

Appendix

Serious Violations Amnesties

As outlined in the article, an amnesty is coded as having immunities for serious violations (1) if explicitly provided immunity for acts of mass killing, torture, disappearance, or sexual violence (2) the amnesty provided a blanket immunity for any such crimes committed during conflict, (3) the amnesty did not contain an exception for acts considered to be in violation of international law, or (4) if they were worded in a legally ambivalent way that allowed groups to escape criminal prosecution for serious violations. Discerning the difference in amnesty provisions can be difficult because they full text of the laws are not always available. This can lead to undercounting of those amnesties that contain serious violations provisions.¹¹⁴ If the amnesty issues a general immunity, but specifies that this immunity does not apply to violations of international law, then it is considered compliant with international norms, and is therefore not coded as including serious violations immunities.

Following amnesty experts, like Louise Mallinder and Renee Jeffery, I devise the coding strategy above to include not only those amnesties that clearly offered blanket impunity, or which failed to exclude international crimes, but also were worded in a way that was legally ambiguous, making it possible for recipients to escape prosecution. This latter category is based on texts of the amnesty laws, secondary literature about the amnesties, and other reports by human rights and conflict organizations. The following are three different categories of amnesties:

Category 1 - Blanket SV Amnesty. An example of a blanket conflict amnesty is Nicaragua's 1990 Ley de Amnistía General y Reconciliación Nacional (Law on General Amnesty and National Reconciliation). The amnesty, which pardoned all crimes dating back to July 19, 1979, was passed by the newly installed Violeto Chomorro regime, in line with the Sopoa Accords of 1988. This agreement was an effort by Contra rebels and Sandinista leadership to end a bloody civil war exacerbated by American funding.¹¹⁵

The law stated that "Que en cumplimiento de los Acuerdos firmados por los Presidentes Centroamericanos y lo acordado con las fuerzas políticas de Nicaragua fin de lograr la reconciliación nacional es procedente dictar la Ley de Amnistía, amplia e incondicional para todos los nicaragüenses sin distingos de ninguna clase." (That in fulfillment of the Agreements signed by the Central America Presidents and the agreement with the political forces of Nicaragua in order to achieve national reconciliation, it is appropriate to issue the Amnesty Law, ample and unconditional for all Nicaraguans without distinction of any kind.) It also states "Que la reconciliación de la familia nicaragüense requiere el perdón y el olvido de aquellos hecho que trajeron intranquilidad a la nación, para que en un clima de paz que hasta ahora no ha sido negado podamos entre todos construir una nueva sociedad donde reine la justicia y la fraternidad." (That the reconciliation of the Nicaraguan family requires forgiveness and neglect of those events that brought the nation uneasiness, so that in a climate of peace that until now has not been denied, we can all build a new society

114. Mallinder 2008.

115. Bothmann 2014.

where justice reigns and fraternity.)¹¹⁶ Together, these clauses provide absolute impunity for all actors and all crimes.

Category 2 - Ambiguous SV Amnesty. An example of an amnesty so vaguely worded that it can be interpreted to cover atrocity and human rights crimes is the combination of Nepal's 2006 National Policy on Abdication and Rehabilitation (March 2006), and the Comprehensive Peace Accord reached on November 21, 2006. The March 2006 amnesty offer did not include any members of rebel Maoist organizations, and it did not stipulate that atrocity crimes would be excluded. However, the November Peace Accord was more ambiguous. Article 7.1.3 seems to suggest that atrocity crimes will be litigated: "Both sides express the commitment that impartial investigation and action as per the law would be carried out against the people responsible in creating obstructions to the exercising of the rights envisaged in the letter of agreement and guarantee not to encourage impunity. Apart from this, they shall also guarantee the right to relief of the families of the conflict and torture victims and the disappeared." At the same time, Article 5.2.7 states that "Both sides guarantee to withdraw political accusations, claims, complaints and cases under consideration against various individuals and to instantly make public the status of those detained and release them immediately."¹¹⁷ Taken together, this can lead one to the conclusion that a de facto blanket amnesty exists, and that "considerable ambiguity surrounds the question of whether those held responsible for perpetrating human rights violations will be prosecuted."¹¹⁸

