Justice during armed conflict from 1949 through 2011: A new dataset

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~ Preliminary data release, please check our website for an updated version of data collection efforts (www.justic-data.com) ~

Abstract

Work in the field of transitional justice focuses on institutions implemented following political transitions or armed conflict. This research has often assumed that transitional justice is put in place once armed conflict has ended, yet often transitional justice is implemented while conflict is ongoing without any political transition or shift in power taking place. Research on during-conflict justice (DCJ) processes has been hindered by a lack of data. To address this limitation we have created a new global, cross-national dataset on the use of DCJ. In this paper we introduce the dataset which includes the use of trials, truth commissions, reparations, amnesties, purges, and exiles implemented during 156 internal armed conflicts from 1946 through 2011. In addition to determining the presence or absence of DCJ in each conflict year we have collected descriptive variables for each DCJ including information on the target of the process, its scope and timing. Following a presentation of the data, our paper draws attention to the conditions under which DCJ is used and the type of process most likely to be put in place. This dataset is of use to scholars working directly on the issue of transitional justice, as well as those interested in the tactics governments use during armed conflict.
Introduction

In recent decades, NGOs, civil society organizations and national governments have stressed the importance of justice, reconciliation and the rule-of-law for maintaining peace and establishing democracy following armed conflict. From these claims has arisen a strong and dynamic body of work on the use and misuse of transitional justice processes (De Greiff 2006, Kritz 1995, Mendeloff 2004, Minow 2002, Loyle & Davenport Forthcoming, Teitel 2002). This theoretical effort has been met with a growing body of empirical work designed to count and catalogue the use of transitional justice in its various forms (Binningsbø et al. 2012, Dancy et al. 2010, Hayner 2011, Kim and Sikkink 2010, Olsen et al. 2010, Weibelhaus-Brahm 2009). To date most of the empirical work on transitional justice in civil war contexts has focused on justice institutions implemented in the post-conflict period. This work has assumed, either implicitly or explicitly, that transitional justice (e.g. trials, truth commissions, reparations, amnesty, purges, and exiles) is offered and put in place once violence has ended. This need not be the case.

The same institutions which we associate with transitional justice are often implemented during armed conflict. These measures take many forms, for example, trials of captured rebel leaders, amnesties offered in exchange for laying down arms as well as purges and forced exiles of opposition members; all which can take place while the conflict remains ongoing. While we know that these processes exist, the literature on transitional justice provides us little by way of understanding the conditions under which we should expect to see them initiated. Under what conditions is during-conflict justice used and what type of process is most likely to be put in place?
Traditionally, transitional justice has been understood as a form of post-transition or post-conflict bargaining in which incoming elites either reward or punish those previously in power in an attempt to seek the truth, promote accountability and foster reconciliation. This focus on post-conflict activities has prevented us from studying the other motivations and uses of these same types of institutions implemented during conflict, what we call during-conflict justice (DCJ).\(^1\) DCJ includes the different ways in which governments and challengers negotiate the conflict through judicial and extrajudicial means. With a new dataset on DCJ we are able to empirically examine the interactions between governments and challengers and the conditions under which these institutions are chosen (and in many cases, not chosen) to address wrongdoings taking place during conflict.

Below, we describe the During-Conflict Justice dataset. We begin by defining during-conflict justice, describing the universe of cases included in our data, as well as the six distinct DCJ processes on which we collect information. This paper is an introduction to the data and provides preliminary information on our findings which can be used to explore patterns of DCJ responses across different conflict characteristics such as conflict incompatibility, and intensity as well as to address many of the main debates in the conflict literature, including the relationship between addressing grievances, accountability, and the likelihood of peace.

