

---

**Examining the principles of transitional justice compliance in post-conflict States**

**Mark Okowa (PhD)**

Lecturer of Development Studies; Tom Mboya University College, Kenya.

---

**ABSTRACT**

This article examines the challenges States face while trying to comply with the international transitional justice requirements in the face of international pressures and conflicting local interests. The article therefore applies a critical analysis to the theory of transitional justice compliance in the context of transitional justice adoption and how local political conditions compel local actors to embrace international norms and institutions in different ways with varied social and political effects. I argue that the paradox of transitional justice compliance founded on coercion or pressure is that the international powers compel States to adopt mechanisms and approaches they often have neither the capacity nor the interest to implement leading to conflicting outcomes.

**Keywords:** *Transitional Justice: Theorising, Compliance, Adoption; International norms; Local interests .*

**\*Corresponding Author**

**Mark Okowa**

Lecturer of Development Studies; Tom Mboya University College, Kenya



---

© Copy Right, IJHSS, 2022. All Rights Reserved

**INTRODUCTION**

**Introducing transitional justice**

The concept of transitional justice has gained tremendous popularity as an evolutionary approach in dealing with historical atrocities and human rights violations in States experiencing conflict. However, one of its main characteristics is its general formation, which has been argued to make theorizing transitional justice problematic[1]. Its generality and variability have led to the emergence of “official and quasi-official international documents defining what transitional justice” is or should be [2]. The former UN Secretary General’s report for instance, describes transitional justice as comprising “the full range of processes and mechanisms” a society employs in order to acknowledge the realities of past atrocities, cultivate accountability, secure justice for victims and promote societal reconciliation [3]. The milieu of processes and mechanisms in the UN’s definition, for example, discourages any efforts towards conceptualizing the notion of transitional justice theoretically, perhaps justifying why despite a few decades of existence, transitional justice is still severely undertheorized.

Buckley-Zistel et al [1] have provided a variety of reasons why despite the significance of transitional justice in conflict related studies and practices, there have not been considerable attempts to theorize the concept within the wider transitional justice discourses. Indeed, considering the heterogeneity of the UN Secretary General’s definition of transitional justice, especially the key components of what constitutes transitional justice policy, theorizing becomes considerably challenging. The policy affirms that transitional justice frameworks should include “criminal justice, truth telling, reparations and institutional reforms” and emphasizes the fact that these “mechanisms should be considered as part of the whole” [3, 2], thus, inherently constitutive. This description exposes the discipline to a conglomeration of independent concepts, which individually require theorizing.

The other reasons affecting theoretical propositions include the fact that transitional justice as a system is more practice based than it is theoretical, and that debates revolve around what forms it should take and how much it should adapt to various societies where it is applied[4]. Such processes sometimes, expectedly, revolve around socio-cultural and political needs and interests thus eliciting some level of fluidity in structural context. Presented as a global project, transitional justice emerged with a pre-constructed template of what frameworks States should apply in dealing with historical human rights abuses[5]. It has been seen as responding to historical mechanisms and practices of dealing with transitions from atrocious past. The introduction of transitional justice provided that, as part of a framework towards societal reconstruction, such crimes should be addressed through some form of a judicial process including truth-seeking as a way of securing justice to victims [6,7,1]. However, the issue of applicability of the international principles of transitional justice in diverse social, cultural, and political settings remains contested and forms a critical part of the wider scholarship of transitional justice. In this journal article, I explore this contest about the applicability of transitional justice by applying the propositions of Jalena Subotic’s theory of transitional justice compliance.