Category 3 - No SV Amnesty. An example of an amnesty that stops short of SV impunity is Guatemala's 1996 law. As referenced in 4.4 of the main article, Guatemala's Decreto No. 145-1996 de 1996, Ley de reconciliación nacional (National Reconciliation Law of 1996) is a qualified amnesty that does not allow for human rights impunity. It would thus not be coded as a SV amnesty because it excludes certain kinds of crimes for pardon. The law states in Article 8, "La extinción de la responsabilidad penal a que se refiere esta ley, no será aplicable a los delitos de genocidio, tortura y desaparición forzada, así como aquellos delitos que sean imprescriptibles o que no admitan la extinción de responsabilidad penal, de conformidad con el derecho interno o los tratados internacionales ratificados por Guatemala." (The extinction of criminal responsibility referred to in this law, shall not apply to crimes of genocide, torture and enforced disappearance, as well as those crimes that are or that do not admit the extinction of criminal responsibility, in accordance with domestic law or international treaties ratified by Guatemala.)¹¹⁹ In 2015, Guatemalan appellate courts also ruled that a previous amnesty from 1986 would not afford immunity from crimes of genocide.¹²⁰

116. For full text, see <[http://legislacion.asamblea.gob.ni/normaweb.nsf/\(\\$All\)/BCBD0CC01B5606E4062570A100577CB3?OpenDocument](http://legislacion.asamblea.gob.ni/normaweb.nsf/($All)/BCBD0CC01B5606E4062570A100577CB3?OpenDocument)>.

117. Full text available at <https://www.usip.org/sites/default/files/file/resources/collections/peace_agreements/nepal_cpa_20061121_en.pdf>.

118. Jeffery 2014.

119. Full text at <<http://www.refworld.org/docid/3dbe6a606.html>>.

120. See "Guatemalan Court Rules Out Amnesty for Genocide and Crimes Against Humanity." <<https://www.ijmonitor.org>>.

Summary of Variables

TABLE A1. *Summary of variables*

	<i>count</i>	<i>mean</i>	<i>sd</i>	<i>min</i>	<i>max</i>
TERMINATION	2295	0.26	0.44	–	1.00
NEGOTIATED TERMINATION	2295	0.06	–	0.00	1.00
DURING CONFLICT AMNESTY	2295	0.13	–	0.00	1.00
DURING - SV AMNESTY	2295	0.02	–	0.00	1.00
DURING - NO SV AMNESTY	2295	0.11	–	0.00	1.00
TERMINATION AMNESTY	2295	0.06	–	0.00	1.00
SV TERMINATION AMNESTY	2295	0.02	–	0.00	1.00
NO SV TERMINATION AMNESTY	2295	0.04	–	0.00	1.00
PAG TERMINATION AMNESTY	2295	0.03	–	0.00	1.00
NO PAG TERMINATION AMNESTY	2295	0.03	–	0.00	1.00
DEMO TRANS	2277	0.04	–	0.00	1.00
AFTER 1998	2295	0.21	–	0.00	1.00
JUDICIAL INDEPENDENCE	2246	0.33	0.27	0.01	0.99
YEARS AT WAR	2295	5.70	6.23	1.00	41.00
TERRITORY	2295	0.46	–	0.00	1.00
INTENSITY LEVEL	2295	1.22	–	1.00	2.00
DYADS	2295	1.67	1.20	1.00	8.00
PREVIOUS AMNESTIES LAGGED	2295	0.59	1.11	0.00	6.00
REBEL STRENGTH	2246	–1.34	0.68	–2.00	2.00
REBEL CAPACITY	2295	0.23	0.45	0.00	2.00
BLOODY HANDS	2295	0.21	–	0.00	1.00
UNPKO	2277	0.06	–	0.00	1.00
LOW INCOME	2295	0.41	–	0.00	1.00
POPULATION(LN)	2288	10.12	1.48	5.95	14.10
DEMOCRACY	2146	0.32	–	0.00	1.00
Observations	2295				

