



AMNESTIES



## How States Use Amnesties in Peace Agreements

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of EDINBURGH



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## Executive Summary & Key Findings

This report summarizes the findings from a new dataset on Peace Agreement Amnesties.<sup>1</sup> This dataset was created using the PA-X Peace Agreement Database to identify peace agreements with amnesty provisions.<sup>2</sup> It contains information on 120 peace agreements which express the parties' commitment to offer amnesty in relation to internal armed conflicts from 1990 to 2024 in 47 countries.<sup>3</sup> The analysis of this data reveals a number of key findings:

- 1. Amnesties are a common feature of peace agreements that seek to end intra-state armed conflicts:** Almost half of all states that have reached peace agreements since 1990 have included amnesty provisions in at least one peace agreement. This includes amnesty commitments being contained in over one-third of comprehensive peace agreements issued during this period.
- 2. Amnesties are the most commonly used form of transitional justice in comprehensive peace agreements:** In contrast to amnesties being offered in 36 per cent of comprehensive peace agreements since 1990, truth commissions are mentioned in only 26 per cent of comprehensive peace agreements and national courts and international courts each feature in less than ten per cent of comprehensive peace agreements.
- 3. The continued use of amnesties in peace agreements may indicate that the negotiating parties view amnesties as necessary to encourage non-state armed groups to end their insurgencies:** 92 per cent of peace agreement amnesties are intended to benefit members of non-state armed groups. This includes 61 per cent that apply only to non-state actors and 31 per cent that apply to both state and non-state actors.
- 4. Negotiating parties are reluctant to restrict the application of peace agreement amnesties to genocide, war crimes and crimes against humanity:** Only 24 per cent of peace agreement amnesties contain language that bars the amnesty extending to international crimes. Exclusions of international crimes are more likely when peace agreement amnesties benefit both state actors and non-state armed groups compared to amnesties that only benefit rebels or state actors.

5. **Despite the opposition to amnesties for serious violations in international case law and policy, there is little evidence to suggest that they are off the table for peace negotiators:** Growing numbers of peace agreement amnesties excluded international crimes during the 2000s, following the adoption of the Rome Statute of the International Criminal Court in 1998 and the change in the United Nations mediation policy to bar UN mediators endorsing peace agreements that offered amnesty for serious violations. However, this trend was not sustained in subsequent decades and at no point between 1990 and 2024 has the proportion of peace agreement amnesties excluding international crimes come close to exceeding the proportion of agreements without such exclusions.
6. **Divergences between states in different geographic regions regarding their willingness to conclude peace agreements that offer amnesty for international crimes make it difficult to contend that there are widely accepted global norms on rejecting the inclusion of amnesties for international crimes in peace agreements:** 71 per cent of the peace agreements that exclude international crimes from their amnesty provisions were in Africa. In addition, half of these were in Mid-Africa, and seven of the ten Mid African peace agreements that offered amnesties but excluded international crimes were signed between 2000 and 2009. There was a similar regional and temporal concentration of peace agreement amnesties excluding international crimes in southern Europe during the 1990s, which resulted from the agreements to end the wars in the former Yugoslavia being reached after the creation of the International Criminal Tribunal for the Former Yugoslavia. In contrast, between 1990 and 2024 only one of the 26 peace agreement amnesties offered in Asia between excluded international crimes and none of the five Oceanian peace agreements amnesties were limited to exclude serious violations.
7. **During the 2000s, the change in the UN policy likely contributed to peace agreement amnesties increasingly excluding international crimes. However, this influence was heavily focused on Africa and it declined following that decade:** From 1990-2024, 50 per cent of the peace agreements amnesties that restricted the amnesty applying to international crimes were signed by the UN. In addition, 86 per cent of these agreements related to conflicts in Africa and 71 per cent of them were signed during the 2000s. The UN only signed one similarly narrow peace agreement amnesty in the Americas and Asia respectively both of which were in the 1990s. It did not sign any in other world regions.

- 8. Most peace agreement amnesties do not set out conditions with which alleged offenders must comply to obtain or retain amnesty:** even for peace agreements with amnesties with no exclusion of international crimes, it is comparatively rare for the agreement to impose conditions on the offer of amnesty. In the small number of peace agreements amnesties that have no exclusion of international crimes but which have made the amnesty offer conditional, these conditions have tended to relate to the disarmament, demobilization, and reintegration and non-state armed groups. Only one was conditional of individuals disclosing the truth about their actions.

## Recommendations

### 1. Recognize that, in practice, amnesties, even for serious violations, remain firmly on the table in peace negotiations

Since the 1990s, developments in international case law and mediation policies have increasingly asserted that peace agreements should not include commitments to enact amnesties for genocide, war crimes, crimes against humanity, and other serious human rights violations. Some international mediators have interpreted these developments as creating a 'red line' that the negotiating parties must not cross and in interviews, some international mediators have reported that 'the parties' insistence on blanket amnesties is grounds for them to abdicate their mediator role'.<sup>4</sup> International mediators are of course entitled to operate in accordance with their own ethical values. However, the continued use of amnesties in peace agreements without any exceptions for international crimes draws into question how far these red lines are grounded in international law. The international legality of amnesties for crimes which are not the subject of treaties, namely crimes against humanity and war crimes in non-international armed conflicts, rests primarily in customary international law. As customary international law is created by state practice and *opinio juris*, the enduring practice of states of including amnesties in peace agreements casts doubt on whether a rule of customary international law exists that prohibits amnesties for international crimes. This recognition can be important for appreciating the space that negotiating parties have to balance the need for accountability with the achievement of peace.

### 2. Recognize that international law and policy continues to encourage amnesties for participation in armed conflict

The amnesty provisions of peace agreements tend to state that amnesty applies to particular groups of combatants or to crimes related to the armed conflict or rebellion. Such language is used often even where the peace agreement precludes the amnesty extending to genocide, crimes against humanity, or war crimes. The expansion of international counter-terrorism law has been argued to create a barrier to the granting of amnesty to non-state armed groups, where they are branded as terrorists, even they are respecting international humanitarian law.<sup>5</sup> However, these restrictions are in tension with international humanitarian law relating to non-international armed conflicts. Article 6(5) of Additional Protocol II to the Geneva Conventions 1977 encourages the 'authorities in power ... to grant the broadest possible amnesty' at the end of hostilities.

In addition, the UN Guidance on Effective Mediation states that 'amnesties for crimes [except international crimes and serious violations] and for political offences, such as treason or rebellion, may be considered – and are often encouraged – in situations of non-international armed conflict' (emphasis added).<sup>6</sup> These encouragements are articulated in international law and policy due to the enduring belief that some forms of amnesty may be effective in ending armed conflict and promoting reconciliation.<sup>7</sup> The continued inclusion of amnesties in peace agreements corresponds to these encouragements and should continue to be part of peace mediation and peace negotiation practice.

### **3. Ensure that conditionalities are used to integrate amnesties into the peace agreement architecture and measures to address the rights of victims and survivors**

Peace agreements often set out commitments to amnesty in brief and general terms. Depending on the context, this may reflect an understanding among the negotiating parties that much of the detail on the scope of the amnesty, how it will be implemented, and its legal effects will be provided at a later stage when the amnesty is enacted into domestic law. As a result, the silence on conditionalities in the majority of peace agreement amnesties does not necessarily mean that when these commitments are implemented in law and practice they will be unconditional. However, the offer of amnesty in a peace agreement should be viewed against the complicated sets of trade-offs made by the negotiators and ideally, it should be made clear that the promise of amnesty will only be fully realised if the beneficiaries continue to be genuinely committed to sustainable peace. Furthermore, the offer of amnesties to persons who have been responsible for violence should not be made in the absence of consideration of the rights and needs of those who have been harmed by violence. Instead, conflict mediators and negotiators should seek to reform practice on peace agreement amnesties to ensure that they are as far as possible integrated into processes that seek to deliver truth, justice, and reparations, and are accompanied by measures to address the root causes of the violence.

## Introduction

For millennia, amnesties, which bar individuals from criminal liability, have been granted by states to end interstate armed conflict and quell internal dissent.<sup>8</sup> Other states largely viewed these measures as domestic, or in the case of international armed conflicts, bilateral matters, that were not restricted by international law. Indeed, until comparatively recently, if other states or intergovernmental organizations expressed views on the use of amnesties in response to armed conflict, they often called on the belligerent parties to grant amnesties, even for the most serious offences.<sup>9</sup>

This began to change in the late 1990s. A significant milestone in this shift was the 1999 adoption by the United Nations (UN) of a policy barring its mediators from endorsing peace agreements that offer amnesty for genocide, war crimes, and crimes against humanity.<sup>10</sup> In adopting this position, the UN brought its mediation policy into line with the opposition to broad amnesties for these offences that had been developing within its human rights bodies following pressure from human rights activists.<sup>11</sup> In subsequent years, the UN position has been widely cited in academic scholarship and international case law and has influenced the mediation policies of other intergovernmental organizations.<sup>12</sup> In addition, the UN's adherence to this policy in its role as a peace mediator enabled it to influence some conflict-affected states to adopt peace agreements containing language that precluded the granting of amnesty to international crimes.<sup>13</sup> However, the UN's capacity to exert this influence faces challenges from shifting geopolitics and fragmentation of the mediation sphere,<sup>14</sup> and as this report demonstrates, many states and non-state armed groups continue to rely on amnesties as part of negotiated efforts to end armed conflicts.

