After all, discontinuing the threat of punishment does not automatically lead to a greater willingness to testify on the part of those responsible. On the other hand, the practice of offering reduced sentences during criminal proceedings, as employed in Rwanda, proved quite effective in terms of criminal prosecution in relation to transitional justice.

The main objection to the approach taken in Ethiopia and Rwanda is that the regimes responsible for the crimes were not replaced by state structures based on the rule of law, but by new authoritarian forms of rule. Ethiopia, for example, was a country with extremely repressive laws – at least until 2018. Faced with increasing political violence, the government has again resorted to instruments of persecution since 2020, as well as deploying the military against breakaway regions. Ethiopia's freedom status admittedly improved from 12/100 points in 2017 to 24/100 in 2020, but the country is still considered unfree and its score deteriorated once more to 22/100 in 2021. Rwanda's freedom status likewise scarcely improved between 2002 and 2013, dropping from 24/100 (2017) to 21/100 (2021) in recent years.[62] In both countries, therefore, the *Guarantees of Non-Recurrence* remain unfulfilled.

A comparison of criminal prosecution in the seven states examined here shows that there is no patent remedy for the question posed at the beginning of this paper as to which instruments of transitional justice are effective and which are not. Their

Wibabara, *Gacaca Courts versus the International Criminal Tribunal for Rwanda and National Courts* (Baden-Baden: Nomos, 2014).

61 Denbel, 'Transitional Justice, 82.

62 Accessed 24 November 2021, https://freedomhouse.org/country/ethiopia/freedom-world/2017 and https://freedomhouse.org/country/rwanda/freedom-net/2017.

success depends to a large extent on the prevailing national and international conditions. Nevertheless, some conclusions can be drawn for the future:

1. **Criminal prosecution is necessary.** The criminal prosecution of serious human rights violations serves the goal of removing those responsible for them. It takes into account the victims' need for atonement whilst helping to enforce the rule of law, restore trust in the state and deter attempts at repetition. At the same time, it makes a contribution to establishing the truth. Not to prosecute would call into question basic principles of criminal law, disappoint the victims and their relatives, and foster the danger of repetition. In the case of war crimes, genocide and crimes against humanity, it would also contradict the international criminal law now in force in many states.
2. **Amnesties make sense.** In the interests of a peaceful transition from dictatorship to democracy, it is nevertheless often required to deliberately refrain from prosecution. In many cases, the democratization of an authoritarian regime is only possible if larger sections of the ruling elite can assume that they will gain more advantages than disadvantages from it. The greater the danger of a relapse into dictatorship, the more restrained the instrument of criminal prosecution that must therefore be used. This applies all the more to situations of civil war, where the threat of prosecution can strengthen resistance and prolong violent conflicts. The prospect of an amnesty is thus a legitimate and practicable means of bringing hostile parties to the negotiating table and committing them to ending violence, whereby it can be structured differently in terms of substance and chronology.
3. **Remission of punishment facilitates transitional justice.** A mitigated form of amnesty is exemption from punishment (South Africa) or reduced punishment (Rwanda) if the accused makes a confession. This instrument, which is also used in many countries for criminal offences, is a sensible method for making transitional justice easier. However, it loses its pacifying effect if, as in South Africa, criminal prosecution ultimately does not occur even against those who do not confess. Moreover, the remission of punishment should leave civil claims untouched, so as not to curtail the rights of victims.
4. **Prosecution can be narrowed down.** When it comes to dealing with mass crimes under criminal law, the judiciary often reaches its limits. Only if a manageable circle of victims and perpetrators is involved is it possible to hold a significant proportion of the perpetrators criminally responsible. With a large circle of victims and perpetrators, it is therefore in the interest of successful transitional justice to concentrate on serious offences. This is especially true if the judiciary is overburdened, leading to the possibility that the accused become unable to stand trial or that their crimes could expire by limitation, so that serious human rights abuses could go unpunished.
5. **Judicial reforms are necessary.** Successful criminal justice generally requires a thorough reform of the judicial system, both in terms of personnel and organization. The aim should be to maximize the independence of the judiciary and to

largely eliminate political influence. The efficiency of the judiciary must also be increased, since in times of transition a large number of offences often have to be prosecuted simultaneously. In countries with a poorly functioning judiciary – or one that toes a political line – care must be taken to ensure that institutional reforms and programmes of legal qualification are introduced. A complete dismantling of the old judicial system, on the other hand, is counterproductive.

6. **Obstacles to prosecution must be removed.** In many countries, legal obstacles prevent the prosecution of serious human rights abuses. These include not only extensive amnesties, which were frequently declared by the former rulers themselves, but also the prohibition of *ex post facto* legislation, statutes of limitations and the defence that perpetrators were acting under orders. In the interest of effective criminal justice, these restrictions, which are essential for functioning constitutional states but which often lead to impunity when dealing with crimes committed under dictatorships, should be eliminated or restricted at an early stage through legislative or constitutional amendments.
7. **Alternatives to criminal proceedings are possible.** In the case of a large number of serious crimes, traditional criminal proceedings followed by imprisonment are too time-consuming to ensure effective transitional justice in this area. In order to prevent arbitrariness and impunity, it is therefore necessary to use simpler forms of sanction. The decision-making bodies should be decentralized – as was the case with the *gacaca* courts in Rwanda or the American courts in Germany after 1945. To help avoid arbitrariness, a court of appeal should further exist. However, due to the limited rights of the accused, possible sanctions should be low-threshold.
8. **Criminal prosecution should be flanked by socio-political measures.** A strong civil society facilitates transitional justice and monitors the functioning of the rule of law. Victims' organizations, human rights groups and the lawyers associated with them play a special role in this respect. Frameworks for transitional justice regarding criminal law following the end of dictatorships and mass crimes should therefore include flanking programmes that strengthen these actors.

In summary, it can be said that criminal prosecution is a feasible, useful and necessary instrument of transitional justice. The political challenge after the end of an unjust regime is to adapt it to the respective circumstances in such a way that it is conducive to the criteria mentioned above in as comprehensive a fashion as possible. The time factor likewise plays an important role in this context, since processes of transition are not static, but go through various phases.

3 Redress

Whilst numerous academic studies that address the criminal prosecution of serious human rights abuses exist, the question of the rehabilitation of the victims and their relatives, as well as their compensation, has generally been treated as a side issue within the relevant research.[63] This may have something to do with the fact that, when examining crimes, more attention tends to be paid to how the perpetrators are dealt with than to the situation in which the victims find themselves. In addition, compensation is often seen as the interest of a subgroup, whereas punishing perpetrators is perceived as a concern shared by society as a whole. Nevertheless, given that no other instrument of transitional justice has such a direct impact on the circumstances of people who were victims of mass crimes, it is remarkable that the topic of redress has not been focused on more strongly. Moreover, it represents the counterpart, as it were, to criminal prosecution, because the damage caused by a perpetrator should not only be punished, but also remedied or compensated. For this reason, the measures of reparation in the countries dealt with in this volume will likewise be subjected to a comparative analysis in the following paragraphs.

The UN General Assembly set out what is meant by reparation in more concrete, detailed terms in a resolution of December 2005. According to this, it includes the following elements:

- The original situation of the victims is to be restored ('restitution');
- Their physical, psychological and material damage, including lost opportunities, should be compensated ('compensation');
- They should receive medical, psychological, legal and social care ('rehabilitation');
- The crimes committed should be disclosed, the whereabouts of the dead and disappeared clarified, and the dignity of the victims restored ('satisfaction');
- The military and security forces should be effectively controlled, the independence of the judiciary should be strengthened, the military and security forces as well as the civil service should be educated regarding the observance of human rights, and laws that violate human rights should be revised ('guarantees of non-repetition').

63 On the problems associated with redress, cf. Pablo De Greiff (ed.), *The Handbook of Reparations* (Oxford: Oxford University Press, 2008); Dan Diner and Gotthard Wunberg (eds.), *Restitution and Memory: Material Restoration in Europe* (New York and Oxford: Berghahn, 2007); Eva Dwertmann, *The Reparation System of the International Criminal Court: Its Implementation, Possibilities and Limitations* (Leiden: Brill, 2010); Christine Evans, *The Right to Reparation in International Law for Victims of Armed Conflict* (Cambridge: Cambridge University Press, 2012); Conor McCarthy, *Reparations and Victim Support in the International Criminal Court* (Cambridge: Cambridge University Press, 2012).

The resolution further stipulates that reparation must be made by the state if it was responsible for the human rights violations. This must be done in an 'adequate, effective and prompt' fashion.[64]

Whilst the resolutions made by the General Assembly are only recommendations, the UN Convention against Torture, in force since 1987, is legally binding. It obliges the 171 signatory states to ensure that 'the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation'.[65] Whether and how these requirements have been implemented in the seven countries examined in this volume will be analysed in more detail below.

As a rule, one of the first actions to be carried out after overcoming a dictatorship is the release of political prisoners. Since they were usually deprived of their liberty using legal provisions, a legal act is normally also required to lift those provisions. What appears simple at first glance often turns out to be complicated in practice, since the group of prisoners to be released must be clearly defined in legal terms in order to include all those affected but exclude ordinary inmates. Even the question of whether those affected are to be granted an amnesty or rehabilitated, which, on the face of it, seems to be a trivial matter, is of considerable importance. This is because, in the one case, the persons concerned are only pardoned, while in the other, their imprisonment is declared unlawful.

In Uruguay, a Law of National Pacification was passed in 1985, immediately after the new, freely elected president took office. This granted amnesty to all political prisoners. At the same time, it rehabilitated the state employees dismissed by the military. Later, further laws also enabled those employees to return to their old jobs and credited them with their lost pension entitlement. More than 16,000 people benefited from this this act. Furthermore, in 1986, a government commission was set up to support the return and reintegration of the approximately 350,000 expatriate exiles.

It was not until many years later – after the establishment of a truth commission in the year 2000 – that further remedial measures were passed. Disadvantages that exiles and dismissed or demoted military officers and teachers had regarding their old-age pensions were now offset. Following the example of neighbouring Argentina, the Disappeared were also given the same legal status as deceased persons. This gave

64 United Nations, *Resolution adopted by the General Assembly on 16 December 2005, Annex*, 7–9, accessed 24 November 2021, https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation.

65 United Nations, *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984, entry into force 26 June 1987, in accordance with article 27 (1)*, accessed 24 November 2021, https://www.ohchr.org/en/professionalinterest/pages/cat.aspx.

their relatives the opportunity to dispose of their assets without having to have them declared dead.

Direct financial compensation was only decided upon in 2006, more than 20 years after the end of military rule. Former political prisoners and those who had gone into exile now received a small special pension from the age of 60. In 2009, a compensation law – which made explicit reference to the UN resolution mentioned above – then awarded victims free life-long healthcare as well as a one-off capital compensation payment, which varied in amount for relatives of the Disappeared, victims of severe maltreatment and imprisoned children. The implementation of these provisions was, however, unsatisfactory. A mere 360 applications for compensation were granted in the course of the first five years following the passing of the law.

A number of victims also tried to obtain compensation via recourse to the civil courts. After this initially failed at the national level, the Inter-American Court of Human Rights obliged the Uruguayan state to make extensive reparations in at least one case. In a legal battle lasting years, the Argentine poet Juan Gelman, with the support of the Center for Justice and International Law, succeeded in forcing Uruguay to pay his granddaughter 513,000 US dollars in compensation.

The policy of redress in Chile followed a similar course.[66] However, the early establishment of a commission to clarify the fate of the Disappeared led to significantly swifter compensation for the relatives of this group of victims. In 1990, a National Office of Return was created for the numerous expatriates in exile. By 1994, it had helped over 52,000 Chileans with their resettlement and reintegration. Then, in 1992, the children of the more than 2,000 individuals killed or disappeared were awarded monthly compensation. They were to receive the payment until the age of 25, plus a one-off lump sum when that benefit expired. Finally, in 1993, a law was passed to improve the situation of the almost 160,000 civil servants dismissed under the old regime. It offset their loss of pension rights, guaranteed them a minimum pension, and provided for the payment of redundancy settlements.

More than ten years later, the establishment of another commission, this time on political imprisonment and torture during the dictatorship, led to compensation payments for this group of victims, too. In 2004, the more than 38,000 former political prisoners were awarded a monthly sum. Minors who had been born in prison received a one-off capital compensation payment. Moreover, detainees and the children of those killed were entitled to free medical care, whilst the children of those persecuted received a monthly student grant until the age of 35. A further law stipulated that confiscated property had to be compensated or restituted. Human rights organizations played an important role in the implementation of these regulations.

66 See Elizabeth Lira's analysis, in addition to the documents contained in De Greiff, *Handbook*, 55–101 and 732–759.

In addition, the Chilean state had to pay the equivalent of 133 million US dollars in damages as a result of almost 1,000 civil lawsuits.[67]

Argentina pioneered this type of reparations policy in South America.[68] A truth commission there had already proposed compensation as early as 1984. Initially, however, these measures only benefited dismissed state employees, who were reinstated and had the time lost credited in their pension calculations. In 1986, a modest pension amounting to 75 percent of the minimum wage was additionally introduced for partners and children of the Disappeared.

After several court cases, a law was passed in 1991 – much earlier than in Uruguay or Chile – that awarded former political prisoners a one-off capital compensation sum. For each day of imprisonment, they were entitled to the same income that a public servant in the highest salary bracket would earn. House arrest and probationary periods were also considered imprisonment. In the case of deceased individuals, the right to compensation passed to their legal successors. Taken as a whole, approximately 8,000 people were awarded the equivalent of about 690 million US dollars, which equates to more than 86,000 US dollars per person. However, the payment was made in the form of ten-year government bonds. From the government's perspective, this had the advantage that the sum did not have to be taken from the current state budget. The victims, though, were at a disadvantage, since they risked financial losses in the event of an early sale on the stock exchange. Furthermore, the payment was conditional on the applicant waiving further claims for damages against the state.

Under the same conditions, the relatives of the Disappeared and murdered also received capital compensation from 1994 onwards. It was set at 100 times the monthly salary of a top-level ('A' bracket) public servant – the equivalent of around 220,000 US dollars. This was followed in 2004 by compensation equivalent to 20 such monthly salaries for children who had been imprisoned together with their parents. In 2009, the circle of those entitled to compensation was additionally extended to include victims of the violent clashes that took place before the 1976 coup. Moreover, in 2011, a centre for the psycho-social support of victims of human rights abuses began its work. In 2013, an honorary pension for former political prisoners was finally adopted, which is paid independently of other benefits. On top of that, since 2016, Argentinians who had to leave the country for political reasons have been entitled to a quarter of the rate of the imprisonment compensation for each day spent in exile.[69]

If one compares reparation policies in the three South American countries, numerous similarities are clear, despite all the differences in the details. The initial focus centred on dismissed state employees and exiles. In Uruguay and Argentina, state employees were given the opportunity to return to their former jobs – in addi-

67 Compare the contribution of Ricardo Brodsky in this volume.

68 On this, cf. María José Guembe's analysis, as well as the documents contained in De Greiff, *Handbook*, 21–54 and 701–731.

69 See Veit Strassner's contribution in this volume.

tion to compensation for disadvantages in their pension schemes – and in Chile they received severance pay. Later, both the relatives of those murdered and former political prisoners received one-off payments or monthly support.

In all three nations, reparations were only expanded step by step during the course of a growing willingness to come to terms with the past. In two countries – Argentina and Chile – a direct temporal and causal connection between the recommendations made by the truth commissions and the implementation of the compensation schemes can be observed. Geographical proximity and the lack of language barriers in Latin America promoted the international transfer of experience, so that some regulations were also adopted by other countries. The fact that the victims in Argentina and Uruguay initially had to enforce their claims for compensation in court frequently caused great strain and distress for those affected, but it also imbued the process of transitional justice with a purposeful dynamic.

However, the situation was significantly different in the other four countries covered by this volume. In Albania, the only European country examined herein, reparation payments were much lower than in South America. Moreover, they depended to a large extent on the changing political balance of power and the respective economic situation. Although political prisoners had already been granted amnesty under the communist government in 1991 and were rehabilitated by law shortly afterwards, the compensation announced in the law did not materialize.

It was only after the election victory of the opposition Democratic Party (DP) that parliament passed a law in 1993 which promised formerly persecuted individuals compensation as well as other assistance such as scholarships or the right to council housing. However, it took massive protests by those affected to convince the Council of Ministers to compensate them with the equivalent of about 1,000 euros per year of imprisonment. This decision was reached in 1994. However, over half the sum was issued in the form of vouchers with which state property could be preferentially purchased. Doing so, though, was out of the question for many. All the same, between 1993 and 1997, a total of about 17.5 million euros was paid out, which would correspond to almost 17,000 years of imprisonment. In addition, for the purposes of pension calculation, each year of imprisonment was counted as two years of work.[70]

Nevertheless, numerous serious human rights violations – for example, executions, torture and deaths in custody – were not taken into account in this scheme. After the Socialist Party (SP) assumed the reins of government again in 1997, the system of compensation was therefore restructured. Now, five categories of politically persecuted persons were recognized: those executed, those who died in jail, those imprisoned in labour camps or prisons, and mentally injured parties. According to the government's calculations, this amounted to a total of almost 43,000 eligible claimants. At the same time, however, the amount of compensation for former prisoners was massively reduced to little more than a tenth of the previous amount. Even

70 Compare the contribution of Janina Godole in this volume.

these funds were paid out only slowly. Indeed, from 1998 onwards they were no longer disbursed at all, although the compensation for imprisonment was nominally tripled again in 2004 after renewed protests.

After the Democratic Party (DP) came to power once more, parliament passed a law in 2007 that massively increased the rates of compensation again. Each former detainee was now to receive 7,300 or 3,650 US dollars per year of imprisonment. However, the sum was to be paid in eight instalments, with payments only starting a good two years later and being suspended again in 2011. Contrary to the figures arrived at under the previous government, the number of those persecuted was now estimated at 100,000.

Following a further change of government to the SP, the compensation act was amended yet again in 2014. It now distinguished between primary victims (i. e.: the victims themselves) and non-primary victims (i. e.: relatives). Moreover, in 2018, payment in instalments was abolished. However, only 430 persecutees received the full sum.

When drawing a comparison to South America, it becomes clear that compensation in Albania mainly followed party-political and fiscal interests. In addition, the system was constantly amended and payment extremely unreliable. It is thus impossible to argue that the measures employed there guaranteed the *Right to Reparation* as set down in the requisite UN documents. The lack of an effective human rights movement and the judiciary's proximity to the former regime meant that justified claims could not be enforced via recourse to civil proceedings, either.

South Africa has a mixed record regarding redress.[71] A law granting victims of racially motivated expropriations the right to restitution or compensation admittedly came into force there as early as 1994. However, its practical implementation turned out to be exceedingly complicated and protracted due to difficulties regarding the provision of evidence. By contrast, the redistribution of land could be realized more quickly through purchase. To this end, the South African state acquired nearly 5,000 farms for more than 1.2 billion US dollars between 1994 and 2013, which it then transferred to black ownership.

In 1998, the Truth and Reconciliation Commission formulated recommendations for compensation, in a similar fashion to the way in which this had already been done in South America. Victims of serious human rights abuses or their relatives were to receive an annual payment of 20,000 rand (equal to about 3,000 US dollars at the time) over a period of six years, i. e.: a total of 18,000 US dollars. They were also to receive medical and educational support. Furthermore, the communities most affected by the violence were to benefit from collective assistance. To date, however, only little in the way of this has been implemented.

71 Cf. Christopher J. Colvin's analysis on this matter, in addition to the documents in De Greiff, *Handbook*, 176 – 214 and 770 – 820.

It is true that the Commission had already paid out a small amount of emergency aid of around 3,000 rand (500 US dollars) per person to the victims cooperating with it during its work. Nonetheless, it took another five years until parliament adopted its own compensation programme in 2003. All victims registered with the Commission were to receive a one-off subsidy of 30,000 rand (3,900 US dollars), which was less than a quarter of the compensation originally proposed. Affected individuals with a low annual income could additionally receive educational support, which was paid directly to the relevant educational institution. Medical support for victims, which was also planned, has not materialized so far.[72] A significant restriction is to be found in the fact that persons who had not registered with the Commission are excluded from receiving aid. Moreover, there is usually no possibility to claim civil damages, as the amnesties declared by the Truth Commission already encompassed such claims.

Similarly, the collective measures of redress proposed by the Commission in 1998 have not yet been realized. That said, a draft regulation on how to support the more than 100 communities most affected by violence was published in 2018. This would provide for reconciliation and development projects to be funded with the equivalent of up to 1.8 million US dollars each – if the regulation enters into force in this form.

In Rwanda, the poorest of the countries discussed here, no laws were passed at all obliging the state to pay individual compensation. The 2003 constitution admittedly affirmed that 'the State shall, within the limits of its capacity, take special measures for the welfare of the survivors [...] who were rendered destitute by the genocide'. However, most survivors have never received reparation in the sense of the UN resolution of 2005.

If at all, those affected could only demand this by way of civil action in criminal proceedings brought before national courts. This was done in an estimated two-thirds of the cases against roughly 10,000 defendants. About half of the claimants were actually awarded compensation. The amounts varied greatly, because they were at the sole discretion of the court. Nevertheless, payments were rarely made, as many of those convicted were destitute.

Although the courts initially ordered the state to pay compensation, too, the government never fulfilled these payment obligations. Instead, it referred to a planned compensation fund that was never realized (FIND). Civil lawsuits against the state were declared inadmissible from 2001 onwards on the same grounds. It was not until 2008 that a law came into force obliging the state to pay six percent of its revenues into a government fund to support genocide survivors (FARG). At the same time, it was stipulated that only this fund was permitted to bring private prosecutions in cases of genocide and murder, even against private individuals. However, the fund into which the money flowed did not disburse it to the claimants, but used it to finance its own support programmes.

72 See Hugo van der Merwe's contribution in this volume.

Since only a fraction of the serious human rights abuses committed were tried in national courts, the number of people actually compensated under these conditions was very small. Nonetheless, the *gacaca* courts were also empowered to decree reparations. These courts handled the majority of cases, which involved in excess of 1.6 million convicted individuals. At first, reparations were to be determined conjointly with the help of the community. Later, they had to comply with the guidelines set for the planned compensation fund. As mentioned, however, claims were only allowed to be directed against civilians and, from 2008, only in cases of minor crimes such as looting or the destruction of property. It is not known how many people benefited from this. In 2018, though, over 54,000 cases were still considered unsolved. In more than half of them, no solution could be expected because the perpetrators had died, fled or were destitute.[73]

An analysis of the policy of redress in Rwanda shows that it was driven by the intention to counteract individual claims against the state and to set up social aid programmes in lieu thereof. To this end, the FARG fund was established in 1998. By its own account, the fund claims to have financed more than two million medical treatments, supported the education of 110,000 children and youths, built about 45,000 housing units and helped 54,000 people with income-generating activities. In addition, under the *girinka* project (translated: 'to own a cow'), 5,000 poor families received a cow as a gift with the proviso that they pledge the first female calf to their neighbour. In total, the fund, which distributes its resources through the district governments and to which international donors also contribute has disbursed the equivalent of around 270 million euros over 20 years. Despite this, the fund has been accused of working inefficiently and being susceptible to corruption. First and foremost, however, by diverting compensation into collective aid programmes, the direct connection between the respective crime and the resulting reparations is lost.[74]

If Ethiopia is placed at the bottom of the list on this issue, it is because the country has not made provision for any kind of redress at all. Neither in the charter drawn up by the transitional government, nor in the establishment of the Special Prosecutor's Office, nor in the constitution of 1995 did the issue play a role. During the criminal trials, too, the courts did not oblige the state or the officials found guilty to pay compensation to the victims – even if they had appeared as witnesses. In his country study, Metekia attributes this to the 'partisan' nature of the regime change in Ethiopia. After the military victory of the rebel forces, there would have no longer been any need for negotiations with the old rulers. A national dialogue that would have in-

73 Compare Julia Viebach's contribution in this volume.

74 On the fundamental criticism of 'collective' compensation, cf. Naomi Roht-Arriaza, 'Reparations in the Aftermath of Repression and Mass Violence,' in *My Neighbor, My Enemy: Justice and Community in the Aftermath of Mass Atrocity*, ed. Eric Stover and Harvey M. Weinstein (Cambridge: Cambridge University Press, 2004), 121–139, 130; Naomi Roht-Arriaza, 'Reparations and Economic, Social, and Cultural Rights,' *Justice and Economic Violence in Transition*, ed. Dustin Sharp (New York: Springer, 2013), 109–138.

cluded all parties and victim groups and also discussed questions of redress therefore failed to materialize.[75]

A comparative analysis of reparation policies in the seven countries examined here makes it clear that they are often far from the standards described in the UN resolution of 2005. As a rule, provisions for compensation had to be fought for and won in a long, confrontational process. In some states, they exist even today only in fragments or not at all. Nevertheless, the comparison is useful when applied to the initial question as to which instruments of transitional justice have proven to be effective. Firstly, it reveals the broad spectrum of tasks with which nations are faced in supporting victims following the end of tyranny. Secondly, a number of measures can be identified that have clearly improved the situation of those persecuted and can therefore also be recommended for other countries. Thirdly, the comparison makes it possible to work out which contextual conditions are important for measures of redress to be taken at all.

The central elements of an effective reparations policy are already mentioned in the UN resolution of 2005. According to this, not only physical, psychological, material and 'moral' damages are to be compensated, but the costs for legal counsel and medical services are likewise to be reimbursed. As far as possible, compensation should restore a victim's original situation.[76] What this means in detail is shown with especial clarity by the regulations introduced in the three South American states studied herein. First, they provided compensation for the loss of a job and for the disadvantages suffered in relation to pension schemes. A second set of rulings regarded one-off or monthly compensation for prisoners, exiles and the relatives of those killed, whereby their children were also included. The Argentinian stipulation of using the earnings of a public servant in the highest pay bracket as a benchmark is also to be understood as a sign of moral esteem for the victims. Further regulations concerned the support of those returning home from exile, the free provision of lifelong healthcare, and the creation of a centre offering psycho-social support for victims.

These measures were made possible by various contextual factors. Victims' and human rights movements proved to be the primary driving force behind them. The establishment of truth commissions also encouraged appropriate decisions to be taken. Another factor was a functioning legal system, which, at least in part, permitted the enforcement of reparation claims through the courts. The creation of special state institutions to handle the payment of benefits was likewise of considerable importance. In addition, financial aspects were naturally an essential point, which in turn depended on the number of victims and the economic situation of the respective

75 See the analysis by Tadesse Metekia in this volume.

76 United Nations, *Resolution adopted by the General Assembly on 16 December 2005, Annex*, 7–9, accessed 24 November 2021, https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation.

country. Compensation in the form of government bonds, as in Argentina, appears to be one way of minimizing costs in the short term.

From the above comparison of reparations policies, a number of conclusions can be drawn. In a similar fashion to those for criminal prosecution, these are also of significance for other states.

1. **Redress is necessary.** The elimination of serious human rights violations does not mean that their consequences are over. The loss of relatives, torture, imprisonment or occupational debarment continue to have an impact in many ways. Minimizing or eradicating the ongoing consequences thereof is thus a central political task in the process of transition. In the case of victims of torture, there is also an obligation to do so under international law.
2. **Redress is the job of the state.** A person responsible for damage must be liable for it and compensate it. This also applies to severe human rights abuses, for which those responsible must be held liable. However, even if the state was not the perpetrator – for example, after a regime change or a civil war – or if the perpetrators cannot be held liable, it still has a responsibility to alleviate or eliminate the consequences of serious human rights violations. The earlier and more actively it tackles this task, the more it eases the burden on the victims.
3. **Redress is an individual process.** Even when a large number of people are affected by politically motivated mass crimes, the suffering of the victims is always individual. Redress must therefore focus on the individual. This does not only apply in a technical sense, but must beat at the heart of corresponding programmes and measures. Offering care and attention is a central prerequisite for alleviating the suffering of victims.
4. **Redress must be accurately targeted.** In order to reduce or eliminate the consequences of severe human rights violations, the amount of compensation is less important than its effectiveness. For this purpose, it is advisable that appropriate measures be drawn up jointly by victims and experts in a commission. People with experience of dealing with victims of persecution should also be involved in the implementation of the measures. The points of the UN resolution mentioned above provide a good orientation as regards the goals to be achieved. This is especially true of the sections relating to restitution and compensation.
5. **Redress can be multifaceted.** Unlike civil claims for damages, reparation does not have to be solely monetary. On the contrary, experience shows that other measures are just as important. In the case of the states examined here, this applies, among other things, to the support of those returning from exile, to the entitlement to be reinstated in one's former job, to the establishment of a rehabilitation centre for former persecutees or to the introduction of the legal concept of the Disappeared. As far as monetary compensation is concerned, due to the long-term consequences of political persecution, a pension-like form of redress appears more appropriate than a one-off capital settlement.
6. **Redress is not a one-off act.** Developments in South America reveal that reparation is a longer-term process. In Chile, victim support measures were adopted

15 years after the end of the dictatorship, in Uruguay after a quarter of a century, and in Argentina after no less than 33 years. Since the consequences of severe human rights abuses frequently continue into the second or sometimes even third generation, reparation programmes have to be repeatedly reviewed and readjusted.