Pre-matching Analyses

The first two columns of Table A2 report the pre-matching analysis used for the conflict termination models. It shows that certain variables—Demo Trans, Judicial Independence, Territory, Intensity, and Previous Amnesties—are correlated with the use of amnesties while conflict is ongoing. Countries that are simultaneously undergoing a democratic transition while they are also emerging from civil war might be more likely to pass amnesty laws. The reason is that amnesties are also politically expedient in situations where new democratic institutions are being forged by oppositional groups that decide to share power.¹²¹ Second, the greater the judicial independence in a country, the less likely it is to pass amnesties. This makes sense from a rule of law perspective. The point of amnesties in the first place is to circumvent legal accountability; therefore, they likely face resistance from active and independent courts. Territorial conflicts, and those that become very intense, are more likely to have amnesties. This also makes sense. Both kinds of internal wars are hard to solve, which means that leaders search for solutions in possible deals. Finally, a higher number of previous amnesties

121. O'Donnell and Schmitter 1986.

TABLE A2. *Amnesties and conflict termination pre-Matching analysis*

	<i>Amnesties b/se</i>	<i>Termination b/se</i>	<i>Full Model b/se</i>
AMNESTY			-1.125*** (0.216)
AFTER 1998	0.124 (0.178)	-0.077 (0.143)	-0.073 (0.145)
DEMO TRANS	0.783*** (0.280)	0.430* (0.243)	0.512** (0.251)
JUDICIAL INDEPENDENCE	-0.732** (0.292)	-0.313 (0.219)	-0.364* (0.220)
YEARS AT WAR	0.009 (0.011)	-0.106*** (0.018)	-0.103*** (0.018)
ETHNIC DISPUTE	-0.455 (0.374)	-0.093 (0.220)	-0.094 (0.216)
TERRITORY	-0.332** (0.154)	-0.065 (0.120)	-0.114 (0.122)
INTENSITY LEVEL	0.494*** (0.154)	-0.833*** (0.152)	-0.789*** (0.153)
DYADS	0.062 (0.052)	-0.077 (0.049)	-0.078 (0.0500)
PREVIOUS AMNESTIES	0.512*** (0.058)	-0.009 (0.061)	0.070 (0.061)
REBEL STRENGTH	0.044 (0.133)	-0.004 (0.103)	0.003 (0.104)
REBEL CAPACITY	-0.064 (0.196)	0.598*** (0.140)	0.591*** (0.142)
BLOODY HANDS	0.112 (0.166)	-0.005 (0.143)	0.016 (0.142)
UNPKO	0.036 (0.270)	0.750*** (0.211)	0.786*** (0.216)
CONSTANT	-2.723*** (0.359)	0.420 (0.272)	0.470* (0.274)
Observations	2194	2194	2194
Pseudo-R2	0.116	0.0862	0.1000
Log Likelihood	-778.7	-1116.7	-1099.9

Robust standard errors reported. *p < .10; **p < .05; ***p < .01.

are correlated with more amnesties. This is likely because many leaders and governments are prone to borrow from policies they have used in the past. For instance, some scholars have noted the propensity for some states to engage in “reiterated amnesties.”¹²²

As Column 2 demonstrates, some of these variables are also associated with conflict termination. This is suggestive evidence that a selection effect exists, and justifies the use of techniques that match observations based on these variables.

Column 3 reports the results of a full Logit model without matching. The findings in this model demonstrate that matching techniques, while they increase confidence in the findings, are not driving the results for the analyses in the main paper.

Table A3 shows diagnostics for the matching procedure. The imbalance between control and treatment groups is significantly reduced by matching: the difference in covariate means is much lower.

122. See Jeffery 2014, 190.

TABLE A3. Matching diagnostics for conflict termination models

<i>Standardized Differences in Covariate Means</i>		
<i>Covariate</i>	<i>Before Matching</i>	<i>After Matching</i>
DEMO TRANS	0.03	0.00
JUDICIAL INDEPENDENCE	-0.18	0.00
TERRITORY	-0.18	0.00
INTENSITY LEVEL	0.14	0.00
PREVIOUS AMNESTIES	0.98	0.20
Strata = 51	Matched Strata = 39	
Matched Obs = 2256	Unmatched Obs = 39	

How much variation in the occurrence of prenegotiation amnesties is explained by the matching variables? To answer this question, I produced a receiver operating curve (ROC), which is a plot of the true positive versus false positive rate predicting by the statistical tests. The ROC curve on in the left panel of Figure A1 shows the area under the ROC curve from the full model reported in Column 1 of Table A2. The area under the curve is equal to .76. The right panel of the figure shows an ROC curve produced by a model without the five matching variables. The area under the curve, which measures discrimination, declines by .10. Because the discrimination ranges from 0.5 to 1, the matching variables account for a 20% increase in the accuracy of models predicting amnesty during conflict.