## **Transitional Justice Compliance**

Jelena Suboticin her theory of transitional justice compliance [1] makes three key arguments; The first one is that, when State adoption of the international principles of transitional justice are not driven by local demands, transitional justice approach becomes more of a premeditated option for such States since local people do not appreciate its claims. Therefore, local political elites may embrace transitional justice not as a way of addressing historical ills, but just to appear to respect international traditions while on the other hand use internationally acclaimed justice processes to manipulate political structures, get rid of opponents, secure access to international aid, and restore a positive image of themselves in international organizations[8]. The second argument is that, when faced with serious international pressure, some States may comply with demands to adopt a transitional justice mechanism simply because failure to do so has adverse international consequences on the elites themselves and their States in general – normally with threats of military intervention or economic sanctions. In most cases, this happens when locally, the costs of full compliance are unattainable either because transitional justice is unpopular at home because it threatens some powerful people in government or some powerful forces outside government may threaten to destabilize the government or withdraw their most needed support for those in power [1]. So, to manage these conflicting demands, local elites may adopt a normative framework of transitional justice to evade international sanctions, but also make it more acceptable for local interests. In the third argument, Jelena argues that transitional justice adoption depends on local power structures and political horse-trading or negotiations. The subject of transitional justice exposes three distinctive groups within the local political arena: justice resisters, justice instrumentalists and true believers. Depending on which group emerges as the dominant player in the political establishment, they would directly determine what approach to transitional justice is adopted and whether the resultant policy is implemented[1].

There is no doubt that transitional justice has been promoted internationally by major powers including the United Nations as a global project in dealing with legacies of historical conflicts in transitional societies [5]. Equally, both practitioners and scholars argue that the same powers have institutionalized transitional justice and made non-compliance with its norm increasingly difficult given international repercussions [9]. This has led to massive proliferation of transitional justice ‘projects’ in many societies with increasing specialization of international organizations to supply specific models of transitional justice systems suited for local implementation [10, 1]. The supply chain for transitional justice models from the global powers has elicited local demands and resistance leading to a high level advocacy by international organizations and transitional justice ‘technocrats’ to recommend the adoption and implementation of transitional justice projects as the first step in post-conflict reconstruction[1]. This approach of adopting a global template in itself confines transitional justice to a set of checklist and overlooks very critical areas transitional societies may need to explore while dealing with a history of violence and destruction. Nagy [5] argued that, the predominant transitional justice models promoted by international organizations construct historical injustices and human rights violations in a narrow perspective to the exclusion of social and economic injustices. For example, the ‘global template’ promotes a shift towards legalization as the best approach for addressing historical abuses but ignores the role Western democracies played in perpetrating and profiting from the same violence in those conflict riddled societies. That means the expectations and findings from these transitional justice models are intrinsically limited and this affects the “perception of violence, victimhood and perpetration” thus leading to a skewed understanding of truth, justice and reconciliation [5]. Therefore, a successful transitional justice process can not guarantee full realization of truth, provision of justice to victims or even the achievement of societal reconciliation. Success in transitional justice, therefore, is seen more in the context of compliance with international expectations and not about post-conflict transformation.

## **Compliance without reforms**

Jelena Subotic[1] rightly emphasized that transitional States find themselves “encouraged and even coerced” by international powers to adopt transitional justice mechanisms in their efforts to address past human rights abuses. Such encounters only leave such States with the choice of “which model of transitional justice to adopt” and not whether they should adopt any at all. This approach has adverse effects in whether the complying States see a transitional justice process as an opportunity for addressing past conflicts or just another huddle for the political elite to deal with while pursuing their own selfish political interests. For example, this narrow view of what transitional justice really should be to post conflict States, has equated compliance with international transitional justice models to an indicator of a local human rights policy[11]. This then becomes an opportunity for local level political elites to ensure visible compliance with the necessary international transitional justice norms without taking responsibility for past atrocities [1].

International demands on how to deal with post conflict reconstruction also lead to another strategic problem – lack of local ownership for the transitional justice processes and most often the results of such processes[12]. In some cases, when the proposed transitional justice model responds to the demands of local victim groups – even partially – public support can be generated around it. Pressure from some local actors like the civil society groups and a section of the political class can push such frameworks into compelling a State into compliance and a review of local human rights laws or even set up oversight institutions. But the same States will use such ‘reform achievements’ as measures of compliance with international demands, but also curtail implementation of such laws or outrightly violate them and

continue with their autocratic practices at home [13]. This only means that compliance with the international demands and establishment of a transitional justice framework does not lead to necessary reforms for the complying State, and so sustainability of principles promoted by the transitional justice mechanism remains a mirage.