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\(^1\) While it is possible for these institutions to be implemented during political transitions as well, our data collection effort focuses specifically on justice processes that are implemented during armed conflict and related to wrongdoings committed as part of the conflict. For that reason we refer to these processes as during-conflict justice, a concept we define further below.
Defining and measuring during-conflict justice

In our dataset, during-conflict justice (DCJ) refers to *any judicial or extrajudicial processes initiated during an armed conflict that attempts to address wrongdoings that have taken or are taking place as a part of that conflict*. We include processes initiated by the government (Side A), opposition (Side B), the international community and other concerned parties. The DCJ dataset is constructed to allow scholars to analyze the implementation, patterns and influence of DCJ processes (or lack of processes) on a given conflict. Our dataset covers all armed conflicts from 1946 to 2011, using the UCDP/PRIO Armed Conflict Dataset version 4-2012 (Gleditsch et al., 2002; Themnér & Wallensteen, 2012). The UCDP/PRIO dataset was selected as the foundation for the DCJ data because of its low battle death threshold and inclusive coding criteria. The UCDP/PRIO dataset includes all armed conflicts with at least 25 battle-related deaths, which captures significantly lower levels of violence than other conflict data sources allowing for the broadest possible definition of armed conflict. The observation unit in the UCDP/PRIO Armed Conflict Dataset is the conflict-year. In the DCJ data each during-conflict justice process is a separate observation. Theoretically, one conflict year can have an unlimited number of observations as there can be an unlimited number of DCJ processes in one year.\(^2\)

The DCJ dataset includes 156 armed conflicts from 1946 to 2011\(^3\). A total of 1275 during-conflict justice processes relate to 97 different conflicts. Sixty-two percent

\(^2\) While we use a DCJ/year format, it is possible to collapse the data on the conflict year to directly mirror the UCDP/PRIO dataset.

\(^3\) Please note the information presented in this paper is a preliminary release of the data and represents approximately 80% of UCDP/PRIO conflicts. Data coding is projected to be completed in July 2014. For information on our progress please visit: www.justice-data.com
of societies in conflict initiate at least one DCJ tool; 50% have initiated two or more processes. These processes can be employed either domestically or internationally, but they all represent efforts by the government, rebel challenger and/or the international community to address wrongdoings related specifically to the conflict episode in question.\textsuperscript{4}

Our primary source of information for coding during-conflict justice processes was LexisNexis. When needed, we gathered additional information from secondary sources such as Keesing’s World News Archive, United States Library of Congress Country Studies, US State Department Background Notes, US State Department Human Rights Reports, Uppsala Conflict Encyclopedia, Minorities at Risk Assessments and Chronologies, and the United States Institute of Peace Rule-of-Law Project. We accessed the full text of peace agreements, cease-fire agreements, memorandum of understandings and truth commission reports available at various sources (UCDP database, USIP, and the UN peacemaker webpage\textsuperscript{5}). When none of these sources provided adequate information, we consulted other sources on a case-by-case basis.\textsuperscript{6}

\textbf{DCJ Descriptive Variables}

The DCJ dataset includes information on six forms of addressing wrongdoing: trials, truth commissions, reparations, amnesties, purges, and exiles. These processes represent the historical universe of judicial and extrajudicial options for governments and

\textsuperscript{4} We only include DCJ processes when the sources specifically mention the name of the rebel group, rebel leader(s) or some other information that makes us certain about which conflict the process relates to. Because of this we are able to separate processes related to different conflicts or processes related to non-conflict events.

\textsuperscript{5} http://peacemaker.unlb.org/index1.php

\textsuperscript{6} We treated these sources equally, thus, if a DCJ process was recorded in one but not the other the process is included in our data. We maintain a narrative document of all coding text and sources used for the coding of each DCJ process.
opposition to address violence (Elster, 2004). The DCJ dataset collects descriptive information on each DCJ process as well as process specific information for each process type (e.g. variables unique to trials).

Across all of our DCJ types, we collect information on the start and end date of the process, the target and sender of the process, the scope of the process, whether or not the process was related to an impending peace agreement and whether or not there is direct evidence that the process was implemented (as opposed to proposed, or offered). The start date records the first evidence of a DCJ process in our sources (such as the start of a trial or the agreement to convene a truth commission). The end date codes the day a DCJ process ended (such as the public release of a truth commission report or the deportation of an individual being exiled). The target is the individual or group who is subject to the process (e.g. the rebel leader who is exiled or the military commander who is put on trial). The target variable separates between Side A, Side B, both, and other. ‘Other’ refers to processes that are clearly conflict-related, but where the target is not party to the conflict, for example reparations given to civilians in war affected areas. We also include a target rank variable, reporting whether the target was a civilian, rank and file, or elite. The sender is the individual, group or government who initiates the process.