The enduring role of amnesties in peace agreements has given rise to extensive and diverse bodies of literature. Philosophers have examined the morality of using amnesties to bring armed conflict to an end.<sup>15</sup> Conflict mediators have reflected on the significance of amnesty in encouraging war parties to sign up to peace agreements.<sup>16</sup> Often these bodies of writings rely on rich and detailed examinations of a small number of cases in which the granting of amnesty was proposed or agreed to during peace negotiations. A few political scientists have developed datasets that collate information from much larger samples of states on the impact of amnesties during and after conflict on peace.<sup>17</sup> These studies report findings on the relationship of amnesties to negotiated peace settlements, although they do so from coding the date when the conflict ended, rather than analysis of the language on amnesty in peace agreements.<sup>18</sup>

Four existing studies have compiled datasets on peace agreement amnesty commitments. As they were created for distinct research questions, their temporal scope and handling of amnesty provisions differs considerably. Cho<sup>19</sup> explored the impact of amnesty provisions in 64 peace agreements with power-sharing measures that were reached between 1989 and 2006. Hauenstein examined whether peace agreements are more likely to offer amnesty where there are multiple rebel groups. He identified 46 'full or partial' peace agreements with amnesty provisions reached between 1989 and 2011. Both the Cho and Hauenstein studies only coded for the presence or absence of provisions granting amnesty in a peace agreement, without analysing what the peace agreement text could tell us about the terms of the amnesty. In contrast, Close<sup>20</sup> and Jeffery,<sup>21</sup> when designing their peace agreement amnesty datasets were interested in examining trends in whether peace agreement amnesty provisions barred amnesty being granted for genocide, war crimes, and crimes against humanity. As a result, their datasets differentiate between peace agreement amnesty provisions based on their language with respect to the crimes to be granted amnesty. In addition, both these studies compiled information on the presence of UN mediators, with Close also examining the involvement of other intergovernmental bodies and third states. However, none of the existing peace agreement amnesty datasets have examined the relationship of amnesties to different peace agreement stages. Nor have they examined trends with respect to the beneficiaries of peace agreement amnesty provisions or the ways in which these provisions impose conditions in exchange for amnesty.

This report therefore builds on these existing studies in numerous ways. Firstly, it draws on the Peace Agreement Amnesties Dataset that I created for my forthcoming book on the status of amnesties under customary international law.<sup>22</sup> This dataset uses PA-X peace agreement database to identify peace agreements with amnesty provisions. As the PA-X database contains information on peace agreements granted from 1990 to 2024, the Peace Agreement Amnesty Dataset is able to present more up-to-date analysis of how amnesties have been handled in peace agreements over time and across regions than previous studies. In addition, it provides more detailed coding of when amnesties arise in peace negotiations and the extent to which peace agreement amnesty provisions contain limitations to the scope of permissible amnesty and conditionalities with which amnestied persons must comply. It also examines whether the presence of UN mediators corresponds to any trends in the terms of peace agreement amnesty provisions.

The next section briefly introduces the Peace Agreement Amnesties Dataset. This is followed by a discussion of the types of language used in peace agreement amnesty provisions. In the subsequent sections, the dataset is used to present trends in state practice including amnesty provisions in peace agreements. The concluding section reflects on the significance of these findings for conflict-affected states and peace mediators.

## Introducing the Peace Agreement Amnesties Dataset

This dataset uses the PA-X Peace Agreement database created by PeaceRep to identify peace agreements with amnesty provisions.<sup>23</sup> PA-X defines peace agreements as 'formal, publicly-available documents, produced after discussion with conflict protagonists and mutually agreed to by some or all of them, addressing conflict with a view to ending it'.<sup>24</sup> It is the most comprehensive peace agreement database available and in March 2025, it contained data on 2055 peace agreements found in more than 150 peace processes, relating to 106 states around the world between 1990 and 2024. In the PA-X database, each of these agreements is coded in relation to a range of factors relating to the context of the agreements and their substantive content. This includes a variable called 'Amnesty/pardon proper' that reproduces peace agreement provisions that provide for 'amnesties or pardons, staying or stopping prosecution, and their modalities (may include provisions of prohibition of amnesty)'. PA-X codes 205 peace agreements as having an 'amnesty/pardon proper'.

For the Peace Agreement Amnesty Dataset, the PA-X data was recoded using an Excel spreadsheet. In doing so, agreements that were coded as providing for an amnesty in PA-X were excluded from this dataset where (1) they related to a localized peace agreement; (2) the provisions related to domestic rules on amnesty rather than creating a commitment to grant amnesty; or (3) the text was 'unilateral' rather than a negotiated agreement. The dataset also excluded peace agreements that restated a commitment to amnesty that was made in an earlier agreement. The sample includes some agreements that were 'unsigned'. As a result of this filtering process, the resulting Peace Agreement Amnesty Dataset documents 120 peace agreements providing amnesty in relation to internal armed conflicts from 1990 to 2024 in 47 countries.<sup>25</sup>

For each peace agreement, the dataset records the name of the agreement, the stage of the agreement, the year it was introduced, the POLITY score for the state that year, the region and subregion where it was introduced, the text of the amnesty provision(s), the intended recipients of the amnesty, whether amnesty beneficiaries would have to comply with conditions to obtain amnesty, whether the agreement excluded core crimes (genocide, crimes against humanity, and war crimes), whether it excluded other serious human rights violations, whether the UN signed the agreement, how many third party states signed the agreement, and where relevant which states were third party signatories.

## Variations in the Language of Peace Agreement Amnesty Commitments

In a couple of instances, peace agreements set out some form of prohibition on amnesty. For example, the 2015 [Pacte Républicain pour la paix, la réconciliation nationale et la reconstruction en la République Centrafricaine](#) committed the parties to introducing a constitutional clause prohibiting any possibility of amnesty for crimes against humanity, war crimes and genocide committed in the Central African Republic. In addition, the 2015 [Agreement on the Resolution of the Conflict in the Republic of South Sudan \(ARCSS\)](#) set out that amnesty could not bar the jurisdiction of a proposed hybrid court. However, these types of provisions are rare and are not included in the Peace Agreement Amnesty Dataset as they do not commit the parties to granting amnesty.

Where peace agreements contain an amnesty commitment, often the relevant provisions are very brief. They may even be a single bullet point or sentence. However, even short provisions can indicate the recipients and/or crimes intended to be covered by the amnesty, and a few agreements have much more detailed language that sets out mechanisms to implement the amnesty.

Peace agreement amnesty provisions also vary in the nature of the commitment to amnesty that they express. For example, the 2003 [Accra Agreement](#) only required the parties to 'give consideration to a recommendation for general amnesty'. In addition, the 2012 [Chin National Front \(CNF\), Government Ceasefire Agreement](#) stated only that '[t]he parties agreed that the Union-level Peace Team submit to the President the need to declare amnesty.' Other peace agreements express the parties' intent to grant amnesty in stronger terms. For example, the 1994 [Lusaka Protocol](#) stated 'the competent institutions will grant an amnesty, in accordance with Article 88(h) of the Constitutional Law'. Finally, a few peace agreements commit the parties to implementing a previously enacted amnesty, which was the case with the 2008 [Doha Agreement](#). Peace agreement amnesty provisions, like all aspects of peace agreements, are the product of negotiations and compromise. The variations in nature of the commitment to amnesty expressed in peace agreements may suggest differing degrees of comfort with amnesty among the negotiating parties. However, in previous research, I found that 83 per cent of peace agreement amnesty commitments resulted in amnesties being implemented in domestic law or policy.<sup>26</sup>

## When are Amnesties Included in Peace Agreements?

When conflict-affected states enter into peace negotiations, this can result in a multiplicity of texts at different stages of the negotiation process. Often these agreements address very specific issues relating to the conduct and process of the negotiations or specific substantive points. Amnesties are therefore not always relevant to the issues which are the focus of many peace agreements. As a result, out of the 2055 peace agreement texts contained in the PA-X Peace Agreement Database, only 120 relate to agreements between states and non-state actors which create new commitments to grant or implement an amnesty.

PA-X categorizes peace agreements according to the stage of the peace process in which the agreement was signed. My data uses five of the PA-X categories: prenegotiation/process; substantive-partial; substantive-comprehensive; implementation; and ceasefire/related.<sup>27</sup> Figure 1 compares the total number of peace agreements with amnesty provisions to the total number of agreements that PA-X records for each negotiation each stage. It shows that amnesties in the pre-negotiation stage are comparatively rare. This is to be expected as this type of agreement is often about process issues relating to how the negotiations should be conducted.<sup>28</sup> The greatest absolute number of amnesties are contained in partial agreements, but they are only included in 10 per cent of this form of agreement. Partial agreements generally deal with some substantive issues, but according to the PA-X codebook, they 'only deal with some of the issues in ways that appear to contemplate future agreements to complete'. The PA-X codebook states comprehensive agreements address 'substantive issues to resolve the conflict and appear to be set out as a comprehensive attempt to resolve the conflict'. Amnesties have been used in almost one-third of comprehensive peace agreements. Finally, amnesties have been used in only three per cent of ceasefire agreements.

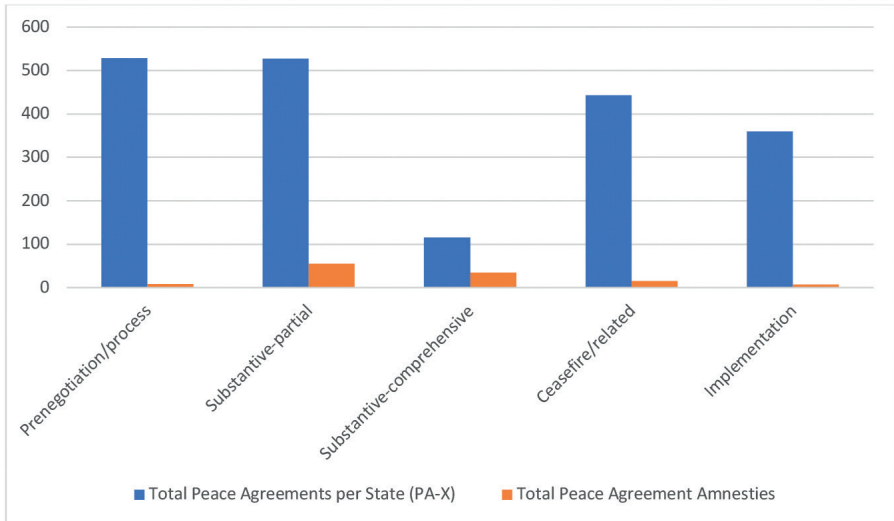


Figure 1: Peace Agreement Amnesty Provisions by Agreement Stage, 1990-2024

Although amnesties only appear in a minority of the overall peace agreement texts contained in the PA-X database, this does not mean that they only appear in the peace agreements of a small number of conflict-affected states. The PA-X data contains copies of peace agreements reached in 106 states since 1990. Of these 106 states, the Peace Agreement Amnesty Dataset finds that 47 have had at least one peace agreement with amnesty provisions. This suggests that almost half of all states that have reached peace agreements since 1990 have used some form of amnesty for conflict-related offences. This demonstrates a high rate of reliance of amnesties, particularly when compared with peace agreement provisions relating to other forms of transitional justice.