International pressure is known to have compelled authoritarian States to comply with international demands but only to appease international powers, while such States are simultaneously exploiting goodwill from such compliance to further consolidate their hold on power[14]. Additionally, dictators have presented conciliatory faces in international for a and signed human rights treaties even with very poor human rights records back home[15]. This is because, they can get away with not enforcing such treaties and that ratification of international treaties may have no effect on their political standing back home [16]. Similarly, growing demands by global powers for post-conflict States to comply with transitional justice models only make transitional justice an event which signifies conformity with international regulations and therefore has very little if any to do with local needs[1]. As such, the real objectives of transitional justice – the resolution of historical atrocities, delivery of justice to victims and the establishment of stable democratic States – get relegated to the periphery of the process as State operatives hijack the transitional justice framework to use as a tool for fulfilling their political ambitions [1]. In some cases, international transitional justice models have been used to propegate a notion of “breaking with the past” and or “never again” to refer to the intended outlook of a transitional State[17, 18]. Such a notion dampens the focus of addressing past injustices but gives prominence to societal reconciliation and future stability [5]. This is a fallacy which some transitional justice systems have had to deal with once it is realised that reconciliation and stability was not achievable without effectively addressing past injustices.

Assertions that transitional justice mechanisms represents a break from the past can be used by political elites and powerful people from previous regimes to cover up ongoing injustices, violence and even executions[1]. For example, the strategy by the South African TRC to promote ‘a new South Africa’ encountered serious challenges and opposition in the face of continuing police killings, race based socio-economic inequities, “de facto geographic apartheid” and xenophobic violence and evictions [5]. Many other events which characterised the TRC period in South Africa depict a celebration too soon of the real successes of the transitional justice process. A struggle for ‘real change’ has since been sustained in South Africa with many blacks who were on the forefront supporting the TRC process being branded as traitors who settled for far too little for their people while leaving the social and economic inequalities intact and with no proactive reform agenda [19]. Such have been the hallmark of recent socio-political and economic wars in South Africa which led to the legislation introducing a law on land appropriation without compensation [20]. Notable assertions were reported from the leader of the opposition party – Economic Freedom Fighters (EFF) – Mr. Malema in his speech while supporting the legislation in parliament arguing that, “the time for reconciliation is over, its time for justice”[21, 22]. He went further to condemn the transitional justice system implemented in South Africa through the TRC and Nelson Mandela’s post-apartheid government, saying that, “those who came to power in 1994 carrying the popular mandate of our people...got drunk in luxury and glory, building false reconciliation without justice” [23]. Such events in South Africa and how the ANC government deals with economic inequalities will determine whether or not the South African TRC is seen as a success after all.

Critics of the international models of transitional justice argue that even in States where there was popular support for transitional justice processes as preferred mechanisms for dealing with past injustices, have, in recent past failed to deliver justice to victims or even institute visible judicial reforms. Instead, such frameworks have worked to serve the interest of local political elites and foreign hegemonic powers through popular compliance and ratification of international treaties [1]. The human rights discourse of transitional justice has itself been projected as representing an exclusive Western civilization with growing criticisms on its claims to universality [24]. Others argue that transitional justice systems are becoming new avenues through which international powers intervene to influence the social and political agenda of societies in conflict [25]. Excluding local communities and victims from being part of those who construct frameworks for engagement raises questions about legitimacy and the objectivity of the transitional justice model. If such frameworks were to observe the interests of local actors including the needs of the victims of past crimes, then full participation of local communities and victims should be encouraged at all levels including the conceptualization processes for the justice model, decision-making and implementation of the resolutions [25]. However, observers argue that international hegemonic forces in any transitional justice process are usually well orchestrated to perpetuate some predetermined outcomes[5, 26, 27]. Represented by a small set of ‘expert’ international organizations, which develop, present, and help implement ‘success’ models of transitional justice to interested States, the hegemonic powers facilitate consulting services for the project and oversee its successful implementation [28]. In such circumstances, findings show that local and external forces have systematically conspired to shift the focus from the right of victims to justice but have placed prominence on institutionalization of frameworks meant to cultivate peace and societal reconciliation[29]. This is seen as a selfish approach by local political elites conniving to secure political power as well as a strategic focus by external hegemonic powers constantly in play to influence the political leadership of these States in transition [30]. Such States comply with international demands, adopts transitional justice to resolve political uncertainty or to respond to the popular demand for a resolution of past injustices. However, such international norms