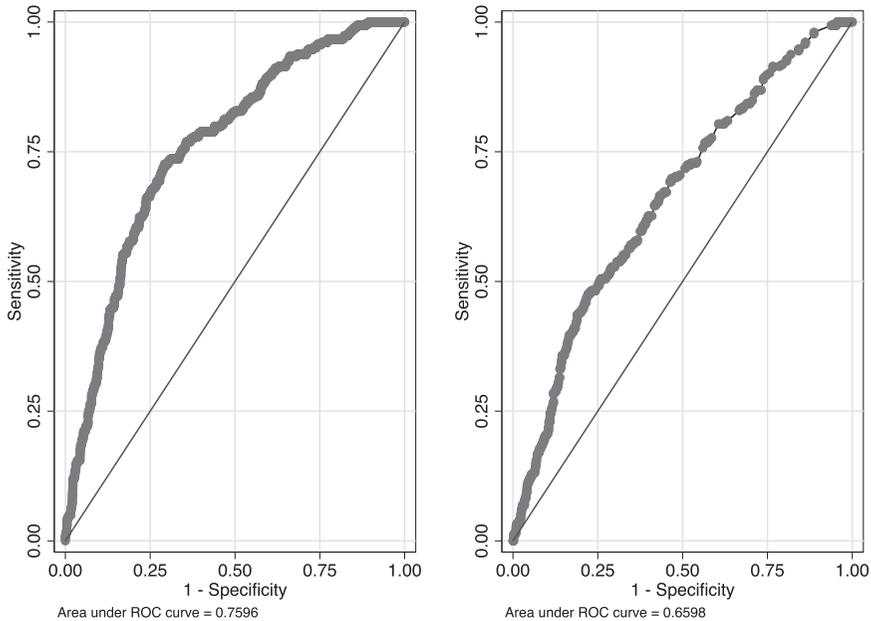


FIGURE A1. ROC curves showing difference in discrimination explained by matching variables

TABLE A4. *Amnesties and conflict recurrence pre-Matching Analysis*

	<i>Amnesties b/se</i>	<i>Recurrence b/se</i>	<i>Full Model b/se</i>
AMNESTY			-0.619** (0.254)
AFTER 1998	0.673** (0.323)	0.144 (0.252)	0.195 (0.253)
DEMO TRANS	0.0784 (0.478)	-0.396 (0.472)	-0.348 (0.459)
JUDICIAL INDEPENDENCE	0.542 (0.573)	0.0124 (0.346)	0.0599 (0.349)
YEARS AT WAR	0.0328 (0.0256)	-0.0265 (0.0186)	-0.0220 (0.0171)
ETHNIC DISPUTE	-0.874 (0.571)	-1.579*** (0.520)	-1.660*** (0.525)
TERRITORY	-0.830*** (0.301)	0.518** (0.220)	0.452** (0.218)
INTENSITY LEVEL	-0.371 (0.463)	-0.138 (0.357)	-0.176 (0.366)
DYADS	-0.245* (0.127)	-0.308*** (0.106)	-0.348*** (0.111)
PREVIOUS AMNESTIES	0.131 (0.116)	0.287*** (0.0793)	0.311*** (0.0782)
REBEL STRENGTH	0.482** (0.244)	-0.397** (0.192)	-0.356* (0.196)
REBEL CAPACITY	0.177 (0.362)	-0.360 (0.351)	-0.283 (0.354)
BLOODY HANDS	0.208 (0.318)	0.301 (0.234)	0.306 (0.232)
UNPKO	0.476 (0.371)	0.505 (0.327)	0.564* (0.325)
Constant	-0.0529 (0.726)	-6.534*** (0.590)	-6.370*** (0.598)
Observations	389	389	389
Pseudo-R2	0.110		
Log Likelihood	-189.6	-460.8	-456.9

Robust standard errors clustered by country. *p < .10; **p < .05; ***p < .01.