The PA-X Peace Agreement Database codes peace agreement provisions relating to multiple forms of transitional justice. These are amnesty, prisoner releases, national courts, international courts, truth recovery, vetting, symbolic reparations, and material reparations. Given that amnesties and other forms of transitional justice are most commonly used at the comprehensive peace agreement stage, Figure 2 illustrates what percentage of comprehensive peace agreements since 1990 have had provisions relating to each form of transitional justice.

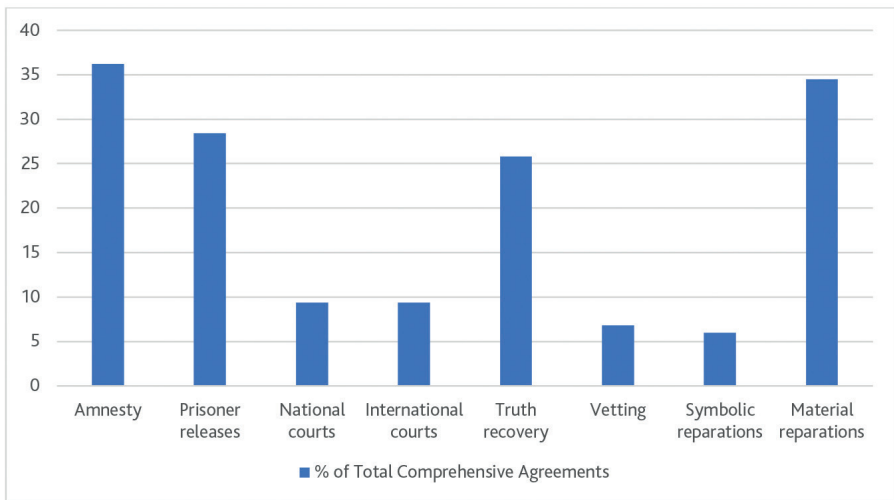


Figure 2: Transitional Justice Provisions in Comprehensive Peace Agreements, 1990-2024

This chart shows that amnesties are the most commonly included transitional justice mechanism in peace agreements. They are included in 25-30 per cent more agreements than courts or vetting processes. In addition, the high rate of inclusion of amnesties is accompanied by 28 per cent of agreements providing for prisoner releases. Cumulatively, this suggests that while 74 comprehensive peace agreements do not mention amnesty this should not automatically be construed as support for criminal accountability.

## Who Benefits from Peace Agreement Amnesties?

The Peace Agreement Amnesties Dataset codes amnesty provisions contained in peace agreements that were intended to end internal armed conflicts. These peace agreements result from negotiations between state actors and non-state actors who were involved in the armed conflict, or their associated political representatives. It is unsurprising therefore that the recipients of peace agreement amnesties may include state actors and non-state armed groups. However, depending on their purpose, a small number of peace agreement amnesty provisions have been intended to benefit other groups, particularly refugees and displaced persons, political prisoners, and collaborators. Recognising these different groups of beneficiaries can be important for indicating where peace agreement amnesties may be intended to undo harms that were committed during the conflict, for example, by facilitating people to return to homes from which they were displaced or releasing people who may have been detained without normal due process. Distinguishing between different categories of beneficiaries may also be important for determining, for example, whether broad, unconditional amnesties are offered more often to some groups of actors. These types of distinctions may have important implications for the peace agreement amnesty provisions' legitimacy and ability to contribute to lasting peace.

The full range of potential beneficiaries of peace agreement amnesty provisions has not generally been examined in previous studies. Instead, pre-existing studies that have examined the relationship of peace agreements to amnesties have tended either to not analyse trends in the intended beneficiaries of peace agreement amnesty provisions<sup>29</sup> or to restrict their data sample to amnesties for rebel groups.<sup>30</sup> The Peace Agreement Amnesties Dataset takes a more expansive approach by coding all categories of recipients that are apparent from the peace agreement provisions.<sup>31</sup>

Figure 3 shows that 61 per cent of peace agreement amnesty provisions are intended to benefit non-state armed groups. In addition, a further 31 per cent of peace agreement amnesties benefit both state and non-state actors. In contrast, only 1.6 per cent only benefit state actors.

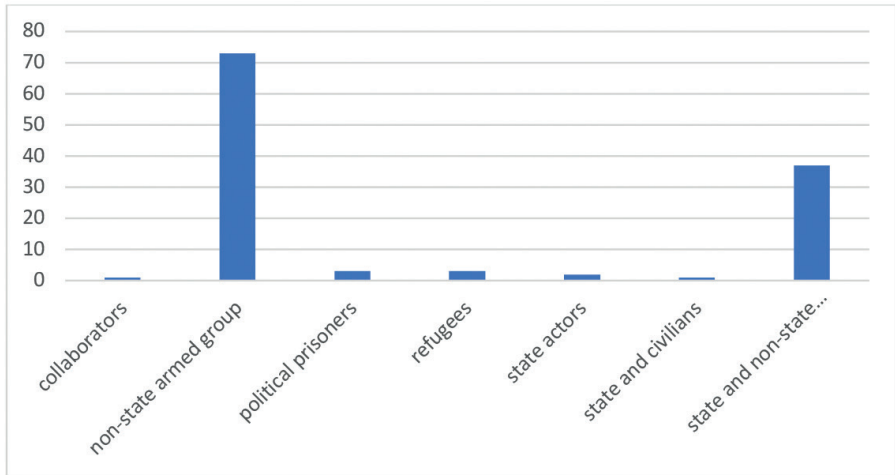


Figure 3: Recipients of Peace Agreement Amnesties

That most peace agreement amnesties are intended to benefit non-state armed groups likely reflects the understanding that amnesties can play an important role in encouraging non-state armed groups to end their insurgencies and reintegrate into society. Indeed, as is explored below, some peace agreement amnesties condition the grant of amnesty on disarmament, demobilization and reintegration.

Trends relating to how the recipients of peace agreement amnesties correspond to whether amnesty is offered to those who are suspected of being responsible for genocide, war crimes, and crimes against humanity are explored in Table 1. It shows that overall 23.6 per cent of peace agreements amnesties for non-state armed groups are limited to exclude international crimes. However, such exclusions are more likely when a peace agreement amnesty also benefits state actors. 37.8 per cent of such reciprocal amnesties exclude international crimes. In contrast, only 16.4 per cent of amnesties that benefit non-state actors without granting immunity for state actors exclude international crimes. However, neither of the two peace agreement amnesties that only benefited state actors excluded international crimes. In addition, where amnesties were applied to refugees and displaced persons, 66 per cent of these amnesties were limited.

Table 1: Exclusion of International Crimes and Amnesty Beneficiaries

Recipients	Exclusion of International Crimes		Total Number of Peace Agreement Amnesties	% Peace Agreement Amnesties for Beneficiary Group to Exclude International Crimes
	No	Yes		
Collaborators	1	0	1	0
Non-State Armed Groups	61	12	73	16.4
Political Prisoners	3	0	3	0
Refugees	1	2	3	66.6
State Actors	2	0	2	0
State and Civilians	1	0	1	0
State and Non-State Combatants	23	14	37	37.8
<b>Total</b>	<b>92</b>	<b>28</b>	<b>120</b>	

To provide more context on these findings, the following sections explain how the inclusion or exclusion of international crimes in peace agreement amnesties is coded in the Peace Agreement Amnesties Dataset, before examining broader trends with respect to how peace agreement amnesties engage with international crimes.

## Do Peace Agreements Commit the Parties to Offering Amnesty for Genocide, Crimes against Humanity and War Crimes?

The peace agreement amnesty dataset spans a 35-year period from 1990-2024. At the start of this period, there was little in international law and policy to constrain negotiating parties' ability to offer broad amnesties that could in practice extend to genocide, crimes against humanity, and war crimes in negotiated political settlements. Indeed, it was commonplace for international actors such as the United Nations to encourage negotiating parties to include amnesty provisions in peace agreements, without suggesting that such provisions must stipulate that international crimes should be excluded from the amnesty.<sup>32</sup> However, as discussed in the introduction, in the late 1990s, this began to change.

Among the key milestones in the shift in international perceptions on the legality of amnesties was the UN's adoption of a policy that precluded its mediators from endorsing peace agreements with broadly framed amnesty provisions. This was followed in 2005 by the UN Commission on Human Rights publishing soft law standards which were intended to assist states in combating impunity. These stated that '[e]ven when intended to establish conditions conducive to a peace agreement or to foster national reconciliation, ... [t]he perpetrators of serious crimes under international law may not benefit from [amnesties] until such time as' they have been investigated, prosecuted, and punished.<sup>33</sup> This international policy shift was fuelled by the creation of the International Criminal Court and the growing case law from international human rights bodies that found that broad amnesties violated states' obligations to investigate, prosecute, and punish international crimes and serious human rights violations.

For some scholars, these developments meant that broad amnesties could no longer be on the table in peace negotiations. For example, Lyons argued that '[t]he international legal changes have rendered amnesty for crimes against humanity ineffective and removed it as a tool to create peace.'<sup>34</sup> There is some evidence of these understandings being adopted in peace negotiations. For example, in the negotiations between the Colombian government and FARC, it was agreed that in accordance with Article 6(5) of Additional Protocol II to the Geneva Conventions, the peace agreement should offer the 'broadest possible amnesty' to persons who had participated in the internal armed conflict. However, the parties also accepted that the amnesty could not conflict with Colombia's international obligations to investigate, prosecute and international crimes.<sup>35</sup> The resulting Law 1820 of 2016 provides a framework for granting amnesty to FARC guerrillas but prohibits amnesties for serious violations of international human rights law or international humanitarian law.