and institutions will be acceptable only until uncertainties are resolved. Moreover, when main agents of change in such States like the international transitional justice experts leave or when their task is completed, the political elite will quickly revert to their old ways albeit with a positive international image and powerful allies. Therefore, transitional justice compliance adopted on international bureaucratic demands will only be as effective as the commitment of the international experts supporting it and will only serve the interest of the international powers and their local partners – those wielding State power[25, 1].

### **The limits of transitional justice compliance**

The expectations of many players and observers of any transitional justice approach is that some sustainable gains would be realized after an intensive and costly implementation of selected mechanisms[1]. However, the paradox of transitional justice compliance founded on coercion or pressure is that the international powers compel States to adopt mechanisms and approaches they often have neither the capacity nor the interest to implement [1]. This is especially expected because if any transitional State was committed to such international norms, then there would be no need for coercion after all. Additionally, it is only logical to assume that States which find themselves pressured into compliance with the international transitional justice norms, would be least prepared to sustain its gains if any once the implementation of the transitional justice project comes to an end[5]. The lack of capacity and interest to adopt and domesticate transitional justice mechanisms recommended by international powers especially limit the ability of such States to implement recommendations of such processes[31]. This is because the complying States may not have committed to local institutional developments which would put in place necessary structures and systems to support the implementation of such recommendations. And even when some semblance of structures and systems are established, there would be no sufficient goodwill from the State and local elites to take up such initiatives[32, 31].

The ever apparent tension between the interests of victims in a transitional justice process and the priorities such frameworks are constructed to address also epitomizes the limits of transitional justice compliance[29, 28]. Even though transitional justice is presented as a victim-centred framework, its approach towards addressing victims priorities and needs remain unclear especially given the practice of international norms which prioritizes the construction of systems and structures meant to ensure the protection of human rights and the establishment of a democratic State[33]. So the centrality of victims in a transitional justice process has remained a mere rhetoric which raises victims' hope and expectations only to lead to frustrations and bitterness once such expectations are not met[29]. The recognition that victims and perpetrators are not always individuals, but includes groups, communities and even institutions is lacking in international models of transitional justice [34]. If these were to be considered, then the definition of violations should be expanded to include individual, social and collective rights. Most systems and norms of transitional justice, remain "State-centric" and therefore intrinsically unable to deliver its promise to victims [35, 29].

A recent example of an international transitional justice model whose outcome has disappointed victims, members of the civil society and a section of the political elite, is the Kenyan truth justice and reconciliation (TJRC) process. Established following the horrors of the 2007/8 Post-Election Violence (PEV) and a host of conflicts and atrocities of past regimes, it was hoped by many stakeholders that somehow the process would facilitate healing and stability in the country [36]. As typical of the international justice models, the Kenyan approach began through a mediation process led by former UN Secretary-General Kofi Annan and the panel of Eminent African Personalities – under the framework of the Kenya National Dialogue and Reconciliation Committee (KNDRC) [37]. As a result of what was termed as a success by the mediation team, the TJRC was established with a mandate of enquiring into and recommending appropriate resolutions for gross violation of human rights and historical injustices that occurred during Kenya's 50 years of independence[36]. In May 2013, the TJRC published its final report, which was presented to the president, and later made public through the main media outlets. Unfortunately, the executive and the legislature have since stalled the next phase of the process, which was to facilitate the implementation of the findings, and included addressing the needs and demands of victims. As already stated, it is evident that the transitional justice model in Kenya did not respond to the fears of the political class and thus remains just another global project; even though, the hopes and expectations of victims promised through the elaborate and painful truth telling process remain unaddressed [29].

