Justice

Evasive and Amorphous

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With mass atrocities ongoing in Darfur and past atrocities yet to be addressed, the question of how to achieve accountability for human rights violations in the context of post-conflict society has never been a more pressing concern. But justice exists in many forms and requires more than, and possibly something other than, the criminal prosecution of perpetrators. Justice can encompass, depend on, and affect other elements, such as political transition, democracy consolidation, institutional reform, long-term human rights protection, judicial capacity-building, and interpersonal reconciliation. The past several decades have witnessed varying approaches to justice which met varying degrees of difficulty and success. This paper analyzes three different pathways taken to achieve justice: truth commissions; hybrid courts and a truth and reconciliation commission; and a combination of an *ad hoc* international criminal tribunal, national criminal courts, and community-based local courts. I will argue that international support or reinforcement, which is usually necessary, cannot help without proper integration into national or domestic mechanisms and that where nations elect to hold truth commissions over trials, international pressure and assistance must follow to ensure that the commissions' recommendations are acted upon.

Introduction to three approaches

In Chile, the 17-year military dictatorship of General Augusto Pinochet left more than 3,000 people dead and missing.¹ Disappearance, the prevalent form of human rights abuse in Chile, was rationalized by those in power as necessary for national security

but became "a license to torture and murder with impunity."² El Salvador's 12-year civil war between the government and left-wing guerrillas in the 1980's and 1990's resulted in more than 70,000 deaths and mass human rights violations.³ Following these decades of violence, the Truth and Reconciliation Commission (Rettig Commission) in Chile, and the Commission on Truth in El Salvador were both created to investigate and advise, but neither was granted prosecutorial or judicial powers. They were, however, allowed to transmit their findings to the courts for appropriate legal action. Yet the commissions themselves described their respective judicial systems as deficient or implicated them in cover-ups. Furthermore, both countries had amnesty laws in place.⁴ Thus the commissions' mandate essentially only entailed investigation and recommendation.

In 1999, the people of East Timor voted to separate from Indonesia. In the period before and after the referendum, an estimated 70% of government infrastructure was destroyed, 60,000 houses were burned, 500,000 civilians displaced, 1000-2000 victims killed, and hundreds of women raped, as part of the Indonesian government and military's policy of systematic violence to prevent and punish participation in the plebiscite.⁵ The United Nations Transitional Administration in East Timor (UNTAET) soon after took charge and was mandated with establishing a process of accountability for significant violations of international humanitarian law.⁶ Hybrid courts were chosen as the means because local judicial capacity was lacking and no international court existed to function in place of the weak domestic court system. UNTAET decided that

panels comprising two international judges and one East Timorese judge would try serious crimes;⁷ prosecutors and investigators were drawn from other countries and the local population. The concept of hybrid courts “envisages international standards applying throughout, and full respect for due process and the rights of the accused, while at the same time honouring a State’s need to retain sovereignty through adequate involvement in the process.”⁸ However, designing and implementing a scheme tailored to the needs and capacities of the host nation and which simultaneously meets international standards proved to be extremely challenging.⁹ The situation was complicated by two other simultaneous judicial processes, Indonesia’s *ad hoc* Tribunal in Jakarta based on the ICC and the East Timorese Commission for Reception, Truth and Reconciliation, which has no powers to consider or grant amnesty for serious atrocities.¹⁰

In Rwanda, some 800,000 Tutsi and politically moderate Hutu were murdered within 100 days.¹¹ The International Criminal Tribunal for Rwanda (ICTR), whose jurisdiction spans only the events of 1994, has been criticized for its invisibility and inaccessibility to the Rwandan people¹² as well as its inability so far to present a comprehensive and cohesive history of the genocide and preceding events. The national courts presented the same problems of inaccessibility, as the proceedings of their trials, held in provincial capitals, are not broadcast over radio or television.¹³ Thus, to expedite and improve the process of trying the perpetrators of genocide, Rwanda’s Transitional National Assembly passed the *gacaca*¹⁴ law in January 2001, and since then about 11,000 *gacaca* tribunals have been established throughout Rwanda.¹⁵ Each tribunal comprises nine lay judges elected by the local community and briefly trained before the trials commence. Nicholas Jones describes the national court system as “classical trial method justice” and the *gacaca* “a modernized version of a traditional

Rwandan dispute resolution mechanism.”¹⁶ Together, the ICTR, the Rwandan National Judiciary, and the *gacaca* courts are in the process of adjudicating approximately 750,000 perpetrators of genocide, with Rwandan military courts and international third-party trials operating peripherally.¹⁷

Contribution to Justice: For Perpetrators and For Victims

The major premise for truth commissions centers on their ability to discover and disclose information on the violence which took place. As Mark Ensalcado writes, a truth commission investigation can “end the anguished uncertainty of the families of the disappeared” and uphold Additional Protocol I to the Geneva Convention, which guarantees the right of families to know the fate of their members.¹⁸ However, this supposed merit of truth commissions does not always hold up in practice. For example, although the Chilean Rettig Commission offered its report as a legal basis for determining the status of disappeared persons and reached definitive conclusions on 2759 out of the approximately 3400 (957 involving the detained-disappeared) cases of violence it investigated, it only looked into cases involving deaths and consequently omitted tens of thousands of cases of torture, forced exile, and other significant human rights violations.¹⁹ In El Salvador, the Truth Commission only reported on 33 “symbolic cases” out of the 22,000 which were brought before it.²⁰