This section uses in the Peace Agreement Amnesties Dataset to examine whether the Colombian approach is indicative of a significant shift in which peace negotiators increasingly refrain from offering amnesties for international crimes in peace agreements. In the dataset, peace agreements amnesty provisions are coded as excluding international crimes, where the text of the provision stated that the amnesty committed to in the agreement

- ▶ Could not extend to genocide, crimes against humanity, and/or war crimes
- ▶ Could not extend to 'serious violations' within the jurisdiction of the International Criminal Tribunal for the Former Yugoslavia or the International Criminal Court<sup>36</sup>
- ▶ Could not extend to 'serious violations' of human rights or international humanitarian law
- ▶ Could not extend to crimes which are imprescriptible under the state's treaty obligations<sup>37</sup>
- ▶ Could not extend to persons indicted by an international criminal court<sup>38</sup>
- ▶ Shall be adopted 'in accordance with universal principles and international law'<sup>39</sup>

Although all of these formulations limit the application of amnesty to international crimes, the scope of the exclusion varies. For example, where an agreement only bars amnesty for persons who have been indicted by an international court, this could allow other persons who committed international crimes, but who have not been indicted, to obtain amnesty. Given that international courts, such as the International Criminal Court, often only indict small numbers of the most serious offenders, in practice, such limitations would allow most perpetrators of international crimes to benefit from an amnesty.

If the amnesty provision does not contain any of these formulations excluding international crimes, the Peace Agreement Amnesty Dataset codes the agreement as not excluding international crimes. The absence of such an exclusion may mean that the amnesty is intended to cover international crimes. However, in some instances, it may be because the amnesty was not intended to address these categories of crimes. For example, a 1990 agreement in Morocco granted amnesty to facilitate the return of refugees<sup>40</sup> is silent on international crimes and serious human rights violations. However, this silence reflects that this category of crimes was not relevant to the intended beneficiaries of the amnesty.

Table 2 shows that among the 120 Peace Agreement Amnesties from 1990 to 2024, 24 per cent (n=28) excluded international crimes, whereas 76 per cent of the agreements had no exclusion for these crimes. Table 2 shows that for each stage of agreement, amnesties without exclusions for international crimes outnumbered those with such exclusions, although the balance between these choices varies. For example, among the peace agreements with amnesty provisions, international crimes are excluded in only 37 per cent of comprehensive peace agreements, 24 per cent of partial agreements, 13 per cent of pre-negotiation agreements, and seven per cent of ceasefire agreements. International crimes are not excluded from the amnesty provisions of any implementation agreements.

Table 2: Peace Agreement Amnesties by Agreement Stage with Exclusions for International Crimes, 1990-2024

Stage of Agreement	Exclusion Core Crimes	No Exclusion of Core Crime	% Agreements with No Exclusion
Ceasefire (n=15)	1	14	93
Pre-negotiation / process (n=8)	1	7	87
Framework / substantive - partial (n=55)	13	42	76
Framework / substantive - comprehensive (n=35)	13	22	63
Implementation / negotiation (n=7)	0	7	100
<b>Total</b>	<b>28</b>	<b>92</b>	<b>76</b>

## Are International Crimes Increasingly Excluded from Peace Agreement Amnesties?

Turning now to whether peace agreement amnesty provisions have become less likely to offer broad amnesties since the late 1990s as a result of the developments in UN policy and international case law. Figure 4 illustrates that for most years from 1990 to 2024, more peace agreement amnesty provisions did not exclude international crimes than peace agreement amnesty provisions with such exclusions. It was only in 1996 and 2016, that more peace agreement amnesties had exclusions for international crimes. When these trends are averaged across the 35-year period, we can see that the difference is quite stark. The average number of peace agreement amnesties excluding international crimes per year from 1990 to 2024 was 0.8. In contrast, the average number of peace agreement amnesties with no exclusion for core crimes was 2.6 per year.

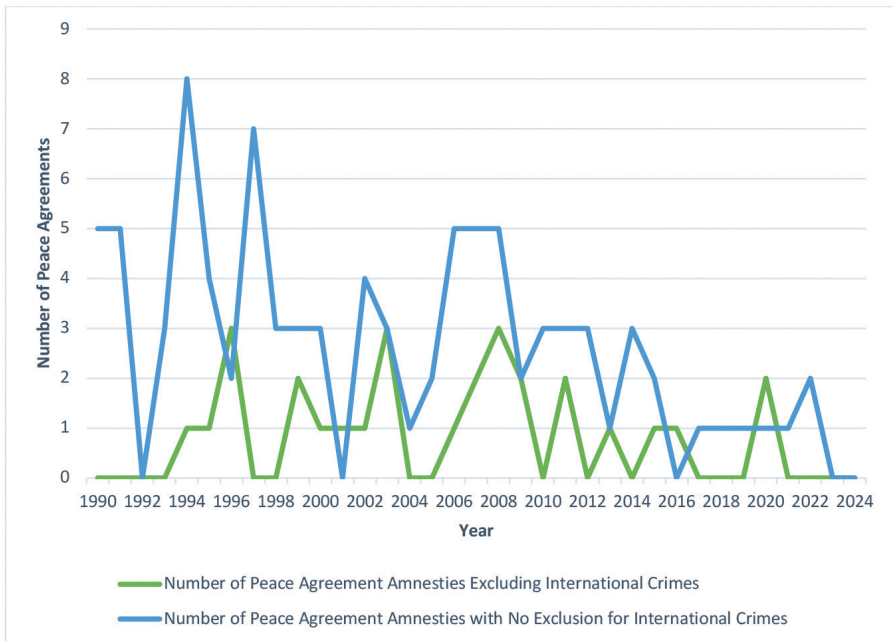


Figure 4: Peace Agreement Amnesties Excluding International Crimes by Year

Given that we are particularly interested in shifts from the late 1990s, when international perceptions of the permissibility of broad amnesties seemingly shifted, it is useful to examine these broad trends across shorter time intervals. Table 3 shows that the yearly average of the number of peace agreement amnesties excluding international crimes doubled from 0.7 to 1.4 during the 2000s, after the signing of the Rome Statute of the International Criminal Court in 1998 and the change in the UN mediation policy in 1999. This upwards shift was accompanied by a decline in the average number of peace agreement amnesties per year without an exclusion, which fell from 4.0 to 3.0, but remained higher than the average number of peace agreement amnesties that excluded international crimes. In subsequent decades, the trajectory of increasing numbers of peace agreement amnesties that excluded international crimes was not sustained. Instead, the numbers of peace agreement amnesties with and without exclusions for international crimes have fallen, which in recent years may be due to a drop in the number of partial and comprehensive peace agreements<sup>41</sup> or increasing levels of impunity that may make negotiating parties feel that amnesties are less necessary. However, the yearly average for peace agreement amnesties that do not exclude international crimes has consistently been higher than for agreements without such exclusions.

Table 3: Mean Yearly Peace Agreement Amnesties Excluding International Crimes by Decade

<b>Time Period</b>	<b>Mean Number of Peace Agreement Amnesties Excluding International Crimes Per Year</b>	<b>Mean Number of Peace Agreement Amnesties with no Exclusion Per Year</b>
<b>1990-1999</b>	0.7	4.0
<b>2000-2009</b>	1.4	3.0
<b>2010-2019</b>	0.5	1.8
<b>2020-2024</b>	0.2	0.8

To explore this data in another way, Table 4 examines what proportion of the total number of peace agreement amnesties negotiated in a five-year period excluded international crimes. It shows that this exclusion rate rose from 4.5 per cent in 1990-1994 to 35.2 per cent in the 2000-2004. In the subsequent years, it fluctuated but remained higher than in the 1990s. However, at no point has the proportion of peace agreement amnesties excluding international crimes come close to exceeding the proportion of agreements without such exclusions.

Table 4: Proportion of Peace Agreement Amnesties Excluding International Crimes by Five-Year Intervals

<b>Time Period</b>	<b>Total Number of Peace Agreement Amnesties</b>	<b>Total Number Excluding International Crimes</b>	<b>% Peace Agreement Amnesties Excluding International Crimes Per Year</b>
<b>1990-1994</b>	22	1	4.5
<b>1995-1999</b>	25	6	24.0
<b>2000-2004</b>	17	6	35.2
<b>2005-2009</b>	27	8	29.6
<b>2010-2014</b>	16	3	18.8
<b>2015-2019</b>	7	2	28.6
<b>2020-2024</b>	6	2	33.3

This section has demonstrated that from the late 1990s peace agreement amnesty provisions became more likely to contain language restricting the granting of amnesties to persons suspected of genocide, war crimes, and crimes against humanity. However, contrary to some of the positions expressed in international policy and academic literature, there is little evidence to suggest that amnesties for international crimes are off the table for peace negotiators. On the contrary, peace agreements continue to contain provisions offering amnesties and in a consistent majority of cases, these provisions do not restrict the application of amnesties to international crimes. In the following sections, we dig deeper into these trends to examine whether there are differences across geographic regions, with respect to UN mediation, and whether the peace agreement commits the parties to conditional amnesty.

## Are there Regional Differences in the Inclusion of Amnesties in Peace Agreements?

Armed conflicts are not experienced at equivalent levels across all geographical world regions. For example, ACLED's Conflict Index reports that from 2020-2024, the levels of political violence in the Middle East and Europe and Central Asia were almost double the levels in other world regions.<sup>42</sup> The differential levels of violence can understandably mean that some world regions produce larger volumes of peace agreements than other regions. For example, in the PA-X Peace Agreement database, there are 721 agreements from Africa (excluding the Middle East and North Africa), 263 from the Americas, 425 from Asia and the Pacific, 435 from Europe and Eurasia, and 295 from the Middle East and North Africa. Similar regional variations are apparent when considering peace agreements with amnesty provisions.