7. **Redress must be flanked by other measures.** As expressed in the UN resolution of 2005, redress also includes commemorative ceremonies and tributes for victims. These not only make it easier for them to come to terms with their traumatic experiences. The establishment of an appropriate culture of remembrance also contributes to making murder, torture, violence or unlawful detention taboo as a means of politics. However, other accompanying measures such as structural reforms, training courses for the security forces, strengthening the independence of the judiciary, improved governance and much more must be added in order to be able to provide effective guarantees of non-recurrence. Collective aid programmes or economic policy reforms can further contribute to reducing social tensions, but cannot replace individual reparations.

4 Places of Remembrance

In most countries, coming to terms with mass crimes also involves remembering the suffering of the victims. Generally speaking, the impulse to do so comes from those affected or their relatives, who are looking for a place of mourning and ways to prevent what happened from being forgotten. The focus in this context tends to be placed on authentic places of persecution that are to be preserved as memorials. These include sites such as prisons, camps, or places of execution, but also mass graves and cemeteries. In many places, memorials are additionally erected at unbesmirched but central locations in order to make the commemoration as prominent as possible. Often, the victims' names are also made publicly visible. According to Aleida Assmann, such sacred places of remembrance testify to a 'basic human need' for ritualized contact zones with the past.[77]

In numerous countries, organizations, political parties and government agencies are also working to create such places of remembrance – frequently in response to demands from those affected. Often, their aim is not only to establish a place of mourning, but also simultaneously to educate people about the crimes committed and their causes. Accordingly, these kinds of places of information are not only located at former sites of persecution, but also where the crimes were planned or ordered. They are often also established in untainted places in the form of museums or documentation centres. While in Germany a terminological distinction is made between

77 Aleida Assmann, *Erinnerungsräume: Formen und Wandlungen des kollektiven Gedächtnisses* (Munich: C. H. Beck, 2009), 305.

Gedenkstätten (located at places of persecution), *Erinnerungsorte* (located in other places) and *Denkmäler* or *Mahnmale* (in the sense of monuments), in English usually only the overarching term 'memorial' is used. Artists and architects frequently play an integral role in the design of these different places of remembrance.

Places of remembrance are usually multifunctional institutions. Habbo Knoch assigns them six different tasks when they are located at sites of persecution. These tasks number as follows: *first*, the preservation of structural and other material remains; *second*, the creation and maintenance of sacred places such as cemeteries, graves, or monuments; *third*, the facilitation of mourning and exchange for survivors and their relatives, as well as forms of individual and collective commemoration; *fourth*, the collection of objects, documents and testimonies; *fifth*, carrying out research, organizing permanent exhibitions and supplying other forms of information at the historical site concerned; *sixth*, educational programmes, publications and public events.[78] The last three functions also apply to memorial museums at historically unsullied sites.

The way in which these tasks are most effectively dealt with is, relatively speaking, seldom a topic in the relevant research. This is especially true in terms of an international comparison. This is all the more surprising, since places of remembrance in many countries play a central role in the process of transitional justice. Although political science literature on transitional justice has devoted its attention to the emergence, configuration and *modus operandi* of commemorative sites in individual countries, it is predominantly descriptive in its approach.[79] Various authors have also examined aesthetic and historico-philosophical questions regarding a culture of remembrance directed towards symbolic places, but the suitability of memorial sites as an instrument of transitional justice is not usually discussed.[80] In Germany, where state-sponsored remembrance of the national socialist and communist dictatorships plays a significant role, there is an extensive discourse on the work carried out by places of remembrance. Nevertheless, experiences from other cultural contexts are hardly ever taken into account.[81]

78 Habbo Knoch, 'Gedenkstätten,' in *Docupedia-Zeitgeschichte*, 11 September 2018, accessed 24 November 2021, http://docupedia.de/zg/Knoch_gedenkstaetten_v1_de_2018.

79 Compare Ksenija Bilbija and Leigh A. Payne, *Accounting for Violence: Marketing Memory in Latin America* (Durham: Duke University Press, 2011); Michael Lazzara, *Chile in Transition: The Poetics and Politics of Memory* (Gainesville: De Gruyter, 2006); Stan, *Encyclopedia*, 117–123.

80 Cf. Assmann, *Erinnerungsräume*; Pierre Nora (ed.), *Erinnerungsorte Frankreichs* (Munich: C. H. Beck, 2005); Pierre Nora (ed.), *Realms of Memory: Rethinking the French Past* (Chicago: Columbia University Press, 1998); James Young, *The Texture of Memory: Holocaust Memorials and Meaning* (New Haven: Yale University Press, 1993).

81 On places of remembrance in Germany, see Bundeszentrale für politische Bildung, *Gedenkstätten für die Opfer des* Nationalsozialimus, vols. 1 and 2 (Bonn 1999), accessed 9 September 2022, https://www.bpb.de/shop/multimedia/dvd-cd/33945/gedenkstaetten-fuer-die-opfer-des-nationalsozialismus; Etienne François and Hagen Schulze (eds.), *Deutsche Erinnerungsorte*, vols. 1–3 (Munich: C. H. Beck, 2001); Anna Kaminsky (ed.), *Orte des Erinnerns: Gedenkzeichen, Gedenkstätten und Museen zur Dik-*

The relevant United Nations documents likewise only mention memorials and places of remembrance as instruments of transitional justice in passing. They do not even appear in the UN General Assembly resolution on 'Basic Principles and Guidelines on the Right to a Remedy and Reparation' of December 2005. Under the item 'satisfaction', there is only a general mention of 'commemorations and tributes to [...] victims'.[82] In the same year, when revising the main goals of transitional justice, Diane Orentlicher admittedly expanded the *Right to Know* via the addition of the principle that the state has the duty to ensure 'a people's knowledge of the history of their oppression' through appropriate measures. Nevertheless, she did not mention places of remembrance as a means to this end.[83] Not until the UN Secretary-General's 2010 Guidance Note on Transitional Justice was it mentioned that reparations could include 'building museums and memorials'.[84]

Against this background, a report drawn up in 2020 by the UN's Special Rapporteur on questions related to transitional justice, Fabián Salvioli, is of particular significance. Therein, the former president of the UN Human Rights Council proposes adding memory work as a fifth pillar that should stand alongside the *Right to Know,* the *Right to Justice,* the *Right to Reparation* and the *Guarantees of Non-Recurrence.* In his report, Salvioli recommends that the 'state must play an active and decisive role' in remembrance. In doing so, he argues for 'a "dialogic truth"' in which victims' voices 'play a key role'. Commemoration, he opines, must 'focus on understanding the mechanisms of oppression and dehumanization that always precede large-scale violence'. However, he also warns against the 'dangers of vengeful memorialization' and a 'tyranny of memory' aimed at justifying new acts of violence.[85] In spite of this, concrete conclusions regarding the use of places of remembrance as instruments of transitional justice are not found in this report, either.

The country studies published in this volume provide more detailed information in this respect. Firstly, they indicate that there was and is a need to commemorate the victims of severe human rights violations in each of the seven states examined. The

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tatur in SBZ und DDR (Berlin: Ch. Links, 2016); Martin Sabrow (ed.), *Erinnerungsorte der DDR* (Munich: C. H. Beck, 2009).

82 United Nations, *Resolution adopted by the General Assembly on 16 December 2005, Annex*, 7–9, accessed 24 November 2021, https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation.

83 United Nations, Economic and Social Council, Commission on Human Rights, *Promotion and Protection of Human Rights*, 8 February 2005, accessed 9 November 2021, https://digitallibrary.un.org/record/541829.

84 United Nations, *Resolution adopted by the General Assembly on 16 December 2005, Annex*, 7–9, accessed 24 November 2021, https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation.

85 United Nations Human Rights Council, *Memorialization Processes in the Context of Various Violations of Human Rights and International Humanitarian Law: The Fifth Pillar of Transitional Justice. Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence*, accessed 24 November 2021, https://undocs.org/A/HRC/45/45.

way in which meeting this need has been realized, however, has depended to a large extent on the respective political and social context. Three different forms of commemoration become apparent: commemoration that occurs within the realm of civil society, in which victims' organizations play a key role; state-dominated commemoration, in which the government exerts a determining influence on the content of remembrance; and marginalized commemoration, in which the victims' desire for recognition meets with scant response.

Uruguay offers an example of commemoration within the realm of civil society. On the initiative of a victims' organization, a memorial for the victims of disappearances ordered by the state was erected there in 2001 – 17 years after the first free elections. It is located in the capital Montevideo, on the banks of the Río de la Plata, and consists of a double wall of glass etched with the names of the Disappeared. The construction of the monument was supported by the mayor and the city government and planned by a commission consisting of public figures and representatives of civil society groups. On the initiative of a trade union victims' organization, commemorative plaques were later also embedded in the ground at several locations throughout the city.

Moreover, a 'Museum of Memory' was opened in Montevideo in 2007. It is located in the former villa of a high-ranking military officer, not far from what was once a detention centre and torture facility. The city of Montevideo designed it in collaboration with victims' associations and human rights organizations. Numerous objects, mainly from detention centres, are displayed there in several differently themed rooms. The comparatively simple exhibition is visited by about 28,000 people a year, mainly school classes. In addition, the museum organizes events and puts on touring exhibitions that are shown outside the capital. Together with former prisoners, the museum managed to convince parliament to pass a law in 2018 to establish further places of remembrance. Since then, a commission made up of representatives belonging to state agencies and civil society organizations has been determining the official recognition of these sites. There are now almost 200 places of remembrance at former locations of persecution in Uruguay, although many of them are only marked by signs.

A similar development took place in the much larger neighbouring country of Argentina. In 2007 – 24 years after the first free elections – a 'Memory Park' was completed in the capital Buenos Aires. It is managed jointly by human rights organizations, the University of Buenos Aires and the municipal government. In the centre of the 14-hectare site is a gigantic wall on which the names of the almost 9,000 Disappeared are inscribed. In contrast to Uruguay, contemporary art plays a prominent role in this place of remembrance. In an adjoining hall, which also serves as an information centre, art exhibitions are put on and events held. Furthermore, visitors can research the names of the victims here. A separate artistic department is responsible for erecting more sculptures on the site and for staging the exhibitions.

Moreover, in 2007 also in Buenos Aires a 'Museum and Site of Memory' opened its doors. It is located in the former Navy School of Mechanics (ESMA), which housed

Argentina's largest secret prison or 'black site' during the military dictatorship. A lengthy dispute accompanied deliberations regarding the use of the building, not least because President Carlos Menem wanted to demolish it in 1988 as a sign of 'reconciliation'. Human rights organizations protested against these plans, and relatives of the victims successfully took the matter to court. In 2004, the left-wing Peronist President Néstor Kirchner finally transferred the building to a coalition of human rights organizations, which set up an exhibition on 'state terrorism' in the multi-storey main building. In the erstwhile officers' mess, visitors can also find survivors' testimonies and view the former torture chamber, as well as the attic used as a communal cell. The museum, which has about 50 employees and is financed by the state, additionally organizes special exhibitions, events and teacher training courses.

The ESMA memorial soon developed into a focal point of commemorative culture in Argentina. Other institutions of transitional justice – such as the cultural centre of a victims' organization, the Institute for Human Rights, and the National Memorial Archive – moved onto the former military site. The latter not only holds documents on the military dictatorship, but is also in charge of almost 50 other Argentinian memorial sites. This oversight fell to the National Memorial Archive in 2011. In that year, parliament passed a law which obliged the government to preserve all former secret detention centres as places of remembrance. 160 of these sites have, if nothing else, at least been marked by signs. The Secretariat for Human Rights at the Ministry of Justice and Human Rights is responsible for funding the facilities located on the ESMA site.

Developments in Uruguay and Argentina make it clear that the creation of places of remembrance following the end of a period of severe human rights violations frequently plays a subordinate role at first, because questions of political transition are perceived as being more pressing. This time delay usually proves to be a disadvantage later on, since authentic sites of persecution have been reshaped or removed in the meantime. The victims' desire for recognition is generally only taken into account via the establishment of appropriate places of remembrance when they succeed in mobilizing support from the political sphere. The extent of this support determines whether merely a freestanding monument is erected or a museum associated with permanent operating costs is established.

In Chile, the third South American country examined in this volume, the creation of places of remembrance began much earlier. The main reason for this was the early establishment of a National Commission for Truth and Reconciliation, which had already proposed the creation of memorials for the Disappeared in its concluding report, published in 1991. The commission further suggested that preservation orders be placed on the former torture facilities of the secret police, giving them listed building status. On the initiative of relatives, the first monument was erected in 1994 – just five years after the first free elections – in the main cemetery in Santiago de Chile. Financed by the Ministry of the Interior, this consists of a concrete wall engraved with the names of the more than 3,000 Disappeared. In the same year, the former torture site at the Villa Grimaldi on the outskirts of the capital was also declared a

place of remembrance. However, the secret service had demolished all the buildings there. Consequently, an artistically designed 'Peace Park' was opened on the empty plot in 1997. Here, too, a wall bearing names commemorates those killed. Some parts of the building, including a cell and the entrance gate, have been reconstructed. In addition, a model of the place of detention, a monument and a small exhibition room are part of the site.

In the following years, several other places of persecution in Chile were placed under protection as listed buildings, and some of them were turned into memorials. Furthermore, numerous monuments were erected, so that today the country has over 200 places of remembrance – albeit almost half located in the region around the capital. A central role is played by the 'Museum of Memory and Human Rights', opened in 2010 by the socialist president Michelle Bachelet. The avant-garde building is visited by more than half a million people every year. An exhibition covering 5,000 square metres deals primarily with the history of the Pinochet dictatorship, but the very name of the museum signals a further-reaching claim. As its former director Ricardo Brodsky writes in his country study, it aims to make 'respect for human rights a categorical imperative of our coexistence'. In addition to a library and a memorial room, the museum includes a documentation centre which contains in excess of 40,000 documents and objects. It is supported by several human rights organizations, but financed by the state.

If one compares developments in the three South American countries, it becomes clear that, after the end of the respective military dictatorships, a vibrant culture of remembrance has emerged everywhere. This has crystallized to a considerable extent in physical places. Whilst sacral elements initially had priority, especially the naming of the dead as a form of recognition, more extensive informative and educational measures now dominate. Historical sites, such as the ESMA memorial, or pretentiously designed museums, such as the one in Santiago de Chile, have a special impact. Another common feature is the central importance of victims' and human rights organizations in the design and management of places of remembrance. Nevertheless, it is not possible to ascertain exactly how far these have had an impact on society and have promoted a corresponding change in consciousness without carrying out sociological surveys. What is striking, however, is that the discourse of remembrance in Latin America is predominantly determined by exponents of the political left, while conservative currents are hardly involved in it. The division evident on this issue is also reflected in a poll conducted in Chile in 2019, according to which more people were against the state funding of commemoration than in favour of it.

Two other countries examined in this volume represent a noticeably different type of commemoration: Rwanda and South Africa. Despite serious differences in their political systems – South Africa is a democracy, whereas Rwanda is ruled autocratically – the politics of memory in both countries is characterized by a disproportionately stronger influence by the state. In both nations, the state uses places of remembrance to spread a relatively clearly defined political message. In South Africa, this is the idea of reconciliation, with which the ANC leadership around Nelson Man-

dela wanted to unite the socially and ethnically fragmented country following a period of bloody conflicts. In Rwanda, it is the narrative that society was divided by colonialism, which led to the genocide of the Tutsis carried out by the Hutus in 1994.

As outlined by Hugo van der Merwe in his country study, the ANC in South Africa established a commission on museums, monuments, archives and national symbols as early as 1991 – three years before the first free elections – to foster a 'common cultural identity'. Following a decision by the new South African government, the first place of remembrance came into existence in 1997 on the former prison island of Robben Island off the coast of Cape Town. At the ceremonial opening of the Robben Island Museum (RIM), President Nelson Mandela described the island 'as a symbol of the victory of the human spirit over political oppression and... [of] reconciliation over enforced division' – a formulation which, in a modified form, still serves as a leitmotif for the museum today.[86] The work of the RIM consists first and foremost of organizing guided tours, which visit various places on the island and end in Mandela's former cell. Special educational programmes are also offered for pupils and students. Former prisoners have usually conducted the guided tours of the prison, but the museum also took on some former prison staff. The island, declared a UNESCO World Heritage Site in 1999, is primarily a tourist attraction and welcomed over 300,000 visitors a year before the COVID19 pandemic. The Ministry of Culture not only contributes a significant portion of the budget but additionally appoints the board of directors and must approve the executive director.

With 'Freedom Park' near Pretoria, a second place of remembrance was opened in the year 2000. The park is even more strongly informed by the state's message of reconciliation. The site, which covers over 52 hectares, contains a museum on the country's history, an eternal flame, a memorial, and a wall listing the names of people who died for South Africa in wars and struggles for freedom. The park, described by Mandela as a 'people's shrine', is answerable to the president and the minister of culture. It is intended to foster [...] 'a South African community spirit, by being a symbol of unity through diversity'.[87] Commemorative events, healing and reconciliation ceremonies are held in an attempt to meet this aim, but this is not always done without contradictions. For example, the Marxist guerrilla leader Ernesto Che Guevara was honoured on the 'Wall of Names', whilst the government soldiers killed after 1945 remained unnamed. Conservative groups criticized this as a betrayal of the goal of reconciliation.

The Apartheid Museum in Johannesburg, founded in 2001, also pursues a political objective. Although it is a private institution, its construction and operation were effectively a *quid pro quo* given by a group of companies in return for being granted a state casino licence in 1995. In a professionally designed permanent exhibition, numerous objects, posters and films recall the unequal treatment of blacks and whites during the pe-

86 Quoted according to Schell-Faucon, 278. Compare, accessed 4 December 2021, https://www.robben-island.org.za/vision-mission/.

87 Anonymous, accessed 4 December 2021, https://www.freedompark.co.za/index.php/corporate/about.

riod of racial segregation. The website of the non-profit operating company states that the exhibition is 'a trip through time that traces the country's footsteps from these dark days of bondage to a place of healing founded on the principles of a democracy'.[88] This focus is also reflected in the design of the inner courtyard, where words such as 'democracy', 'reconciliation' or 'diversity' emblazoned on huge concrete pillars are meant to express the values of the South African constitution of 1996. In the last part of the exhibition, visitors are also invited to symbolically place a stone on a pile and thereby commit themselves to fighting racism, prejudice and discrimination.

The two trusts that run 'Constitution Hill' in Johannesburg on behalf of the government have similar aspirations. This is an 80-hectare area boasting several former prisons where Mahatma Gandhi and Nelson Mandela were incarcerated. Since 2004, the new building of the South African constitutional court has likewise been located here. Its operators define the location as 'a global beacon for human rights, democracy and reconciliation', as well as a place 'where we meet to talk to each other and celebrate our diversity'. Moreover, the site 'is a living museum that tells the story of South Africa's journey to democracy'.[89] The prison buildings and the constitutional court can be visited on guided tours, for which a fee is charged. Educational programmes for school classes are also offered. The site is visited by over 50,000 people per year and is run on an annual budget equivalent to 3.5 million US dollars.

There are numerous other monuments and museums in South Africa which reference the apartheid era. The most important sites are run by semi-autonomous administrative committees whose members are appointed by the Department of Arts and Culture. Nevertheless, they usually have to generate a considerable portion of their income themselves. It is difficult to assess what societal impact these institutions have had without empirical research. However, the political and ethnic unrest of recent years indicates that there is a considerable gap between the rhetoric espoused by the places of remembrance and the political reality in South Africa. The tendency to idealize the transition from the apartheid regime to democracy, as nurtured by the government, could thus have the opposite effect and might impair the credibility of commemorative work.

In Rwanda, too, the state exerts a considerable influence on the design of commemorative sites. In contrast to other countries, these are made up exclusively of mass graves that were laid out after the genocide in spring 1994 and are often located near the scenes of mass murder. In many places, following the burial of the dead, survivors felt the need to mark these sites or to preserve them as testimony to those terrible events. In some cases, though, they were initially left to their own devices and only later turned into memorials. As Julia Viebach notes in her country study, these sites – unlike those in South America – 'were never intended as symbols of redress and are not viewed as such by the survivors'.[90]

88 Accessed 4 December 2021, https://www.apartheidmuseum.org/permanent-exhibition.

89 Accessed 4 December 2021, https://www.constitutionhill.org.za/pages/vision-mission-and-guiding-principles.

90 See the paper by Julia Viebach in this volume.

In Ntamara, for instance, a Catholic church was turned into a place of remembrance. In 1994, around 5,000 people had sought refuge there, only to be literally slaughtered by Hutu paramilitaries. Skulls are displayed on simple shelves as evidence of the massacre. In front of the church, stone sarcophagi have been erected on which flowers can be laid. Similarly, the Nyamata genocide memorial is an actual place of worship, in which about 10,000 people took refuge, likewise in 1994. At that time, Hutu militias smashed holes in the walls, threw grenades into them and shot the survivors or murdered them with machetes. The blood-stained altar cloth and the holes in the walls remain as evidence, and it is possible to walk through the crypts, in which thousands of corpses have found their final resting place. A third example is the Nyarabuye memorial, another former church, where about 20,000 people sought shelter in 1994 and were then murdered. The dead were subsequently buried in mass graves. The church has since been renovated, but in the monastery behind it visitors are shown human bones and pieces of clothing worn by the victims. In a small memorial garden, a wall inscribed with names commemorates the victims.

Today, all these memorials are under state control. Their structure and content are precisely regulated. According to the law 'governing memorial sites and cemeteries of the victims of the genocide against the Tutsi in Rwanda', which came into force in 2008, they must contain at least 11 elements. These range from an exhibition area with 'photos and archives to indicate Rwandan history before genocide' to a place where the 'names and photos' of 'heroic characters' who tried to save the Tutsi can be displayed. The law even centrally determines the opening hours to which these sites must adhere.[91]

An additional law, passed in 2016, regulated the administration of these sites. The National Commission for the Fight against Genocide (CNLG), founded in 2007, became responsible for so-called national memorials, of which there are currently eight. In the case of so-called district memorials, the local authorities are responsible. There must be at least one of these memorials in each district. However, even all non-governmental memorials, especially those of the Catholic Church, have been placed under state supervision. In addition, the law stipulates that a 100-day commemoration period be held every year, with commemorative events regulated down to the last detail.[92] In 2019, President Kagame ordered smaller places of remembrance to be dissolved after

91 Article 11 of *Law No. 56/2008 of 10/09/2008 governing memorial sites and cemeteries of the victims of the genocide against the Tutsi in Rwanda*, accessed 6 December 2021, https://rema.gov.rw/rema_doc/Laws/Plastic%20bags%20law.pdf.

92 *Law No. 15/2016 of 02/05/2016 governing ceremonies to commemorate the genocide against the Tutsi and organisation and management of memorial sites for the genocide against the Tutsi*, accessed 6 December 2021, https://www.rlrc.gov.rw/fileadmin/user_upload/lawsofrwanda/laws%20of%20rwanda/7._Administrative/5.6.%20Heritage%20%26%20Tradition/5.6.3.%20Law%20governing%20ceremonies%20to%20commemorate%20the%20Genocide%20against%20the%20Tutsi%20and%20organization%20and%20management%20of%20memorial%20sites.pdf.

all, and the dead stored there to be transferred to larger memorial sites.[93] In this way, the number of genocide memorials in Rwanda was reduced by more than a quarter – from 234 in 2015 to 172 in 2021.[94]

The CNLG was the central government agency for commemoration. By law, its role was 'to plan and coordinate all activities aimed at commemorating the Genocide against Tutsi, to preserve genocide memorial sites of Genocide against Tutsi at the national level and provide advice on the management of all genocide memorial sites in general'.[95] Its head, the executive secretary, was appointed by the prime minister, as is its regulatory body. The seven commissioners were appointed by the president. In October 2021, the Commission was replaced by a newly established Ministry of National Unity and Civic Engagement.

As made clear in a Human Rights Watch report dating from 2008, in terms of content, the account of the genocide in Rwanda has to follow a governmental 'truth'.[96] This includes the portrayal of the Catholic Church as being responsible for a large part of the violence against Tutsis and the claim that the rebel army of current President Paul Kagame did not commit war crimes. These precepts are backed up by draconian punishments. By 2008 alone, 1,304 people had been tried for adhering to 'genocide ideology' and 243 for 'negationism' and 'revisionism'. Furthermore, hundreds of people and dozens of organizations have been publicly pilloried, often with drastic consequences. The only relevant opposition party was also destroyed in this way.

It was not until 2008 that a law officially criminalized 'genocide ideology'. Thereafter, 'marginalising, laughing at one's misfortune, defaming, mocking, boasting, despising, degrading' and other acts were punishable by ten to 25 years in prison. Children were also covered by the law, as were political and social organizations, which could be heavily fined and dissolved.[97] In a report published in 2010, Amnesty International contended that accusations of 'genocide ideology' and 'divisionism' had led to the suppression of 'calls for the prosecution of war crimes committed by the Rwandan Patriotic Front (RPF)' and had been exploited 'in the context of land dis-

93 *Presidential Order No. 061/01 of 20/05/2019 determining modalities for consolidation of memorial sites for the Genocide against the Tutsi*, accessed 6 December 2021, https://gazettes.africa/archive/rw/2019/rw-government-gazette-dated-2019-05-27-no-21%20bis.pdf.

94 Anonymous, 'The Senate Adopts the Report on Consolidation of the Genocide Memorial Sites,' accessed 6 December 2021, https://www.parliament.gov.rw/news-detail?tx_news_pi1%5Baction%5D=detail&tx_news_pi1%5Bcontroller%5D=News&tx_news_pi1%5Bnews%5D=16027&cHash=de69d119fd24304a4de10b09a66272d0.

95 *Law No. 015/2021 of 03/03/2021 governing the national commission for the fight against genocide*, accessed 6 December 2021, https://www.cnlg.gov.rw/fileadmin/templates/documents/Law_governing_CNLG.pdf. Capitalizations in the original.

96 Human Rights Watch, *Law and Reality. Progress in Judicial Reform in Rwanda* (New York: Human Rights Watch, 2008), 34–43.

97 *Law No. 18/2008 of 23/07/2008 relating to the punishment of the crime of genocide ideology*, accessed 6 December 2021, https://www.refworld.org/pdfid/4acc9a4e2.pdf.

putes or personal conflicts'.[98] In 2018, a new 'Law on the Crime of Genocide Ideology and Related Crimes' came into effect. This was only slightly more precise, but it refrained from punishing children. Now, anyone who chooses to 'distort the facts about genocide for the purpose of misleading the public' or who claims that there was a 'double genocide' in Rwanda can be punished with between five and seven years imprisonment. The law considers even sending a message to another person to be a 'public' act. Moreover, organizations can still be heavily fined or dissolved.[99]

The most important place of remembrance that has been created under these conditions is the Kigali Genocide Memorial on the outskirts of the Rwandan capital. With the help of the Aegis Trust, a British organization for the prevention of genocide, the construction of a representative memorial site began there in 1999, to which the remains of more than 250,000 murdered people were transferred. The memorial was opened on the tenth anniversary of the genocide. Since then, the government has regularly taken international visitors there. Three modern permanent exhibitions are on display. The largest of these is dedicated to the 1994 genocide, while a smaller one centres on murdered children. In terms of content, the presentation conforms to the official narrative in Rwanda and omits sensitive topics such as the decades of Tutsi dominance or the war crimes committed by the rebel army. The memorial, which is answerable to the CNLG but managed and funded by the Aegis Trust, also runs an educational centre and an archive. Outside, there is a garden of reflection, a memorial to the children killed and a 'Wall of Names'.

The Murambi Genocide Memorial Centre in the south of the country offers a further example of the nationalization of remembrance in Rwanda. Around 50,000 people had sought refuge in a school building there, where they were then killed with primitive weapons. Following the massacre, the corpses were interred in mass graves in the school grounds. On the initiative of survivors, about 850 human bodies were exhumed in 1995 and 1996. The cadavers were then preserved with lime and displayed on wooden frames in the former classrooms. 15 years later, a permanent exhibition reflecting the official interpretation of the genocide was opened in the school's main building. The CNLG, to which the memorial is now subordinate, plans in the long term to display only a few mummified bodies in glass coffins as part of the exhibition.