Another key limitation of the international model of transitional justice is how it conceives and addresses the reparative needs of victims. Robins [35] argue that reparations not only reflect the most physical demonstration of the State in dealing with the victims' suffering, but it also has a major socio-political role on society by emphasizing a commitment to the rule of law, which can only be achieved through the changing of State behaviour. Reparations attempt to link-meeting victims' individual needs – psychosocial and physical – with a process of recovery and reconstruction for a post-conflict society[38]. Thus, it is reparations which should manifest the highest attributes of victim-centeredness, since it loses its context as a reparative process if the wishes and needs of victims are not taken into consideration [35]. However, in States where transitional justice compliance is not welcomed or appreciated by the political elites, especially those in power, delivering reparations in response to victims' needs and wishes is never a priority[29]. Even when there is popular demand from the victims and other advocacy organizations – local and international – it is less likely that there

would be State commitment to the rule of law and societal reconstruction. Moreover, the subject of victimhood and how victims' needs are identified considering a wide range of violations and a diverse victims' experiences and demands evolve into a generalization of victimhood, thus a perpetuation of further discrimination and injustice to the very victims [1, 35]. So, reparations implemented by the complying State become more symbolic or an exercise meant to portray the level of State compliance, than the real State interest in dealing with the needs of victims[1]. State authorities will be more interested in the publicity of their action and not whether the victims feel their opinions and needs were taken into consideration.

Compliance with international transitional justice norms has minimal long-term effect on the local political environment, especially the behaviour and actions of those in power[39]. As Heshmat [40] stated in his Psychology today article, – on why people keep repeating past behaviours even after gaining insight about their damaging effects – “old habits die hard”. Transitional justice frameworks imposed on States as a result of international pressure rarely take into consideration such realities like the challenges transitional States are likely to face trying to root out members and supporters of past authoritarian regimes[41]. In order to establish the human rights and democratic norms advocated for by international powers through a transitional justice framework, people associated with past atrocities must be excluded from positions of power and influence. It may be unrealistic to imagine that any transitioning State can be able to achieve absolute transition without remnants of the old-regime penetrating the new system or influencing it in some way. But, whether or not a transitional State is able to realistically sustain the principles of human rights, rule of law and democracy depends on whether elements from the old-regime are powerful enough to access apparatus of repression or influence the actions of the new regime[28]. So, for fear of political reprisal, most transitional justice mechanisms adopted in such States are intentionally shallow to ensure that those political elites can maintain their hold on power and in most cases their old behaviours [1]. The unfortunate reality of such processes is that, through ratification of international treaties, adoption of key human rights requirements and even undertaking legislative changes, such States manage to attract international support even when locally their old repressive habits remain unchanged. Many observers and political commentators have argued that State compliance to international transitional justice demands is akin to selling an illusion. That is, the promise of a transition to free, just and progressive society, but holding on to the old ways– political repression and human rights violations [5,1].