Table 5 summarizes how peace agreement amnesties are distributed across world regions. The table indicates that 57.5 per cent of peace agreement amnesties have come from Africa, 21.6 per cent have come from Asia, 10.8 per cent from the Americas, 5.8 per cent from Europe, and 4.2 per cent from Oceania.<sup>43</sup> The concentration of peace agreement amnesties in Africa, and particularly in mid Africa where 40.6 per cent of the African peace agreement amnesties have been negotiated, may reflect the findings of norm diffusion scholars that 'geographical proximity is the key determinant of the diffusion process'.<sup>44</sup>

Table 5: Peace Agreement Amnesties by Region and International Crimes Exclusion

Region	Exclusion of International Crimes		Total
	No	Yes	
<b>Africa</b>	<b>49</b>	<b>20</b>	<b>20</b>
Afr E	9	5	5
Afr Mid	18	10	10
Afr N	7	3	3
Afr S	3	0	0
Afr W	12	2	2

Region	Exclusion of International Crimes		Total
	No	Yes	
<b>Americas</b>	<b>11</b>	<b>2</b>	<b>13</b>
Amer Cent	2	1	3
Amer S	8	1	9
Caribbean	1	0	1
<b>Asia</b>	<b>25</b>	<b>1</b>	<b>26</b>
Asia Cent	2	0	2
Asia S	10	0	10
Asia SE	8	0	8
Asia W	5	1	6
<b>Europe</b>	<b>2</b>	<b>5</b>	<b>7</b>
Eur E	2	1	3
Eur S	0	4	4
<b>Oceania</b>	<b>5</b>	<b>0</b>	<b>5</b>
Melanesia	5	0	5
<b>Total</b>	<b>92</b>	<b>28</b>	<b>120</b>

Table 5 also illustrates that there is considerable regional variation with respect to whether peace agreements preclude amnesties being offered to international crimes. For example, all of the peace agreement amnesties in southern Europe stated that amnesties could not extend to international crimes. These peace agreements related to the conflicts in the Former Yugoslavia and they specified that amnesty could not extend to crimes within the jurisdiction of the International Criminal Tribunal for the Former Yugoslavia. In contrast, only one of the 26 peace agreement amnesties offered in Asia excluded international crimes and none of the five Oceanian peace agreements amnesties were limited to exclude serious violations.

71 per cent of the peace agreements that excluded international crimes from their amnesty provisions were in Africa, and half of these were in Mid-Africa, where more amnesties excluded international crimes than in any other world region. This makes it difficult to contend that there has been a global shift in norms and practice towards peace agreements precluding amnesties for international crimes. Instead, it illustrates that the exclusion of international crimes from peace agreement amnesties is highly regionally concentrated.

To look at this more closely, Table 6 explores the exclusion of international crimes from African peace agreement amnesties across the period from 1990-2024. It shows that seven of the ten Mid African peace agreements that offered amnesties but excluded international crimes were signed between 2000 and 2009. In addition, in same period, greater numbers of peace agreements signed in this region offered broad amnesties. In the years since 2009, far fewer peace agreements amnesties have been offered in Mid Africa, but the numbers offering broad and limited amnesty have been equal.

Table 6: Exclusion of international Crimes in African peace agreement amnesties by five-year intervals

African Region and Years	Exclusion of International Crimes		Total
	No	Yes	
<b>Afr E</b>	<b>9</b>	<b>5</b>	<b>14</b>
1990-1994	1	0	1
1995-1999	0	0	0
2000-2004	3	1	4
2005-2009	1	3	4
2010-2014	3	1	4
2015-2019	0	0	0
2020-2024	1	0	1
<b>Afr Mid</b>	<b>18</b>	<b>10</b>	<b>28</b>
1990-1994	2	0	2
1995-1999	2	1	3
2000-2004	4	3	7
2005-2009	8	4	12
2010-2014	0	1	1
2015-2019	1	0	1
2020-2024	1	1	2

African Region and Years	Exclusion of International Crimes		Total
	No	Yes	
<b>Afr N</b>	<b>7</b>	<b>3</b>	<b>10</b>
1990-1994	1	0	1
1995-1999	2	0	2
2000-2004	0	0	0
2005-2009	1	0	1
2010-2014	2	1	3
2015-2019	1	1	2
2020-2024	0	1	1
<b>Afr S</b>	<b>3</b>	<b>0</b>	<b>3</b>
1990-1994	3	0	3
1995-1999	0	0	0
2000-2004	0	0	0
2005-2009	0	0	0
2010-2014	0	0	0
2015-2019	0	0	0
2020-2024	0	0	0

African Region and Years	Exclusion of International Crimes		Total
	No	Yes	
<b>Afr W</b>	<b>12</b>	<b>2</b>	<b>14</b>
1990-1994	2	0	2
1995-1999	6	0	6
2000-2004	2	1	3
2005-2009	1	1	2
2010-2014	1	0	1
2015-2019	0	0	0
2020-2024	0	0	0
<b>Total</b>	<b>49</b>	<b>20</b>	<b>69</b>

Existing studies of peace agreement amnesties by Close and Jeffery similarly found that there were pronounced regional variations in the exclusion of international crimes from peace agreement amnesties. These scholars both particularly highlighted that Asian states generally grant broad peace agreement amnesties with low rates of exclusion of international crimes, a finding which is supported by the data summarized above. Close and Jeffery both suggested this pattern could be due to fewer Asian peace accords being brokered by international organizations, particularly when compared to African peace agreements. This idea is explored in the next section when we examine whether peace agreements that are signed by the United Nations have been more likely to exclude international crimes.

## Do United Nations Mediated Peace Agreements Exclude International Crimes from Amnesty Provisions?

The United Nations has a long history of signing peace agreements, and according to PA-X data on third parties to peace agreements, the UN has signed more peace agreements than any other third-party including states and international organizations.<sup>46</sup> UN signatures and reservations to peace agreements do not carry direct legal weight. However, the organization's important peace mediation role and the support its agencies provide for peace implementation can allow UN personnel to influence peace negotiations. This influence has been argued to be particularly pronounced with respect to amnesties. For example, Freeman asserts that 'notwithstanding the fact that the UN Secretary General cannot make law – the UN position [on amnesty] tends to be treated as synonymous with the legal position'.<sup>47</sup> This has prompted some scholars to observe that the UN has ensured that peace agreement amnesties are limited to exclude international crimes.<sup>48</sup> This section uses the Peace Agreement Amnesty Dataset to demonstrate that while UN involvement in peace agreements served to shape state practice on amnesties, the influence was most visible in the UN's involvement in peace negotiations in mid-Africa during the period from 2000 to 2009.

In compiling the data on UN signatures and peace agreement amnesties, this study has relied on the 'UN Signatory' variable in the PA-X Peace Agreement data, which records 'any signature, in whatever capacity, of any UN official, or official of UN organizations (or in the case of unsigned declarations the UN is clearly one of the declaring parties). According to the PA-X data, the UN has been a signatory to 407 of the 2055 peace agreements from 1990 to 2024.

Table 7 shows the proportion of peace agreements signed by the UN across the decades since 1990. It illustrates that percentage of agreements signed by the UN fell from 27.5 per cent in the 1990s to 10.4 per cent in the 2010s. There has been a percentage increase between 2020-2024, but this does not appear to result from a growth in the number of agreements being signed by the UN. Instead, it seems to be due to the fall in the total number of agreements in this five-year period, which are well below half the total amount of agreements in the preceding decades.

Table 7: Proportion of Peace Agreements signed by the UN

Time Period	Total Number of Peace Agreements (PA-X)	Number of UN signed Peace Agreements	% Agreements signed by the UN
1990-1999	751	207	27.5
2000-2009	528	109	20.6
2010-2019	642	67	10.4
2020-2024	134	24	17.9
<b>Total</b>	<b>2055</b>	<b>407</b>	<b>19.8</b>

Of the 407 peace agreements signed by the UN, 32 committed the parties to granting amnesty, which represented 26.6 per cent of the peace agreement amnesties overall.

Table 8 summarizes how the presence or absence of a UN signature corresponds to whether international crimes are excluded from peace agreement amnesties. It shows that 80.4 per cent of the peace agreement amnesties without exclusions for international crimes were not signed by the United Nations. In contrast, 50 per cent of the peace agreements amnesties that restricted the amnesty applying to international crimes were signed by the UN. In broad terms, this suggests that UN involvement may make it more likely that the negotiating parties will limit the scope of peace agreement amnesties.

Table 8: UN Signatures to Peace Agreement Amnesties and International Crimes

Exclusion of International Crimes	UN Signature		Total
	No	Yes	
No	74	18	92
Yes	14	14	28
<b>Total</b>	<b>88</b>	<b>32</b>	<b>120</b>

Interestingly, the data in Table 8 also indicates that more than half of the peace agreement amnesties signed by the UN did not restrict the application of the amnesty for international crimes. This raises the question of whether the UN signed the agreements with broad amnesty provisions before or after changing its mediation policy in 1999.

Table 9 shows that during the 1990s, the UN signed 12 peace agreements with amnesty provisions, only three of which excluded international crimes. Following the change in UN policy in 1999, ten peace agreement amnesties endorsed by the UN excluded international crimes, but it also signed six peace agreements that did not have such limitations.<sup>49</sup> This shows that the policy change resulted in changes in UN mediation practice, but that this change may not have been consistently followed.

Table 9: UN Signatures and the Exclusion of International Crimes in Peace Agreement Amnesties

Years	No Exclusion of International Crimes		Exclusion of International Crimes	
	No UN Signature	UN Signature	No UN Signature	UN Signature
<b>1990-1999</b>	31	9	4	3
<b>2000-2009</b>	24	6	4	10
<b>2010-2019</b>	15	3	5	0
<b>2020-2024</b>	4	0	1	1
<b>Total</b>	<b>74</b>	<b>18</b>	<b>14</b>	<b>14</b>

Since 2010, the UN has signed one peace agreement that excluded international crimes from the amnesty and three agreements without such an exclusion.<sup>50</sup> In addition, during the period from 2010 to 2024, six peace agreement amnesties were negotiated without UN signatures but which nonetheless excluded international crimes. This suggests that other factors beyond direct UN involvement in negotiations shaped these outcomes. Overall, Table 9 suggests that during the 2000s, the change in the UN policy likely contributed to peace agreement amnesties increasingly excluding international crimes. However, this influence was heavily focused on mid-Africa.