Like post-conflict justice (Binningsbø et al., 2012), during-conflict justice processes are most often initiated by the government in power, however, we have collected information on a number of processes initiated by the rebels to hold members of the government or individuals within their own ranks accountable for wrongdoings. The

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7 Target and sender of a process are coded by identifying the actors for a given conflict episode using the UCDP coding for side A and side B of the conflict. In an internal conflict, Side A generally refers to the government and side B, the rebel group or opposition. We coded targets and senders only if the name of an individual, rebel group, or specific conflict was mentioned in relation to the post-conflict justice process.
sender variable also separates between Side A, Side B, both, and other but adds the ‘international community’ as a potential sender. ‘Other’ is used when there is more than one sender (not Side A and Side B) or when the sender is a different, specific country other than the country where the conflict occurs, while ‘international community’ relates in particular to international tribunals or DCJ initiated by international organizations. The scope refers to the level of inclusivity of the targeting of the process, such as whether an amnesty extends to only rebel leaders or to the whole organization. The variable separates between specific individuals, a named group, and a general group/community. In addition we include a scope count variable if the specific number of targeted people is available, for example ‘five rebels were arrested’ or ‘250 victims received compensation’. The implementation variable captures whether or not there is evidence that a process was successfully implemented, i.e. there is evidence that the process was actually put in place rather than simply proposed or promised. We also code whether the specific process is related to another DCJ process, e.g. if a purge is the result of a trial or an amnesty is a renewal of a previous amnesty offer. Finally, we include a variable reporting whether the DCJ process was initiated as part of a peace agreement.

Figure 1 shows the number of DCJ processes by type included in the DCJ dataset.

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8 In the case of small or poorly documented conflicts we may find reference to a DCJ, but no specific information to suggest that the process was implemented. For example, a government may offer amnesty to rebels willing to lay down their arms, but we do not find evidence of rebels taking advantage of the amnesty offer. In these cases we code the presence of the DCJ process, but note that it may not have been implemented. This variable allows for researchers to choose whether or not to include these particular DCJs in their analysis depending on their own research question and objectives. The threshold for implementation is coded differently for each DCJ. For trials implementation is defined as evidence of a trial/hearing, sentencing or punishment/release. For truth commissions, reparations, amnesty, purges and exiles this is defined as evidence of functioning.
Types of during-conflict justice processes

In addition to collecting general information on all DCJ processes, we collect some variables that are specific to the individual process types.

Trials

The most commonly employed DCJ process in our dataset is putting wrongdoers on trial. A trial is defined as *the formal examination of alleged wrongdoing through judicial proceedings within a legal structure*. Trials include the proceedings either within or outside of pre-existing domestic legal structures to prosecute wrongdoers according to a pre-established rule of law. In some cases, new jurisprudence is created in order to address violations. While in other cases, wrongdoers are tried according to existing laws. Trials can include domestic prosecutions, military courts by either the government or rebel group, ad hoc tribunals or international prosecutions.

The DCJ dataset records the presence or absence of trials during an ongoing conflict as well as trial-specific data regarding: the trial venue; whether there was any...
international involvement; whether or not the defendant was tried in absentia; whether or not the defendant was sentenced to death; and whether the trial involved breaches of justice. Among the 156 conflict episodes in our dataset 80 (51.3%) see at least one during-conflict trial process, consequently, in 76 conflicts wrongdoings are not addressed through judicial proceedings at all as long as violence remains ongoing. There are 778 trial processes occurring in our dataset. Most of these processes (77%) took place within the existing domestic legal structure, while 2% were in international courts, 3% in ad-hoc conflict specific courts, and 17% in military courts (See Table 1 below). In 38% of the trial processes the target was either sentenced to death or fell victim to summary execution. We consider that 5% of the trial processes were run with weak legal standards.