The first two columns of Table A4 report the pre-matching analysis used for the conflict recurrence models. It shows that certain variables—After 1998, Territory, Dyads, and Rebel Strength—are correlated with the use of amnesties after conflict has terminated. The first finding jibes with recent research that suggests amnesties have increased over the last two decades in response to widespread efforts at human rights accountability.¹²³ Why exactly territorial wars are more likely to inspire amnesties is hard to surmise, though it could be that these conflicts are generally more difficult to settle. With regard to the number of fighting dyads, governments that face more than one rebel threat might attempt to amnesty away certain conflicts so they can focus on others. Finally, if rebel groups are strong, then they have a superior bargaining position, meaning that they have greater ability to leverage an amnesty.

123. Mallinder 2012.

TABLE A5. Matching diagnostics for conflict recurrence models

<i>Standardized Differences in Covariate Means</i>		
<i>Covariate</i>	<i>Before Matching</i>	<i>After Matching</i>
AFTER 1998	0.17	0.00
TERRITORY	-0.23	0.00
DYADS	-0.09	0.00
REBEL STRENGTH	0.30	0.00
Strata = 16	Matched Strata = 15	
Matched Obs = 421	Unmatched Obs = 5	

Column 2 reports findings from a Weibull model, which shows that some of the variables predicting amnesties are also associated with conflict recurrence. This is suggestive evidence that a selection effect exists, and justifies the use of techniques that match observations based on these variables.

Column 3 reports the results of a full Weibull model without matching. The findings in this model demonstrate that matching techniques, while they increase confidence in the findings, are not driving the results for the analyses in the main paper. Table A6 also reports the results of five Weibull models predicting duration of peace. These models are identical to those in the main analyses, except that they do not include a frailty parameter based on

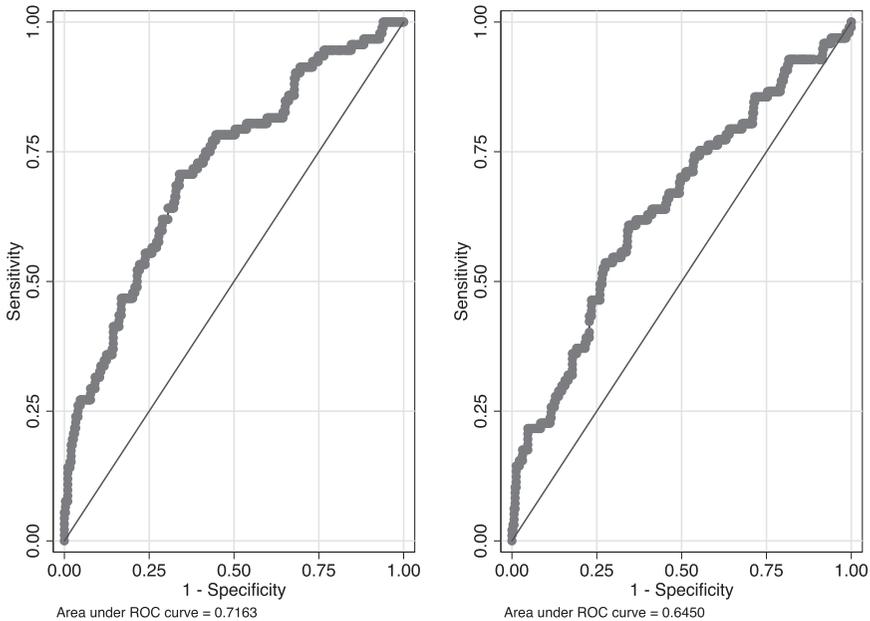


FIGURE A2. ROC curves showing difference in discrimination explained by matching variables

matched strata. The main findings hold, meaning that they are not dependent on the model specifications that employ matching.