Whilst the South African government created places of remembrance to support the process of nation-building, in Rwanda they indirectly serve to legitimize the current authoritarian system of rule, which is controlled by an elite that emerged from

98 Amnesty International, *Safer to Stay Silent* (London: Amnesty International Publications, 2010), accessed 6 December 2021, https://reliefweb.int/sites/reliefweb.int/files/resources/CBCBF4D4CFC49B494925779000199C1B-Full_Report.pdf.

99 *Law No. 59/2018 of 22/8/2018 on the crime of genocide ideology and related crimes*, accessed 6 December 2021, https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/implementingLaws.xsp?documentId=0D45A47A781783B9C125880C00331787&action=openDocument&xp_countrySelected=RW&xp_topicSelected=GVAL-992BU6&from=topic&SessionID=DNMSXFGMJQ.

the Tutsi rebel army. Prominently displaying the mass murder of the Tutsis and simultaneously threatening to punish a vaguely defined 'genocide ideology' prevents criticism of their hegemony. This kind of instrumentalization of commemoration, which was similarly characteristic of concentration camp memorials in communist states, is problematic for various reasons. It not only gives an incomplete rendering of the causes of mass crimes, but it also impairs the credibility of the places of remembrance. It shows that the term 'politics of memory', popular among German historians, does not necessarily have to denote a democratic process of negotiation.[100] It is nigh-on impossible to empirically determine what effects this form of commemoration actually has within Rwandan society, since criticism of it could be interpreted as a criminal offence at any time.

A third model of dealing with places of remembrance is the marginalized commemoration of victims. This is characteristic of the countries of Albania and Ethiopia presented in this volume. It is essentially distinguished by the fact that the need to honour the victims is not taken into account either by the state or by relevant parts of society. Accordingly, the activities undertaken in this sphere are correspondingly meagre.

At best, little more than fragments of institutionalized commemoration are discernible in Ethiopia, as Tadesse Metekia makes clear in his country study. In 1992, the relatives of 59 executed Ethiopian civil servants had their loved ones' remains exhumed from a mass grave and transferred to the Holy Trinity Cathedral in Addis Ababa. In this manner, a modest place of remembrance arose there – one year after the end of the regime. Information about the dead is also provided there, and their families gather in the cathedral on the anniversary of the execution.

Two years later, a commemorative stone was erected in the central Meskel Square in front of the Addis Ababa Museum. However, it is hardly visible and was apparently intended as a foundation stone for a memorial that was never built. Next to the stone, with the help of donations, the Association of Red Terror Survivors, Families, and Friends founded the Red Terror Martyrs Memorial Museum (RTMMM) in 2010. There, instruments of torture, skulls, bones, coffins, bloody clothes and photographs of victims are displayed in an exhibition. A sculpture depicting a mother accompanied by two daughters stands in front of the entrance to the building. It bears the inscription 'Never, ever Again'. Nonetheless, compared to the memorial museums in Kigali, Santiago de Chile or Buenos Aires, this private museum seems decidedly modest. Even its website has since been deactivated.[101]

The best-known place of persecution in Ethiopia, Kerchele Central Prison in Addis Ababa with its infamous *Alem Bekagn* ('Farewell to the World') wing, was demolished in 2008. The new headquarters of the African Union was built on the spot

100 Compare Stefan Troebst, 'Geschichtspolitik,' in *Docupedia-Zeitgeschichte*, 4 August 2014, accessed 22 December 2021, http://docupedia.de/zg/troebst_geschichtspolitik_v1_de_2014.

101 Accessed 6 December 2021, https://web.archive.org/web/20200225100656/http://rtmmm.org.

where it once stood, financed by China. The union of 55 African states had decided beforehand to construct a memorial, which was to be located in Ethiopia, to the victims of the Red Terror. However, this decision was never implemented. Only a small monument inside the building reminds visitors of the former prison. Nothing but a few eyewitness accounts on the internet, which were posted there years ago, bear witness to the unrealized project of an 'African Union Human Rights Memorial'.

This marginalization of the commemoration of victims stands in clear contrast to the other culture of remembrance that exists in Ethiopia. The Tiglachin memorial, a 50-metre-high monument built by the Dergue regime that was intended to honour Ethiopian and Cuban soldiers, still stands in the capital. The rebel organizations responsible for overthrowing the regime have also erected their own memorials for their fallen comrades in several provinces. As early as 1995 – four years after the dictator was deposed – a museum boasting a gigantic monument and several sculptures for the 'martyrs of Tigray' was opened in Mekele. In addition to photos of fighters, weapons and other war paraphernalia were likewise exhibited here. Photographs of atrocities committed by the former regime and several coffins containing human remains were also on display. However, forces of the Ethiopian central government destroyed the museum in the summer of 2021.[102] A similar memorial was to be built in 2004 in the regional state of Oromia for the Oromo fighters, but only the monument was completed. Finally, in 2009, a museum for the 'martyrs of Amhara' was established in Bahir Dar, surrounded by an extensive park featuring a monument, a library, a gallery and an amphitheatre.

The situation is little different in Albania, where, as Jonila Godole reports in her country study, there are more than 700 memorials commemorating the partisans of the Second World War, but hardly any places of remembrance for victims of the communist dictatorship. Only in the northern Albanian city of Shkodër is there a small memorial museum in a former city-centre remand prison. This was opened in 2014 – 23 years after the first free elections. A modest exhibition presents objects and documents that provide information about the brutal persecution that took place under Enver Hoxha. In Shkodër, this particularly afflicted the Catholic clergy. Some cells and an interrogation room can also be visited. However, due to renovations, little of the original aura of the place as used by the Albanian secret police has been preserved. The museum receives only scant local funding, and is consequently dependent on support from domestic and foreign sponsors.

In 2017, a further museum was opened in the Albanian capital, but it is not a place of remembrance in the strict sense of the term. It is located in the former listening headquarters of the state security service in Tirana, from which primarily diplomats and celebrities who had their own telephone connections were monitored. The 'House of Leaves', curated by an artist, offers information about the history of the building, the wiretapping methods of the Albanian secret police, the *Sigurimi*,

102 Cf., accessed 6 December 2021, https://twitter.com/mattewos88/status/1411661870742790146.

as well as details about some of the people who were bugged. Victims' organizations were not involved in founding the museum. In addition, a room commemorating the period of communist dictatorship can be found in the National Historical Museum, likewise in Tirana. The demands made by victims' groups to turn one of the notorious former labour camps into a place of remembrance have thus far fallen on deaf ears.

The comparison of victim commemoration in the countries illuminated here makes it clear that places of remembrance play a significant role in different cultural and political contexts. If one takes the 'Principles to Combat Impunity' outlined at the start of this paper as a yardstick, then they not only serve the *Right to Reparation* by publicly honouring the victims, but also contribute to the *Right to Know* and the *Guarantees of Non-Recurrence* by reminding society of the crimes committed. The question of their impact, however, can only be answered incompletely, as this would require special studies that would also have to use visitor research methods.[103] A comparison of the seven countries nevertheless allows a number of generalized conclusions to be drawn.

1. **A place to mourn is needed.** The death of people results in pain caused by their loss among the bereaved. This can be reduced by a process of mourning. In many cultures, the grave of the deceased, marked by their name, plays an important role in this procedure. After mass killings, where no such grave-site exists, there is thus a great need to create a physical place that takes over this function. A site of this sort not only gives the bereaved the opportunity to say goodbye and process their pain. It also fulfils an important social and political purpose as a space of public mourning, admonishment and esteem. Naming the dead facilitates this process by turning anonymous victims into individual fates, thereby symbolically restoring their human dignity.
2. **Places intensify remembrance.** Not only relatives, but societies, too, have the right to know what happened in the past. The prevention of mass atrocities depends to no small degree on the extent to which one succeeds in creating a social awareness of the importance of human rights and the reasons for their violation. Places of remembrance are particularly suitable for conveying such an awareness, because they make events that are difficult to imagine vivid and add an emotional dimension to their cognitive appropriation. For this reason, the combination of commemoration and information transfer that takes place in memorial museums is a particularly effective instrument of transitional justice. Such museums not only guarantee the institutional continuity crucial to educational work, but also function as a refuge for victims, as a centre of thematic

103 Compare Eva M. Reussner, *Publikumsforschung für Museen: Internationale Erfolgsbeispiele* (Bielefeld: Transcript, 2010). See also the articles published regularly in the journal of the Visitor Studies Association (VSA), *Visitor Studies*.

competence and as a focal point for debates and activities related to remembrance policy.

3. **Places of remembrance require a powerful aura.** The effect exerted by places of remembrance depends to a large extent on how far they touch their visitors emotionally. This is especially true in the case of authentically preserved places of persecution, because they make it easier to imagine the suffering endured by the victims. They should therefore be altered as little as possible and preserved as time capsules. Conversions and renovations, even for exhibition purposes, should be avoided. Where authentic places of this sort do not (or no longer) exist and a new commemorative site has to be created, particularly high standards are to be set as regards its aesthetic design. Places like the Human Rights Museum in Santiago de Chile show that even newly constructed places of remembrance can develop a powerful aura.
4. **Objectivity creates credibility.** Places of remembrance have the task of making the experience of severe human rights abuses understandable – also and especially to those who were not involved in them. The more objectively the information is conveyed, the more successful this is. Propaganda, polemics and distorted information damage credibility. The instrumentalization of past suffering in order to strengthen enmity and hatred in the present even holds the danger of new human rights violations. For this reason, commemorative sites should present history in an academically objective fashion, and controversial issues should be identified as such. This approach requires a high degree of expertise and the willingness to have one's work reviewed by external experts.
5. **Places of remembrance should be victim-orientated.** The suffering endured by victims is the starting point for remembrance. Appreciation for them must be evident not only in the content presented in exhibitions, but also in the conception and operation of commemorative sites. This requires regular consultation with victims' associations and other affected persons, so as not to give the impression that the experience of persecution is being appropriated by experts, artists, architects or state authorities. Moreover, victims and their relatives have a special role to play in mediation work, since they are perceived by outsiders as particularly credible witnesses of what happened. They should be involved in the work done by places of remembrance by being appointed to advisory boards and through carrying out eyewitness interviews or guided tours. This can also help them in coming to terms with their experiences of persecution.
6. **The state has a special responsibility.** Considerable financial resources and, frequently, access to public property are necessary to create and operate an effective place of remembrance. The state should therefore foster the work of commemorative sites, which represent a form of immaterial redress and help to ensure that severe human rights abuses are not repeated. However, exercising this responsibility carries the risk of the exertion of political influence or the instrumentalization by government officials. This can affect the credibility of places of remembrance. Therefore, care must be taken to ensure that commemorative sites

possess a high degree of institutional autonomy. This, in turn, requires pluralistic decision-making bodies and supervisory committees that are independent of the state and free to decide on content, expenditure and personnel. Civil society is of particular importance as a counterweight to the state. For this reason, the work of victims' organizations should also be promoted within the framework of programmes related to transitional justice.

5 Conclusion

The discussion should now return to the opening question of whether measures of transitional justice implemented to overcome dictatorships and mass crimes are effective at all. Taking the criteria outlined above as a yardstick, a mixed picture emerges in relation to the states examined here. For their part, Chile, Argentina and Uruguay appear as the countries where the *Right to Know* has been taken into account most comprehensively. In the case of Albania, Ethiopia, Rwanda and South Africa, on the other hand, the precise extent of the crimes committed is still unknown. The situation is different as regards the *Right to Justice*, because in Rwanda in particular, but also in Ethiopia, a comparatively intensive process of criminal prosecution took place. Nevertheless, this is devalued by the fact that it displayed traits akin to a reckoning through which the new rulers sought to consolidate their own power. As far as the *Right to Reparation* is concerned, the greatest successes are once again to be found in the South American states, whilst the countries of the African continent show considerable deficits. The same applies to the *Guarantees of Non-Recurrence*, which can scarcely be taken as a given in the three African nations investigated in this volume. On the contrary, the reprisals and war crimes carried out in Ethiopia since 2020, the violent riots in South Africa in 2021, and the permanent suppression of political opposition in Rwanda make it clear that human rights violations continue to occur in these countries.

When trying to ascertain the reasons behind these differences in development, it becomes clear that the success of processes connected to transitional justice depends not only on the instruments used, but also to a large extent on various contextual factors. For a start, the form of the political system which prevailed before the mass crimes is relevant. States with at least a rudimentary democratic history seem to have a better chance of implementing measures of transitional justice, especially with reference to the establishment of truth, redress and guarantees of non-recurrence. Nonetheless, the characteristics of the dictatorial regime in question likewise have a considerable impact. A lengthy duration and a high degree of domination worsen the conditions for effective transitional justice, while a dictatorship that existed for only a short time and which refrained from pursuing a totalitarian claim to power is easier to come to terms with. Another important factor is to be found in the form of regime change. A smooth transition makes the subsequent pursuit of criminal justice more difficult, whereas after a military victory or a violent

seizure of power this can be enabled comparatively easily. Conversely, the somewhat softer goals of transitional justice, such as knowledge, reparation and guarantees of non-recurrence, appear harder to achieve in the wake of a violent regime change.

Furthermore, there is evidently a correlation between the intensity of transitional justice and a society's prosperity. At least for the countries studied here, it is true that wealth – measured in terms of the per capita gross domestic product adjusted for purchasing power – and the steps taken in terms of transitional justice correlate.[104] This is not only a matter of the state having greater financial resources and a more efficient administration at its disposal in wealthy countries, but also of society setting different political priorities. Closely related to this is the impact of social, ethnic and religious antagonisms. These have proven to be an obstacle to transitional justice, especially in the African nations studied here. Other relevant contextual conditions include the social acceptance of violence, the effectiveness of state structures and the international political milieu that influences the process of transitional justice. Last but not least, transitional justice is subject to international trends. This may have contributed to the fact that, in the countries examined in this volume, corresponding measures were introduced without exception only from the early 1990s onwards.[105]

It follows from all this that it makes little sense to pursue the ideal of comprehensive transitional justice if the conditions for it do not exist. Instead of failing with an unrealistic concept, it seems better to develop a strategy adapted to the prevailing circumstances which can actually be implemented. Similarly, the Christian-influenced goal of reconciliation usually proves to be unattainable and would be better replaced by measures to depolarize society. The distinction made by the German sociologist Max Weber between ethics of moral conviction and ethics of responsibility is of particular significance in the field of transitional justice.[106] Of course, it must be borne in mind that conditions change over time and are always the result of political influence. Structural reforms and the strengthening of democracy, the rule of law, organizational freedom, free media and non-violent conflict resolution are important accompanying measures in preventing a repetition of serious human rights violations. In terms of the measures employed in the stricter sense, priority should

104 According to the International Monetary Fund's estimates for 2019, the gross domestic product per capita adjusted for purchasing power amounted to US$2,363 in Rwanda, US$2,724 in Ethiopia, US $12,962 in South Africa, US$14,534 in Albania, US$22,110 in Uruguay, US$22,997 in Argentina and US $25,057 in Chile.

105 Questions of transitional justice enjoyed a very high international profile above all in the 1990s and early 2000s. Even in the countries where regime change took place before this point (Argentina: 1983, Uruguay: 1984), a more intensive reappraisal of the past did not begin any earlier than in the countries in which a change of regime occurred later (Chile: 1989, Albania: 1990, Ethiopia: 1991, South Africa: 1994, Rwanda: 1994).

106 Compare Detlef Nolte, 'Verantwortungsethik versus Gesinnungsethik: Menschenrechtsverletzungen und Demokratisierung in Südamerika,' in *Politische Gewalt in Lateinamerika*, ed. Thomas Fischer and Michael Krennech (Frankfurt am Main: Vervuert, 2000), 291–309.

be given at least to reducing the continuing consequences of the crimes committed. Improving the situation of the victims should therefore be the primary focus of attention.

Bibliography

Aalen, Lovise et al. *Ethiopian since Dergue: A decade of democratic pretension and performance*. London: Zed Books, 2002.

Abdurrahmani, Bledar. 'Transitional Justice in Albania: The Lustration Reform and Information on Communism Files.' *Interdisciplinary Journal of Research and Development* 5(3). Durrës: Aleksandër Moisiu, 2018.

Able, Richard L. *Politics by Other Means: Law in the Struggle against Apartheid, 1980 – 1994*. Cambridge: Cambridge University Press, 1997.

Abraham, Kinfe. *Ethiopia From Bullets to the Ballot Box: the Bumpy Road to Democracy and the Political Economy of Transition*. Lawrenceville: The Red Sea Press Inc., 1994.

Abrahan, Manuela and Mariana Risso. 'Llena de hondos silencios: Los debates en torno a la aprobación de la ley de Sitios de Memoria Histórica del Pasado Reciente No. 19.641.' In *Servicio Paz y Justicia – SERPAJ Uruguay*, *Derechos Humanos en el Uruguay. Informe 2018*, 50 – 65. Montevideo: SERPAJ, 2018.

ACHPR (Ethiopia). *HaregewoinGabre-Selassie and IHRDA (on behalf of former Dergue officials) v. Ethiopia* (Decision), 12 October 2013, Comm. No. 301/2005.

Achugar, Mariana, Amparo Fernández and Nicolás Morales. '(Re)presentando el pasado reciente: la última dictadura uruguaya en los manuales de historia.' *Discurso & Sociedad* 5(2) (2011): 196 – 229.

Adler, Sabine. 'Umstrittene Erinnerungskultur: Erste Museen zur Hoxha-Diktatur in Albanien.' *Deutschlandfunk*, 16. 08. 2017. https://www.deutschlandfunk.de/umstrittene-erinnerungskultur-erste-museen-zur-hoxha.691.de.html?dram:article_id=393639 (last accessed 14. 01. 2021).

Acuña, Carlos H. and Catalina Smulovitz. 'Guarding the Guardians in Argentina: Some Lessons about the Risks and Benefits of Empowering the Courts.' In *Transitional Justice and the Rule of Law in New Democracies*, edited by A. James McAdams, 93 – 122. Notre Dame and London: University of Notre Dame Press, 1997.

Acuña, Carlos H. and Catalina Smulovitz. 'Militares en la transición argentina: del gobierno a la subordinación constitucional.' In *Juicio, castigos y memorias. Derechos humanos y justicia en la política argentina*, edited by Carlos H. Acuña et al., 19 – 99. Buenos Aires: Ediciones Nueva Visión, 1995.

Adorno, Theodor W. *Gesammelte Schriften*, vol. 10.2 Frankfurt am Main: Suhrkamp, 1977.

Ahlbrecht, Heiko. D*er Fall Pinochet (s): Auslieferung wegen staatsverstärkter Kriminalität?* Baden-Baden: Nomos, 1999.

Ainley, Kirsten. *Evaluating Transitional Justice: Accountability and Peacebuilding in Post-Conflict Sierra Leone*. London: Springer, 2015.

Akhavan, Payam. 'Justice and Reconciliation in the Great Lakes Region of Africa: The Contribution of the International Criminal Tribunal for Rwanda.' *Duke Journal of Comparative & International Law* 7 (1997): 325 – 348.

Alegría, Diego et al., eds. *Poesía Chilena en Dictadura y Postdictadura*. Santiago: Universidad de Chile, Gramaje ediciones, 2020.

Alfonsín, Raúl. *Memoria Política: Transición a la democracia y derechos humanos*. Buenos Aires: Fondo de Cultura Económica de Argentina, 2004.

Alia, Ramiz. *Shpresa dhe zhgënjime*. Tiranë: Dituria, 1993.

Allier Montaño, Eugenia. 'Lugar de memoria: ¿un concepto para el análisis de las luchas memoriales? El caso de Uruguay y su pasado reciente.' *Cuadernos del CLAEH* 2(31) (2008): 87 – 109.

https://doi.org/10.1515/9783110796629-012

Allier Montaño, Eugenia. 'Recordar para reparar: la imagen de los desaparecidos uruguayos en el "Memorial a los detenidos-desaparecidos".' *ILCEA – Revue de l'Institut des langues et cultures d'Europe, Amérique, Afrique, Asie et Australie* 26 (2016): 1–21. https://doi.org/10.4000/ilcea.3968 (last accessed 11.04.2022).

Allo, Awol and Tesfaye, Beza. 'Spectacles of illegality: mapping Ethiopia's show trials.' *African Identities* 13 (2015): 279–296.

Aliçka, Ylljet. *Metamorfozae një kryeqyteti*. N.N.: Onufri 2019.

Aliçka, Ylljet. *La valse du bonheur*. N.N.: L'Esprit du temps, 2019.

Aliçka, Ylljet. *Les slogans de pierre*. N.N.: Edition Climates, 1999.

Alonso, Fabiana. 'La dictadura militar argentina (1976–1983) en los textos de Ciencias Sociales e Historia para el tercer ciclo de la Educación General Básica.' In *Dictadura y Educación: Tomo 3: Los textos escolares en la historia argentina reciente,* edited by Carolina Kaufmann, 227–245. Salamanca: FahrenHouse, 2018.

Alonso, Jimena. 'La prisión masiva y prolongada en perspectiva de género: Mujeres presas durante la dictadura uruguaya (1973–1985).' In *El tiempo quieto: Mujeres privadas de libertad en Uruguay*, edited by Natalia Montealegre Alegría, Graciela Sapriza, María Ana Folle Chavannes, 53–73. Montevideo: Facultad de Humanidades y Ciencias de la Educación, Universidad de la República, 2016.

Alonso, Jimena and Fabiana Larrobla. 'Memorias femeninas en el uruguay pos-dictadura.' *Aletheia* 5(9) (2014): 1–14. http://www.memoria.fahce.unlp.edu.ar/art_revistas/pr.6417/pr.6417.pdf (last accessed 11.04.2022).

Alonso, Jimena, Fabiana Larrobla and Mariana Risso. *Avanzar a tientas: Cronología de las luchas por verdad y justicia 1985–2015*. Montevideo: Scielo, 2016.

Altuzarra, Cristancho. José Gabriel. 'Memoria, oposición y subjetividad política en el cine argentine.' *Imagofagia* 10 (2014): 1–62.

Ambos, Kai. 'Zur "rechtlichen" Struktur der Repression und strafrechtlichen Vergangenheitsbewältigung in Argentinien: Ein Kommentar aus juristischer Sicht.' In *Vergangenheitsbewältigung in Lateinamerika*, edited by Detlef Nolte, 86–95. Frankfurt am Main: Vervuert, 1996.

Ambos, Kai and Mohamed Othmann. *New Approaches in International Criminal Justice: Kosovo, East Timor, Sierra Leone & Cambodia*. Freiburg im Breisgau: Max-Planck-Institut für ausländisches und internationales Strafrecht, 2003.

Amesti, Nadia et al. 'La estructura del poder militar durante la dictadura.' Montevideo: Universidad de la República del Uruguay, 2018. https://sitiosdememoria.uy/sites/default/files/2020-01/Estructura.pdf (last accessed 11.04.2022).

Amnesty Interational, 'Äthiopiens Ex-Diktator Mengistu nicht verhaftet.' *AI-Journal* (January 2000). https://web.archive.org/web/20160304074225/http://www.amnesty.de/umleitung/2000/deu05/264?lang=de%26mimetype%3dtext%2fhtml (last accessed 24.11.2021).

Amnesty International Publications, *Albania Political Imprisonment and the Law*. London: Shadowdean Limited, 1984.

Amnesty International, *Safer to Stay Silent* (London, 2010). https://reliefweb.int/sites/reliefweb.int/files/resources/CBCBF4D4CFC49B494925779000199C1B-Full_Report.pdf (last accessed 06.12.2021).

Anonymous, 'Clouds over Attempts to Reconcile with the Past.' The New Humanitarian, December 15, 2006. https://www.thenewhumanitarian.org/fr/node/229198 (last accessed: 14.07. 2021).

Anonymous, 'Gericht: Kein Foto von Ex-Terroristin.' Der Tagesspiegel, 27 March 2007. https://www.tagesspiegel.de/gesellschaft/medien/gericht-kein-foto-von-ex-terroristin/827642.html (last accessed 22.03.2022).

Anonymous, 'The Senate Adopts the Report on Consolidation of the Genocide Memorial Sites.' https://www.parliament.gov.rw/news-detail?tx_news_pi1%5Baction%5D=detail&tx_news_pi1%

5Bcontroller%5D=News&tx_news_pi1%5Bnews%5D=16027&cHash=de69d119fd24304a4de10b09a66272d0 (last accessed 06. 12. 2021).Antonio Pereira. 'Análisis de los informativos televisivos durante el proceso de aprobación de la ley de caducidad.' Cuaderno de Historia 9 (2012): 125 – 149.

APDH (Asamblea Permanente por los Derechos Humanos). Memoria, Verdad y Justicia: Herramientas para la comunicación desde los derechos humanos. Buenos Aires: Asamblea Permanente por los Derechos Humanos, 2019.

Arapi, Lindita. *Schlüsselmädchen*. Berlin: Dittrich Verlag, 2013.

Arapi, Lindita. *Wie Albanien albanisch wurde – Rekonstruktion des Albanienbildes*. Marburg: Tectum Verlag, 2006.

Arce, Luz. *El Infierno*. Santiago: Editorial Planeta, 1993.

Aronson, Jay D. 'The Strengths and Limitations of South Africa's Search for Apartheid-Era Missing Persons.' *International Journal of Transitional Justice* 5(2) (2011): 262 – 81. https://doi.org/10.1093/ijtj/ijr013 (last accessed: 14. 07. 2021).

Asociación Madres de Plaza de Mayo. *Historia de las Madres de Plaza de Mayo*. Buenos Aires: Editorial de las Madres, [2]2003.

Assmann, Aleida. *Erinnerungsräume: Formen und Wandlungen des kollektiven Gedächtnisses*. Munich: C. H. Beck, 2009.

Assmann, Aleida. *Formen des Vergessens*. Göttingen: Wallstein, 2016.

Auer, Kira. *Vergangenheitsbewältigung in Ruanda, Kambodscha und Guatemala: Die Implementierung normativer Ansprüche*. Baden-Baden: Nomos, 2014.

Austin, C. Robert and Jonathan Ellison, 'Post-Communist Transitional Justice in Albania.' *East European Politics and Societies* 22(2) (2008): 373 – 401.

Austin, C. Robert and Jonathan Ellison. 'Albania.' In *Transitional Justice in Eastern Europe and the Former Soviet Union: Reckoning with the communist past*, edited by Lavinia Stan, 176 – 199. New York: Routledge, 2009.

Baberowski, Jörg. *Verbrannte Erde: Stalins Herrschaft der Gewalt*. Munich: Fischer, [2]2019.

Backer, David. 'Watching a Bargain Unravel? A Panel Study of Victims' Attitudes about Transitional Justice in Cape Town, South Africa.' *International Journal of Transitional Justice* 4(3) (2010): 443 – 456. https://doi.org/10.1093/ijtj/ijq015. (last accessed 14.07. 2021).

Bagilishya, Déogratias. 'Mourning and Recovery from Trauma: In Rwanda, Tears Flow Within.' *Transcultural Psychiatry* 37(3) (2000): 337 – 353.

Baines, Gary. 'Site of Struggle: The Freedom Park Fracas and the Divisive Legacy of South Africa's Border War/ Liberation Struggle.' *Social Dynamics* 35(2) (2009): 330 – 344. https://doi.org/10.1080/02533950903076428 (last accessed: 14. 07. 2021).

Bajohr, Frank. 'Holocaustforschung–Entwicklungslinien in Deutschland seit 1945.' In *Aufarbeitung des Nationalsozialismus*, edited by Magnus Brechtken, 122 – 142.

Bakiner, Onur. *Truth Commissions: Memory, Power, and Legitimacy*. Philadelphia: University of Pennsylvania Press, 2016.

Balé, Cinthia. 'Usos del archivo y políticas de la memoria: un análisis del proceso de 'apertura" de los archivos militares en Argentina (2003 – 2015),' Nuevo Mundo Mundos Nuevos *(2018)*, http://journals.openedition.org/nuevomundo/73860 (last accessed 11. 04. 2022); DOI: https://doi.org/10.4000/nuevomundo.73860.

Balza, Martín Antonio. '"Das Ziel rechtfertigt niemals die Mittel." Fernsehansprache des Stabschefs des argentinischen Heeres, General Martín Antonio Balza, vom 25. 4. 1995.' In *Vergangenheitsbewältigung in Lateinamerika*, edited by Detlef Nolte, 96 – 99. Frankfurt am Main: Vervuert, 1996.

Barahona de Brito, Alexandra. *Human Rights and Democratization in Latin America: Uruguay and Chile*. Oxford: Oxford University Press, 1997.

Barahona de Brito, Alexandra. 'Truth, Justice, Memory, and Democratization in the Southern Cone.' In *The Politics of Memory. Transitional Justice in Democratizing Societies*, edited by Alexandra Barahona de Brito, Carmen González-Enríquez and Paloma Aguilar, 119–160. Oxford: Oxford University Press, 2001.