<table>
<thead>
<tr>
<th>Table 1: Trial Venue</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic Law Court</td>
<td>348</td>
<td>77.51%</td>
</tr>
<tr>
<td>Military Court</td>
<td>78</td>
<td>17.37%</td>
</tr>
<tr>
<td>Ad hoc Conflict Specific Court</td>
<td>13</td>
<td>2.90%</td>
</tr>
<tr>
<td>International Court</td>
<td>10</td>
<td>2.23%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>449</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

Trials are most often initiated by the government (80% of 778 DCJ trials in our data). For example, throughout the late 1990s the Sri Lankan government carried out a series of domestic trials against suspected leaders and rank-and-file members of the LTTE. Trials can also be initiated by Side B as in the case of Chechen rebels who convened a military court in 2009 which tried and sentenced to death fellow rebel, Akhmed Zakayev, who was determined to be unfaithful to the cause.
Truth commissions

Truth commissions are defined as *officially-sanctioned, temporary investigative bodies that focus on a pattern of abuse over a particular period of time* (Hayner, 2011: 11). This includes formal truth commissions as well as investigations and commissions of inquiry. While the number of truth commissions globally is increasing, such commissions are often mandated to investigate broad legacies of abuse and violence. In line with our coding scheme, the DCJ dataset includes only truth commissions that were implemented specifically to address the actions of a given armed conflict. For each truth commission or commission of inquiry, we include information on whether: the international community was involved; there was a breach of justice; a final report was released.

Truth commissions in our data can include both official truth commissions and commissions of inquiry into a specific event. For example, in 1993, the Guatemalan government presented its plan for a truth commission investigating human rights violations and acts of violence connected to the ongoing Guatemalan National Revolutionary Unity (URNG) insurgency. The commission was officially established in 1994 and carried out its work until 1999, when it published a public final report detailing its findings on the sources of conflict violence. In 2004, Thai Prime Minister, Thaksin Shinawatra, established a commission of inquiry to investigate government and insurgent actions surrounding 'the Tak Bai incident'—a Pattani rebel riot and related police retaliation that left 88 protesters dead. While the government initially delayed the public release of the commission's report, it was made public in 2005 and a compensation fund was set up for victims of the violence. Of the 51 truth commissions in the dataset 24% never released any report.
Reparations

Reparations are *compensation given by the state to an individual or group who was harmed in some way during the conflict.* Often reparations are called for through peace agreements and other types of agreements between the parties to the conflict; however, reparations can also be unilaterally implemented by one party to compensate only one side of the conflict. The DCJ dataset includes only material compensation, either in the form of money, property, skills training, education and employment assistance, or compensations to war-affected communities as a whole.\(^9\) The dataset does not include foreign aid or emergency relief as during conflict reparations as these are not considered to be systematic policies for addressing the legacy of the conflict. However, we do include reparations which are funded by international actors such as the UN.

There are 96 during-conflict reparation processes in our dataset. These include processes which offered a wide range of compensation including monetary, property, education and training as well as community based support. For example in 2008, Uganda's president Museveni set up a fund to pay civilians compensation for cattle and other livestock stolen by UPDF or LRA rebels during the ongoing conflict. The insurgents and government forces have taken a reported 245,046 animals, and the government has agreed to pay between 950,000 and 75,000 shillings for each animal lost. The distribution of these offerings within our data is presented in Table 2.

\(^9\) This excludes reparations such as changes in history books, days of remembrance, memorial monuments, etc.
Amnesties

Amnesty processes are defined as a promise (or in some cases formal legislation) on the part of a party to the conflict to not prosecute or punish violators. Often such amnesties are given to all parties to a conflict, commonly as part of a peace agreement, like the amnesty provisions in the 1999 Lomé agreement in Sierra Leone. Amnesties are commonly one-sided, as a concession from the government to the opposition, or from the government to members of its own army, in El Salvador the president established a peace commission to develop an amnesty offer for the FMLN guerillas. The offer was unanimously approved by the Salvadoran legislature and extended to all rebels who were willing to surrender. As many as 1,000 rebels and sympathizers took advantage of the amnesty.