Table A5 reports diagnostics for the matching procedure. The imbalance between control and treatment groups is significantly reduced by matching: the difference in covariate means is much lower.

TABLE A6. Amnesties and conflict recurrence - no matching

	<i>M5b</i> <i>b/se</i>	<i>M6b</i> <i>b/se</i>	<i>M7b</i> <i>b/se</i>	<i>M8b</i> <i>b/se</i>	<i>M9b</i> <i>b/se</i>
AMNESTY	-0.434** (0.191)	-0.182 (0.283)	-0.461* (0.280)		
HR AMNESTY		0.259 (0.447)	0.446 (0.540)		-0.640* (0.353)
NO HR AMNESTY					-0.763*** (0.281)
PAG AMNESTY		-0.615 (0.480)	-0.779 (0.535)	-1.047*** (0.366)	
NO PAG AMNESTY				-0.477 (0.304)	
AFTER 1998			0.103 (0.271)	0.110 (0.269)	0.122 (0.261)
DEMO TRANS			-0.280 (0.583)	-0.173 (0.570)	-0.314 (0.588)
JUDICIAL INDEPENDENCE			-0.389 (0.363)	-0.377 (0.358)	-0.450 (0.356)
YEARS AT WAR			-0.0183 (0.0171)	-0.0177 (0.0172)	-0.0171 (0.0175)
ETHNIC DISPUTE			-1.409*** (0.441)	-1.415*** (0.440)	-1.423*** (0.441)
TERRITORY			0.384 (0.248)	0.385 (0.249)	0.362 (0.245)
INTENSITY LEVEL			-0.230 (0.385)	-0.242 (0.384)	-0.261 (0.381)
DYADS			-0.318*** (0.0902)	-0.323*** (0.0893)	-0.313*** (0.0903)
PREVIOUS AMNESTIES			0.271*** (0.0631)	0.280*** (0.0622)	0.264*** (0.0624)
REBEL STRENGTH			-0.274 (0.206)	-0.269 (0.207)	-0.297 (0.209)
REBEL CAPACITY			-0.174 (0.370)	-0.170 (0.374)	-0.215 (0.377)
BLOODY HANDS			0.228 (0.279)	0.234 (0.280)	0.208 (0.282)
UNPKO			0.684* (0.383)	0.657* (0.375)	0.537 (0.401)
LOW INCOME			-0.572** (0.269)	-0.566** (0.261)	-0.573** (0.276)
POPULATION(LN)			0.0946 (0.0630)	0.0903 (0.0630)	0.0931 (0.0645)
Constant	-5.628*** (0.168)	-5.623*** (0.164)	-6.941*** (1.016)	-6.876*** (1.028)	-6.857*** (1.027)
Observations	389	389	389	389	389
Days at risk	2210528	2210528	2210528	2210528	2210528
Recurrences	148	148	148	148	148
Log-likelihood	-497.5	-496.2	-450.5	-450.7	-452.1

Errors clustered by conflict.*p < .10;**p < .05;***p < .01.

How much variation is explained by the matching variables in the negotiation stage, where we are trying to study conflict recurrence? The ROC curves in Figure A2 show a significant improvement in model accuracy explained by the matching variables. The left panel shows the curve for the main model predicting post-termination amnesties reported in Column 1 of Table A4. The right panel shows the curve for the same model without the five matching variables. The area under the curve changes by .07. The matching variables thus account for a 14% improvement in the accuracy of models predicting amnesties.

Weibull Models without Matching

Table A6 presents results of Weibull models of conflict recurrence, but without matching or pruning. It's clear that the findings remain the same, with only slight changes in magnitude. This indicates that the findings in the main article are not dependent on the shared frailty parameter that is defined by matched strata.

Appendix Citations

1. Bothmann, Astrid. 2014. *Transitional Justice in Nicaragua, 1990–2012: Drawing a Line Under the Past*. New York: Springer.
2. Jeffery, Renee. 2014. *Amnesties, Accountability, and Human Rights*. Philadelphia: University of Pennsylvania Press.
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5. O'Donnell, Guillermo A and Philippe C. Schmitter. 1986. *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies*. Baltimore: Johns Hopkins.