Barbano, Rodrigo. 'Wikipedia y derechos humanos: construyendo memoria en territorios digitales, in Servicio Paz y Justicia – SERPAJ Uruguay.' *Derechos Humanos en el Uruguay. Informe 2018*. Montevideo: SERPAJ, 2018.

Barrera, Giulia. 'Of condors and judges: archival musings over a judicial investigation.' *Archival Science* 9 (2009): 203–214.

Bassiouni, M. Cherif. *International Criminal Law: International Enforcement*. Leiden: Martinus Nijhoff Publishers, [3]2008.

Bauerkämper, Arnd. 'Transnationale Dimensionen der "Vergangenheitsaufarbeitung".' In *Aufarbeitung des Nationalsozialismus*, edited by Magnus Brechtken, 20–37. Bonn: bpb, 2021.

Behrendt, Urs. *Die Verfolgung des Völkermordes in Ruanda durch internationale und nationale Gerichte: Zugleich ein Beitrag zu Inhalt und Funktion des Universalitätsprinzips bei der Verfolgung von Völkerrechtsverbrechen*. Berlin: Berliner Wissenschaftsverlag, 2004.

Beinart, William, and Peter Delius. 'The Historical Context and Legacy of the Natives Land Act of 1913.' *Journal of Southern African Studies* 40(4) (2014): 667–688. https://doi.org/10.1080/03057070.2014.930623 (last accessed: 14. 07. 2021).

Berghoff, Hartmut. 'Zwischen Verdrängung und Aufarbeitung: Die bundesdeutsche Gesellschaft und ihre nationalsozialistische Vergangenheit in den Fünfziger Jahren.' *Geschichte in Wissenschaft und Unterricht* 49 (1998): 96–114.

Berhe, Aregawi. *A Political History of the Tigray People's Liberation Front (1975–1991): Revolt, Ideology and Mobilisation in Ethiopia*. PhD diss., Amsterdam: Vrijie Universiteit Amsterdam, 2009.

Bertoia, Luciana. 'La agenda de Memoria, Verdad y Justicia en tiempos de cambios: Tensiones, rupturas y continuidades en el discurso del gobierno macrista en torno al terrorismo de Estado.' *Aletheia* 7(13) (2016). http://www.memoria.fahce.unlp.edu.ar/art_revistas/pr.7622/pr.7622.pdf (last accessed 11. 04. 2022).

Besoky, Juan Luis. 'Como dos extraños: dilemas del joven historiador frente al archive.' *Hilos Documentales* 1(1) (2018). https://revistas.unlp.edu.ar/HilosDocumentales/article/view/5956/5332 (last accessed 11. 04. 2022).

Bhandari, Ram Kumar. *The Role of Victims' Organisations in Transition from Conflict: Families of the Disappeared in Nepal*. PhD diss., Hamburg: University of Hamburg 2011.

Biberaj, Elez. *Albania in Transition: The Rocky Road to Democracy*. Boulder Colorado: Westview Press, 1998.

Bickford, Louis. 'Human Rights Archives and Research on Historical Memory: Argentina, Chile, and Uruguay.' *Latin American Research Review* 35(2) (2000): 160–182.

Bilbija, Ksenija and Leigh A. Payne. *Accounting for Violence: Marketing Memory in Latin America*. Durham: Duke University Press, 2011.

Birantamije, Gérard. 'Civil Society Organisations and Transitional Justice in Burundi: When Making is Resisting.' In *Resistance and Transitional Justice*, edited by Briony Jones and Julie Bernath, 77–100. London: Routledge, 2017.

Bisset, Alison. *Truth Commissions and Criminal Courts*. Cambridge: Cambridge University Press, 2012.

Blackie, Laura, and Nicki Hitchcott. '"I am Rwandan": Unity and Reconciliation in Post-Genocide Rwanda.' *Genocide Studies and Prevention: An International Journal* 12(1) (2018): 24–37.

Boddy-Evans, Alistair. 'Pass Laws During Apartheid.' ThoughtCo, 2019. https://www.thoughtco.com/pass-laws-during-apartheid-43492 (last accessed: 02. 11. 2022).

Boeninger, Edgardo. *Democracia en Chile: Lecciones para la Gobernabilidad*. Santiago: Editorial Andrés Bello, 1997.

Boiani, Micaela et al. 'Otro 20 de mayo.' In Servicio Paz y Justicia – SERPAJ Uruguay, *Derechos Humanos en el Uruguay. Informe 2020*. Montevideo: SERPAJ, 2020.

Bois, Francois du. 'Judicial Selection in Post-Apartheid South Africa.' SSRN Scholarly Paper. Rochester, New York: Social Science Research Network, 2006. https://doi.org/10.2139/ssrn.2283148 (last accessed: 14. 07. 2021).

Bonacker, Thorsten. 'Global Victimhood: On the Charisma of the Victim in Transitional Justice Processes.' *World Political Science* 9 (2013): 97 – 129.

Bond, Patrick. *The Elite Transition: From Apartheid to Neoliberalism in South Africa*. Pluto Press, 2000.

Bonner, Michelle D. 'Never Again: Transitional Justice and Persistent Police Violence in Argentina.' *International Journal of Transitional Justice* 8 (2014): 235 – 255.

Bornkamm, Paul Christoph. *Rwanda's Gacaca Courts: Between Retribution and Reparation*. Oxford: Oxford University Press, 2012.

Bottinelli, Eduardo. 'Las carreras políticas de los senadores en Uruguay: ¿Cambios o continuidades ante el triunfo de la izquierda?' *Revista de Sociologia e Política* 16(30) (2008): 29 – 43.

Boxill, Bernard R. 'The Morality of Reparation.' *Social Theory and Practice* 2(1) (1972): 113 – 123.

Brandstetter, Anna-Maria. 'Contested Pasts: The Politics of Remembrance in Post-Genocide Rwanda.' In *The Ortelius Lecture*, edited by Netherlands Institute for Advanced Studies in the Humanities and Social Sciences / University of Antwerp. Wassenaar, 2010.

Brannigan, Augustine, and Nicholas A. Jones. 'Genocide and the Legal Process in Rwanda: From Genocide Amnesty to the New Rule of Law.' *International Criminal Justice Review* 19(2) (2009): 192 – 207.

Brauman, Roy, Stephen Smith, and Claudine Vidal. 'Rwanda: Politique de terreur, privilege d'impunite.' *Esprit* 266/267 (8/9) (2000): 147 – 161.

Bravo, Nazareno. 'H.I.J.OS. en Argentina: La emergencia de prácticas y discursos en la lucha por la memoria, la verdad y la justicia.' *Sociológica* 27(76) (2012): 231 – 248.

Brechtken, Magnus, ed. *Aufarbeitung des Nationalsozialismus: Ein Kompendium*. Göttingen: Wallstein, 2021.

Broquetas, Magdalena. *Huellas de la repression: Identificación de centros de detención del autoritarismo y la dictadura (1968 – 1985)*. Montevideo: Centro Municipal de Fotografía, 2008.

Broszat, Martin, Hans-Adolf Jacobsen and Helmut Krausnick, *Konzentrationslager, Kommissarbefehl, Judenverfolgung* (*Anatomie des SS-Staats*, vol. 2). Olten and Freiburg im Breisgau: dtv, 1965.

Brüne, Stefan. 'Ideology, Government And Development: The People's Democratic Republic Of Ethiopia.' *Northeast African Studies* 12(2) (1990) 189 – 199.

Bubenzer, Ole. *Post-Trc Prosecutions in South Africa: Accountability for Political Crimes After the Truth and Reconciliation Commission's Amnesty Process*. Leiden and Boston: Brill, 2009.

Buchheim, Hans. *Die SS – Das Herrschaftsinstrument: Befehl und Gehorsam* (*Anatomie des SS-Staates*, vol. 1). Olten and Freiburg im Breisgau: dtv, 1965.

Buckley-Zistel, Susanne. 'Remembering to Forget: Chosen Amnesia as Strategy for Local Co-Existence in Post-Genocide Rwanda ' *Africa. The Journal of the International African Institute* 76(2) (2006): 131 – 150.

Buckley-Zistel, Susanne. 'Nation, narration, unification? The politics of history teaching after the Rwandan genocide.' *Journal of Genocide Research* 11(1) (2009): 31 – 53.

Buckley-Zistel, Susanne. 'Vergangenes Unrecht aufarbeiten: Eine globale Perspektive.' *Aus Politik und Zeitgeschichte* (2013): 25 – 26. https://www.bpb.de/apuz/162889/vergangenes-unrecht-aufarbeiten-eine-globale-perspektive?p=all (last accessed 22. 03. 2022).

Bühlmann, Marc Wolfgang et al. 'Demokratiebarometer: Ein neues Instrument zur Messung von Demokratiequalität.' *Zeitschrift für Vergleichende Politikwissenschaft* 6 (2012): 115–159. https://doi.org/10.1007/s12286-012-0129-2 (last accessed 23.11.2021).

Bulcha, Mekuria. 'Genocidal Violence in the Making of Nation and State in Ethiopia.' *African Sociological Review* 9(2) (2005): 1–54.

Bulman, Gail. 'Moving On? Memory and History in Griselda Gambaro's Recent Theater.' *Studies in 20th & 21st Century Literature* 28(2) (2004): 379–395.

Bundeszentrale für politische Bildung, *Gedenkstätten für die Opfer des* Nationalsozialimus, vols. 1 and 2. Bonn, 1999. https://www.bpb.de/shop/multimedia/dvd-cd/33945/gedenkstaetten-fuer-die-opfer-des-nationalsozialismus (last accessed 09.11.2021).

Burbach, Roger. *The Pinochet Affair.* London and New York: Zed Books, 2003.

Buriano, Ana. 'Ley de Caducidad en Uruguay y esencia ético-política de la izquierda.' *Perfiles Latinoamericanos* 38 (2011): 173–203.

Buriano, Ana and Silvia Dutrénit. 'A 30 años de la ley de caducidad uruguaya ¿Qué y cómo debemos conmemorar?.' *Antíteses* 10(19) (2017): 351–375.

Burnet, Jennie E. 'Whose Genocide? Whose Truth? Representations of Victim and Perpetrator in Rwanda.' In *Genocide, Truth, Memory and Representation*, edited by Alexander Laban Hinton and Kevin Lewis O'Neill, 80–113. Durham: Duke University Press, 2009.

Burnet, Jennie E. 'Situating Sexual Violence in Rwanda (1990–2001): Sexual Agency, Sexual Consent, and the Political Economy of War.' *African Studies Review* 55(2) (2012): 97–118.

Burnet, Jennie E. 'Rape as a Weapon of Genocide: Gender, Patriarchy, and Sexual Violence in the Rwandan Genocide.' *Anthropology Faculty Publications* 13 (2015): 1–3.

Burt, Jo-Marie, Gabriela Fried Amilivia and Francesca Lessa. 'Civil Society and the Resurgent Struggle against Impunity in Uruguay (1986–2012).' *The International Journal of Transitional Justice* 7 (2013): 306–327.

Buruma, Ian. *Erbschaft der Schuld: Vergangenheitsbewältigung in Deutschland und Japan*, translated by Klaus Binder and Jeremy Gaines. Munich and Vienna: Carl Hanser, 1994.

Busquets, José Miguel and Andrea Delbono. 'La dictadura cívico-militar en Uruguay (1973–1985): aproximación a su periodización y caracterización a la luz de algunas teorizaciones sobre el autoritarismo.' *Revista de la Facultad de Derecho* 41 (2016): 61–102.

Butka, Uran. *Lufta civile në Shqipëri 1943–1945.* Tiranë: ISKK, 2015.

Caetano, Gerardo. 'Los archivos represivos en los procesos de "justicia transicional": una cuestión de derechos.' *Perfiles Latinoamericanos* 37 (2011): 9–32.

Caetano, Gerardo. 'Los archivos represivos y el debate sobre los criterios para su mejor utilización como instrumento de justicia y de derechos.' *Claves. Revista de Historia* 3/5 (2017): 155–183.

Caetano, Gerado and José Rilla. *Breve historia de la dictadura (1973–1985).* Montevideo: Grupo Editor, 1987.

Calic, Marie-Janine. *Südosteuropa: Weltgeschichte einer Region.* Munich: bpb, 2016.

Camay, Phiroshaw and Anne J. Gordon. 'The National Peace Accord and Its Structures.' Johannesburg: Co-operative for Research and Education, 2000. https://omalley.nelsonmandela.org/omalley/index.php/site/q/03v02424/04lv03275/05lv03294/06lv03321.htm (last accessed: 14.07.2021).

Carreras, Sandra and Barbara Potthast. *Eine kleine Geschichte Argentiniens.* Frankfurt am Main: Suhrkamp, [2]2013.

Castro, Alicia. 'Derechos humanos y delitos de lesa humanidad: Un análisis de la jurisprudencia de la Suprema Corte de Justicia sobre imprescribilidad de delitos de la dictadura.' *Revista de Derecho Público* 27 (2018): 7–34.

Catoggio, María Soledad. 'Activismos no violentos bajo dictaduras militares en Argentina y Chile: el Servicio de Paz y Justicia, 1974–1983.' *Jahrbuch für Geschichte Lateinamerikas* 52 (2015): 291–314.

Catoggio, María Soledad. 'La última dictadura militar argentina (1976–1983): la ingeniería del terrorismo de Estado.' In *Online Encyclopedia of Mass Violence* (2010). http://www.massviolence.org/PdfVersion?id_article=485 (last accessed 11.04.2022).

Catsam, Derek. 'Permanently Removed from Society: The Cradock Four, the TRC, Moral Judgments, Historical Truth, and the Dilemmas of Contemporary History.' *Historia Actual Online*, 1 January 2005.

Cavanna, Federico A. and Luis Fernando Cerri. 'Enseñanza de historia reciente en Uruguay: pasado y laicidad en el juego de la identidad.' *Archivos de Ciencias de la Educación* 3(3) (2009): 99–112. http://www.fuentesmemoria.fahce.unlp.edu.ar/art_revistas/pr.4085/pr.4085.pdf (last accessed 11.04.2022).

CELS – Centro de Estudios Legales y Sociales. *Derechos Humanos en la Argentina: Informe anual enero – diciembre 1998*. Buenos Aires: Centro de Estudios Legales y Sociales, 1999.

CELS – Centro de Estudios Legales y Sociales. *Derechos Humanos en Argentina: Informe anual 2000*. Buenos Aires: Centro de Estudios Legales y Sociales, 2000.

Centro de Derechos Humanos Universidad Diego Portales. *Informe anual sobre derechos humanos en Chile 2019* (2019). https://derechoshumanos.udp.cl/informe-anual/informe-anual-sobre-derechos-humanos-en-chile-2019-2/ (last accessed: 11.12.2022).

Chandler, David. 'Cambodia Deals with its Past: Collective Memory, Demonisation and Induced Amnesia.' *Totalitarian Movements and Political Religions* 9 (2008): 355–369.

Chapman, Audrey R. and Patrick Ball. 'The Truth of Truth Commissions: Comparative Lessons from Haiti, South Africa, and Guatemala.' *Human Rights Quarterly* 23(1) (2001): 1–43.

Chapman, Audrey R. and Hugo van der Merwe. *Truth and Reconciliation in South Africa: Did the TRC deliver?* Philadelphia: De Gruyter, 2008.

Chargoñia, Pablo. 'Caso Elena Quinteros: El ex canciller de la dictadura y el Batallón 13 en el centro de las investigaciones.' In *Derechos Humanos en el Uruguay. Informe 2004*, 119–125. Montevideo: SERPAJ, 2004.

Chargoñia, Pablo. 'Avances, retrocesos y desafíos en la lucha judicial contra la impunidad.' In *Luchas contra la impunidad. Uruguay 1985–2011*, edited by Gabriela Fried and Francesca Lessa, 163–174. Montevideo: Trilce, 2011.

Chargoñia, Pablo, Leonardo Di Cesare and Fiorella Garbarino. 'Después de la disolución del Grupo de Trabajo por Verdad y Justicia: Comentarios sobre la Ley No. 19.822 que comete la búsqueda de personas detenidas desaparecidas a la Institución Nacional de Derechos Humanos y Defensoría del Pueblo,' Servicio Paz y Justicia – SERPAJ Uruguay, *Derechos Humanos en el Uruguay. Informe 2019*. Montevideo: SERPAJ, 2019: 70–78.

Cherry, Janet. *Spear of the Nation: Umkhonto WeSizwe*. Athens: Ohio University Press, 2012. https://www.bookdepository.com/Spear-Nation-Umkhonto-weSizwe-Janet-Cherry/9780821420263 (last accessed: 14.07.2021).

Christie, Kenneth. *The South African Truth Commission*. Basingstoke, London and New York: Palgrave, 2000.

Christodoulidis, Emilios and Scott Veitch, eds. *Lethe's Law. Justice: Law and Ethics in Reconciliation*. Oxford: Hart Publishing, 2001.

Cingranelli, David L. and David L. Richards. 'Das Menschenrechtsdatenprojekt von Cingranelli und Richards (CIRI).' *Human Rights Quarterly* 32 (2010): 401–424. https://www.researchgate.net/publication/236759507_The_Cingranelli_and_Richards_CIRI_Human_Rights_Data_Project. (last accessed 23.11.2021).

Clapham, Christopher. 'Re-writing Ethiopian History.' *Annales d'Éthiopie* 18(1) (2002): 37–54.

Clark, Phil, and Zachary D. Kaufman, eds. *After Genocide: Transitional Justice, Post-Conflict Reconstruction and Reconciliation in Rwanda and Beyond*. London: Hurst, 2008.

Clark, Phil. *The Gacaca Courts, Post-Genocide Justice and Reconciliation in Rwanda: Justice without Lawyers*, *Cambridge Studies in Law and Society.* Cambridge: Cambridge University Press, 2010.

Clark, Phil. 'Negotiating Reconciliation in Rwanda: Popular Challenges to the Official Discourse of Post-Genocide National Unity.' *Journal of Intervention and Statebuilding* 8(4) (2014): 303 – 320.

Clark, Phil. *Distant Justice: The Impact of the International Criminal Court on African Politics.* Cambridge: Cambridge University Press, 2018.

Coleman, Max. ed. *A Crime Against Humanity: Analysing the Repression of the Apartheid State.* Cape Town: David Philip Pub, 1998.

Collins, Cath. *Post-Transitional Justice: Human Rights Trials in Chile and El Salvador.* Pennsylvania: Pennsylvania State University Press, 2010.

Collins, Cath, Katherine Hite and Alfredo Joignant. *Las políticas de la memoria en Chile: Desde Pinochet a Bachelet.* Santiago: Ediciones Universidad Diego Portales, 2013.

Comblin, José. *The Church and the National Security State.* Maryknoll: Orbis Books, 1979.

Comisión Nacional de Verdad y Reconciliación. Informe (1991). https://bibliotecadigital.indh.cl/handle/123456789/170 (last accessed 11. 04. 2022).

Comisión Nacional sobre Prisión Política y Tortura. Informe (2014). https://www.indh.cl/destacados-2/comision-valech/ (last accessed 11. 04. 2022).

Comisión para la Paz. *Informe Final.* Montevideo: Comisión para la Paz, 2003.

CONADEP – Comisión Nacional sobre la Desaparición de Personas. *Nunca Más: Informe de la Comisión Nacional sobre la Desaparición de Personas.* Buenos Aires: Editorial de la Universidad de Buenos Aires, [3]1984.

Conferencia Episcopal Argentina. *Iglesia y Democracia en la Argentina: Selección de documentos del Episcopado Argentino.* Buenos Aires: Conferencia Episcopal Argentina, 2006.

Conley, Bridget. *Memory from the Margins: Ethiopia's Red Terror Martyrs Memorial Museum.* London: Palgrave Macmillan, 2019.

Contera, Cristina. 'La educación superior en Uruguay.' *Avaliação: Revista da Avaliação da Educação Superior* 13(2) (2008): 533 – 554.

Conti, Diana. 'La democracia y su respuesta a las violaciones a los Derechos Humanos el pasado.' *Hechos y Derechos*, 8 (2001): 57 – 70.

Cook, Susan E. *Genocide in Cambodia and Rwanda: New Perspectives.* New York: New Brunswick Transaction Publishers, 2006.

Cornelißen, Christoph, Lutz Klinkhammer and Wolfgang Schwentker, eds. *Erinnerungskulturen: Deutschland, Italien und Japan seit 1945.* Frankfurt am Main: Fischer, 2003.

Cornelißen, Christoph. '"Vergangenheitsbewältigung"– ein deutscher Sonderweg?' In *Aufarbeitung der Diktatur – Diktat der Aufarbeitung? Normierungsprozesse beim Umgang mit diktatorischer Vergangenhei*t, edited by Katrin Hammerstein et. al., 21 – 36. Göttingen: Steiner, 2009.

Cornelißen, Christoph. 'Erinnerungskulturen, Version: 2.0', in *Docupedia-Zeitgeschichte*, *22. 10. 2012.* http://docupedia.de/zg/cornelissen_erinnerungskulturen_v2_de_2012 (last accessed 22. 03. 2022).

Crenzel, Emilio. 'Dos prólogos para un mismo informe: El Nunca Más y la memoria de las desapariciones.' *Prohistoria* 11 (2007): 49 – 60.

Crenzel, Emilio. 'Argentina's National Commission on the Disappearance of Persons: Contributions to Transitional Justice.' *The International Journal of Transitional Justice* 2 (2008): 173 – 191.

Crenzel, Emilio. 'The Crimes of the Last Dictatorship in Argentina and its Qualification as Genocide: A Historicization.' *Global Society* (2019).

Cunha, Luiz Cláudio. *Operación Cóndor: El secuestro de los uruguayos. Un reportaje del tiempo de la dictadura.* Montevideo: SERPAJ, 2017.

Dahlmanns, Erika. 'New Community, Old Tradition: The Intore Warrior as a Symbol of the New Man. Rwanda's Itorero-Policy of Societal Recreation.' *Modern Africa: Politics, History and Society* 1 (2015): 113 – 151.

Dallaire, Roméo. *Shake Hands with the Devil: The Failure of Humanity in Rwanda*. Toronto: Random House, 2003.

Daniels, Nicola. 'Ex-Prisoners' Association Upset over Robben Island Council "Meeting Snub."' *Independent Online*, January 27, 2020. https://www.iol.co.za/capetimes/news/ex-prisoners-association-upset-over-robben-island-council-meeting-snub-41497561 (last accessed: 14. 07. 2021).

Davies, Robert and Dan O'Meara. 'Total Strategy in Southern Africa: An Analysis of South African Regional Policy since 1978.' *Journal of Southern African Studies* 11(2) April 1, 1985: 183 – 211. https://doi.org/10.1080/03057078508708096 (last accessed: 14. 07. 2021).

Dávila, Mireya, et al. 'The Chilean Experience.' In *Memory of Nations: Democratic Transition Guide*. Prague: CEVRO, 2019. http://www.cevro.cz/pdf.php?id=24299 (last accessed: 11. 04. 2022).

de Amézola, Gonzalo. 'Currículo oficial y memoria: El pasado reciente en la escuela argentina.' *Enseñanza de las ciencias sociales* 7 (2008): 47 – 55.

de Amézola, Gonzalo. 'Una educación por el repudio: La formación ciudadana con el ejemplo de la dictadura militar 1976 – 1983 en escuelas secundarias de Argentina.' *CLIO. History and History teaching* 41 (2015). http://clio.rediris.es/n41/articulos/mono/MonAmezola2015.pdf.

de Diego, José Luis. *Campo intelectual y campo literario en la Argentina (1970 – 1986)*. (PhD diss., Universidad Nacional de La Plata, 2000). http://www.memoria.fahce.unlp.edu.ar/tesis/te.150/te.150.pdf (last accessed 11. 04. 2022).

Definitions of Power of Provisional Military Administration Council and of its Chairman. Proclamation No.2 /1974, *entered into force* 15 September 1974.

de Giorgi, Álvaro. 'El "Nunca Más" uruguayo. Política ritual hacia el pasado reciente en el gobierno del Frente Amplio.' *Izquierdas* 42 (2018): 63 – 96.

de Greiff, Pablo. *Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non recurrence, Mission to Uruguay*. Human Rights Council, 27th session, A/HRC/27/56/Add. 2 (New York: United Nations, 2014).

de Greiff, Pablo, ed. *The Handbook of Reparations*. Oxford: Oxford University Press, 2006.

Deguefe, Taffara. *Minutes of an Ethiopian Century*. Addis Ababa: Shama Books, 2006.

de Lame, Danielle. *Une colline entre mille: Transformations et blocages du Rwanda rural*. Tervuren: Musée Royal de l'Afrique Centrale, 1996.

de León Orpi, Walter. 'Juan María Bordaberry: el dictador latinoamericano condenado por delitos de lesa humanidad.' In *Luchas contra la impunidad. Uruguay 1985 – 2011*, edited by Gabriela Fried and Francesca Lessa, 175 – 187. Montevideo: Trilce, 2011.

Demasi, Carlos. 'La trasmisión del pasado traumático: Enseñanza de la dictadura y debate social en Uruguay.' *ILCEA – Revue de l'Institut des langues et cultures d'Europe, Amérique, Afrique, Asie et Australie* 26 (2016): 1 – 14. http://journals.openedition.org/ilcea/3959 (last accessed 11. 04. 2022).

Demasi, Carlos, and Jaime Yaffé, eds. *Vivos los llevaron… Historia de la lucha de Madres y Familiares de Uruguayos Detenidos Desaparecidos (1976 – 2005)*. Montevideo: Trilce, 2002.

Denbel, Jima Dilbo. 'Transitional Justice in the Context of Ethiopia.' *International Letters of Social and Humanistic Science* 10 (2013): 73 – 83. https://www.scipress.com/ILSHS.10.73.pdf (last accessed 24. 11. 2021).

Department of Justice (South Africa). Draft Regulations for TRC Victims – Education and Medical Assistance (2011). https://static.pmg.org.za/docs/110411regulations-TRC.pdf (last accessed: 14. 07. 2021).

Department of Justice (South Africa). Regulations relating to assistance to victims in respect of higher education ad traing: Promotion of National Unity and Reconciliation Act of 1995

(2014). https://www.justice.gov.za/legislation/notices/2014/20141103-gg38157-gon852-trc.pdf (last accessed: 14. 07. 2021).

Department of Justice and Constitutional Development (South Africa). Regulations regarding reparations to victims. No. R. 1660 (2003). https://www.justice.gov.za/trc/legal/20031112-gg25695_nn1660.pdf (last accessed: 14. 07. 2021).

Dervishi, Kastriot. *Sigurimi i Shtetit 1944 – 1991: Historia e policisë politike të regjimit komunist*. Tiranë: Shtëpia Botuese 55, 2012.

Dervishi, Kastriot. *Internimi dhe burgimi komunist në Shqipëri*. Tiranë: Shtëpia Botuese 55, 2016a.

Dervishi, Kastriot. *Vrasjet në kufi në vitin 1990*. Tiranë: ISKK, 2016b.

Des Forges, Alison. *Leave None to Tell the Story: Genocide in Rwanda*. New York: Human Rights Watch, 1999.

Desta, Fisseha. *AbiyotunaTizitaye*. Los Angeles: Tsehai Publishers, 2015?

de Waal, A. 'AlemBekagn: the African Union's accidental human rights memorial.' *African Affairs* 112(447) (2013): 191 – 215.

Diamint, Rut. 'Streitkräfte und Demokratie.' In *Argentinien nach Menem. Wandel und Kontinuität*, edited by Peter Birle and Sandra Carreras, 313 – 339. Frankfurt am Main: Vervuert, 2002.

Diamint, Rut. 'La historia sin fin: el control civil de los militares en Argentina'. *Nueva Sociedad* 213 (2008): 95 – 111.

Díaz, José Pedro. 'Uruguay: Medios de comunicación y Estado/gobierno: Descubriendo la cenicienta'. In *¿Por qué nos odian tanto? Estado y medios de comunicación en América Latina* (Bogotá: Centro de Competencia en Comunicación para América Latina/Friedrich Ebert Stiftung, 2010): 245 – 261.

Diner, Dan and Gotthard Wunberg, eds. *Restitution and Memory: Material Restoration in Europe*. New York and Oxford: Berghahn, 2007.

Dinka, Tesfaye. *Ethiopia during the Derg Years: An Inside Account*. Los Angeles: Tsehai Publishers, 2016.

Diz, María Luisa. 'Teatro x la Identidad: Un escenario para las Abuelas de Plaza de Mayo.' *Reflexión Académica en Diseño y Comunicación* XXI(42) (2020): 228 – 234.