#### **Pacifying local moral breakdown in a post-conflict State**

One of the main challenges local actors faces in any international transitional justice model is how to address local level moral challenges emanating from past atrocities. Even though some proponents of transitional justice would argue that a restorative approach intrinsically deals with moral issues in a complying State, the construction of the restorative approach itself can be limiting [34]. Truth telling and official apologies are the most notable mechanisms within the restorative approach, which deals with the moral issues in a transitional justice system. However, given the local dynamics and the underlying challenges of compliance with the international norms, how the truth is constructed within the institution of a truth commission determines how the complying State will deal with the moral issues it will give prominence. This simply means that, a truth commission's account of past crimes is rooted into an institutional framework – the main characteristic of the international transitional justice norm. Who among the victims, witnesses and or perpetrators gets to testify defines the “selective appropriation and sequencing” of the eventual account of victims' experiences [1, 42]. Since any moral expectations and responsibilities of the main actors are dependent on what is popularly perceived as justice or injustice and such perception is embedded on the international norm, then even the restorative models cannot satisfactorily address the moral challenges in these complying States [34]. Local actors also commonly use official apologies as a way of dealing with moral breakdowns in complying States. Many scholars have considered the positive attributes of official apologies in “invoking a deeply symbolic ritual cleansing” and showing how transformative and powerful official apologies can be in communicating the gravity of the atrocities suffered by victims and the significance of the demands for contrition [43,42]. Even so, when official apology is presented as an institutional process or a conditional act that those in power need to embrace, then its significance and value is reduced. Instead of such apologies symbolizing interpretation of State actions or inactions, the violations suffered by victims or the destruction of social norms, such apologies only become an opportunity for those in authority to quickly portray an illustration of remorse, pacify the people with a tone of change, and push back the image of conflict to achieve some relative stability. Moreover, in the wake of transitional justice compliance as result of pressure from international powers, such apologies cannot represent the need for closure and fresh start for the victims or even for such States.

As has been explored, the implications of the adoption and implementation of the international template of transitional justice can be adversarial to local complying States. In the face of rampant replication of some popular transitional justice models, scholars and practitioners should consider some reflections and reviews of the successes if any of past transitional justice systems – and whether they achieved their intended goals. The needs and problems of victims of past atrocities in most post-conflict States are consistently being seen as unaddressed by most of the institutional transitional justice systems. Such thoughts can pose challenges of possible retaliation by victims or re-emergence of conflict in such societies.

## REFERENCES

1. Buckley-Zistel, S., & Zolkos, M. (2012). *Introduction: Gender in transitional justice*. In *Gender in transitional justice*. London: Palgrave Macmillan.
2. Williams, M. S., Nagy, R. and John, E., (2012). *Transitional Justice*. New York: New York University Press.
3. UN Secretary-General, (2004). *The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies*. New York: UN doc. S/2004/616 (2004).
4. De Greiff, P. (2012). Theorizing transitional justice. *NOMOS: Am. Soc'y Pol. Legal Phil.*
5. Nagy, R. (2008). Transitional Justice as Global Project: Critical Reflections. *Third World Quarterly*, 275-289.
6. Arthur, P. (2009) How Transitions Reshaped Human Rights: A Conceptual History of Transitional Justice. *Human Rights Quarterly*, 321-367.
7. Teitel, R. G., (2003). Transitional Justice Genealogy. *Harvard Human Rights Journal*, 69-94.
8. Duthie, R. (2021). Transitional Justice and Prevention. *International Center for Transitional Justice*, 1-31.
9. McAuliffe, P. (2021). Transitional Justice, Institutions and Temporality: Towards a Dynamic Understanding. *International Criminal Law Review*, 817-847.
10. Mattli, W., & Woods, N. (Eds.). (2009). *The politics of global regulation*. Princeton University Press.
11. Turner, C. (2016). *Violence, law and the impossibility of transitional justice*. New York: Routledge.
12. Subotic, J., (2009). *Hijacked Justice: Dealing with the past in the Balkans*. New York: Cornell University Press.
13. Hafner-Burton, E. M. (2005). Trading human rights: How preferential trade agreements influence government repression. *International Organization*, 59(3), 593-629.
14. Cardenas, S. (2011). *Conflict and compliance: State responses to international human rights pressure*. . New York: University of Pennsylvania Press.
15. Creamer, C. D., & Simmons, B. A. (2020). The proof is in the process: self-reporting under international human rights treaties. . *American Journal of International Law*, 1-50.
16. Neumayer, E. (2005). Do international human rights treaties improve respect for human rights?. *Journal of conflict resolution*, 49(6), 925-953
17. Buckley-Zistel, S., & Zolkos, M. (2012). *Introduction: Gender in transitional justice*. In *Gender in transitional justice* (pp. 1-33). Palgrave Macmillan, London.
18. Schloss, D. W. (2015). Elusive Peace, Security, and Justice in Post-Conflict Guatemala: An Exploration of Transitional Justice and the International Commission Against Impunity in Guatemala (CICIG).
19. Seekings, J. (2008). The continuing salience of race: Discrimination and diversity in South Africa. *Journal of contemporary African studies*, 1-25.
20. Akinola, A. O. (2020). Land reform in South Africa: Interrogating the securitisation of land expropriation without compensation. *Politikon*, 215-232.
21. Baloyi, M. E. (2020). Black self-hatred: regaining self-worth-from decolonisation towards reconciliation in South Africa-a practical theological appraisal. *Theologia Viatorum*, 1-8.
22. Elijah, B. M. (2022). Land Redistribution: A Thorny Issue towards Reconciliation in a Post Apartheid South Africa: A Practical Theological Perspective. *Intechopen.com*.
23. Times Live, (2018). *Times Live*. Retrieved from the time for reconciliation is over says Malema during land debate: <https://www.timeslive.co.za/politics/2018-02-27-the-time-for-reconciliation-is-over-says-malema-during-land-debate/>
24. Robins, S. (2011). Towards a victim-centred transitional justice: Understanding the needs of wives of the disappeared in post-conflict Nepal. *The International Journal of Transitional Justice*, 75–98.
25. Lundy, P., and McGovern, M., (2008) Whose justice? Rethinking transitional justice from the bottom-up. *Journal of Law and Society*, 265-292.
26. Carmody, M. F. (2018). *Human rights, transitional justice, and the reconstruction of political order in Latin America*. New York: Springer.
27. Tiemessen, A. E. (2011). The international normative structure of transitional justice.
28. Subotić, J. (2012). The transformation of international transitional justice advocacy. *International Journal of Transitional Justice*, 6(1), 106-125.
29. Okowa, M. (2021). The Kenyan Truth Justice and Reconciliation Commission (TJRC) and Redress for the violations experienced by victims. *International Journal of Arts, Humanities and Social Studies*, 231-245.
30. Howarth, D. (2010). Power, discourse, and policy: articulating a hegemony approach to critical policy studies. *Critical policy studies*, 3(3-4), 309-335.
31. Lundy, P. (2011). Paradoxes and challenges of transitional justice at the 'local' level: historical enquiries in Northern Ireland. *Contemporary Social Science*, 6(1), 89-105.
32. Wambua, M. (2019). Transitional justice and peacebuilding: The ICC and TJRC processes in Kenya. *African Conflict & Peacebuilding Review*, 9(1), 54-71.
33. Hayner, P. B. (2010). *Unspeakable Truths 2e: Transitional Justice and the Challenge of Truth Commissions*. London: Routledge.