Amnesty can also be granted by Side B in cases where the rebel group holds territory or has established its own judiciary. An example of this is in 2001 when the Palestinian National Authority offered a conditional amnesty to individuals guilty of collaboration with Israel. In order to avoid prosecution, collaborators had to come forward voluntarily and disclose the details of their involvement.

The DCJ dataset also includes amnesties or pardons that are granted to people who are incarcerated or who have already been sentenced in a trial. For example, as a

<table>
<thead>
<tr>
<th>Offered</th>
<th>Monetary</th>
<th>Property</th>
<th>Education</th>
<th>Community</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td>15 (17.05%)</td>
<td>63 (71.59%)</td>
<td>63 (72.41%)</td>
<td>77 (85.56%)</td>
</tr>
<tr>
<td>Total</td>
<td>88</td>
<td>88</td>
<td>87</td>
<td>90</td>
</tr>
</tbody>
</table>

Table 2: Breakdown of Reparations
‘gesture of peace and reconciliation’ in 1985 the South African administration pardoned 22 convicted SWAPO rebels who had been convicted on charges of terrorism and were serving sentences ranging from 7 years to life imprisonment.

Additionally, we code a renewal of an amnesty as a new separate DCJ observation if it was the result of new legislation or was part of a new peace agreement. If there is no reported renewal process the later amnesties are considered additional evidence the original amnesty is functioning and no new DCJ is coded.

The DCJ dataset includes a variable reporting if amnesties were limited to certain types of actions, crimes, wrongdoers, or period of time in which certain crimes are committed. In other words, this variable refers to different categories of targets who may or may not be eligible for amnesty, e.g. amnesty could be limited to those who did not commit violence against civilians, or to those who were not in leadership positions in the rebel group.\(^{10}\) The dataset also singles out unconditional amnesties, i.e. there are no conditions or restrictions put on the amnesty offer, and the target does not have to do anything in order to receive the amnesty.\(^{11}\) There are 283 cases of amnesty in the DCJ dataset, of these 44% are limited and 69% are unconditional.

**Purges**

In the DCJ dataset we define purges as *the act of removing politicians, members of the armed forces or judiciary, or other members of society for their (alleged) collaboration*

\(^{10}\) An amnesty is limited in time if it only covers actions within a certain time period (e.g. during the summer uprising), it is *not* considered limited in time if the limitation regards when during a year the amnesty can be applied for.

\(^{11}\) This variable refers solely to the conditions put on the targets in order to receive amnesty. It is therefore possible to have an unconditional amnesty that is limited to a certain group (for example, all rank and file members can be granted an unconditional amnesty but leaders of the rebel group will be tried).
with or participation in a conflict and limiting their influence accordingly. Purges are used by the government against known members or supporters of the opposition group, however, the government may purge people who are not necessarily connected with the rebel group, but who are accused of illicit activities (associated with the conflict) as a justification for their removal. A purge can also target an entire organization, such as the disbandment of the army. The scope of the purge could be as widespread as an entire organization or the removal of a single individual as long as motivation for action is related to the given conflict. After issuing a warning to UNITA rebels, in August of 1998 the Angolan government formally suspended all UNITA members from all public posts. In total, 4 UNITA ministers, 7 deputy ministers and 70 deputies were temporarily purged from the government. 11 were reinstated in the following month.

Side B (the opposition) also uses purges to remove threats from within the organization. For example in 2005 Baburam Bhattarai, a leader of the Communist Party of Nepal rebel, was expelled by his fellow rebels, who claimed he was trying to divide the group, and replaced by Dev Gurung.

In addition to recording the presence or absence of purges during an ongoing conflict, the DCJ dataset contains variables reporting whether the purges occurred in the military, the judiciary, among politicians, or were targeted at civil service, as well as whether the purges were temporary or permanent. Eighty-four percent of purges in the data were permanent. Table 3 shows the target of the 40 purges in the dataset.
Exiles

Exile is defined as a period of forced absence from one’s home country. Exiles are initiated by the government, allowing a wrongdoer the opportunity to live out the remainder of his or her life undisturbed, but outside of the home country. As such, exiles provide an opportunity for the government to reduce the influence of opposition by removing them from the country. For example, the Haitian government deported three captured army officers allegedly responsible for a 1989 coup attempt. In 1973, Israel exiled eight Palestinians who had been indicted on charges of undermining national security and cooperating with Palestinian terrorist organizations. The eight individuals, which included the mayor of the West Bank, were sent to Jordan. Exiles do not include forced relocation within a given country. Similar to purges, we record whether the exile was permanent or temporary. There are only 27 exiles in the DCJ dataset, of which 80% were permanent.