Domenella Amadio, Ana Rosa. 'Novelas sobre la dictadura cívico-militar en los ochenta y treinta años después.' *Revista Huella de la Palabra* 12 (2018): 14 – 29.

Doughty, Kristin. 'Law and the architecture of social repair: gacaca days in post-genocide Rwanda.' *Journal of the Royal Anthropological Institute* 21(2) (2015): 419 – 437.

Drumbl, Mark A. 'Rule of Law Amid Lawlessness: Counselling the Accused in Rwanda's Domestic Genocide Trials.' *Colombia Human Rights Law Review* 29 (1997 – 1998): 545 – 639.

Dubois, Olivier. 'Rwanda's national criminal courts and the International Tribunal.' *International Review of the Red Cross* 79(828) (1997): 717 – 730.

du Bois-Pedain, Antje. *Transitional Amnesty in South Africa*. Cambridge: Cambridge University Press, 2007.

Dvořáková, Vladimira and Anđelko Milardović. *Lustration and Consolidation of Democracy and the Rule of Law in Central and Eastern Europe*. Zagreb: Political Science Research Centre Zagreb, 2007.

Dwertmann, Eva. *The Reparation System of the International Criminal Court: Its Implementation, Possibilities and Limitations*. Leiden: Brill, 2010.

Echternkamp, Jörg. 'Die Verfolgung nationalsozialistischer Gewaltverbrechen'. https://www.bpb.de/geschichte/deutsche-geschichte/der-zweite-weltkrieg/199413/die-verfolgung-nationalsozialistischer-gewaltverbrechen (last accessed 22. 03. 2022).

Eckel, Jan and Claudia Moisel, eds. *Universalisierung des Holocaust? Erinnerungskultur und Geschichtspolitik in internationaler Perspektive*. Göttingen: Wallstein, 2008.

Edmonds, Amy. 'Moral Authority and Authoritarianism: The Catholic Church and the Military Regime in Uruguay.' *Journal of Church and State* 56(4) (2014): 644 – 669.

Eeden, Elize S. van. 'South Africa's Revised History Curriculum on Globalism and National Narratives in Grade 12 Textbooks.' *Historia* 55, no. 1 (May 2010): 110–24.

Eichmüller, Andreas. 'Die Strafverfolgung von NS-Verbrechen durch westdeutsche Justizbehörden seit 1945: Eine Zahlenbilanz.' *Vierteljahrshefte für Zeitgeschichte* 56 (2008): 621–640.

Elbasani, Arolda and Artur Lipinski. 'Transitional Justice in Albania: Historical Burden, Weak Civil Society and Conflicting Interests.' In *Transitional Justice and Civil Society in the Balkans*, edited by Olivera Simić and Zala Volčič, 105–121. New York: Springer, 2013.

El Masri, Samar, Tammy Lambert and Joanna R. Quinn, eds. *Transitional Justice in Comparative Perspective: Preconditions for Success*. Cham: Palgrave Macmillan, 2020.

Embassy of the Russion Federation in the Republic of South Africa. 'On the Solemn Unveiling of the Soviet/Russian Section of the Wall of Names Freedom Park, – Press Releases,' December 13, 2018. https://russianembassyza.mid.ru/ru_RU/-/on-the-solemn-unveiling-of-the-soviet-russian-section-of-the-wall-of-names-freedom-park-13-december-2018?inheritRedirect=true&redirect=%2Fru_RU (last accessed: 14. 07. 2021).

Encuesta Bicentenario 2019. (Santiago, Universidad Católica de Chile, 2019), https://encuestabicentenario.uc.cl/ (last accessed: 11. 04. 2022).

Engstrom, Par and Gabriel Pereira. 'From Amnesty to Accountability: Ebb and Flow in the Search for Justice in Argentina.' In *Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives*, edited by Fancesca Lessa and Leigh A. Payne. Cambridge: Cambridge University Press, 2012.

Erebara, Rudi. *Epika eyjeve të mëngjesit* [The Epos of the Morning Stars]. Tiranë: Ombra GVG, 2016.

Errandonea, Jorge. 'Justicia transicional en Uruguay.' *Revista Instituto Interamericana de Derechos Humanos* 47 (2008): 13–69.

Eser, Albin, Ulrich Sieber and [from sub-volume 8 onwards] Jörg Arnold, eds. *Strafrecht in Reaktion auf Systemunrecht: Vergleichende Einblicke in Transitionsprozesse*. 14 vols. Berlin: Duncker & Humblot, 2000–2012.

Evans, Christine. *The Right to Reparation in International Law for Victims of Armed Conflict*. Cambridge: Cambridge University Press, 2012.

Fähnders, Till. 'Khieu Samphan gibt sich ahnungslos', *Frankfurter Allgemeine Zeitung*, 16 August 2021, 8.

Feld, Claudia. *Del estrado a la pantalla: Las imágenes del juicio e los ex comandantes en Argentina*. Madrid: Siglo XXI Editores, 2002.

Feld, Claudia. 'Memoria colectiva y espacio audiovisual: Histora de las imágenes del juicio a las ex Juntas Militares (1985–1998).' In *La imposibilidad del olvido. Recorridos de la memoria en Argentina, Chile y Uruguay*, edited by Bruno Groppo and Patricia Flier: 103–114. La Plata: Al Margen/Bibliothéque de Documentation Internationale Contemporaine, 2001.

Ferrara, Anita. *Assessing the Long-Term Impact of Truth Commissions: The Chilean Truth and Reconciliation Commission in Historical Perspective*. Oxford and New York: Routledge, 2015.

Ferrari, Damián. *Memoria Abierta: Una experiencia de Coordinación Interinstitucional para facilitar el acceso a la información sobre Derechos Humanos*. Minneapolis: 2005. http://www.memoriaabierta.org.ar/materiales/pdf/utilizando_cooperacion.pdf (last accessed 11. 04. 2022).

FHC (Ethiopia). *SPO v. Colonel Mengistu Hailemariam et al.* (Revised Indictment), 28 November 1995, File No. 1/87.

FHC (Ethiopia). *SPO* v. *Dagnenet Ayalew et al.* (Indictment), 23 December 1997. File No. 13/90.

FHC (Ethiopia). *SPO* v. *Tesfaye Belayeneh* et al., (Indictment), 23 December 1997, File No. 934/89.

FHC (Ethiopia). *SPO* v. *Teshome Kebede* et al. (Indictment), 23 December 1997, File No. 931/89.

FHC (Ethiopia). *SPO v. Getahun Zenebe Woldeselassie et al.* (Revised Indictment), 16 June 1999, File No. 962/89.

FHC (Ethiopia). *SPO v. Colonel Tesfaye Woldeselassie Eshetie et al.* (Indictment), 8 October 2000, File No. 206/93.

FHC (Ethiopia). *SPO v. Hailu Burrayyu Sima et al.* (Trial Judgment, 31 October 2005), File No. 03119.

FHC (Ethiopia). *SPO* v. *Legesse Asfaw et al.*, (Trial Judgment), 4 March 2008, File No. 03116.

Fichtelberg, Aaron. *Hybrid Tribunal: A Comparative Examination.* New York: Springer, 2015.

Fierro, Jorge. ¿Otra película sobre la dictadura? El relato del pasado reciente en el cine uruguayo, *Brecha* (15. 05. 2020). https://brecha.com.uy/otra-pelicula-sobre-la-dictadura/.7 (last accessed 11. 04. 2022).

Filippini, Leonardo. 'Reconocimiento y justicia penal en el caso Gelman.' *Anuario de Derechos Humanos* (2012): 185-193.

Fischer, Bernd-Jürgen. *Albania at War, 1939 – 1945.* West Lafayette, Indiana: Purdue University Press, 1999.

Fischer, Thomas. 'Die Tupamaros in Uruguay: Das Modell der Stadtguerrilla.' In *Die RAF und der linke Terrorismus*, Bd. 2, edited by Wolfgang Kraushaar, 736 – 750. Hamburg: Hamburger Edition, 2006.

Forbes, David. 'Investigation 168: Long Road to No Justice for TRC Victims.' Daily Maverick, November 21, 2020. https://www.dailymaverick.co.za/article/2020-11-21-long-road-to-no-justice-for-trc-victims/ (last accessed: 14. 07. 2021).

François, Etienne and Hagen Schulze, eds. *Deutsche Erinnerungsorte*, vols. 1 – 3. Munich: C. H. Beck, 2001.

Freedom Park. 'Freedom Park Annual Report 2018 – 2019.' 2019. https://static.pmg.org.za/Freedom_Park_Annual_Report_201819_Final.pdf (last accessed: 14. 07. 2021).

Freedom Park. 'The History of the Park.' n.d. https://www.sahistory.org.za/place/freedom-park (last accessed: 14. 07. 2021).

Freeman, Mark. *Necessary Evils: Amnesties and the Search for Justice.* Cambridge: Cambridge University Press, 2009.

Frei, Norbert, ed. *Transnationale Vergangenheitspolitik: Der Umgang mit deutschen Kriegsverbrechern in Europa nach dem Zweiten Weltkrieg.* Göttingen: Wallstein, 2006.

Frei, Norbert. *Vergangenheitspolitik: Die Anfänge der Bundesrepublik und die NS-Vergangenheit.* Munich: Ullstein, 2012.

Fried Amilivia, Gabriela. 'Sealing and Unsealing Uruguay's Transitional Politics of Oblivion: Waves of Memory and the Road to Justice, 1985 – 2015.' *Latin American Perspectives* 43(6) (2016): 103 – 123.

Fried, Gabriela, Francesca Lessa and Felipe Michelini. 'Uruguay: El Cóndor en la bruma.' In *A 40 años del condor: De las coordinaciones represivas a la construcción de las políticas públicas regionales en derechos humanos*, edited by Javier Palummo, Pedro Rolo Benetti and Luciana Vaccotti, 157 – 203. Buenos Aires: IPPDH, 2015. http://www.raadh.mercosur.int/wp-content/uploads/2015/06/A-40-a%C3%B1os-del-C%C3%B3ndor.pdf (last accessed 11. 04. 2022).

Frieslaar, Geraldine. 'Education and Preservation of Sites of Conscience.' In *Memory of Nations. Democratic Transition Guide: The South African Experience.* CEVRO, 2020. http://www.cevro.cz/web_files/soubory/democracy-guide/democracy-guide-2019/MN-DTG%202019%20-%20(12)%20The%20South%20African%20Experience.pdf (last accessed: 14. 07. 2021).

Fuchs, Ruth. *Staatliche Aufarbeitung von Diktatur und Menschenrechtsverbrechen in Argentinien: Die Vergangenheitspolitik der Regierungen Alfonsín (1983 – 1989) und Menem (1989 – 1999) im Vergleich.* Hamburg: Institut für Iberoamerika-Kunde, 2003.

Fuentes, Claudio. 'The Unlikely Outcome: Transitional Justice in Chile 1990 – 2008.' In *After Oppression*, edited by Vesselin Popovski, 116 – 142.

Fujii, Lee. *Killing Neighbors: Webs of Violence in Rwanda.* New York: Cornell University Press, 2011.

Gahima, Gerald. *Transitional Justice in Rwanda: Accountability for Atrocity*. New York: Routledge, 2013.

Galain Palermo, Pablo. 'Uruguay.' In *Justicia de Transición: Informes de América Latina, Alemania, Italia y España*, edited by Kai Ambos, Ezequiel Malarino and Gisela Elsner, 391–414. Berlin/Montevideo: Konrad-Adenauer-Stiftung, 2009.

Galain Palermo, Pablo. 'La justicia de transición en Uruguay: Un conflicto sin resolución.' *Revista de Derecho* 6 (2011): 109–153.

Ganzenmüller, Jörg, ed. *Recht und Gerechtigkeit: Die strafrechtliche Aufarbeitung von Diktaturen in Europa*. Cologne: C. H. Beck, 2017.

Garcia, Martina Eva. 'Archivo, Testimonios y Memorias en Uruguay.' *Aletheia* 10/20 (2020): 1–13. https://doi.org/10.24215/18533701e051 (last accessed 11. 04. 2022).

García, Victoria. 'Testimonio y ficción en la Argentina de la postdictadura: Los relatos del sobreviviente-testigo.' *Revista Chilena de Literatura* 93 (2016): 73–100.

Gargiulo Silvariño, Liliana and Fabián Hernández Muñíz. 'Archivos y derechos humanos en Uruguay. Estado de la cuestión. La Secretaría de Derechos Humanos para el Pasado Reciente de la Presidencia de la República Oriental del Uruguay: génesis y acciones archivísticas actuals.' *Informatio* 23(1) (2018): 95–117.

Garretón, Manuel Antonio. *La posibilidad democrática en Chile*. Santiago: Flacso Chile, 1988.

Garzón Valdés, Ernesto. 'El Terrorismo de Estado (El problema de su legitimación e ilegitimidad).' *Revista de Estudios Políticos (Nueva Época)* 65 (1989): 35–55.

Geschichte der Gegenwart, Wallstein Verlag. https://www.wallstein-verlag.de/reihen/geschichteder-gegenwart.html [Buchreihe].

Geschichte der Gegenwart: Beiträge zur öffentlichen Debatte. https://geschichtedergegenwart.ch (Weblog).

Gauteng Provincial Government. 'Gauteng Provincial Government Annual Report 2017–2018,' 2018. https://provincialgovernment.co.za/entity_annual/400/2018-gauteng-gauteng-growth-and-development-agency-(ggda)-annual-report.pdf (last accessed: 14. 07. 2021).

Gevers, Christopher. 'Prosecuting the Crime Against Humanity of Apartheid: Never, Again.' *African Yearbook of International Humanitarian Law*, 2018. https://www.academia.edu/39736593/Prosecuting_the_Crime_Against_Humanity_of_Apartheid_Never_Again (last accessed: 14. 07. 2021).

Giambruno, Rafael. 'A mitad de camino: El gobierno de izquierda ante el desarrollo de políticas reparatorias en Uruguay (1985–2015).' In Servicio Paz y Justicia – SERPAJ Uruguay, *Derechos Humanos en el Uruguay. Informe 2016* (Montevideo: SERPAJ, 2016), 76–83.

Ginzberg, Victoria. 'Quién es el nieto 130: La historia de Javier Matías Darroux Mijalchuk.' *Página/12* (14. 06. 2019).

Girmachew, Alemu, Charles Schaefer and Kjetil Tronvoll. *The Ethiopian Red Terror Trials: Transitional Justice Challenged*. Suffolk: Woodbridge, 2009.

Glos, Walter and Jonila Godole. 'Albanien: Aufarbeitung der kommunistischen Vergangenheit, Länderbericht.' *Konrad-Adenauer-Stiftung*, Dezember 2017, https://www.kas.de/c/document_library/get_file?uuid=21700176-c5c0-ecc8-0c12-66e59964e5a0&groupId=252038 (last accessed 14. 01. 2021).

Godole, Jonila. *Gazetaria shqiptare në tranzicion*. Tiranë: Papirus, 2014.

Godole, Jonila and Sonila Danaj. 'Who died? The Role of Journalists in Framing Collective Memory in Albania.' In *Media Transformation and Collective Memory in Albania*, edited by Godole and Danaj. Tiranë: IDMC, 2015.

Godole, Jonila. 'Albanien: Deutschland als Musterland.' *bpb*, 2016. https://www.bpb.de/geschichte/deutsche-geschichte/stasi/225357/albanien-deutschland-als-musterland (last accessed 31. 10. 2020).

Godole, Jonila. 'Das Erbe der kommunistischen Diktatur in Albanien.' In *Disziplinieren und Strafen*, edited by Jörg Baberowski et al., 293–311. Berlin: Campus Verlag, 2021.

Godole, Jonila and Valbona Bezati. 'Në shërbim të popullit – Politikat kufitare në Shqipërinë komuniste.' In *Profile të armikut të popullit në diktaturë, publication of the conference papers from 17–18 May 2019,* 13–32. Tiranë: Onufri, 2021. https://issuu.com/aidssh/docs/profilet_e_armikut_t_popullit.

Goldsmith, Jack and Stephen D. Krasner. 'The Limits of Idealism.' *Daedalus* 132(47) (2003): 47–63.

González Baica, Soledad and Mariana Risso Fernández, eds. *Las Laurencias: Violencia sexual y de género en el terrorismo de Estado uruguayo.* Motevideo: Trilce, 2012.

González de Oleaga, Marisa. '¿La memoria en su sitio? El museo de la Escuela de Mecánica de la Armada.' *Kamchatka. Revista de análisis cultural* 13 (2019): 117–162.

Gosewinkel, Dieter and Johannes Masing, eds. *Die Verfassungen in Europa 1789–1949.* Munich: C. H. Beck, 2006.

Gready, Paul. 'Novel Truths: Literature and Truth Commissions.' *Comparative Literature Studies* 46(1) (2009): 156–76.

Gready, Paul. *The Era of Transitional Justice: The Aftermath of the Truth and Reconciliation Commission in South Africa and Beyond.* New York: Routledge, 2010.

Grupo de Investigación en Antropología Forense (GIAF Uruguay). *Investigaciones Arqueológicas sobre Detenidos Desaparecidos en la última dictadura cívico-militar.* Informes de Actividades (Montevideo: GIAF, 2006 ff.).

Grupo de Investigación en Antropología Forense (GIAF Uruguay). *Investigaciones antropológicas sobre Detenidos Desaparecidos en la última dictadura cívico-militar. Informe de actividades año 2011–2012* (Montevideo: GIAF 2012).

Guembe, María José. 'Die Suche nach Wahrheit vor den Gerichten.' In *Experimente mit der Wahrheit: Rechtssysteme im Wandel und die Prozesse der Wahrheitsfindung und Versöhnung. Documenta11_Plattform2*, edited by Okwui Enwezor et al., 261–272. Ostfildern: Hatje Cantz, 2002.

Guembe, María José. 'Reopening of Trials for Crimes Committed by the Argentine Military Dictatorship.' *Sur – International Journal on Human Rights* 3 (2005): 115–131.

Guembe, María José. 'Economic Reparations for Grave Human Rights Violations.' In *The Handbook of Reparations*, edited by Pablo de Greiff, 21–47. Oxford: Oxford University Press, 2006.

Guglielmucci, Ana. 'Transición política y reparación a las víctimas del terrorismo de estado en la Argentina: algunos debates pendientes.' *Taller. Revista de Sociedad, Cultura y Política en América Latina* 4(5) (2015): 24–42.

Guianze, Mirtha. 'La Ley de Caducidad, las luchas por la Justicia y por la jurisdicción universal de los derechos humanos en Uruguay.' In *Luchas contra la impunidad. Uruguay 1985–2011*, edited by Gabriela Fried and Francesca Lessa, 189–202. Montevideo: Trilce, 2011.

Guyer, Sara. 'Rwanda's Bones.' *Boundary 2* 36(2) (2009): 155–175.

Guzman Bouvard, Marguerite. *Revolutionizing Motherhood: The Mothers of the Plaza de Mayo* Wilmington: S. R. Books, 1994.

Hahn-Godeffroy, Emily. *Die südafrikanische Truth and Reconciliation Commission.* Baden-Baden: Nomos, 1998.

Haile, Dadimos. *Accountability for Crimes of the Past and the Challenges of Criminal Prosecution: The Case of Ethiopia.* Leuven: Leuven University Press, 2000.

Haile-Selassie, Teferra. *The Ethiopian Revolution 1974–1991: From a Monarchical Autocracy to a Military Oligarchy.* London: Kegan Paul International, 1997.

Harden, Blaine. 'Rebel leaders Pledges Coalition Government, then Free Elections.' *The Washington Post*, 29 May 1991. https://www.washingtonpost.com/archive/politics/1991/05/

29/rebel-leader-pledges-coalition-government-then-free-elections/a5818143-9397-470d-a1b2-b44e28e9e98d/ (last accessed: 20.03.2020).

Harris, Paul. '"Spin" on Boer Atrocities.' *The Guardian*, December 9, 2001, sec. World news. http://www.theguardian.com/world/2001/dec/09/paulharris.theobserver (last accessed: 14.07.2021).

Haschke, Peter. *The Political Terror Scale (PTS) Codebook*. Ashville, 2017. https://www.politicalterrorscale.org/Data/Files/PTS-Codebook-V100.pdf (last accessed 23.11.2021).

Hatzfeld, Jean. *Life Laid Bare: The Survivors in Rwanda Speak*. New York: Other Press, 2007.

Hatzfeld, Jean. *The Antelope's Strategy: Living in Rwanda After the Genocide*. New York: Picador, 2010.

Hauck, Kuno and Rainer Huhle. '20 Jahre *Madres de Plaza de Mayo:* Geschichte, Selbstverständnis und aktuelle Arbeit der *Madres de Plaza de Mayo* in Argeninien.' In *Vergangenheitsbewältigung in Lateinamerika*, edited by Detlef Nolte, 108–127. Frankfurt am Main: Vervuert, 1996.

Havel, Vaclav. 'New Years' Address to the Nation.' In *The Art of the Impossible*. New York, 1984.

Hayner, Priscilla B. 'Past Truths, Present Dangers: The Role of Official Truth Seeking in Conflict Resolution and Prevention.' In *International Conflict Resolution after the Cold War*, edited by Paul Stern and Daniel Druckman, 338–382. Washington DC.: National Academy Press, 2000.

Hayner, Priscilla B. *Unspeakable Truths: Facing the Challenge of Truth Commissions*. New York and London: Routledge Chapman & Hall, 2002.

Hayner, Priscilla B. *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*. New York: Routledge, [2]2010.

Herf, Jeffrey. *The Jewish Enemy: Nazi Propaganda during World War II and the Holocaust*. Cambridge: Harvard University Press, 2006.

Heinz, Wolfgang S. ‚Militär und Demokratie.' In *Argentinien: Politik, Wirtschaft, Kultur und Außenbeziehungen*, edited by Detlef Nolte and Nikolaus Werz, 225–240. Frankfurt am Main: Vervuert, 1996.

Heinz, Wolfgang S. 'Determinants of Gross Human Rights Violations by State and State-sponsored Actors in Uruguay 1960–1990.' In *Determinants of Gross Human Rights Violations by State and State-sponsored Actors in Brazil, Uruguay, Chile, and Argentina 1960–1990*, edited by Wolfgang S. Heinz and Hugo Frühling, 219–387. Den Haag, Boston and London: M. Nijhoff cop., 1999.

Hemmerling, Mario. *Vergangenheitsaufarbeitung im postautoritären Argentinien: Ein Beitrag zur Reaktion des Verfassungsrechts und der Verfassungsgerichtsbarkeit auf staatlich gesteuertes Unrecht im Lichte völkerrechtlicher Verpflichtungen*. Baden-Baden: Nomos, 2011.

Henze, Paul. *Rebels and separatist in Ethiopia: regional resistance to a Marxist Regime*. RAND Corporation, 1985.

Henze, Paul B. *Layers of Time: A history of Ethiopia*. New York: Palgrave, 2000.

Higher Education Institutions Administration (Ethiopia). Proclamation No.109/1977 *entered into force* 13 January 1977, Article 3(1).

Hinton, Alexander Laban. *Transitional Justice: Global Mechanisms and Local Realities After Genocide and Mass Violence*. New Brunswick: Rutgers University Press, 2010.

Hitchcott, Nicki. 'Seeing the Genocide against the Tutsi through someone else's eyes: Prosthetic memory and Hotel Rwanda.' *Memory Studies* (online first, 2020).

Hoeres, Peter. *Krieg der Philosophen: Die deutsche und die britische Philosophie im Ersten Weltkrieg*. Paderborn: Ferdinand Schöningh, 2004.

Hoeres, Peter. 'Vom Paradox zur Eindeutigkeit: Der 8. Mai in der westdeutschen Erinnerungskultur.' In *Der 8. Mai 1945 im Geschichtsbild der Deutschen und ihrer Nachbarn*, edited by Bernd Heidenreich, Evelyn Brockhoff and Andreas Rödder, 47–58. Wiesbaden: Hessische Landeszentrale für politische Bildung, 2016.

Hoeres, Peter. 'Der Versailler Vertrag: Ein Frieden, der kein Frieden war.' *Aus Politik und Zeitgeschichte* 15 (2019): 38 – 44. https://www.bpb.de/apuz/288788/versailler-vertrag-ein-frieden-der-kein-frieden-war?p=all (last accessed 22. 03. 2022).

Hoeres, Peter. *Zeitung für Deutschland: Die Geschichte der FAZ*. Munich and Salzburg: Benevento, 2019.

Hoffmann, Deborah, and Frances Reid. *A Long Night's Journey into Day*, 2000.

Hoxha, Çelo. *Krimet e komunistëve gjatë luftës 1941 – 1945*. Tiranë: ISKK 2014.

Hola, Barbora and Hollie Brehm. 'Punishing Genocide: A Comparative Empirical Analysis of Sentencing Laws and Practices at the International Criminal Tribunal for Rwanda (ICTR), Rwandan Domestic Courts, and Gacaca Courts.' *Genocide Studies and Prevention: An International Journal* 10(3) (2016): 59 – 80.

Hola, Barbora and Alette Smeulers. 'Rwanda and the ICTR – Facts and Figures.' In *Elgar Companion to the International Criminal Tribunal for Rwanda (ICTR)*, edited by Alette Smeulers and Annemarie de Brouwer, 44 – 76. Glos: Edward Elgar Publishing Ltd, 2016.

Horne, Cynthia M. 'Lustration, Transitional Justice, and Social Trust in Post-Communist Countries: Repairing or Wresting the Ties that Bind?' *Europe-Asia Studies* 66(2) (2014): 225 – 254. https://www.tandfonline.com/doi/abs/10.1080/09668136.2014.882620 (last accessed 09. 11. 2021).

Hoxha, Nexhmije. *Përjetime dhe meditime në jetën time politike*. Tirana: Ilar, 2019.

Hughes, James and Denisa Kostovicova. *Rethinking Reconciliation and Transitional Justice after Conflict*. Abingdon: Routledge, 2018.

Huikuri, Salla. *The Institutionalization of the International Criminal Court*. Cham: Pallgrave Macmillan, 2019.

Human Rights Watch. 'Evil Days: 30 Years of War and Famine in Ethiopia.' Report of African Watch, September 1991. https://www.hrw.org/sites/default/files/reports/Ethiopia919.pdf (last accessed: 20. 03. 2020).

Human Rights Watch. 'Decision to Deny ANC Leaders Amnesty Applauded.' Human Rights Watch, 1999. https://www.hrw.org/news/1999/03/03/decision-deny-anc-leaders-amnesty-applauded (last accessed: 14. 07. 2021).

Human Rights Watch, and Amnesty International. 'Truth and Justice: Unfinished Business in South Africa (Amnesty International / Human Rights Watch Briefing Paper), 2003. https://www.hrw.org/legacy/backgrounder/africa/truthandjustice.htm (last accessed: 14. 07. 2021).

Human Rights Watch. *Law and Reality: Progress in Judicial Reform in Rwanda* (New York, 2008)

Human Rights Watch. *Justice Compromised – The Legacy of Rwanda's Community-Based Gacaca Courts*, 31 May 2011. https://www.hrw.org/sites/default/files/reports/rwanda0511webwcover_0.pdf. (last accessed 22. 03. 2022).

Huntington, Samuel. *The Third Wave: Democratization in the Late Twentieth Century*. London: University of Oklahoma Press, 1991.

Huyse, Luc and Mark Salter. *Traditional Justice and Reconciliation after Violent Conflict: Learning from African Experiences*. Stockholm: International Institute for Democracy and Reconciliation, 2008.

Huyse, Luc. *Transitional Justice after War and Dictatorship: Learning from European Experiences 1945 – 2010. Final Report January 2013*. Brussels: CEGES SOMA, 2013.

Ibreck, Rachel. 'The politics of mourning: Survivor contributions to memorials in post-genocide Rwanda.' *Memory Studies* 3(4) (2010): 330 – 343.

Ibreck, Rachel. 'The Time of Mourning: The Politics of Commemorating the Tutsi Genocide in Rwanda.' In *Public Memory, Public Media, and the Politics of Justice*, edited by Philip Lee and Pradip Thomas, 98 – 121. London: Palgrave Macmillan, 2012.

ICTR, *Key Figures of ICTR Cases*. https://unictr.irmct.org/sites/unictr.org/files/publications/ictr-key-figures-en.pdf (last accessed 24. 11. 2021).

IDMC. *(Non)rehabilitation of Political Persecuted in the Process of Transitional Justice in Albania 1991–2018*. Tiranë: IDMC, 2019.

IDMC. *Filmat e Kinostudios pasuri kombëtare apo propagandë?* Tiranë: IDMC, 2019.

Idrizi, Idrit. 'Zwischen politischer Instrumentalisierung und Verdrängung: Die Auseinandersetzung mit dem Kommunismus in Öffentlichkeit, Geschichtspublizistik und Historiografie im postkommunistischen Albanien.' *Jahrbuch für Historische Kommunismusforschung* (2014). Berlin: Metropol, 2014.