34. Miller, S. L. (2011). *After the crime: The power of restorative justice dialogues between victims and violent offenders*. nyu Press.
35. Robins, S. (2017). Failing Victims? Transitional Justice in Addressing the Needs of Victims of Violations. *Human Rights and International Legal Discourse*, 41-58.
36. TJRC, (2013). *Report of the Truth, Justice and Reconciliation Commission: Abridged Version*. Nairobi: TJRC.
37. Asaala, E. and Dicker, N., (2013) Truth-seeking in Kenya: Assessing the Effectiveness of the Truth, Justice and Reconciliation Commission of Kenya. *African Nazarene University Law Journal*, 133-164.
38. Alici, N. (2019). Victims in Transitional Justice. *Researchgate*.
39. Kaminski, M. M., & Nalepa, M. (2006). Judging transitional justice: A new criterion for evaluating truth revelation procedures. *Journal of Conflict Resolution*, 383-408.
40. Heshmat, S. (2016). 10 Features of Courageous Choice. *Psychology Today*.
41. Alam, M. (2014). *Women and Transitional Justice: Progress and Persistent Challenges in Retributive and Restorative Processes*. New York: Springer.
42. Verdeja, E., (2010). Official Apologies in the Aftermath of political Violence. *Metaphilosophy LLC Vol. 41, No. 4, July 2010*, 563-581.
43. Tavuchis, N., (1991). *Mea Culpa: A Sociology of Apology and Reconciliation*. New York: Stanford: Stanford University Press.