There are considerable regional differences in the UN's signing of peace agreements.<sup>51</sup> This means there are regional differences in the UN's signing of peace agreements with amnesty provisions. 27 of the 32 peace agreements with amnesty provisions signed by the UN are in Africa, one is in the Americas, three are in Asia, one is in Oceania, and none are in Europe. In addition, within these regional trends are sub-regional and temporal concentrations of UN influence. Specifically, 12 of the 14 UN-signed peace agreements which offered amnesties but excluded international crimes were in Africa. Ten of these related to peace agreements that were signed in the 2000s. In addition, eight of these 14 UN signed peace agreement amnesties that restricted international crimes related to conflicts in mid-African states. The UN only signed one similarly narrow peace agreement amnesty in the Americas and Asia respectively both of which were in the 1990s. It did not sign any in other world regions.

This section has found that direct UN involvement in peace agreement negotiations was a driver for excluding international crimes from the scope of amnesty provisions, but that this influence was exercised almost exclusively in parts of Africa in the decade after the UN changed its policies on amnesties from 1999. However, even during this decade, the UN signed peace agreements that did not specify that international crimes should be excluded from the amnesty required to implement the peace agreement. This type of inconsistency in the UN approach to amnesties is also evident in how UN bodies react to peace agreements with amnesty provisions. For example, President Donald J. Trump's Comprehensive Plan to End the Gaza Conflict of September 2025 states that

Once all hostages are returned, Hamas members who commit to peaceful co-existence and to decommission their weapons will be given amnesty. Members of Hamas who wish to leave Gaza will be provided safe passage to receiving countries.<sup>52</sup>

In November 2025, the United Nations Security Council issued a resolution endorsing the Comprehensive Plan and calling on all parties 'to implement it *in its entirety*, including maintenance of the ceasefire, in good faith and without delay' (emphasis added).<sup>53</sup> The resolution made no reference to the UN position that the amnesty must not extend to those responsible for war crimes, even though UN human rights bodies have found that Palestinian armed groups have been responsible for war crimes,<sup>54</sup> albeit on much smaller scale than Israeli forces. Neither the Comprehensive Plan, nor the UN Security Council resolution made any provision for addressing the rights of Palestinian and Israeli victims to truth, accountability or reparations. However, as the following section explores, some peace agreement amnesties expressly condition amnesties on beneficiaries contributing to the fulfilment of victims' rights.

## Are Peace Agreement Amnesties Conditional?

There has been a growing body of writing that contends that conditional amnesties can contribute positively to peace processes. For example, peace mediator Pierre Hazan has argued that

Conditional amnesty laws with clear, transparent and objective criteria, possibly combined with selective criminal prosecution of those responsible for the worst offences, can have a constructive effect in a peace process. This is particularly true when amnesty is conditional on disarmament processes or on justice, truth-seeking or reparation programmes.<sup>55</sup>

In addition, Henrard has contended that where an amnesty imposes conditions on individual beneficiaries, such amnesties 'do not preclude the possibility of prosecution for those who chose not to apply for amnesty or whose amnesty applications were refused. Such balanced combination could also achieve the reconciliation between ethical imperatives (the demands of justice) and political constraints'.<sup>56</sup>

Similar approaches were reflected in the African Union Transitional Justice Policy, which rejects unconditional amnesties that prevent investigations of those responsible for the most serious crimes. It, however, recognizes the permissibility of conditional amnesties that are intended to 'create institutional, political and security conditions to ensure observance of the rule of law and human rights and humanitarian law' and in doing so, sets out 'benchmarks' that conditional amnesties should meet. These benchmarks include requiring amnestied persons to disclose truth and submit to 'some form of accountability'.<sup>57</sup> The approaches make clear that rather than barring all forms of accountability, conditional amnesties can be designed to complement both prosecutions and non-prosecutorial forms of accountability. These ideas were also explored in The Belfast Guidelines on Amnesty and Accountability, which contended that conditional amnesties are 'more likely to be viewed as legitimate where they are primarily designed to create institutional and security conditions for the sustainable protection of human rights, and require individual offenders to engage with measures to ensure truth, accountability and reparations'.<sup>58</sup> Despite these scholarly and policy assertions of the value of conditional amnesties, existing studies of peace agreement amnesties have not examined whether peace agreement amnesties tend to have conditions attached.

The Peace Agreement Amnesty Dataset generally uses the language in the peace agreement to code what conditions, if any, are attached to the amnesty provision.<sup>59</sup> The peace agreement amnesty is coded as unconditional where the amnesty provision does not state any conditions that amnesty beneficiaries must comply with to benefit from the amnesty.<sup>60</sup> Otherwise, the peace agreement amnesties are coded as conditional. In one instance, a peace agreement amnesty is coded simply as being 'conditional' because the peace agreement stated 'That conditional amnesty be granted...' but provided no details on what the conditions should be.<sup>61</sup> In all other instances, the coding identifies the forms of conditions mentioned in the peace agreement, namely disarmament,<sup>62</sup> truth recovery,<sup>63</sup> or accepting an end to violence<sup>64</sup> or a transfer of power.<sup>65</sup>

Figure 5 uses this coding to illustrate that the vast majority of peace agreement texts that express the parties' commitments to grant amnesty do not set any conditions that individuals must comply with to receive amnesty. As peace agreement amnesty provisions are often quite brief and intended to be followed by more detailed implementing legislation, the absence of explicit peace agreement language on conditionalities does not necessarily mean that the resulting domestic amnesties are unconditional, although many often are. However, where the parties to a peace agreement are able to impose conditions on amnesty in the terms of the peace agreement, this often closely integrates the amnesty with the implementation of other elements of the peace agreement.

Figure 5 also illustrates how the presence or absence of language on conditionalities connects with the inclusion of language restricting the granting of amnesties to persons alleged to be responsible for international crimes. It shows that it is comparatively rare for peace agreement amnesties with no exclusion of international crimes to be conditional. Furthermore, if these broadly-framed peace agreement amnesty provisions are conditional, they tend include conditions on disarmament, demobilisation, and reintegration. Only one was conditional of individuals disclosing the truth about their actions.

Conversely, among the smaller number of peace agreement amnesties that exclude international crimes, DDR provisions are less common and occur in similar numbers to truth recovery commitments. However, most peace agreement amnesties that limit the application of amnesty to international crimes also tend to be unconditional.

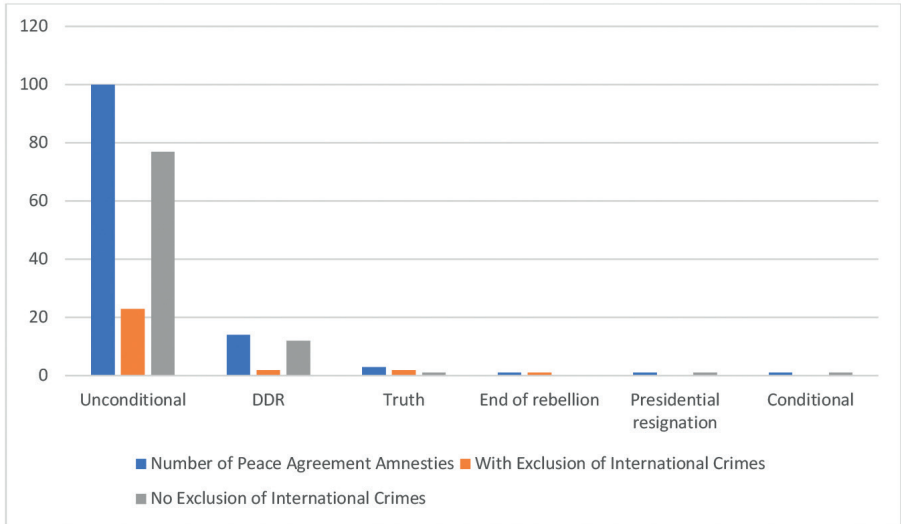


Figure 5: Conditionalities and Peace Agreement Amnesties

## Conclusion

This report used the Peace Agreement Amnesties dataset to examine when and where amnesties are included in peace agreements, how these patterns of inclusion compare to other forms of transitional justice, the beneficiaries and crimes covered by peace agreement amnesties, the significance of the United Nations mediating peace agreement amnesties for shaping the crimes covered by the amnesty, and whether peace agreements impose conditionalities on the granting of amnesty. The findings reveal an enduring practice among states affected by internal armed conflicts to rely on amnesties, even for the most serious crimes. As the majority of these amnesties are for non-state armed groups, this suggests that these amnesties are often intended to encourage members of these groups to disarm, demobilize, and reintegrate. It finds that following the UN's 1999 shift to reject amnesties for international crimes, the presence of UN mediators seemed to encourage a rise in the number of peace agreement amnesties that exclude international crimes. However, this influence was largely centred on negotiations in mid-Africa and it was not sustained from the 2010s. It further finds that most peace agreement amnesties are unconditional. These findings provide significant and novel data for understanding state practice on amnesties, which has a bearing on their legality under customary international law.

In future work, it would be useful to examine the influence of other mediators, as this might provide further insights on why there are pronounced regional differences in approaches to amnesty for international crimes in peace agreements. In addition, given the reduction in the number of comprehensive peace agreements over the last decade, it would be useful to examine in greater detail what this may mean for the frequency and forms of peace agreement amnesties.