Idrizi, Idrit. *Herrschaft und Alltag im albanischen Spätsozialismus 1976–1985*. Berlin and Boston: De Gruyter Oldenbourg, 2019.

IJR. 'SA Reconciliation Barometer Report.' Cape Town: Institute for Justice and Reconciliation, 2019. http://www.ijr.org.za/home/wp-content/uploads/2019/12/800108-IJR-Barometer-Report-2019-final-web.pdf (last accessed: 14. 07. 2021).

Ingelaere, Bert. *Does the Truth Pass Across Fire without Burning? Transitional Justice and its Discontents in Rwanda's Gacaca Courts*. Antwerp: Management IoDPa Discussion Paper, 2007.

International Journal of Transitional Justice. Mission statement. https://academic.oup.com/ijtj/pages/About (last accessed 22. 03. 2022).

Jallow, Hassan Bubacar. 'The Contribution of the International Criminal Tribunal for Rwanda to the Development of International Criminal Law.' In *After Genocide: Transitional Justice, Post-Conflict Reconstruction and Reconciliation in Rwanda and Beyond*, edited by Phil Clark and Zachary D. Kaufman, 261–279. London: Hurst, 2008.

Jansen, Jonathan. 'Rethinking Education Policy Making in South Africa: Symbols of Change, Signals of Conflict.' In *Educational in Retrospect: Policy and Implantation 1990–2000*, edited by Andre Kraak and Michael Young, 40–57. Pretoria: HSRC Press, 2001.

Jeffery, Renee and Hun Joon Kim. *Transitional Justice in the Asia-Pacific*. New York: Cambridge University Press, 2015.

Jelin, Elisabeth. 'The Politics of Memory: The Human Rights Movement and the Construction of Democracy in Argentina.' *Latin American Perspectives* 21(2) (1994): 38–58.

Jelin, Elisabeth. 'La política de la memoria: El movimiento de Derechos Humanos y la construcción democrática en argentina.' In *Juicio, castigos y memorias. Derechos humanos y justicia en la política argentina*, edited by Carlos H. Acuña et al., 103–146. Buenos Aires: Ediciones Nueva Visión, 1995.

Jelin, Elisabeth. 'Memorias en conflict.' *Puentes* 1(1) (2000): 6–13.

Jelin, Elisabeth. 'Introducción: Gestión política, gestión administrativa y gestión historica: Ocultamientos y descubrimientos de los archivos de la repression.' In *Los archivos de la represión: Documentos, memoria y verdad*, edited by Ludmila da Silva Catela and Elizabeth Jelin (Madrid: Siglo XXI editores, 2002), 1–13.

Jelin, Elisabeth. *State Repression and the Labors of Memory*. Minnesota: University of Minnesota Press, 2003.

Jensen, Silvina and María Lorena Montero. 'Prisión política y destierro en la Argentina dictatorial: Materiales y preguntas para la construcción de nuevos objetos de studio.' In *Izquierdas* 26 (2016): 99–122.

Jeßberger, Florian and Julia Geneuss, eds. *Zehn Jahre Völkerstrafgesetzbuch*. Baden-Baden: Nomos, 2013.

Jeßberger, Florian and Gerhard Werle. *Völkerstrafrecht*. Tübingen: Mohr Siebeck, [5]2020.

Joignant, Alfredo and Pedro Güell eds. *Notables, Tecnócratas y Mandarines: Elementos de sociología de las elites en Chile (1990–2010)*. Santiago: Ediciones Universidad Diego Portales, 2011.

Jones, Bruce D. *Peacemaking in Rwanda: The Dynamics of Failure*. Boulder, CO: Lynne Rienner, 2001.

Jones Daniel, Santiago Luján and Analía Quintáns. 'De la resistencia a la militancia: las Iglesias evangélicas en la defensa de los derechos humanos (1976–1983) y el apoyo al matrimonio igualitario (2010) en Argentina.' *Espiral, Estudios sobre Estado y Sociedad* XX/59 (2014): 109–142.

Jones, Nicholas A. *The Courts of Genocide: Politics and the Rule of Law in Rwanda and Arusha*. New York: Routledge, 2010.

Jorda, Romana. *El Reflejo de la Dictadura en el cine chileno* (Vienna, Universität Wien. 2011). https://www.academia.edu/33028751/Romana_Jorda_El_reflejo_de_la_dictadura_en_el_cine_chileno (last accessed: 11. 04. 2022).

Judges Matter. 'The Make-Up Of South Africa's Judiciary.' March 29, 2017. https://www.judgesmatter.co.za/opinions/south-africa-judges/ (last accessed: 14. 07. 2021).

Jureit, Ulrike and Carsten Schneider. *Gefühlte Opfer: Illusionen der Vergangenheitsbewältigung*. Stuttgart: Klett-Cotta, 2010.

Kadare, Ismail. *Die Verbannte*. Frankfurt am Main: S. Fischer, 2017.

Kadare, Ismail. *Kur sunduesit grinden*. Tiranë: Onufri, 2018.

Kaitesi, Usta. *Genocidal Gender and Sexual Violence: The legacy of the ICTR, Rwanda's ordinary courts and gacaca courts*. PhD Thesis: Utrecht University, 2013.

Kaleck, Wolfgang, Michael Ratner, Tobias Singelnstein and Peter Weiss, eds. *International Prosecution of Human Rights Crimes*. Berlin and New York: Springer, 2006.

Kaleck, Wolfgang. *Kampf gegen die Straflosigkeit: Argentiniens Militärs vor Gericht*. Berlin: Wagenbach, 2010.

Kalo, Isuf. *Blloku: Rrëfimi i mjekut personal të Enver Hoxhës*. Tirana: UET Press, 2019.

Kamatali, Jean Marie. 'The Challenge of Linking International Criminal Justice and National Reconciliation: the Case of the ICTR.' *Leiden Journal of International Law* 16(1) (2003): 115–133.

Kaminsky, Anna, ed. *Orte des Erinnerns: Gedenkzeichen, Gedenkstätten und Museen zur Diktatur in SBZ und DDR*. Berlin: Ch. Links, 2016.

Kant, Immanuel. *Werke in zwölf Bänden*, vol. 8. Frankfurt am Main: Suhrkamp, 1977.

Kaufman, Stuart J. 'South Africa's Civil War, 1985–1995.' *South African Journal of International Affairs* 24, no. 4 (October 2, 2017): 501–21. https://doi.org/10.1080/10220461.2017.1422012 (last accessed: 14. 07. 2021).

Kebede, Messay. 'The Civilian left and the Radicalization of Dergue.' *Journal of Developing Societies* 24(2) (2008): 159–182.

Keller, Sven. 'Er bleibt – aber wie? Der Obersalzberg als Hitler-Ort.' In *Aufarbeitung des Nationalsozialismus*, edited by Magnus Brechtken, 284–316.

Kerbusch, Ernst-J. 'Die Wahlen vom 28. November 1971 in Uruguay.' *Verfassung und Recht in Übersee* 5 (1972): 387–398.

Kim, Hun Joon. *Expansion of Transitional Justice Measures: A Comparative Analysis of its Causes*. PhD diss., Minnesota, 2008.

King, Elisabeth. 'From classrooms to conflict in Rwanda.' *African Affairs* 114(454) (2014): 156–158.

King, Peter John. 'Comparative Analysis of Human Rights Violations under Military Rule in Argentina, Brazil, Chile, and Uruguay.' *Statistical Abstract of Latin America* 27 (1989): 1043–1065.

Kittel, Manfred. *Die Legende von der 'Zweiten Schuld': Vergangenheitsbewältigung in der Ära Adenauer*. Frankfurt am Main and Berlin: Ullstein, 1993.

Kittel, Manfred. *Nach Nürnberg: 'Vergangenheitsbewältigung' in Japan und Westdeutschland 1945 bis 1968*. Munich: De Gruyter Oldenbourg, 2004.

Klein, Herbert S. 'La Seguridad Nacional y la destrucción de regímenes democráticos en América Latina.' *Políticas de la Memoria* 18 (2018/2019): 49–63.

Klumpp, Guido. *Vergangenheitsbewältigung durch Wahrheitskommissionen – das Beispiel Chile*. Berlin: Berliner Wissenschafts-Verlag, 2001.

Knabe, Hubertus. *Die Täter sind unter uns: Über das Schönreden der SED-Diktatur*. Berlin: Propyläen, 2007.

Knabe, Hubertus. *Die unterwanderte Republik: Stasi im Westen*. Berlin: Propyläen, 1999.

Knigge, Volkhard and Norbert Frei. *Verbrechen erinnern: Die Auseinandersetzung mit Holocaust und Völkermord*. Munich: C. H. Beck, 2002.

Knoch, Habbo. 'Gedenkstätten.' In *Docupedia-Zeitgeschichte*, 11 September 2018. http://docupedia.de/zg/Knoch_gedenkstaetten_v1_de_2018 (last accessed 24.11.2021).

Knust, Nandor. *Strafrecht und Gacaca: Entwicklung eines pluralistischen Rechtsmodells am Beispiel des ruandischen Völkermordes*. Berlin: Duncker & Humblot, 2011.

Kogon, Eugen. *Der SS-Staat: Das System der deutschen Konzentrationslager*. Munich: dtv, 1946.

Kohl, Christine von. *Albanien*. Munich: Beck Verlag, ²2003.

Koselleck, Reinhart. 'Gibt es ein kollektives Gedächtnis?' *Divinatio* 19 (2004): 23–28.

Korman, Remi. 'The Tutsi Body in the 1994 Genocide: Ideology, Physical Destruction, and Memory.' In *Destruction and Human Remains: Disposal and Concealment in Genocide and Mass Violence*, edited by Jean-Marc Dreyfus and Elisabeth Anstett, 226–242. Manchester: Manchester University Press, 2014.

Krasniqi, Afrim. 'Trajtimi i të kaluarës në raport krahasues: Shqipëria dhe Evropa Lindore.' In *Të mohuar nga regjimi*. Tiranë: AIDSSH, 2020.

Kretsi, Georgia. *Verfolgung und Gedächtnis in Albanien: Eine Analyse postsozialistischer Erinnerungsstrategien*. Wiesbaden: Harrassowitz Verlag, 2007.

Kroh, Jens. *Transnationale Erinnerung: Der Holocaust im Fokus geschichtspolitischer Initiativen*. Frankfurt am Main: Campus, 2008.

Kutzner, Maximilian. 'Tagungsbericht: HT 2018: Gespaltene Erinnerung und Elitenkontinuitäten. Posttotalitäre Gesellschaften im Vergleich, 25.09.2018–28.09.2018 Münster.' *H-Soz-Kult*, 2 November 2018. http://www.hsozkult.de/conferencereport/id/tagungsberichte-7923. (last accessed 22.03.2022).

Labuschagne, Pieter. 'Balancing the Past and the Future in South Africa : A Spatial Analysis of the Apartheid Museum as an Instrument for Dealing with a Contested Past.' *South African Journal of Art History* 27 (2012).

Lahiff, Edward et al. 'Land Redistribution and Poverty Reduction in South Africa.' *Programme for Land and Agrarian Studies*, University of the Western Cape, 2008.

Lamb, Guy. 'Dismantling of the State Security Apparatus.' In *Memory of Nations: Democratic Transitions Guide – The South African Experience*, edited by CEVRO, 7–17. CEVRO, 2020.

Lame, Qemal. *Kur shembeshin themelet*. Tiranë: Onufri, 2014.

Lame, Qemal. *Dritëhijet e kohës: Letërsia dhe arti në diktaturë: Përndjekja e Ismail Kadaresë*. Tiranë: Neraida, 2020.

Landkammer, Joachim. *Erinnerungsmanagement: Systemtransformation und Vergangenheitspolitik im internationalen Vergleich*. Munich: Wilhelm Fink, 2006.

Laplante, Lisa J. 'The plural justice aims of reparations.' In *Transitional Justice Theories*, edited by Susanne Buckley-Zistel, Teresa Koloma Beck, Christian Braun and Friederike Mieth, 40–66. New York: Routledge, 2014.

Larraín, Hernán and Ricardo Núñez, eds. *Las Voces de la Reconciliación*. Santiago: Intituto de Estudios de la Sociedad, 2013.

Larrobla, Carla and Fabiana Larrobla. 'Las investigaciones históricas de la Universidad de la República.' *ILCEA – Revue de l'Institut des langues et cultures d'Europe, Amérique, Afrique, Asie et Australie* 26 (2016): 1–11. https://journals.openedition.org/ilcea/3950 (last accessed 11.04.2022).

Lau, Carola. *Erinnerungsverwaltung, Vergangenheitspolitik und Erinnerungskultur nach 1989: Institute für nationales Gedenken im östlichen Europa im Vergleich*. Göttingen: Vandenhoeck & Ruprecht, 2017.

Laucero, Malena. 'Los Centros clandestinos: Núcleo duro de la Política Terrorista del Estado. In Servicio Paz y Justicia – SERPAJ Uruguay.' In *Derechos Humanos en el Uruguay. Informe 2016*, 84–99. Montevideo: SERPAJ, 2016.

Laucero, Malena and Efraín Olivera. 'Memoria y sitios de memoria: el pasado en disputa, in Servicio Paz y Justicia – SERPAJ Uruguay.' In *Derechos Humanos en el Uruguay. Informe 2019*, 100–114. Montevideo: SERPAJ, 2019.

Lazzara, Michael. *Chile in Transition: The Poetics and Politics of Memory*. Gainesville: De Gruyter, 2006.

Leese, Daniel. *Maos langer Schatten: Chinas Umgang mit der Vergangenheit*. Munich: C. H. Beck, 2020.

Lemarchand, Rene. *The Dynamics of Violence in Central Africa*. Philadelphia: University of Pennsylvania Press, 2009.

Lenton, Diana et al. 'Huellas de un genocidio silenciado: Los indígenas en Argentina.' *Conceptos* 90 (2015): 119–142.

Lessa, Alfonso. *La revolución imposible: Los Tupamaros y el fracaso de la vía armada en el Uruguay del siglo XX*. Montevideo: Fin de Siglo, 2010.

Lessa, Francesca and Gabriela Fried. 'Las múltiples máscaras de la impunidad: la Ley de Caducidad desde el Sí Rosado hasta los desarrollos recientes.' In *Luchas contra la impunidad. Uruguay 1985–2011*, edited by Gabriela Fried and Francesca Lessa, 31–44. Montevideo: Trilce, 2011.

Lessa, Francesca and Leigh A. Payne, eds. *Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives*. Cambridge: Cambridge University Press, 2012.

Lessa, Francesca. 'Elusive Justice, Changing Memories and the Recent Past of Dictatorship and Violence in Uruguay: An Analysis of the 2012 Public Act in the Gelman Case.' *International Journal for Conflict and Violence* 8/1 (2014): 75–90.

Lessa, Francesca. '¿Justicia o impunidad? Cuentas pendientes a treinta años del retorno a la democracia.' *ILCEA – Revue de l'Institut des langues et cultures d'Europe, Amérique, Afrique, Asie et Australie* 26 (2016): 1–16. https://doi.org/10.4000/ilcea.3874 (last accessed 11.04.2022).

Lessa, Francesca. *Justice without Borders: Accountability for Plan Condor Crimes in South America*. Oxford: University of Oxford, Latin American Centre, 2016. https://www.lac.ox.ac.uk/sites/default/files/lac/documents/media/policy_brief_eng.pdf (last accessed 11.04.2022).

Lessa, Francesca and Elin Skaar. 'Uruguay: Halfway towards accountability.' In *Transitional Justice in Latin America. The uneven road from impunity towards accountability*, edited by Elin Skaar, Jemima García-Godos and Cath Collins, 77–102. London and New York: Routledge, 2017.

Levy, Daniel and Natan Sznaider. *Erinnerung im globalen Zeitalter: Der Holocaust*. Frankfurt am Main: Suhrkamp, 2001.

Lewthwaite, G.A. 'Rebels pledge democracy in Ethiopia: U.S.-brokered talks end in agreement after fall of capital.' *The Baltimore Sun*, 29 May 1991. http://Articles.baltimoresun.com/1991-05-29/news/1991149072_1_addis-ababa-ethiopians-eprdf (last accessed: 20.03.2020).

Licklider, Roy. 'The Ethics of Advice: Conflict Management vs. Human Rights in Ending Civil Wars.' *Journal of Human Rights* 7(4) (2008): 376–387.

Liscano, Carlos. *Ejercicio de la Impunidad: Sanguinetti y Batlle contra Gelman*. Montevideo: Ediciones del Caballo Perdido, 2004.

Lleshanaku, Luljeta. *Kinder der Natur*. N.N.: Edition Korrespondenzen, 2010.

Lleshanaku, Luljeta. *Negative Space*. N.N.: New Directons Publishing, 2018.

Lodge, Tom. 'State of Exile: The African National Congress of South Africa, 1976–86.' *Third World Quarterly* 9, 1 (1987): 1–27.

Logman, Timothy and Theoneste Rutagengwa. 'Memory and Violence in Postgenocide Rwanda.' In *States of Violence, Politics, Youth and Memory in Contemporary Africa*, edited by Edma G. Bay and Donald L. Donham, 236–260. Charlottesville and London: University of Virginia Press, 2006.

Longman, Timothy. 'Limitations to Political Reform: The Undemocratic Nature of Transition in Rwanda.' In *Remaking Rwanda: State-Building and Human Rights after Mass Violence*, edited by Scott Straus and Lars Waldorf, 25–48. Wisconsin: Wisconsin University Press, 2011.

Longman, Timothy. *Memory and Justice in Post-Genocide Rwanda*. Cambridge: Cambridge University Press, 2017.

López Mazz, José. 'The concealment of bodies during the military dictatorship in Uruguay (1973–84).' In *Human remains and identification: Mass violence, genocide, and the 'forensic turn*,' edited by Élisabeth Anstett and Jean-Marc Dreyfus, 83–97. Manchester: Manchester University Press, 2015.

Lorenz, Frederico Guillermo. ¿De quién es el 24 de Marzo? Las luchas por la memoria del golpe de 1976.' In *Las conmemoraciones: Las disputas en las fechas 'in-felices'*, edited by Elisabeth Jelin, 53–100. Madrid: Siglo XXI Editores, 2002.

Lorenz, Frederico Guillermo. Archivos de la represión y memoria en la República Argentina (2007. http://www.historizarelpasadovivo.cl/downloads/archivoargentina.pdf (last accessed 11. 04. 2022).

Lübbe, Hermann. 'Der Nationalsozialismus im deutschen Nachkriegsbewusstsein.' *Historische Zeitschrift* 236 (1983): 579–599.

Lübbe, Hermann. *Vom Parteigenossen zum Bundesbürger – über beschwiegene und historisierte Vergangenheiten*. Munich: Wilhelm Fink, 2007.

Lubonja, Fatos. *Në vitin e shtatëmbëdhjetë: Ditar burgu 1990–1991*. Tiranë, 1994.

Lubonja, Fatos. *Ridënimi* (1996).

Madres y Familiares de Detenidos Desaparecidos. *El Referendum desde Familiares*. Montevideo: MFDD, 1990.

Madres y Familiares de Detenidos Desaparecidos. *A todos ellos: Informe de Madres y Familiares de Uruguayos Detenidos Desaparecidos*. Montevideo: MFDD, 2004.

Magendzo, Abraham and María Isabel Toledo. 'Educación en Derechos Humanos: curriculum historia y ciencias sociales del 2o año de enseñanza media. subunidad "regimen militar y transición a la democracia".' *Valdivia, Revista Estudios pedagógicos* XXXV. (2009): 139–154. http://revistas.uach.cl/index.php/estped/article/view/3262 (last accessed 11. 04. 2022).

Magnarella, Paul J. 'The Background and Causes of the Genocide in Rwanda.' *Journal of International Criminal Justice* 3(4) (2005): 801–822.

Magome, Mogomotsi. 'South Africa Probes Apartheid-Era Death in Police Custody.' AP NEWS, February 3, 2020. https://apnews.com/article/0a4ea5b33bcef3c5d044d801d30173a7 (last accessed: 14. 07. 2021).

Mahlokwane, James. 'Gallows Museum Still Not Open to Public for Safety Reasons.' *Independent Online*, 2018. https://www.iol.co.za/pretoria-news/gallows-museum-still-not-open-to-public-for-safety-reasons-14419781 (last accessed: 14. 07. 2021).

Maier, Julio B. J. 'Die strafrechtliche Aufarbeitung von staatlich gesteuertem Unrecht in Argentinien.' *Zeitschrift für die Gesamte Strafrechtswissenschaft* 107 (1995): 143–156.

Mallinder, Louise. *Amnesty, Human Rights and Political Transitions: Bridging the Peace and Justice Divide*. London: Hart Publishing, 2008.

Mallinder, Louise. 'Indemnity, Amnesty, Pardon and Prosecution Guidelines in South Africa.' Working Paper No. 2. Beyond Legalism. Belfast: Institute of Criminology and Criminal Justice, Queens University, 2009.

Mallinder, Louise. *Uruguay's Evolving Experience of Amnesty and Civil Society's Response* (Working Paper No. 4 from Beyond Legalism: Amnesties, Transition and Conflict Transformation) Belfast: Institut of Criminology and Criminal Justice, Queen's University, 2009.

Mamdani, Mahmood. *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda*. Princeton: Princeton University Press, 2001.

Marchesi, Alberto Aldo. '*Las lecciones del pasado', memoria y ciudadanía en los informes 'nunca más'*. Informe final del concurso: Culturas e identidades en América Latina y el Caribe. Programa Regional de Becas CLACSO, 2001. http://bibliotecavirtual.clacso.org.ar/ar/libros/becas/2000/marchesi.pdf (last accessed 11. 04. 2022).

Marchesi, Alberto Aldo. '¿"Guerra" o "Terrorismo de estado"? Recuerdos enfrentados sobre el pasado reciente uruguayo.' In *Las conmemoraciones: Las disputas en las fechas 'in-felices'*, edited by Elizabeth Jelin, 101 – 147. Madrid: Siglo XXI, 2002.

Marín Suárez, Carlos and Azul Cordo. 'Políticas de memoria en Uruguay: entre el control, la acción y la passion.' In *Servicio Paz y Justicia – SERPAJ Uruguay*, *Derechos Humanos en el Uruguay. Informe 2015*, 39 – 47. Montevideo: SERPAJ, 2015.

Marius, Jorge Leonel and Juan Francisco Bacigalupe. *Sistema Electoral y Elecciones Uruguayas 1925 – 1998*, Montevideo: KAS, 1998).

Markakis, John. 'Garrison Socialism: the Case of Ethiopia.' MERIP Reports, 79, Jun. 1979.

Markarian, Vania. 'Uruguayan Exiles and Human Rights: From Transnational Activism to Transitional Politics, 1981 – 1984.' *Anuario de Estudios Americanos* 64 (2007): 111 – 140.

Markarian, Vania. 'Los documentos del pasado reciente como materiales de archive: Reflexiones desde el caso uruguayo.' *Contemporanea – Historia y problemas del siglo XX* 7/7 (2016): 178 – 190.

Martínez Guidolin, Virginia. *Políticas de Memoria del pasado reciente en las ciudades de Montevideo y Buenos Aires*. MA thesis, Montevideo: Universidad de la República de Uruguay, Facultad de Ciencias Sociales, 2015.

Martínez, Virginia. *Los fusilados de abril ¿Quién mató a los comunistas de la 20?* Montevideo: Ediciones del caballo perdido, 2002.

Martínez, Virginia. *Tiempos de Dictadura: Hechos, voces, documentos: La represión y la resistencia día a día*. Montevideo: Ediciones de la Banda Oriental, 2006.

Mary, Kayitesi-Blewitt. 'Funding Development in Rwanda: The Survivors' Perspective.' *Development in Practice* 16(3/4) (2006): 316 – 321.

Mason, Randall. 'Conserving Rwandan Genocide Memorials.' *The Journal of Preservation Technology* 50(2/3) (2019): 17 – 26.

Masotta, Carlos. 'Imágenes recientes de la "Conquista del Desierto": Problemas de la memoria en la impugnación de un mito de origen.' *Runa. Archivo para las ciencias del hombre* XXVI (2006): 225 – 245.

May, Eva-Lotte. 'Die südafrikanische Wahrheits- und Versöhnungskommission: Wahrheit, Versöhnung und Gerechtigkeit.' In *Amnesie, Amnestie oder Aufarbeitung? Zum Umgang mit autoritären Vergangenheiten und Menschenrechtsverletzungen*, edited by Susanne Pickel and Siegmar Schmidt, 245 – 286. Wiesbaden: Springer VS, 2009.

Maza, Gonzalo de la. 'De la elite civil a la elite política: Reproducción del poder en contextos de democratización.' *Polis* (Santiago) 12(36) (2013), 67 – 100. https://scielo.conicyt.cl/scielo.php?script=sci_arttext&pid=S0718-65682013000300004 (last accessed: 11. 04. 2022).

McCarthy, Conor. *Reparations and Victim Support in the International Criminal Court*. Cambridge: Cambridge University Press, 2012.

McDonald, Ronald H. 'Redemocratization in Uruguay.' In *Liberalization and Redemocratization in Latin America*, edited by George A. Lopez and Michael Stohl, 173 – 189. New York, Westport and London: Greenwood Press, 1987.

McDonald, Ronald H. and Martin Weinstein. 'Balancing Growth and Democracy in Uruguay.' In *Latin American Politics and Development*, edited by Howard J. Wiarda and Harvey F. Kline, 295–311. Boulder: Westview Press, [5]2000.

Meier, Christian. *Das Gebot zu vergessen und die Unabweisbarkeit des Erinnerns: Vom öffentlichen Umgang mit schlimmer Vergangenheit*. Munich: Siedler, 2010.

Melvern, Linda. *Conspiracy to Murder: The Rwandan Genocide*. London: Verso, 2006.

Melvern, Linda. *A People Betrayed: The role of the West in Rwanda's Genocide*. London: Zed Books, 2019.

Melvin, Jennifer. 'Correcting history: mandatory education in Rwanda.' *Journal of Human Rights in the Commonwealth* 1(2) (2013): 14–22.

Memoria Abierta. *Guía de archivos útiles para la investigación judicial de delitos de lesa humanidad*. Buenos Aires: Memoria Abierta, 2011.

Memoria para Armar, *uno. Testimonios coordinados por el Taller Género y Memoria ex-Presas Políticas*. Montevideo: Senda, 2001.

Memoria para Armar, *dos. ¿Quién se portó mal? Selección de Testimonios coordinados por el Taller Género y Memoria ex-Presas Políticas*. Montevideo: Senda, 2002.

Memoria para Armar, *tres. Selección de Testimonios coordinados por el Taller Género y Memoria ex-Presas Políticas*. Montevideo: Senda, 2003.

Merino, Marcia Alejandra. *Mi Verdad: Mas allá del horror, yo acuso*. Santiago: Impreso ATG SA, 1993.

Meta, Beqir and Ermal Frasheri. *Mbi sistemin e burgjeve, internimit dhe punës së detyruar gjatë regjimit komunist në Shqipëri*. Tiranë: AIDSSH, 2018.

Metekia, Tadesse S. 'Violence Against and Using the Dead: Ethiopian Dergue Cases.' *Human Remains and Violence* 4(1) (2018): 76–92.

Metekia, Tadesse S. 'Punishing Core Crimes in Ethiopia: Analysis of the Domestic Practice in Light of and in Comparison, with Sentencing Practices at the UNICTs and the ICC.' *International Criminal Law Review* 1 (2019): 160–190.

Metekia, Tadesse S. *Prosecution of Core Crimes in Ethiopia: Domestic Practice vis-à-vis international standards*. Leiden: Brill, 2021.

Mgbako, Chi Adanna. 'Ingando Solidarity Camps: Reconciliation and Political Indoctrination in Post-Genocide Rwanda.' *Harvard Human Rights Journal* 18 (2005): 201–224.

Michelini, Felipe. 'La experiencia del Cono Sur en materia de comisiones de la verdad.' In *Verdad y Justicia: Homenaje a Emilio F. Mignone*, edited by Juan E. Méndez, Martín Abregú and Javier Mariezcurrena, 173–206. San José de Costa Rica: Instituto Interamericano de Derechos Humanos, 2001.

Mihr, Anja. *Regime Consolidation and Transitional Justice: A comparative Study of Germany, Spain and Turkey*. New York: Cambridge University Press, 2018.

Mihr, Anja, Gert Pickel and Susanne Pickel, eds. *Handbuch Transitional Justice: Aufarbeitung von Unrecht – hin zur Rechtsstaatlichkeit und Demokratie*. Wiesbaden: Springer VS, 2018.