Details and Dynamics of During-Conflict Justice

DCJ processes are not equally distributed across all armed conflicts. In this section we provide some preliminary descriptions of variations in DCJ initiation across different conflicts as well as some additional descriptive information about the DCJ processes found in our data.
During-conflict justice prevalence

The normal conflict year does not see any during conflict justice process, as only 484 (35.8%) of the 1349 conflict years in our dataset have at least one DCJ process. However, the variation is substantial. In 16 conflict years there are more than ten DCJ processes, the majority of these observations being trials held in India. Whereas the average (median) armed conflict has 1.5 DCJ processes during the course of the violence, a few conflicts have more than 45 processes in total. Again, India stands out as a special case with 65 (Bodoland 1989–2010), 101 (Sikh Insurgency 1983–1993), and 148 (Kashmir 1989–2011) DCJ processes throughout different conflict durations.

As described above, the most common type of DCJ process is a trial. Of the 156 conflicts in the dataset, 80 have at least one trial. In twenty of the conflicts there are ten or more trials over the course of the conflict. In addition to the internal armed conflicts in India, this includes countries such as Cambodia, Iran, Sierra Leone, and South Africa. This suggests that some countries and subsequently some conflicts may be more trial-prone than others, even if high numbers are often correlated with conflict duration too. Also specific conflict years see high numbers of trial process, for example in 1992 and 1998 in the Indonesia/East Timor conflict there were nine and six trial processes, respectively. Amnesties are also quite common, with 74 of the 156 conflicts in the dataset having at least one offer of amnesty.

Truth commission usage offers some interesting variation. While the majority of countries which choose a truth commission implement only one process during the conflict (57%), there are some countries which initiate multiple commissions or inquiries over the course of the conflict. India again stands out in this regard. During the Sikh
Insurgency the Indian government initiated 11 different inquires into different conflict events.

In addition to variation within conflict, there is variation across DCJ type within regions. Within the total number of amnesties for example, over 77% take place in Asia or Africa, with Europe, the Middle East and the Americas being much less likely to use amnesties. Figure 2, below, demonstrates this range.

**Figure 2: Number of DCJ processes by region**

![Graph showing the number of DCJ processes by region.](image)

**During conflict justice senders and targets**

Not surprisingly, the main sender of during conflict justice processes is Side A, the government, while the main target is Side B, the opposition. There are, however, some noteworthy exceptions to this trend. Governments occasionally target their own agents, in particular truth commissions and commissions of inquiry investigate wrongdoing.
committed by both parties to the conflict and in some cases only wrongdoings by the government side. Side A also sometimes prosecutes their own in various trial processes.

Purges, however, occur more frequently within the opposition, with 19 of the 40 purges in the DCJ dataset being Side B targeting Side B. Almost all reparations are initiated by the government, most often targeting the opposition or ‘other’, often civilians. The majority of during conflict amnesties are targeted at the opposition (90%), and the sender is in most instances the government (82%). Side A is rarely mentioned as target of an amnesty process, however, as our data about DCJ trials reveal, this does not mean wrongdoers from Side A are prosecuted instead. Most likely, state agents do normally not face consequences for their violent actions.

In addition to reporting whether the target of a during conflict justice process is Side A, Side B, both, or other, the DCJ data also records the rank of the target. For all six DCJ processes (trials, truth commissions, reparations, amnesties, purges, and exiles) we separate between civilians, rank and file, and elites as targets. This allows us to better understand the motivation and scope of individual DCJ processes. Table 4 shows the most common targets and target combinations across each DCJ process.