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## Endnotes

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- <sup>2</sup> Bell, Christine, Sanja Badanjak, Adam Farquhar, Juline Beaujouan, Tim Epple, Robert Forster, Astrid Jamar, Kevin McNicholl, Sean Molloy, Kathryn Nash, Jan Pospisil, Robert Wilson, Laura Wise. (2024). PA-X, Version 8. Peace and Conflict Resolution Evidence Platform (PeaceRep), University of Edinburgh. <https://pax.peaceagreements.org/agreements/search/>
- <sup>3</sup> None of the peace agreements coded in the PA-X peace agreement database as providing for amnesty are categorized by PA-X as relating to interstate armed conflicts. PA-X defines intrastate armed conflicts as 'InterIntra: Interstate/mixed or intrastate conflict. These agreements are clearly only inter- state in nature (treaty), but rather than referring to a single inter-state conflict, they refer to intra-state conflict/conflicts, whose major components originate within existing (de- facto or legal) state borders. Parties to these are most often states or international actors e.g. Israel-Jordan Treaty in support of the PLO- Israel Peace Agreements; African Great Lakes agreements; European Union unilateral Action Plan on Former Yugoslavia; communiqués, conclusions, and declarations produced by international conferences on Afghanistan. This category enables differentiating such interstate agreements from 'pure interstate agreements', which relate to international conflict.
- <sup>4</sup> Jamie Pring, 'From Transitional Justice to Dealing with the Past: The Role of Norms in International Peace Mediation' (Swisspeace 2017) 18.
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- <sup>6</sup> United Nations, 'United Nations Guidance for Effective Mediation' (2012) 17.
- <sup>7</sup> International Committee of the Red Cross, 'Commentary of 1987 to Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977.' (International Committee of the Red Cross 1987).

<sup>8</sup> See e.g. Treaty of Kadesh made between Pharaoh Ramesses II and Hattusili III in 1269 BCE. 'If a man flee from the land of Egypt - or two or three - and they come to the Great Prince of Hatti, the Great Prince of Hatti shall lay hold of them, and he shall cause that they be brought back to User-maat-Re Setep-en-Re, the great ruler of Egypt. But, as for the man who shall be brought to Ramses Meri-Amon, the great ruler of Egypt, *do not cause that his crime be raised against him; do not cause that his house or his wives or his children be destroyed; do not cause that he be slain; do not cause that injury be done to his eyes, to his ears, to his mouth, or to his legs; do not let any crime be raised against him*'. There is similar language with respect to those who had fled from the Hittite Kingdom. Translation from James B Pritchard, *Ancient Near Eastern Texts Relating to the Old Testament with Supplement* (3rd edn, Princeton University Press). 201. See also Edwin Carawan, *The Athenian Amnesty and Reconstructing the Law* (Oxford University Press 2013); Brian E McKnight (ed), *The Quality of Mercy: Amnesties and Traditional Chinese Justice* (The University Press of Hawaii 1981); Fania Domb, 'Treatment of War Crimes in Peace Settlements - Prosecution or Amnesty?' in Yoram Dinstein and Mala Tabory (eds), *War Crimes in International Law* (Martinus Nijhoff Publishers 1996).

<sup>9</sup> See e.g. 'Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)' art 6(5) <<http://www.icrc.org/ihlnsf/FULL/475?OpenDocument>> accessed 8 June 1977..

<sup>10</sup> Kofi Annan, 'Seventh Report of the Secretary General Observer Mission in Sierra Leone' (UN Security Council 1999) UN Doc S/1999/836 paras 7 and 54.

<sup>11</sup> Louis Joinet, 'Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity' (UN Economic and Social Council 1997) UN Doc E/CN.4/Sub.2/1997/20/Rev.1. Principle 25.

<sup>12</sup> European Union, 'The EU's Policy Framework to Support Transitional Justice' (2015) 9.

<sup>13</sup> Priscilla Hayner, *The Peacemaker's Paradox: Pursuing Justice in the Shadow of Conflict* (Routledge 2018).

<sup>14</sup> Sara Hellmüller and Martin Wählisch, 'Reflecting about the Past, Present, and Future of UN Mediation' (2022) 27 *International Negotiation* 1.

<sup>15</sup> Immanuel Kant, *The Metaphysics of Morals* (1797); Carl Schmitt, 'Amnesty or the Force of Forgetting', *The Tyranny of Values and Other Texts* (Duncker & Humblot 1949); Martha Minow, *When Should Law Forgive?* (Reprint edition, W W Norton & Company 2019); Patrick Lenta, 'Post-Conflict Amnesties and/as Plea Bargains' (2023) 0 *Journal of Global Ethics* 1.

<sup>16</sup> Pierre Hazan, 'Amnesty: A Blessing in Disguise? Making Good Use of an Important Mechanism in Peace Processes' (Centre for Humanitarian Dialogue 2020); Jeffrey R Seul, 'Coordinating Transitional Justice' (2019) 35 *Negotiation Journal* 9; Hayner (n 14).

<sup>17</sup> Geoff Dancy, 'Deals with the Devil? Conflict Amnesties, Civil War, and Sustainable Peace' (2018) 72 *International Organization* 387; Andrew G Reiter, 'Examining the Use of Amnesties and Pardons as a Response to Internal Armed Conflict' (2014) 47 *Israel Law Review* 133; Lesley-Ann Daniels, 'How and When Amnesty during Conflict Affects Conflict Termination' (2020) 64 *Journal of Conflict Resolution* 1612; Erik Melander, *Justice or Peace: A Statistical Study of the Relationship between Amnesties and Durable Peace* (Lund University 2009). The findings from this literature are summarized in Louise Mallinder, 'Amnesties and Inclusive Political Settlements' (Political Settlements Research Programme 2018) <[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3341311](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3341311)> accessed 6 May 2022.

- <sup>18</sup> Eg Daniels notes that she is 'careful to exclude amnesties given or offered in the peace agreement that ends the conflict', Daniels (n 18) 1622. Dancy determines that amnesties are 'embedded in peace settlements' only where 'the date of the amnesty was the same as the final date of conflict' as recorded in the UCDP data. This approach appears to omit amnesties granted in preliminary peace agreements and peace agreement amnesties which were followed by violence.
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- <sup>20</sup> Josepha Close, *Amnesty, Serious Crimes and International Law: Global Perspectives in Theory and Practice* (Routledge 2019).
- <sup>21</sup> Renée Jeffery, *Negotiating Peace: Amnesties, Justice and Human Rights* (Cambridge University Press 2021).
- <sup>22</sup> Louise Mallinder, *Customary International Law, International Crimes, and Amnesties: The Legality and Limits of the Anti-Amnesty Norm in International Law* (Cambridge University Press 2027).
- <sup>23</sup> Bell, Christine, Sanja Badanjak, Adam Farquhar, Juline Beaujouan, Tim Epple, Robert Forster, Astrid Jamar, Kevin McNicholl, Sean Molloy, Kathryn Nash, Jan Pospisil, Robert Wilson, Laura Wise. (2024). PA-X, Version 8. Peace and Conflict Resolution Evidence Platform (PeaceRep), University of Edinburgh. <https://pax.peaceagreements.org/agreements/search/>
- <sup>24</sup> Bell, Christine, Sanja Badanjak, Adam Farquhar, Juline Beaujouan, Tim Epple, Robert Forster, Jennifer Hodge, Astrid Jamar, Kevin McNicholl, Sean Molloy, Kathryn Nash, Jan Pospisil, Robert Wilson, Laura Wise. (2025). PA-X Codebook, Version 9. Peace and Conflict Resolution Evidence Platform (PeaceRep), University of Edinburgh. As the PA-X data includes only formal and publicly available peace agreement texts, it may include peace negotiations where the parties privately agreed an amnesty but did not acknowledge this in a publicly available text. Several scholars have suggested this occurred with the 1984 Naval Club Pact, which enabled the transition from military dictatorship to democracy in Uruguay. See eg Louise Mallinder, 'Uruguay's Evolving Experience of Amnesty and Civil Society's Response' (Social Science Research Network 2009) SSRN Scholarly Paper ID 1387362 <<https://papers.ssrn.com/abstract=1387362>> accessed 22 July 2019.
- <sup>25</sup> None of the peace agreements coded in the PA-X peace agreement database as providing for amnesty are categorized by PA-X as relating to interstate armed conflicts. PA-X defines intrastate armed conflicts as 'InterIntra: Interstate/mixed or intrastate conflict. These agreements are clearly only inter- state in nature (treaty), but rather than referring to a single inter-state conflict, they refer to intra-state conflict/conflicts, whose major components originate within existing (de- facto or legal) state borders. Parties to these are most often states or international actors e.g. Israel-Jordan Treaty in support of the PLO- Israel Peace Agreements; African Great Lakes agreements; European Union unilateral Action Plan on Former Yugoslavia; communiqués, conclusions, and declarations produced by international conferences on Afghanistan. This category enables differentiating such interstate agreements from 'pure interstate agreements', which relate to international conflict.
- <sup>26</sup> Mallinder, 'Amnesties and Inclusive Political Settlements' (n 18).

<sup>27</sup> The PA-X database also has a category for renewal agreements, which are defined 'short agreements (typically of just one page), which do nothing other than "renew" previous commitments'. As the data sample for the Peace Agreement Amnesty dataset purposefully excludes repeated references to the same amnesty, this category is excluded from the analysis here. The PA-X codebook also lists a category 'other'. It is not included here as it appears PA-X has not coded any peace agreements under this category.

<sup>28</sup> PA-X Codebook 'Agreements that aim to get parties to the point of negotiating over the incompatibilities at the heart of the conflict. Note that these agreements can happen at any time in a process (even after a comprehensive peace agreement has been signed), if parties have moved back into "talking about how they are going to talk". Therefore, this characterization does not imply temporal precedence'.

<sup>29</sup> Close (n 20); Jeffery (n 21); Cho (n 19).

<sup>30</sup> Dancy (n 18); Daniels (n 18); Matthew Hauenstein, 'Rebel Group Substitutes and Peace Agreement Amnesties' (2023) 85 *The Journal of Politics* 1487.