Milkias, P. 'Mengistu Haile Mariam: Profile of a Dictator.' *Ethiopian Review* 4(1) (1994): 57–59.

Miller, Alicia and Vanina Berghella. 'Una mirada sobre el periodismo de investigación en la Argentina.' In *¿Qué periodismo se hace en Argentina? Perspectivas locales y globales*, edited by Konrad Adenauer-Stiftung, 75–108. Buenos Aires: Konrad Adenauer-Stiftung, 2018.

Ministerio de Educación y Cultura. Comisión Nacional de Repatriación. *Programa de la Comisión Nacional de Repatriación: Salud – Vivienada – Trabajo: Año 1986*. Montevideo: MEC, 1986.

Mirza, Roger. 'Memoria y representación en la escena uruguaya: 1968–2013.' *Nuestro Tiempo* 19 (2014): 5–42.

Mirza, Roger and Gustavo Remedi, eds. *La dictadura contra las tablas: Teatro uruguayo e historia reciente*. Montevideo: Biblioteca Nacional, 2009.

Mitchell, Neil and James McCormick. 'Economic and Political Explanations of Human Rights Violations.' *World Politics* 40(4) (1988): 476–498.

Mohale, Gabi. 'A People's Guide to Archives and Democracy.' *Daily Maverick*, September 21, 2020.

Montero, Ana Soledad. 'La scène de débat autour de l'annulation de la Loi de caducité de la prétention punitive de l'État en Uruguay (2011): positionnements présidentiels et enjeux politiques.' *ILCEA – Revue de l'Institut des langues et cultures d'Europe, Amérique, Afrique, Asie et Australie* 26 (2016). https://journals.openedition.org/ilcea/3923 (last accessed 11.04.2022), 1–15.

Mulleti, Fatbardha. *Saga e dhimbjes*. Tiranë: ISKK, 2018.

Munck, Gerado L. *Authoritarianism and Democratization: Soldiers and Workers in Argentina, 1976–1983*. University Park: Penn State University Press, 1998.

Museo de la Memoria y los Derechos Humanos, Archivo Audiovisual (2016).

Mussi, Francesca. 'The South African TRC and Its Narrative Legacies.' In *Literary Legacies of the South African TRC*, 1–39. Cham: Palgrave Macmillan, 2020. https://doi.org/10.1007/978-3-030-43055-9_1 (last accessed: 14.07.2021).

Nahum, Benjamín. *Manual de Historia del Uruguay, Tomo II: 1903–2000*. Montevideo: Banda Oriental, 2004.

Nattrass, J. *The South African Economy: Its Growth and Change*. Oxford: Oxford University Press, [2]1988.

Navia, Patricio and Arturo Arriagada. *Intermedios: Medios y Democracia en Chile*. Santiago: Universidad Diego Portales, 2013.

Ndahinda Mukwiza, Felix. 'Debating and Litigating Post-Genocide Reparations in the Rwandan Context.' In *Reparations for Victims of Genocide, War Crimes and Crimes against Humanity*, edited by Carla Ferstman and Mariana Goetz, 629–655. Leiden: Brill Nijhoff, 2020.

Ndoja, Leka and Alvin Saraci. *Akte gjyqësore politike gjatë komunizmit në Shqipëri: Bashkimi Demokratik Shqiptar 1946*. Tiranë: ISKK, 2015.

Neumann, Ulfrid and Paulo Abrao. *Transitional Justice: Das Problem gerechter strafrechtlicher Vergangenheitsbewältigung*. Frankfurt am Main: PL Academic Research, 2014.

Newbury, Catharine. *The Cohesion of Oppression: Clientship and Ethnicity in Rwanda, 1860–1960*. New York: Colombia University Press, 1988.

Nietzsche, Friedrich. *Unzeitgemäße Betrachtungen: Zweites Stück: Vom Nutzen und Nachtheil der Historie für das Leben* (*Kritische Studienausgabe,* vol. 1), edited by Giorgio Colli and Mazzino Montinari. Munich: dtv, 1999.

Nino, Carlos Santiago. *Radical Evil on Trial*. New Haven and London: Yale University Press, 1996.

Nissen, Sylke. 'The Eurobarometer and the Process of European Integration.' *Quality & Quantity* 48(2) (2014): 713–727.

Nohlen, Dieter. 'Uruguay.' In *Handbuch der Dritten Welt*, *Bd. 2: Südamerika*, edited by Dieter Nohlen and Franz Nuscheler, 477–509. Bonn: Dietz, [3]1992.

Nohlen, Dieter. 'Uruguay.' In *Elections in the Americas. A Data Handbook, Vol. II South America*, edited by Dieter Nohlen, 487–534. Oxford: Oxford University Press, 2005.

Nolte, Detlef. 'Verantwortungsethik versus Gesinnungsethik: Menschenrechtsverletzungen und Demokratisierung in Südamerika.' In *Politische Gewalt in Lateinamerika*, edited by Thomas Fischer and Michael Krennech, 291–309. Frankfurt am Main: Vervuert, 2000.

Nora, Pierre, ed. *Realms of Memory: Rethinking the French Past*. Chicago: Columbia University Press, 1998.

Nora, Pierre, ed. *Erinnerungsorte Frankreichs*. Munich: C. H. Beck, 2005.

Novaro, Marcos and Vincente Palermo. *La Dictadura Militar 1976/1983: Del Golpe de Estado a la Restauración Democrática*. Buenos Aires, Barcelona and Mexico: Paidós, 2003.

Novick, Peter. *The Holocaust in American Life*. Boston: Houghton Mifflin Company, 1999.

Nsanzuwera, Francois-Xavier. 'The ICTR Contribution to National Reconciliation.' *Journal of International Criminal Justice* 3(4) (2005): 944–949.
NURC (Ruanda). *National Policy of Unity and Reconciliation*. Kigali, 2007.
NURC (Ruanda). *Strategic Plan of Itorero ry'Igihugu 2009–2012*. Kigali, 2009.
NURC (Ruanda). *Understanding Itorero Ry'igihugu*. Kigali, 2011.
NURC (Ruanda). *Histoire du Rwanda: des origines à la fin du xxe siècle*. Kigali, 2011.
Nyseth Brehm, Hollie, Christopher Uggen and Jean-Damascène Gasanabo. 'Genocide, Justice, and Rwanda's Gacaca Courts.' *Journal of Contemporary Criminal Justice* 30(3) (2014): 333–352.
Odendaal, Andries. *A Crucial Link: Local Peace Committees and National Peacebuilding*. Washington, D.C: USIP, 2013. https://bookstore.usip.org/browse/book/9781601271815/A%20Crucial%20Link (last accessed: 14. 07. 2021).
O'Donnell, Guillermo and Philippe C. Schmitter. *Transitions from Authoritarian Rule, Vol. 4: Tentative Conclusions about Uncertain Democracies*. Baltimore: John Hopkins University Press, 1986.
Olásolo, Héctor. *International Criminal Law: Transnational Criminal Organizations and Transitional Justice*. Boston: Brill, 2018.
Olivera, Raúl and Sara Méndez. *Secuestro en la embajada: El caso de la maestra Elena Quinteros*. Montevideo: Fundación Editorial El Perro y la Rana, [2]2004.
Olivera, Raúl. 'Memoria, verdad y justicia en Uruguay: la gestión del pasado en un escenario de luces y sombras.' *ILCEA – Revue de l'Institut des langues et cultures d'Europe, Amérique, Afrique, Asie et Australie* 26 (2016): 1–22. http://journals.openedition.org/ilcea/3905 (last accessed 11. 04. 2022); DOI: 10.4000/ilcea.3905.
Olsen, Tricia and Leigh Payne. *Transitional Justice in Balance: Comparing Processes, Weighing Efficacy*. Washington: Cambridge University Press, 2010.
Orentlicher, Diane F. 'Settling Accounts: The Duty To Prosecute Human Rights Violations of a Prior Regime.' *The Yale Law Journal* 100 (1991): 2537–2615. https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=7376&context=ylj (last accessed: 23. 11. 2021).
Orentlicher, Diane. *That Someone Guilty Be Punished: The Impact of the ICTY in Bosnia*. New York: ICTY, 2010.
Ortiz, María Luisa. 'Acceso público a la información y archivos sobre terrorismo de estado.' In *Acceso Público a la Memoria*. Santiago: Corporación Parque por la Paz, Villa Grimaldi, 2009.
Ostertag, Thomas. *Der gezähmte Diktator: Die Wirkung von Menschenrechtsverfahren auf das Repressionslevel in Autokratien*. Berlin: De Gruyter Oldenbourg, 2017.
Pagenstecher, Cord. 'Der lange Weg zur Entschädigung.' 2 June 2016. https://www.bpb.de/geschichte/nationalsozialismus/ns-zwangsarbeit/227273/der-lange-weg-zur-entschaedigung (last accessed 22. 03. 2022).
Pagès, Joan and Jesús Marolla. 'La historia reciente en los currículos escolares de Argentina, Chile y Colombia: Desafíos de la educación para la ciudadanía desde la Didáctica de las Ciencias Sociales.' *Historia y Memoria* 17 (2018): 153–184.
Palmás Zaldua, Luz et al. 'Memoria, verdad y justicia: Rasgos de un cambio de época en el discurso, las sentencias y las políticas.' In *Derechos humanos en la Argentina. Informe 2017*, 145–179. Centro de Estudios Legales y Sociales (CELS). Buenos Aires: Siglo veintiuno editores/CELS, 2017.
Palmás Zaldua, Luz et al. 'Las políticas de memoria, verdad y justicia a cuarenta años del golpe.' In *Derechos humanos en la Argentina. Informe 2016*, 25–56. Centro de Estudios Legales y Sociales (CELS). Buenos Aires: Siglo veintiuno editores/CELS, 2016.
Palmer, Nicola. *Courts in Conflict: Interpreting the Layers of Justice in Post-Genocide Rwanda*. Oxford: Oxford University Press, 2015.

Parliament of South Africa. 'Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities Act (Act No. 19 of 2002).' 2002. https://www.gov.za/sites/default/files/gcis_document/201409/a19-02.pdf (last accessed: 14. 07. 2021).

Parliament of South Africa. 'Constitution of the Republic of South Africa (Act 200 of 1993).' 1993. https://www.gov.za/documents/constitution/constitution-republic-south-africa-act-200-1993 (last accessed: 14. 07. 2021).

Parliament of South Africa. 'No. 58 of 2008: Provision of Land and Assistance Amendment Act, 2008.' 2008. https://www.gov.za/sites/default/files/gcis_document/201409/3178821.pdf (last accessed: 14. 07. 2021).

Parliament of South Africa. 'Promotion of National Unity and Reconciliation Act (Act 34 of 1995).' 1995. https://www.gov.za/sites/default/files/gcis_document/201409/act34of1995.pdf (last accessed: 14. 07. 2021).

Parliamentary Committee on Reparations. 'Final Report.' 2003. https://pmg.org.za/committee-meeting/2624/ (last accessed: 14. 07. 2021).

Pan, Jorge Eduardo. 'Una brecha a la impunidad.' *Revista de IELSUR 9* (1994): 7 – 18.

Pellegrino, Adela. 'Aspectos demográficos, 1963 – 1985.' In *El Uruguay de la dictadura (1973 – 1985)*, edited by Carmen Appratto et al., 181 – 192. Montevideo: Banda Oriental, 2004.

Pells, Kirrily. 'Rights are everything we don't have': Clashing Conceptions of Vulnerability and Agency in the Daily Lives of Rwandan Children and Youth.' *Children's Geographies* 10(4) (2012): 427 – 440.

Peralta, Ariela. 'El caso Gelman y los desafíos a la Ley de Caducidad.' In *Luchas contra la impunidad: Uruguay 1985 – 2011*, edited by Gabriela Fried and Francesca Lessa, 203 – 215. Montevideo: Trilce, 2011.

Pereira, Antonio. 'Análisis de los informativos televisivos durante el proceso de aprobación de la ley de caducidad.' *Cuaderno de Historia 9* (2012): 125–149.

Peshkëpia, Gëzim and Agron Tufa, 'Vila e Hoxhës, Muze për krimet e komunizmit!', *Panorama*, 6 September 2013, http://www.panorama.com.al/vila-e-enver-hoxhes-muze-per-krimet-e-komunizmit/ (last accessed 30. 01. 2021).

Phakathi, Sizwe and Hugo Van der Merwe. 'The Impact of the TRC's Amnesty Process on Survivors of Human Rights Violations.' In *Truth and Reconciliation: Did the TRC Deliver?*, edited by Audrey R. Chapman and Hugo van der Merwe. Pennsylvania: Pennsylvania University Press, 2009.

Phillipps-Treby, Walter and Jorge Tiscornia. *Vivir en Libertad*. Montevideo: Editorial Banda Oriental, 2003.

Pion-Berlin, David. 'The Fall of Military Rule in Argentina: 1976 – 1983.' *Journal of Interamerican Studies and World Affairs* 27(2) (1985): 55 – 76.

Pion-Berlin, David. 'To Prosecute or to Pardon? Human Rights Decisions in the Latin American Southern Cone.' *Human Rights Quarterly* 16(1) (1994): 105 – 130.

Pipa, Arshin. *Stalinizmi Shqiptar: Anatomia e një patologjie politike*. Tiranë: ISKK & Princi, 2007.

Plaut, Martin. 'Ethiopia's Oromo Liberation Front.' *Review of African Political Economy* 33(109) (2006): 587 – 593.

Pllumi, At Zef. *Rrno vetëm për me tregue*. Tiranë: Shtëpia Botuese 55, ²2006.

Pohlandt-McCormick, Helena. '"I Saw a Nightmare…" Violence and the Construction of Memory (Soweto, June 16, 1976).' *History and Theory* 39(4) (2000): 23 – 44.

Popovski, Vesselin and Mónica Serrano. *After Oppression: Transitional Justice in Latin America and Eastern Europe*. N. p., 2012.

Portugheis, Rosa Elsa, eds. *Documentos del Estado terrorista*. Buenos Aires: Ministerio de Justicia y Derechos Humanos de la Nación. Secretaría de Derechos Humanos, 2012. http://www.jus.gob.ar/media/1129178/41-anm-documentos_del_estado_terrorista.pdf (last accessed 11. 04. 2022).

Pottier, Johan. *Re-Imagining Rwanda: Conflict, Survival and Disinformation in the Late Twentieth Century*. Cambridge: Cambridge University Press, 2002.

President's Fund (South Africa). 'President's Fund Annual Report 2019 – 2020.' 2020. https://www.justice.gov.za/reportfiles/other/presfund-anr-2019-20.pdf (last accessed: 14. 07. 2021).

Prodger, Matt. 'Albania Seeks to Compensate Political Prisoners', *BBC News*, 23. 07. 2004, http://news.bbc.co.uk/2/hi/europe/3917293.stm (last accessed: 11. 01. 2021).

Prouveze, Remy and Nadia Bernaz. 'International and domestic prosecutions.' In *The Pursuit of International Criminal Justice, Vol. I: A World Study on Conflicts, Victimization, and Post-Conflict Justice*, edited by M. Cherif Bassiouni. Antwerp: Intersentia, 2010.

Prunier, Gérard. *The Rwanda Crisis: History of a Genocide*. New York: Colombia University Press, 1997.

Prunier, Gérard. *Africa's World War: Congo, the Rwandan Genocide, and the Making of a Continental Catastrophe*. Oxford: Oxford University Press, 2009.

Prunier, Gérard. *From Genocide to Continental War: The Congolese Conflict and the Crisis of Contemporary Africa*. London: Hurst, 2009.

Puddington, Arch et al., eds. *Freedom in the World 2017: The Annual Survey of Political Rights and Civil Liberties*. New York: Freedom House, 2019. https://freedomhouse.org/sites/default/files/2020-02/Freedom_in_the_World_2017_complete_book.pdf (last accessed 23. 11. 2021).

Purdeková, Andrea. 'Rwanda's Ingando camps: Liminality and the reproduction of power.' *Refugee Studies Centre, University of Oxford Working Paper* 80 (2011).

Purdeková, Andrea. 'Civic Education and Social Transformation in Post-Genocide Rwanda: Forging the Perfect Development Subjects.' In *Rwanda Fast Forward: Social, Economic, Military and Reconciliation*, edited by Maddalena Campioni and Patrick Noack, 192 – 213. New York: Palgrave Macmillan, 2012.

Puwana, Zukiswa, and Rita Kesselring. 'Persistent Injuries, the Law and Politics: The South African Victims' Support Group Khulumani and Its Struggle for Redress.' In *Advocating Transitional Justice in Africa: The Role of Civil Society*, edited by Jasmina Brankovic and Hugo Van der Merwe, 2018.

Qazimi, Azem. *Procesi i asgjësimit të fesë në komunizëm*. Tiranë: ISKK, 2012.

Quaritsch, Helmut. 'Über Bürgerkriegs- und Feind-Amnestien.' In *Der Staat* 31 (1992): 389 – 418.

Radseck, Michael. 'Das argentinische Militär: Vom Machtfaktor zum Sozialfall?' In *Argentinien heute: Politik – Wirtschaft – Kultur*, edited by Klaus Bodemer, Andrea Pagni and Peter Waldmann, 83 – 103. Frankfurt am Main: Vervuert, 2002.

Rauch, Janine. 'Police Transformation and the South African TRC.' Centre for the Study of Violence and Reconciliation, 2004.

Reichel, Peter. *Vergangenheitsbewältigung in Deutschland: Die Auseinandersetzung mit der NS-Diktatur von 1945 bis heute*. Munich: Beck'sche Reihe, 2001.

Reinhard, Wolfgang. 'Geschichte als Delegitimation.' *Jahrbuch des Historischen Kollegs* (2002): 27 – 37.

Remedi, Gustavo, eds. *Otros lenguajes de la memoria: teatro uruguayo contemporáneo e historia reciente*. Montevideo: Ediciones Universitarias, 2017.

República Oriental del Uruguay, Junta de Comandantes en Jefe. *La Subversion: Las Fuerzas Armandas al Pueblo Oriental*, Bd. I. Montevideo 1977.

Reta, Demelash Shiferaw. *National Prosecution and Transitional Justice: The Case of Ethiopia*. PhD diss., University of Warwick School of Law, 2014.

Reussner, Eva M. *Publikumsforschung für Museen: Internationale Erfolgsbeispiele*. Bielefeld: Transcript, 2010.

Reyntjens, Filip. 'Rwanda, Ten Years on: From Genocide to Dictatorship.' *African Affairs* 103(411) (2004): 177 – 210.

Reyntjens, Filip. 'Constructing the truth, dealing with dissent, domesticating the world: Governance in post-genocide Rwanda.' *African Affairs* 110(438) (2011): 1–34.

Rhodes James, Robert, ed. *Winston S. Churchill: His Complete Speeches 1897–1963*, *Volume VII. 1943–1949*. New York and London: Chelsea House, 1974.

Rial, Juan. 'Militares y Redemocratización.' *Cuadernos de Marcha* II/8 (1986): 26–39.

Rico, Álvaro, ed. *Investigación histórica sobre Detenidos Desaparecidos: En cumplimiento del artículo 4 de la Ley No. 15.848*, 5 volumes. Montevideo: IMPO, 2007.

Rico, Álvaro, ed. *Investigación histórica sobre la dictadura y el terrorismo de Estado en el Uruguay 1973–1985*, 3 volumes. Montevideo: Universidad de la República Oriental del Uruguay – Comisión Sectorial de Investigación Científica, 2008.

Rieff, David. *In Praise of Forgetting: Historical Memory and Its Ironies*. New Haven and London: Yale University Press, 2017.

Risso, Mariana and Manuela Abrahan. 'Desde el fondo del tiempo otro tiempo: Apuntes sobre el proceso de identificación y recuperación para la memoria de los espacios represivos del terrorismo de Estado uruguayo.' *Aletheia* 8/16 (2018). http://aletheiaold.fahce.unlp.edu.ar/numeros/numero-16/dossier/desde-el-fondo-del-tiempo-otro-tiempo-1-.–apuntes-sobre-el-proceso-de-identificacion-y-recuperacion-para-la-memoria-de-los-espacios-represivos-del-terrorismo-de-estado-uruguayo (last accessed 11. 04. 2022).

Robben Island Museum. '2019 Robben Island Museum Annual Report.' 2020. https://www.robben-island.org.za/download/annual-report-2019-2020/ (last accessed: 14. 07. 2021).

Roberts, Jaine. 'The Hidden Epidemic Amongst Former Miners: Silicosis, Tuberculosis and the Occupational Diseases in Mines and Works Act in the Eastern Cape, South Africa.' *Health Systems Trust and SA Dept of Health*, n.d.

Robinson, Darryl and Gillian MacNeil. 'The Tribunals and the Renaissance of International Criminal Law: Three Themes.' *American Journal of International Law* 110(2) (2016): 191–211.

Rödder, Andreas. *21.0 – Eine kurze Geschichte der Gegenwart*. Munich: C. H. Beck, 2015.

Roht-Arriaza, Naomi. I*mpunity and Human Rights in International Law and Practice*. New York: Oxford University Press, 1995.

Roht-Arriaza, Naomi. 'Reparations in the Aftermath of Repression and Mass Violence.' In *My Neighbor, My Enemy: Justice and Community in the Aftermath of Mass Atrocity*, edited by Eric Stover and Harvey M. Weinstein, 121–139. Cambridge: Cambridge University Press, 2004.

Roht-Arriaza, Naomi and Javier Mariezcurrena, eds. *Transitional Justice in the Twenty-First Century: Beyond Truth versus Justice*. Cambridge: Cambridge University Press, 2006.

Roht-Arriaza, Naomi. 'Reparations and Economic, Social, and Cultural Rights.' In *Justice and Economic Violence in Transition*, edited by Dustin Sharp, 109–138. New York: Springer, 2013.

Romano, Cesare, André Nollkaemper and Jann K. Kleffner, eds. *Internationalized Criminal Courts and Tribunals: Sierra Leone, East Timor, Kosovo and Cambodia*. Oxford: Oxford University Press, 2004.

Rombouts, Heidy. *Victim Organisations and the Politics of Reparation: a case study of Rwanda*. Antwerp: Intersentia, 2004.

Rombouts, Heidy and Stef Vandeginste. 'Reparation for Victims in Rwanda: Caught Between Theory and Practice.' In *Out of the Ashes: Reparation for Victims of Gross and Systematic Human Rights Violations*, edited by Karl De Feyter, Stephan Parmentier, Marie Bossuyt and Peter Lemmes. Antwerp: Intersentia, 2005.

Roniger, Luis. 'Olvido, memoria colectiva e identidades: Uruguay en el contexto del Cono Sur.' In *La imposibilidad del olvido: Recorridos de la memoria en Argentina, Chile y Uruguay*, edited by Bruno Groppo and Patricia Flier, 151–178. La Plata: Al Margen/Bibliothéque de Documentation Internationale Contemporaine, 2001.

Roszkowski, Wojciech. *Communist Crimes: A Legal and Historical Study*. Radom: Polish Institute of National Remembrance, 2016.

Rotberg, Robert I. 'Truth Commissions And The Provision Of Truth, Justice, And Reconciliation.' In *Truth v. Justice*, edited by Robert I. Rotberg and Dennis F. Thompson, 1–21. Princeton: Princeton University Press, 2010.

Rubio, Graciela. *La enseñanza del pasado reciente en Chile: Educación en Derechos Humanos en Chile*. Santiago: Red de Equipos de Educación en DDHH, 2014.

Ruderer, Stephan. *Das Erbe Pinochets: Vergangenheitspolitik und Demokratisierung in Chile 1990–2006*. Göttingen: Wallstein, 2010.

Ruderer, Stephan. 'Between Religion and Politics: The Military Clergy during the Dictatorships of the Late Twentieth Century in Argentina and Chile.' *Journal of Latin American Studies* 47(3) (2015): 463–489.

Ruderer, Stephan and Veit Strassner. 'Ecumenism in National Security Dictatorships: Ecumenical Experiences in the Southern Cone.' In *A History of the Desire for Christian Unity*, Vol. III, edited by Alberto Melloni. Paderborn: Brill Verlag, forthcoming.

Rugege, Sam and Aimé M. Karimunda. 'Domestic Prosecution of International Crimes: The Case of Rwanda.' In *Africa and the International Criminal Court,* vol. 1., edited by Gerhard Werle, Lovell Fernandez and Moritz Vormbaum, 79–116. The Hague: Springer, 2014.

Ruiz, Marisa. *La piedra en el zapato. Amnistía y la dictadura uruguaya: La acción de Amnistía Internacional en los sucesos de mayo de 1976 en Buenos Aires*. Montevideo: Universidad de la República, 2006.

Rusconi, Gian Enrico. *Deutschland – Italien, Italien – Deutschland: Geschichte einer schwierigen Beziehung von Bismarck bis zu Berlusconi*, translated by Antje Peter. Paderborn: Ferdinand Schöningh, 2006.

Sabrow, Martin, ed. *Erinnerungsorte der DDR.* Munich: C. H. Beck, 2009.

Safferling, Christoph. *Völkerstrafrechtspolitik: Praxis des Völkerstrafrechts*. Berlin: Springer, 2014.

Santamaria, Yves. 'Afro communism: Ethiopia, Angola, and Mozambique.' In *The Black Book of Communism: Crimes, Terror, Repression,* edited by Matthew Kramer, 683–704. Cambridge: Harvard University Press, 1999.

Saraçi, Alvin. *Konfiskimi i pronës dhe grabitja e arit 1944–1955*. Tiranë: ISKK, 2012.

Sarasin, Philipp. *1977: Eine kurze Geschichte der Gegenwart.* Berlin: Suhrkamp, 2021.

Sarkin, Jeremy. 'Transitional Justice and the Prosecution Model: The Experience of Ethiopia.' *Law, Democracy & Development* 2(3) (1999): 253–266.

Sarkin, Jeremy. 'An Evaluation of the South African Amnesty Process.' In *Truth and Reconciliation in South Africa: Did the TRC Deliver?*, edited by Hugo van der Merwe and Audrey R. Chapman. Pennsylvania: Pennsylvania University Press, 2009. https://papers.ssrn.com/abstract=1367167 (last accessed: 14. 07. 2021).

Savage, Michael 'The Imposition of Pass Laws on the African Population in South Africa 1916–1984.' *African Affairs 85* (339) (1986): 181–205.

Schabas, William. *The UN international criminal tribunals: The former Yugoslavia, Rwanda and Sierra Leone*. Cambridge: Cambridge University Press, 2006.

Schabas, William. *The International Criminal Court: A Commentary on the Rome Statute.* Oxford: Oxford University Press, 2010.

Schelotto, Magdalena. 'La dictadura cívico-militar uruguaya (1973–1985): la construcción de la noción de víctima y la figura del exiliado en el Uruguay post-dictatorial.' *Questões do tempo presente* (2015). https://doi.org/10.4000/nuevomundo.67888 (last accessed 11. 04. 2022).

Schelotto, Magdalena. 'La dictadura cívico-militar uruguaya (1973–1985): militarización de los poderes del estado, transición política y contienda de competencias.' *Diacronie: Studi di Storia Contemporanea* 24(4) (2015). http://journals.openedition.org/diacronie/3808; DOI: 10.4000/diacronie.3808 (last accessed 11. 04. 2022).

Schimmel, Noam. *Advancing International Human Rights Law Responsibilities of Development NGOs: Respecting and Fulfilling the Right to Reparative Justice for Genocide Survivors in Rwanda*. New York: Palgrave Macmillan, 2020.

Schindel, Estela. 'Die Präsenz der Vergangenheit im urbanen Raum: Erinnerungsorte in Argentinien, Brasilien, Chile und Uruguay.' *Lateinamerika Analysen* 9 (2004): 155–180.

Schindel, Estela. 'Verschwunden, aber nicht vergessen: Die Konstruktion der Erinnerung an die Desaparecidos.' In *Argentinien heute: Politik – Wirtschaft – Kultur*, edited by Klaus Bodemer, Andrea Pagni and Peter Waldmann, 105–134. Frankfurt am Main: Vervuert, 2002.

Schmitt, J. Oliver. 'Albanien tut sich schwer mit der Bewältigung seiner Vergangenheit.' *Neue Zürcher Zeitung*, 23. 07. 2012. https://www.nzz.ch/albanien-tut-sich-schwer-mit-der-bewaeltigung-seiner-vergangenheit-1.17382475?reduced=true (last accessed 21. 01. 2021)

Seligmann, Michael. 'Uruguay: Volksbewegung und Parlamentarismus.' In *Vom Elend der Metropolen*, edited by Dietmar Dirmoser et al., 269–281. Hamburg: Junius, 1990.

Selimovic, Johanna Mannergren. 'Making peace, making memory: peacebuilding and politics of remembrance at memorials of mass atrocities.' *Peacebuilding* 1(3) (2013): 334–348.

