

The Effect of Official Amnesties on Mass Atrocities and Closely-Related Outcomes

Tools for Atrocity Prevention: Evidence Brief

The 1979 Report of the President's Commission on the Holocaust, which led to the creation of the US Holocaust Memorial Museum, stated, "Only a conscious, concerted attempt to learn from past errors can prevent recurrence to any racial, religious, ethnic, or national group."

The "lessons learned" project of the Museum's Simon-Skjodt Center for the Prevention of Genocide is one way the institution seeks to carry out the charge to identify lessons from history that can potentially contribute to saving lives by preventing future genocides and related crimes against humanity.

To identify these insights, we reviewed academic articles and think tank reports, and interviewed experts. We then distilled this body of policy-relevant knowledge into an accessible, practical resource.

Read more about our approach at: www.ushmm.org/genocide-prevention/simon-skjodt-center/work/research/lessons-learned

Definition

An official amnesty is “an official legislative or executive act whereby criminal investigation or prosecution of an individual, a group or class of persons and/or certain offences is prospectively or retroactively barred, and any penalties cancelled” (ICRC 2017, p. 1).

Connection between official amnesties and atrocity prevention strategies

If official amnesties increase the expected benefits of alternative courses of action to committing mass atrocities, including by encouraging abusive leaders to give up power, they would reduce the likelihood or severity of mass atrocities.

This tool supports the following strategies:

- Dissuading potential perpetrators from committing mass atrocities
- Facilitating leadership or political transition

Overview

Our research review includes 29 reports: 2 that address the effects of official amnesties on mass atrocities and 27 that address the effects of official amnesties on closely related outcomes, such as civilian killings, human rights violations, and conflict recurrence. It found the following:

- A mix of findings as to whether official amnesties were effective in helping prevent mass atrocities or closely-related outcomes, and
- Limited evidence on which specific factors contribute to the effectiveness of official amnesties in helping prevent mass atrocities.

Success factors

We list below only those factors on which we found relatively strong or moderate evidence that the factor is associated with official amnesties being more effective at decreasing mass atrocities or closely-related outcomes. These include contextual factors, which describe the circumstances in which the tool is used but which are beyond the control of policymakers, and design factors, which describe the manner in which policymakers use the tool.

Contextual factors

CONTEXTUAL FACTOR	DESCRIPTION	STRENGTH OF RESEARCH EVIDENCE	OUTCOMES STUDIED
Local support for tool	Most of the local population and/or local civil society supports the use of the tool and perceives its use as legitimate.	Moderate	Conflict

Design factors

DESIGN FACTOR	DESCRIPTION	STRENGTH OF RESEARCH EVIDENCE	OUTCOMES STUDIED
Unbiased implementer or intervention	The tool implementer or intervention is not biased toward either party. Bias refers to the posture of the intervener, not necessarily prejudices that the intervener might hold about parties.	Moderate	Conflict, Violence against civilians
Committed implementer	The tool implementer has a high level of commitment, resolve, or credibility, or has committed a great deal of resources toward use of the tool.	Moderate	Conflict

Case Illustrations

Official amnesties were used in both Angola and Sierra Leone to help prevent or respond to mass atrocities. Read the brief illustrations below to learn how this tool was used in these cases.

Angola (1975–2002)

Angola’s civil war, fought primarily between UNITA rebels and the National Front for the Liberation of Angola (FNLA), became Africa’s longest conflict, leaving more than 500,000 dead including an estimated 50,000 civilians ([World Peace Foundation 2015](#)). An initial peace agreement reached in 1994, the Lusaka Protocols, included an official amnesty law for all combatants as part of a precondition for the agreement as a means to get UNITA rebels to the negotiating table ([Notre Dame Peace Accords Matrix](#)). While this peace and the ceasefire quickly broke down, talks were renewed in 2002 following the assassination of UNITA leader Jonas Savimbi. The 2002 talks were more successful, resulting in the cessation of hostilities and ultimately a lasting peace to the protracted 27-year conflict under the framework of the Lusaka Protocols, including the articles granting a blanket amnesty to all combatants ([van Wijk 2012](#)). This official amnesty provision led to accusations that the Angolan government was compromising justice for peace ([van Wijk 2012](#)).

Sierra Leone (1991–2002)

During Sierra Leone’s civil war, both rebel and government forces committed atrocities, including maiming and mutilation, sexual violence, abductions, and executions ([HRW 1999](#)). As many as 50,000 people were killed, including up to 30,000 civilians. In 1999, an initial peace agreement was reached between the Sierra Leone government and the Revolutionary United Front (RUF) rebels in Lome. It stipulated that the government would take “legal steps to grant [RUF leader] Corporal Foday Sankoh absolute and free pardon,” which would also be extended to “all combatants and collaborators” ([Macaluso 2001](#)). The agreement also included a provision to set up a Truth and Reconciliation Commission ([Tejan-Cole 1999](#)). Despite the agreement, RUF attacks continued until 2002, when the UN Mission in Sierra Leone (UNAMSIL) helped to negotiate peace ([Snyder and Vinjamuri 2003](#)). While the domestic amnesty remained in place, the government of Sierra Leone, in conjunction with the UN, set up the Special Court for Sierra Leone (SCSL) in 2003 to try those who “bear the greatest responsibility” for crimes committed

during the war, irrespective of official amnesties outlined in the Lome Agreement ([Jalloh 2011](#)). The SCSL’s international mandate had been affirmed by the UN position that official amnesty did not apply to international crimes, including crimes against humanity, war crimes, or genocide, and the SCSL refuted any interpretation of a “blanket amnesty” for suspected war criminals in Sierra Leone ([Hayner 2013](#)). Although Sankoh died in custody before a trial, the SCSL handed down a number of convictions, including the high-profile sentencing of the Liberian president, Charles Taylor, who assisted the RUF ([Brumfield 2012](#)).

Selected informational resources on US government use of official amnesties

- US Department of State [policy paper](#) (2016) on official amnesties
- Office of the UN High Commissioner for Human Rights [report](#) (2009) on international law and UN policies on official amnesties

The Simon-Skjodt Center for the Prevention of Genocide

of the United States Holocaust Memorial Museum works to prevent genocide and related crimes against humanity. The Simon-Skjodt Center is dedicated to stimulating timely global action to prevent genocide and to catalyze an international response when it occurs. Our goal is to make the prevention of genocide a core foreign policy priority for leaders around the world through a multi-pronged program of research, education, and public outreach. We work to equip decision makers, starting with officials in the United States but also extending to other governments, with the knowledge, tools, and institutional support required to prevent—or, if necessary, halt—genocide and related crimes against humanity.



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