<sup>31</sup> As far as possible, this variable is coded based on the language in the peace agreement amnesty text. However, several peace agreement amnesty provisions are vague on whom the amnesty is intended to benefit. For example, the Package of Measures for the Implementation of the Minsk Agreements (Minsk II) of 2015 applied to 'persons in connection with the events that took place in certain areas of the Donetsk and Luhansk regions of Ukraine'. This framing does not make clear whether the amnesty applied to Ukrainian state actors, militias operating in these territories, or Russian forces. Where the peace agreement amnesty text does not indicate the intended amnesty recipients, this variable is coded based on the amnesty law that implemented the peace agreement amnesty provision. In making these inferences, this dataset draws on the Amnesties, Conflict and Peace Agreement database. Louise Mallinder and Daniel Shaw (2024), *Amnesties, Conflict and Peace Agreement Database, Version 2, Peace and Conflict Resolution Evidence Platform (PeaceRep) and Queen's University Belfast* <https://peaceagreements.org/amnesties/>

<sup>32</sup> Michael P Scharf, 'Swapping Amnesty for Peace: Was There a Duty to Prosecute International Crimes in Haiti?' (1997) 31 *Texas International Law Journal* 1.

<sup>33</sup> Diane Orentlicher, 'Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity' (UN Commission on Human Rights 2005) UN Doc E/CN.4/2005/102/Add.1. Princ 24

<sup>34</sup> Scott W Lyons, 'Ineffective Amnesty: The Legal Impact on Negotiating the End of Conflict' (2013) 1 *Wake Forest Law Review* <<https://www.wakeforestlawreview.com/2013/01/ineffective-amnesty-the-legal-impact-on-negotiating-the-end-of-conflict/>> accessed 24 October 2025.

<sup>35</sup> Marcela Giraldo Muñoz, 'Amnesties as a Means of Encouraging Transition and Strengthening the Application of IHL in Colombia: The Case of the Special Jurisdiction for Peace' [2024] *International Review of the Red Cross* 1.

<sup>36</sup> See e.g. Bosnia-Herzegovina, Dayton Peace Agreement (1995).

<sup>37</sup> See e.g. Guatemala, Agreement on the Basis for the Legal Integration of the Unidad Revolucionaria Nacional Guatemalteca (1995).

- <sup>38</sup> See e.g. Accord de Paix Global entre le Gouvernement de la République Centrafricaine et les Mouvements Politico-Militaires Centrafricains désignés ci après: Armée Populaire pour la Restauration de la Démocratie (APRD), Front Démocratique du Peuple Centrafricain (FDPC), Union des Forces Démocratique pour le Rassemblement (UFDR), Central African Republic 2008.
- <sup>39</sup> See e.g. Kosovo, Interim Agreement for Peace and Self-Government in Kosovo (Rambouillet Accord) (1999).
- <sup>40</sup> Implementation plan proposed by the Secretary-General pursuant to Security Council resolution 621 (1988) of September 1988.
- <sup>41</sup> According to the PA-X database, there has been a reduction in the numbers of partial and comprehensive peace agreements in recent years. Between 2000 and 2009, there were 40 comprehensive peace agreements. In 2010 to 2019, there were 35 such agreements, and between 2020 and 2024, there were only seven. In addition, between 2000 and 2009, there were 143 partial peace agreements. In 2010 to 2019, there were 199 such agreements, but between 2020 and 2024, there were only 52. As partial and comprehensive peace agreements are the agreement stages which historically produced the greatest numbers of peace agreements with amnesty provisions, the decline in the numbers of these agreements could account for the decline in the number of peace agreement amnesties from 2020.
- <sup>42</sup> Clionadh Raleigh and Katayoun Kishi, 'Conflict Index' (ACLEDD, December 2024) <https://acleddata.com/series/acledd-conflict-index> For longer-term data on armed conflicts by region, see Uppsala Conflict Data Program, 'State Based Conflicts by Region (1990-2024)' <https://ucdp.uu.se/downloads/charts/>
- <sup>43</sup> These findings are broadly similar Josepha Close's findings and the slight differences can be explained by the different temporal boundaries on the data sample, see Close (n 20) 161.
- <sup>44</sup> Jeffery (n 21) 46.
- <sup>45</sup> Close (n 20) 162–3; Jeffery (n 21) 4.
- <sup>46</sup> Sanja Badanjak, 'Third Parties in Peace Agreements: First Look at New Data and Key Trends' (PeaceRep 2022) 1.
- <sup>47</sup> Mark Freeman, *Necessary Evils: Amnesties and the Search for Justice* (Cambridge University Press 2010) 92.
- <sup>48</sup> Close (n 20) 163–165. See also Jeffery (n 21).
- <sup>49</sup> The broad peace agreement amnesties endorsed by the UN in the 2000s were the 2000 Townsville Peace Agreement in the Solomon Islands; the 2002 Luena Memorandum of Understanding; the 2003 Accra Agreement for the conflict in Liberia; the 2006 Accord entre le CoRDC et le Mouvement Revolutionnaire Congolais (MRC) en Presence de la MONUC for the conflict in the Democratic Republic of Congo; the 2007 Accord de Paix de Birao and the 2008 Accord de Paix Global which addressed the conflict in the Central African Republic. However, during subsequent peace negotiations and processes of enacting these peace agreement amnesties into domestic law, the UN and other civil society actors were successful in restricting the scope of the amnesties to exclude international crimes or serious human rights violations. When these peace agreement commitments were enacted into domestic law, the amnesties in the Solomon Islands and Liberia excluded serious human rights violations, and the CAR amnesty excluded crimes within the jurisdiction of the International Criminal Court. While the 2006 DRC peace

agreement did not limit the amnesty provisions, Davis notes that under the final framework agreement, signed in November 2006, at the insistence of the UN, the scope of the amnesty was tightened to that the amnesty law due to be enacted should be 'similar terms to the amnesty law adopted in 2003', which was interpreted to require that crimes against humanity, war crimes and genocide be excluded from the amnesty legislation. The UN stated that in witnessing the original 'general amnesty', 'general' had been understood to mean applying to all those entering DDR rather than covering all crimes. However, in practice, it seems that amnesty was granted to persons responsible for war crimes, including leaders of the militia groups.' See Laura Davis, 'Justice-Sensitive Security System Reform in the Democratic Republic of Congo' (Initiative for Peacebuilding 2009).

<sup>50</sup> These three agreements were two agreements relating to the conflict in the Darfur region of Sudan in 2010, which were with JEM and LJM respectively, and the 2017 Political Agreement for Peace in the Central African Republic. It has not been possible to find evidence that these peace agreement amnesties were enacted into law.

<sup>51</sup> According to PA-X, of the 407 UN signed agreements, 150 were in Africa (excluding MENA), 49 were in the Americas, 27 were in Asia and Pacific, 152 were in Europe and Eurasia, and 5 were cross-regional.

<sup>52</sup> UN Security Council Resolution 2803 (2025), Annex 1, para 6.

<sup>53</sup> UN Security Council Resolution 2803 (2025), para 1.

<sup>54</sup> See Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, UN Doc A/79/232 (11 September 2024) eg para 100.

<sup>55</sup> Pierre Hazan, 'Making Good Use of Amnesty', *JusticeInfo.net* (17 April 2020) <https://www.justiceinfo.net/en/44141-making-good-use-of-amnesties-in-peace-processes.html#:~:text=Conditional%20amnesty%20laws%20with%20clear,truth%2Dseeking%20or%20reparation%20programmes>.

<sup>56</sup> Kristin Henrard, 'The Viability of National Amnesties in View of the Increasing Recognition of Individual Criminal Responsibility at International Law' (1999) 8 *Michigan State University - DCL Journal of International Law* 595, 645. See also Gwen Young, 'Amnesty and Accountability' (2002) 35 *UC Davis Law Review* 427; Jeremy Julian Sarkin, 'How Conditional Amnesties Can Assist Transitional Societies in Delivering on the Right to the Truth: Are Such Processes Compatible with International Law?' (2017) 6 *International Human Rights Law Review* 143.

<sup>57</sup> African Union, 'AU Transitional Justice Policy' (2019) 18.

<sup>58</sup> *The Belfast Guidelines on Amnesty and Accountability* (Transitional Justice Institute, University of Ulster 2013). Guideline 4.

<sup>59</sup> In a small number of cases, peace agreement amnesty provisions refer to a preexisting domestic amnesty law. In such instances, where the peace agreement amnesty provision makes no reference to conditionalities, the coding of conditionalities is based on the terms of the amnesty law rather than it refers to rather than the text of the agreement itself. See Louise Mallinder and Daniel Shaw (2024), *Amnesties, Conflict and Peace Agreement Database, Version 2, Peace and Conflict Resolution Evidence Platform (PeaceRep) and Queen's University Belfast* <https://peaceagreements.org/amnesties/>

<sup>60</sup> This means only that the grant of amnesty is not expressly conditional on individual beneficiaries undertaking actions. A peace agreement that offers amnesty will inevitably contain obligations for state, non-state actors, and often other actors, in other parts of the agreement.

<sup>61</sup> See Final Communique of the All-Liberia National Conference, Virginia, Liberia (1991)

<sup>62</sup> Amnesty provisions are coded as having disarmament, demobilisation and reintegration conditions where the peace agreement provision that provides for amnesty also refers to requirements for non-state armed groups to disarm and/or reintegrate. This generally takes the form of specific language requiring combatants to surrender, disarm and/or reintegrate to benefit from the amnesty, language that requires persons who benefit from amnesty are provided with reintegration support, or language that connects the sequencing of the amnesty to the DDR process. See e.g. Acuerdo de Paz entre el Gobierno de Nicaragua y el Estado Mayor del Frente Norte 3-80 (Acuerdo de Managua), Nicaragua 1997.

<sup>63</sup> Peace agreement amnesties are coded as being conditioned on alleged offenders contributing to truth telling where the peace agreement amnesty provision establishes a truth commission with the power to grant or recommend amnesty or otherwise states that the amnesty will be granted in exchange for the amnestied person disclosing information about their actions.

<sup>64</sup> This code was used for the 2016 Final Agreement to end the armed conflict in Colombia. This agreement stated 'the amnesty for rebels will be conditional solely upon the end of the rebellion'.

<sup>65</sup> This code was used for the 2011 Agreement/Gulf Cooperation Council (GCC) Initiative relating to Yemen, which provided that in exchange for leaving the power, the President and those who worked with him would benefit from immunity.



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