Sempol, Diego. 'HIJOS Uruguay: Identidad, protesta social y memoria generacional.' In *El pasado en el futuro: los movimientos juveniles*, edited by Elizabeth Jelin and Diego Sempol, 185–212. Buenos Aires: Siglo XXI, 2006.

Sempol, Diego. 'HIJOS Uruguay: A 20 años de un ensayo de memoria generacional.' *Cuadernos de Aletheia* 2 (2016): 53–60.

Servicio Paz y Justicia, Uruguay, *Informe: Derechos humanos en Uruguay (1988)*. Montevideo: SERPAJ, 1988.

Servicio Paz y Justicia, Uruguay, *Uruguay Nunca Más: Informe sobre la violación a los Derechos Humanos (1972–1985)*. Montevideo: SERPAJ, 1989.

Servicio Paz y Justicia, Uruguay, *Uruguay Nunca Más: Human Rights Violations (1972–1985)*, translated by Elizabeth Hampsten. Philadelphia: Temple University Press, 1992.

Servicio Paz y Justicia, Uruguay, *Derechos Humanos en el Uruguay: Informe 2004*. Montevideo: SERPAJ, 2004.

Sharnak, Debbie. 'The Gelman Case and the Legacy of Impunity in Uruguay.' In *40 Years are Nothing: History and memory of the 1973 coups d'état in Uruguay and Chile*, edited Pablo Leighton and Fernando López. Cambridge: Cambridge Scholars Publishing, 2015, 33–55.

Shaw, Mark. 'Point of Order: Policing the Compromise.' In *SA Review 7: The Small Miracle: South Africa's Negotiated Settlement.*, edited by Steven Friedman and Doreen Atkinson. Johannesburg: Ravan Press, 1994.

Shehu, Bashkim. *Fjalor udhëzues për misterine dosjeve*. Tiranë: Toena, 2015.

Shehu, Bashkim. *Loja, shembja e qiellit*. Tiranë: Toena, 2013.

Shifaw, Dawit. *The Diary of Terror: Ethiopia 1974–1991*. Bloomington: Trafford Publishing, 2012.

Sitze, Adam. *The Impossible Machine: A Genealogy of South Africa's Truth and Reconciliation Commission*. Ann Arbor: University of Michigan Press, 2013.

Skaar, Elin. *Human Rights Violations and the Paradox of Democratic Transition: A Study of Chile and Argentina*. Bergen: Chr. Michelsen Institute, 1994.

Skaar, Elin. 'Un análisis de las reformas judiciales de Argentina, Chile y Uruguay.' *América Latina Hoy* 34 (2003): 147–186.

Skaar, Elin. 'Argentina: Truth, Justice, and Reconciliation.' In *Roads to Reconciliation*, edited by Elin Skaar, Siri Gloppen and Astri Suhrke, 157–175. Lanham and Maryland: Lexington Books, 2005.

Skaar, Elin. 'Uruguay: Reconstructing peace and democracy through transitional justice.' In *After Violence: Transitional Justice, Peace, and Democracy*, edited by Elin Skaar, Camila Gianella and Trine Eide, 67–95. New York: Routeledge, 2015.

Skaar, Elin, Trine Eide and Camila Gianella Malca. *After Violence: Transitional Justice, Peace and Democracy.* New York: Routledge 2015.

Skweyiya Commission. 'Report of the Commission of Enquiry into Complaints by Former African National Congress Prisoners and Detainees.' 1992. https://omalley.nelsonmandela.org/index.php/site/q/03lv02424/04lv02730/05lv02731/06lv02869.htm (last accessed: 14. 07. 2021).

Smulovitz, Catalina. 'The Past is Never Dead: Accountability and Justice for Past Human Rights Violations in Argentina.' In *After Oppression*, edited by Vesselin Popovski, 64 – 85.

South African History Online. 'Apartheid Museum – Johannesburg.' https://www.sahistory.org.za/place/apartheid-museum-johannesburg (last accessed: 27. 11. 2020).

South African Parliamentary Portfolio Committee of Arts, Culture, Science and Technology. 'Visit to Vlakplaas from 14 to 16 December 2001.' 2002.

Sparks, Allister. *The Mind of South Africa: The Story of the Rise and Fall of Apartheid.* Johannesburg: Jonathan Ball Publishers, 2006.

Special Prosecutor's Office. ደም ያዘለ ዶሴ፣ በጊዘያዊ ወታደራዊ ደርግ ወይም መንግስት ዓባላት በንጹሃን ዜጎች ላይ የተፈጸመ የወንጀል ዘገባ. Addis Ababa: Far-East Trading P.L.C., 2010.

Stan, Lavinia, ed. *Transitional Justice in Eastern Europe and the Former Soviet Union: Reckoning with the Communist Past.* London: Routledge, 2009.

Stan, Lavinia and Nadya Nedelsky, eds. *Encyclopedia of transitional justice*, vol. 1. Cambridge: Cambridge University Press, 2013.

Sterio, Milena. 'The Yugoslavia and Rwanda Tribunals: A Legacy of Human Rights Protection and Contribution to International Criminal Justice.' In *The Legacy of Ad Hoc Tribunals in International Criminal Law: Assessing the ICTY's and the ICTR's Most Significant Legal Accomplishments*, edited by Michael Scharf and Milena Sterio, 11 – 24. Cambridge: Cambridge University Press, 2019.

Stern, Steve J. *Memorias en Construcción: Los retos del pasado presente en Chile.* Santiago: Museo de la Memoria y los Derechos Humanos, 2013.

Stickler, Mercedes. 'Brief: Land Redistribution in South Africa.' In *Focus on Land in Africa*, no date. http://www.focusonland.com/fola/en/countries/brief-land-redistribution-in-south-africa/.

Straßner, Veit. ,"La lucha continúa!" – Der Kampf um die Erinnerungen an die Verschwundenen der argentinischen Militärdiktatur.' *Totalitarismus und Demokratie: Zeitschrift für internationale Diktatur- und Freiheitsforschung* 3 (2006): 345 – 386.

Straßner, Veit. *Die offenen Wunden Lateinamerikas: Vergangenheitspolitik im postautoritären Argentinien, Uruguay und Chile.* Wiesbaden: Verlag für Sozialwissenschaften, 2007.

Straßner, Veit. 'Markt, Menschenrechte und Moral, (Neue) Herausforderungen für die Kirche im Cono Sur seit den 1990er Jahren (Argentinien, Uruguay und Chile).' In *Einstürzende Mauern: Das Jahr 1989/90 als Epochenjahr in der Geschichte des Weltchristentums*, edited by Klaus Koschorke, 291 – 314. Wiesbaden: Friedrich Verlag, 2009.

Straßner, Veit. 'Uruguay.' In *Kirche und Katholizismus seit 1945. Bd. 6: Lateinamerika und Karibik*, edited by Johannes Meier and Veit Straßner, 433 – 446. Paderborn: Schöningh, 2009.

Strassner, Veit. 'From Victimhood to Political Protagonism: Victim Groups and Associations in the Process of Dealing with a Violent Past.' In *Victims of International Crimes: An Interdisciplinary Discourse*, edited by Thorsten Bonacker and Thomas Safferling, 331 – 344. The Hague: Springer, 2013.

Straßner, Veit. 'Vergangenheitspolitik, Transitional Justice und Versöhnung: Begriffliche und konzeptionelle Annäherungen.' In *Handbuch Transitional Justice*, edited by Anja Mihr, Gert Pickel and Susanne Pickel, 201 – 231, 218 – 226. Wiesbaden: Springer, 2018.

Straßner, Veit. '"*Falsos cristianos*" – Die progressive Kirche Lateinamerikas in der Sichtweise ihrer politischen Gegner.' In *Religion als Ressource befreiender Entwicklung. 50 Jahre nach der 2. Konferenz des lateinamerikanischen Episkopats in Medellín: Kontinuitäten und Brüche*, edited by Margit Eckholt, 99 – 120. Ostfildern: Grünewald, 2019.

Straus, Scott. 'How many perpetrators were there in the Rwandan genocide? An estimate.' *Journal of Genocide Research* 6(1) (2004): 85–98.

Straus, Scott. *The Order of Genocide: Race, Power, and War in Rwanda*. Ithaca and London: Cornell University Press, 2006.

Tadeo Fuica, Beatriz. 'Presencias y ausencias: Uruguay y los documentales sobre hijos (des) aparecidos.' *Cine Documental* (2015): 169–196.

Taylor, Christopher. 'The Cultural Face of Terror in the Rwandan Genocide of 1994.' In *Annihilating Difference: The Anthropology of Genocide*, edited by Alexander Laban Hinton, 137–179. Berkley: University of California Press, 2002.

Teeger, Chana and Vered Vinitzky-Seroussi. 'Controlling for Consensus: Commemorating Apartheid in South Africa.' *Symbolic Interaction* 30, 1 (2007): 57–78. https://doi.org/10.1525/si.2007.30.1.57 (last accessed: 14. 07. 2021).

Tegegn, Melakou. 'Mengistu's Red Terror.' *African Identities* 10(3) (2012): 249–263.

Teitel, Ruti G. *Transitional Justice*. Oxford: Oxford University Press, 2000.

Tessema Marshet, T. *Prosecution of Politicide in Ethiopia: The Red Terror Trials*. The Hague: Asser Printing Press, 2018.

Theissen, Gunnar. 'Object of Trust and Hatred: Public Attitudes toward the TRC.' In Truth and Reconciliation in South Africa: Did the TRC Deliver?, edited by Audrey R. Chapman and Hugo van der Merwe, 191–216. Pennsylvania: *Pennsylvania University Press*, 2009.

Theurer, Karina. 'Durch Referenden bestätigte Amnestiegesetze in Fällen gewaltsamen Verschwindenlassens unvereinbar mit der Amerikanischen Menschenrechtskonvention: Das Urteil des Inter-Amerikanischen Gerichtshofs für Menschenrechte in der Sache Gelman v. Uruguay.' In *Europäische Grundrechte-Zeitschrift* (2012): 682–693.

Thomas, Paul and Kristin Skinstad van der Kooij. 'The history syllabus in post-genocide Rwanda.' *Cogent Education* 5(1) (2018): 154–195.

Thompson, Susan. *Whispering Truth to Power: Everyday resistance to reconciliation in postgenocide Rwanda, Africa and the Diaspora: History, Politics, Culture*. Wisconsin: University of Wisconsin Press, 2013.

Thoms, Oskar, et al. *The Effects of Transitional Justice Mechanisms: A Summary of Empirical Rresearch Findings and Implications for Analysts and Practitioners*. Ottawa: CEPI, 2008. https://www.files.ethz.ch/isn/103597/FullText.pdf, 68–77 (last accessed: 23. 11. 2021).

Tiba, Firew K. 'Mass Trials and Modes of Criminal Responsibility for International Crimes: The Case of Ethiopia.' In *The Hidden Histories of War Crimes Trials*, edited by Kevin Jerry Heller and Gerry Simpson, 310–311. Oxford: Oxford University Press, 2013.

Tironi, Eugenio and Guillermo Sunkel. *Modernización de las Comunicaciones y Democratización Política*. Revista Estudios Públicos. Santiago: Centro de Estudios Públicos, 1993.

Tiruneh, Andargachew. *The Ethiopian Revolution, 1974–1987: A transformation from aristocratic to a totalitarian autocracy*. Cambridge: Cambridge University Press, 1993.

Todorov, Tzvetan. *Los usos de la Memoria*. Santiago: Museo de la Memoria y los Derechos Humanos, 2013.

Toggia, Pietro. 'The Revolutionary Endgame of Political Power: The Genealogy of "Red Terror" in Ethiopia.' *African Identities* 10(3) (2012): 265–280.

Tola, Babile. *To kill the Generation: The Red Terror in Ethiopia*. Washington DC: Free Ethiopian Press, [2]1989.

Torras, Verónica, Luz Palmás Zaldua and Marcela Perelman. *Memoria, verdad y justicia como política de Estado: Análisis de políticas públicas implementadas durante los gobiernos kirchneristas (2003–2015) respecto de los delitos de lesa humanidad ocurridos en la última dictadura argentina*. Friedrich Ebert-Stiftung Argentina, Análisis No. 11–2016/Septiembre 2016.

TRC (South Africa). *Truth and Reconciliation Commission Final Report*. Volume 6, 2003. https://www.justice.gov.za/trc/report/finalreport/vol6_s5.pdf.

TRC (South Africa). *Truth and Reconciliation Commission Final Report*, n.d.

TRC (South Africa). *Truth and Reconciliation Commission Final Report*, Volume 6, 2003.

TRC (South Africa). *Truth and Reconciliation Commission of South Africa Final Report*, Volume 1, 1998. http://choicereviews.org/review/10.5860/CHOICE.37-1803 (last accessed: 14. 07. 2021).

TRC (South Africa). *Truth and Reconciliation Final Report*, Volume 2, 1998. https://www.justice.gov.za/trc/report/finalreport/Volume%202.pdf (last accessed: 14. 07. 2021).

Tronvoll, Kjetil. 'The Quest for Justice or the Construction of Political Legitimacy: The Political Anatomy for the Red Terror Trials.' In *The Ethiopian Red Terror Trials: Transitional Justice Challenged,* edited by Kjetil Tronvoll et al., 84 – 95. Martlesham: James Currey, 2009.

Trutkowski, Dominik. *Die ausgehandelten Revolutionen: Politische Kommunikation in Parlament und Öffentlichkeit beim Umbruch zur Demokratie in Spanien und Polen*. Düsseldorf: Droste, 2021.

Tshishonga, Ndwakhulu. 'Cadre Deployment and Its Implications on Service Delivery in South Africa: A Human Development Capability Approach.' *Journal of Public Administration* 49(3) (2014).

Tufa, Agron. *Mërkuna e zezë*. N.N.: Onufri, 2017.

Tufa, Agron. *Fabula rasa*. N.N.: Ideart, 2004.

Turner, Simon. 'Making Good Citizens from Bad Life in Post-Genocide Rwanda.' In *Development and Change* 45(3) (2014): 415–433. https://doi.org/10.1111/dech.12093 (last accessed: 27. 04.2022).

United Nations, *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: Adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984, entry into force 26 June 1987, in accordance with article 27 (1)*. https://www.ohchr.org/en/professionalinterest/pages/cat.aspx (last accessed 24. 11. 2021).

United Nations, Economic and Social Council, Commission on Human Rights. *The Administration of Justice and the Human Rights of Detainees, Revised final report prepared by Mr. Joinet pursuant to Sub-Commission decision 1996/119*, 2 October 1997. https://digitallibrary.un.org/record/245520/files/E_CN.4_Sub.2_1997_20_Rev.1-EN.pdf (last accessed 09. 11. 2021.)

United Nations, Economic and Social Council, Commission on Human Rights. *Promotion and Protection of Human Rights*, 8 February 2005. https://digitallibrary.un.org/record/541829.

United Nations. *Guidance Note of the Secretary-General: United Nations Approach to Transitional Justice,* March 2010, https://digitallibrary.un.org/record/682111 (last accessed 09. 11. 2021).

United Nations, *Resolution adopted by the General Assembly on 16 December 2005, Annex*, 7 – 9. https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation (last accessed 24. 11. 2021).

Universidad Alberto Hurtado, Programa de investigación interdisciplinar en memoria y derechos Humanos. *Guía de Archivos de Memoria y Derechos Humanos en Chile* (2017). https://drive.google.com/file/d/0B7drZJJ_NeStOXBwbWNtZlZLd2c/view (last accessed: 11. 04. 2022).

UN Security Council, *Resolution 955* (8 November 1994). https://www.humanrights.ch/cms/upload/pdf/100916_SC_Res_955.pdf (last accessed 24. 11. 2021).

Valdéz, Patricia. '"Tiempo Óptimo" para la Memoria.' In *La imposibilidad del olvido. Recorridos de la memoria en Argentina, Chile y Uruguay*, edited by Bruno Groppo and Patricia Flier, 63 – 82. La Plata: Al Margen/Bibliothéque de Documentation Internationale Contemporaine, 2001.

Vandeginste, Stef. 'Reparation pour les victimes de genocide, de crimes contre l'humanité et de crimes de guerre au Rwanda.' *L'Afrique des Grands Lacs* Annuaire 2000 – 2001 (2000 – 2001): 5 – 20.

Van der Merwe, Hugo. *Assessing the Impact of Transitional Justice: Challenges for Empirical Research*. Washington D.C.: USIPP, 2009.

Van der Merwe, Hugo. 'Evaluation of the Health Sector Hearing: Conceptualising Human Rights and Reconciliation.' Centre for the Study of Violence and Reconciliation, 2000. http://www.csvr.org.za/docs/trc/evaluation.pdf (last accessed: 14. 07. 2021).

Van der Merwe, Hugo. 'Prosecutions, Pardons and Amnesty: The Trajectory of Transitional Accountability in South Africa.' In *Critical Perspectives in Transitional Justice*, edited by Nicola Palmer, Phil Clark and Danielle Granville, 443 – 457. Cambridge: Intersentia Cambridge, 2012.

Van der Merwe, Hugo. 'What Did the TRC Teach South Africa about Democratic Citizenship?' In *The Limits of Transition: The South African Truth and Reconciliation Commission 20 Years On*, edited by Mia Swart, 169 – 85. Brill Nijhoff, 2017.

Van der Merwe, Hugo and Guy Lamb. *Transitional Justice and DDR: The Case of South Africa*. International Center for Transitional Justice, 2011. https://www.ictj.org/publication/transitional-justice-and-ddr-case-south-africa-brief.

Van der Merwe, Hugo, and Kathleen Sensabaugh. 'Truth, Redress and Reconciliation: Evaluating Transitional Justice from Below.' In *Rethinking Reconciliation: Evidene from South Africa*, edited by Kate Lefko-Everett, Rajen Govender and Donald Foster, 25 – 44. Cape Town: HSRC Press, 2016.

Van Dyke, Jon. 'The Fundamental Human Right to Prosecution and Compensation.' *Denver Journal of international Law and Policy* 29 (2000 – 2001): 77 – 100.

Vargas Cárdenas, Andrea. *Referéndum y plebiscito en Uruguay. Mecanismos de aplicación de la consulta popular y ejercicio en casos destacados*. Santiago and Valparaíso: Biblioteca del Congreso Nacional de Chile, Asesoría Técnica Parlamentaria: 2020. https://obtienearchivo.bcn.cl/obtienearchivo?id=repositorio/10221/28313/1/Referendum__plebiscito_y_consulta_popular_en_Uruguay_Rev_BH.pdf (last accessed 11. 04. 2022).

Vázquez Bevilacqua, Mauricio. 'A diez años de la creación del Sistema Nacional de Archivos en Uruguay: Análisis de la Ley 18220.' *Revista de la Facultad de Derecho* 44 (2018): 1 – 32. http://dx.doi.org/10.22187/rfd2018n44a6 (last accessed 11. 04. 2022).

Vázquez, Inés et al. *Luchar Siempre: Las Marchas de la Resistencia 1981 – 2003*. Buenos Aires: Editorial de Las Madres, 2004.

Vegh Weis, Valeria. 'The Relevance of Victims' Organizations in the Transitional Justice Process: The Case of the Grandmothers of Plaza de Mayo in Argentina.' *Intercultural Human Rights Law Review* 12 (2017): 1 – 70. https://www.researchgate.net/publication/314472205_The_Relevance_of_Victim's_Organizations_in_Transitional_Justice_Processes_The_Case_of_'Abuelas_De_Plaza_De_Mayo'_in_Argentina per cent20Vegh per cent20Weis.pdf (last accessed 11. 04. 2022).

Verbitsky, Horacio. *El Vuelo*. Buenos Aires: Planeta, 1995.

Vestal, Theodore M. *Ethiopia: A Post-Cold War African State*. Westport: Preager Publishers, 1999.

Vickers, Miranda. *The Albanians: A Modern History*. New York: I.B. Taurus, 2001.

Vidal, Claudine. 'Les commémorations du génocide au Rwanda.' *Temps Modernes* 56(613) (2001): 1 – 46.

Viebach, Julia. 'Aletheia and the Making of the World: Inner and Outer Dimensions of Memorials in Rwanda.' In *Memorials in Times of Transition*, edited by Susanne Buckley-Zistel and Stefanie Schaefer, 69 – 94. Antwerp: Intersentia, 2014.

Viebach, Julia. 'Mediating "absence-presence" at Rwanda's genocide memorials: of care-taking, memory and proximity to the dead.' *Critical African Studies* 12(2) (2020): 237 – 269.

Viebach, Julia. 'Of other times: Temporality, memory and trauma in post-genocide Rwanda.' *International Review of Victimology* 25(3) (2019): 277 – 301.

Viebach, Julia. 'Principle 3: The duty to preserve memory.' In *The United Nations Principles to Combat Impunity: A Commentary*, edited by Frank Haldemann and Thomas Unger, 71–78. Oxford: Oxford University Press, 2018.

Vital Brasil et al. 'Reparación simbólica en América Latina como Política de Estado: La experiencia de asistencia a víctimas en Brasil y la Argentina.' *Territorios Clínicos de la Memoria* (2019). https://tecmered.com/reparacion-simbolica-en-america-latina-como-politica-de-estado/ (last accessed 11. 04. 2022).

Vitalis, Natalia. *Educación Secundaria, censura cultural y dictadura: La expulsión de los enemigos: docentes y textos* (Avances de Investigación). Montevideo: Facultad de Humanidades y Ciencias de la Educación, Universidad de la República, 2011.

Vorpsi, Ornela. *Das ewige Leben der Albaner*. N.N.: Paul Zsolnay Verlag 2007.

Vorpsi, Ornela. *Il paese dove non si muore mai*. N.N.: Scalo, 2004.

Vuuren, Hennie van. *Apartheid Guns and Money: A Tale of Profit*. London: Hurst, 2018.

Waal, Mandy de. 'Jacques Pauw on Vlakplaas' Apartheid Assassin, Dirk Coetzee.' *Daily Maverick*, March 8, 2013. https://www.dailymaverick.co.za/article/2013-03-08-jacques-pauw-on-vlakplaas-apartheid-assassin-dirk-coetzee/.

Wahyuningroem, Sri Lestari. 'Towards Post-Transitional Justice: The Failures of Transitional Justice and the Roles of Civil Society in Indonesia.' *Journal of Southeast Asian Human Rights* 3(1) (2019): 124–154. https://doi.org/10.19184/jseahr.v3i1.11497.

Waldorf, Lars. 'Revisiting Hotel Rwanda: genocide ideology, reconciliation, and rescuers.' *Journal of Genocide Research* 11(1) (2009): 101–125.

Warner, Rachel. 'The Workers' Party of Ethiopia.' *A Report Prepared by the Federal Research Division of the Library of Congress under an Interagency Agreement*. (Washington DC, 12 October 1984): 1–17. https://apps.dtic.mil/sti/pdfs/ADA303418.pdf (last accessed 07.06. 2022)

Waschik, Klaus. 'Wo ist Trotzki? Sowjetische Bildpolitik als Erinnerungskontrolle in den 1930er Jahren.' In *Das Jahrhundert der Bilder. Band 1: 1900 bis 1949*, edited by Gerhard Paul, 252–259. Göttingen: Vandenhoeck & Ruprecht, 2009.

Weber, Max. 'Die "Objektivität" sozialwissenschaftlicher und sozialpolitischer Erkenntnis.' *Archiv für Sozialwissenschaft und Sozialpolitik* 19 (1904): 22–87.

Weinrich, Harald. *Lethe: Kunst und Kritik des Vergessens*. Munich: C. H. Beck, 1997.

Weinstein, Martin. *Uruguay: Democracy on the Crossroads*. Boulder and London: Westview, 1988.

Weismantel, Jan. *Das 'Recht auf Vergessenwerden' im Internet nach dem 'Google-Urteil' des EuGH. Begleitung eines offenen Prozesses*. Berlin: Duncker & Humblot, 2017.

Weitzer, Ronald and Cheryl Beattie. 'Police Killings in South Africa: Criminal Trials 1986–1992.' *Policing and Society* 4(2) (1994): 99–117. https://doi.org/10.1080/10439463.1994.9964687 (last accessed: 14. 07. 2021).

Werle, Gerhard and Moritz Vormbaum. *Transitional Justice: Vergangenheitsbewältigung durch Recht*. Berlin: Springer VS, 2018.

Welp, Yanina and Nadja Braun Binder. 'Initiativen und Referenden in Lateinamerika.' In *Jahrbuch für direkte Demokratie 2017*, edited Nadja Braun Binder et al. Baden-Baden: Nomos, 2017, 60–85.

Weschler, Lawrence. *A Miracle, a Universe: Settling Accounts with Torturers*. New York: Penguin, 1990.

Weschler, Lawrence. 'Introduction.' In *Uruguay Nunca Más. Human Rights Violations, 1972–1985*, Servicio Paz y Justicia, Uruguay, translated by Elizabeth Hampsten, xv–xxix. Philadelphia: Temple University Press, 1992.

Wibabara, Charity. *Gacaca Courts versus the International Criminal Tribunal for Rwanda and National Courts*. Baden-Baden: Nomos, 2014.

Wiebel, Jacob. 'The State of Scholarship on the Ethiopian Red Terror.' In *Documenting the Red Terror: Bearing Witness to Ethiopia's Lost Generations,* ERTDRC, 89–96. Ottawa: ERTDRC North America Inc, 2012.

Wiebelhaus-Brahm, Eric. *Truth Commissions and Transitional Societies: The Impact on Human Rights and Democracy.* London and New York: Routledge, 2010.

Wijkman, Anders. 'European Parliament Delegation to Observe Federal and Regional Parliamentary Elections in Ethiopia: A Report, 12–17 May 2005.' (June 2005), Annex C, 1. http://www.europarl.europa.eu/intcoop/election_observation/missions/2004-2009/20051505_ethiopia.pdf (last accessed: 20. 03. 2020).

Wikinski, Mariana. 'Testimonio y experiencia traumática: la declaración ante la justicia.' In *Experiencias en salud mental y derechos humanos. Aportes desde la política pública*, edited by Ministerio de Justicia y Derechos Humanos de la Nación. Secretaría de Derechos Humanos, 134–141. Buenos Aires: Ministerio de Justicia y Derechos Humanos de la Nación. Secretaría de Derechos Humanos, 2015.

Williams, Paul. *Memorial Museums: The Global Rush to Commemorate Atrocities.* Oxford: Berg, 2007.

Wolfrum, Edgar. 'Nationalsozialismus und Zweiter Weltkrieg: Berichte zur Geschichte der Erinnerung.' In *Verbrechen erinnern. Die Auseinandersetzung mit Holocaust und Völkermord*, edited by Volkhard Knigge and Norbert Frei, 133–149. Munich: C. H. Beck, 2002.

Wogederes, F. *EgnanaAbiyotu?* Los Angeles: Tsehai Publishers, 2014.

Wolde Giorgis, Dawit. *Red Tears: War, Famine and Revolution in Ethiopia.* Trenton: The Red Sea Press, 1989.

World Bank. 'The World Bank in South Africa: Overview.' Text/HTML, 2019. https://www.worldbank.org/en/country/southafrica/overview (last accessed: 14. 07. 2021).

Xhemalaj, Fatmiroshe. 'Kurrikula e histories dhe ndryshimet e saj në Shqipëri 1990–2020.' In *Reflektimi i periudhës komuniste në kurrikulën e historisë.* Tiranë: IDMC, 2020.

Young, James. *The Texture of Memory: Holocaust Memorials and Meaning.* New Haven: Yale University Press, 1993.

Žagar, Mitja. 'Rethinking Reconciliation. The Lessons from the Balkans and South Africa.' *Peace and Conflict Studies* 17(1) (2010): 144–175.

Zanatta, Loris. *La larga agonía de la Nación Católica: Iglesia y dictadura en la Argentina.* Buenos Aires: Sudamericana, 2015.

Zehnder, Bruno. *Immunität von Staatsoberhäuptern und der Schutz elementarer Menschenrechte – der Fall Pinochet.* Berlin: Nomos, 2003.

Zewde, Bahru. 'The history of the Red Terror: Contexts and Consequences.' In *The Ethiopian Red Terror Trials: Transitional Justice Challenged*, edited by Kjetil Tronvoll et al. Martlesham: James Currey, 2009.

Zewde, Bahru. *A History of Modern Ethiopia: 1855–1991.* Oxford: James Currey Ltd, [2]2001.

Zewde, Bahru. *The Quest for Socialist Utopia: the Ethiopian Student Movement c.1960–1974.* Addis Ababa: Addis Ababa University Press, 2014.

Zorbas, Eugenia. 'What does reconciliation after genocide mean? Public transcripts and hidden transcripts in post-genocide Rwanda.' *Journal of Genocide Research* 11(1) (2009): 127–147.