Armed conflicts are fought by ordinary army and rebel soldiers, thus it is not surprising that those most often targeted by during conflict justice processes are rank and file. This is particularly true for trials and amnesties. Purges and exiles, however, are often directed towards elites. No reparations processes are directed toward elites only, although elites may be included in reparation offers when civilians and rank and file also receive compensation. Civilians, on the other hand, often are the sole recipients of reparation processes.
Table 4: Target rank of DCJ processes

<table>
<thead>
<tr>
<th></th>
<th>Trial</th>
<th>Truth Commission</th>
<th>Reparation</th>
<th>Amnesty</th>
<th>Purge</th>
<th>Exile</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>74 (10.8%)</td>
<td>2 (4.88%)</td>
<td>36 (42.35%)</td>
<td>6 (2.44%)</td>
<td>3 (8.33%)</td>
<td>7 (26.92%)</td>
</tr>
<tr>
<td>Civilian</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rank 'n file</td>
<td>331 (48.32%)</td>
<td>--</td>
<td>5 (5.88%)</td>
<td>24 (9.76%)</td>
<td>4 (11.11%)</td>
<td>6 (23.08%)</td>
</tr>
<tr>
<td>Elite</td>
<td>159 (23.21%)</td>
<td>1 (2.44%)</td>
<td>--</td>
<td>11 (4.47%)</td>
<td>19 (52.78%)</td>
<td>12 (46.15%)</td>
</tr>
<tr>
<td>Civilian &amp; Rank 'n file</td>
<td>18 (2.63%)</td>
<td>1 (2.44%)</td>
<td>--</td>
<td>4 (1.63%)</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Civilian &amp; Elite</td>
<td>4 (.58%)</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>1 (2.78%)</td>
<td>--</td>
</tr>
<tr>
<td>Rank 'n file &amp; Elite</td>
<td>90 (13.14%)</td>
<td>16 (39.02%)</td>
<td>23 (27.06%)</td>
<td>102 (41.46%)</td>
<td>9 (25%)</td>
<td>1 (3.85%)</td>
</tr>
<tr>
<td>All</td>
<td>9 (1.31%)</td>
<td>21 (51.22%)</td>
<td>21 (24.71%)</td>
<td>99 (40.2%)</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Total</td>
<td>685</td>
<td>41</td>
<td>85</td>
<td>246</td>
<td>36</td>
<td>26</td>
</tr>
</tbody>
</table>

Conclusion

The DCJ dataset contributes to the growing literature on conflict and transitional justice by providing a broader understanding of behavior and the non-violent policy options used by governments, rebels and the international community during armed conflict. Since the DCJ dataset can be used in conjunction with the UCDP/PRIO Armed Conflict Dataset, conflict variables can be employed with ease to answer questions about the relationships between justice, truth and peace.

Above we have given a few glimpses of the information available in the DCJ dataset. The data themselves can answer important questions such as which countries and conflicts are most likely to use DCJ, when over the course of a conflict is DCJ most likely to be used and what combinations and sequences of DCJ are most likely. In combination with other datasets, the DCJ data can assist in answering questions on the conditions under which a government chooses to pursue an accountability process such as
trials or truth commissions over a political concession such as amnesties or exiles; what influence does the type of conflict have on potential choices; and ultimately what is the effect or influence of pursuing a specific DCJ strategy on the duration and character of the conflict itself. These questions have yet to be empirically tested, but with the DCJ dataset it is possible to explore variation in during-conflict justice processes across conflict-related characteristics such as conflict incompatibility, duration and magnitude.

Further, the UCDP/PRIO Armed Conflict Dataset encompasses conflicts with different levels of violence and intensity, including such diverse conflicts as the 1946–49 Chinese Civil War killing more than one million people and the Maoist Communist Party’s fight with the Turkish government in 2005 causing 25 deaths. While we know that severe civil wars are more likely to bring combatants to negotiations than less-intense conflicts (Walter, 2002), we do not know if and how conflict intensity influences during-conflict decisions in terms of accountability options.

By including the use of DCJ processes with other conflict data, conflict, peacebuilding and transitional justice scholars can use the DCJ dataset to better understand the effect that during-conflict justice has on transitions to peace. The dataset also offers important insights into the conditions and environments that make different DCJ responses more effective.

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References