However, the Rettig Commission did help ensure material compensation for victims: its reports, with the force of a final, legal determination, served as the basis for surviving families’ property and inheritance claims and application for social security, health, educational, and housing benefits.²¹ The Salvadoran Truth Commission likewise called for, in less detail, material compensation to the victims of violence. Further, the commissions’ recommendations led to “a measure of

punishment" in both countries.²² In El Salvador, military officials, public officials, and judges identified by the Truth Commissions were penalized with dismissal or harm to personal reputation and to institutional prestige. Even in Chile, where dismissal of military officers has not been possible, the commission report's "indictment of the military" has undermined the armed forces' authority and credibility. The Chilean military attempted to rebut the Rettig Commission's report in their official response but largely failed, and the published record of their violations of international humanitarian law was left standing.²³ Thus, although the Rettig Commission and Salvadoran Truth Commission did not prosecute individuals, their reports directly and indirectly resulted in some consequences for the perpetrators' actions.

The Ad Hoc Human Rights Court on East Timor in Jakarta has not contributed at all to bringing human rights abuses to account, largely due to "a lack of political will in Jakarta to prosecute senior Indonesian civil and military officials responsible for the violence."²⁴ In the cases decided thus far, all nine military and police personnel have been acquitted; the only two persons convicted are East Timorese.²⁵ Meanwhile, the Serious Crimes enterprise²⁶ in the District court of Dili created under UN auspices has under-performed and been criticized for bad leadership and poor management. Those involved in running this hybrid court have

found the scheme immensely challenging, "with minimal resources and apparent lack of institutional support."²⁷ According to Linton, the International Criminal Court (ICC)'s legal regime was basically "grafted" onto a district court in a severely destitute country with "a dysfunctional criminal justice system with novice legal personnel."²⁸ As a result, this judicial mechanism has been largely ineffective. A serious lack of human and material resources has impeded the work of the Serious Crimes Investigation Unit; investigations of the overwhelming majority of crimes against humanity and war crimes committed during 1999 have been delayed or prevented. A number of detainees have been released on grounds of insufficient evidence.²⁹ East Timor's hybrid process is also weak because the Dili court's main targets are in Indonesia and thus outside of its mandate of operation.³⁰

In Rwanda the new Tutsi-dominated government adopted a policy of "maximal accountability" for genocide and crimes against humanity because of "the entrenched and institutionalized culture of impunity."³¹ The Rwandan government thus placed the prosecution and punishment of perpetrators at the center of its attempt to achieve justice and reconciliation.³² It did not, however, want to use the legal proceedings of an international *ad hoc* tribunal.³³ Nevertheless, in November 1994 the international community created the ICTR, which has arrested 66 people, tried 21 individuals, and rendered eight convictions and one acquittal, as of March 1, 2004. There are seven ongoing trials with 20 defendants.³⁴ Clearly the ICTR is moving extremely slowly and it is seen as so by Rwandans.³⁵ A 1998 UN internal affairs report described the critical failure to hire lawyers and investigators in the prosecutor's office in addition to the continuing problems in procurement, recruitment, witness protection, and management.³⁶ As Neuffer writes, the ICTR in 1996 "mixed the worst of African tribal politics with UN bureaucracy."³⁷ The ICTR is also physically far-removed from the Rwandan people: the prosecutor's office

was located in Rwanda, but the court, judges, and administrative staff operated in Arusha, Tanzania. Both offices were overseen by a chief prosecutor in The Hague, Netherlands.³⁸

Nonetheless, the ICTR is the first international court to attain a conviction for the crime of genocide; it has also solidified rape's inclusion in the definition of a crime of genocide and set a precedent for court action against high-ranking government officials.³⁹ By advancing and bolstering international human rights norms in this manner, it has likely furthered the protection of human rights in individual countries.

Meanwhile, the Rwandan national criminal courts suffered from the destructiveness of the genocide itself. Individuals involved in judicial operations numbered 1459 before 1994; this number shrank to 393 after the genocide. The surviving national judiciary was therefore overwhelmed by the masses of people accused, arrested, and incarcerated on allegations of genocide crimes. Between December 1996 and June 2003, the specialized chambers created for genocide trials have tried 8,820 genocide suspects, less than ten percent of detainees; 70 individuals were sentenced to death in 2002.⁴⁰ According to Jones, the domestic trials have been criticized for corruption, pervasive due process violations, lack of competent legal professionals, detention without judicial review, and bias in the form of victor's justice.⁴¹ International monitors found that the Rwandan national courts were "flagrantly one-sided" and the trials that resulted in the death penalty were "deeply flawed."⁴²

Establishing community-based *gacaca* courts – the third component of Rwanda's approach to transitional justice – made sense given the Rwandan genocide's mass involvement and execution by mostly average citizens. These factors, along with "the internal need to begin the process of rebuilding a highly ethnically-polarized nation,"⁴³ led the government to introduce the *gacaca* as an alternative mechanism for justice and

reconciliation. A *gacaca* court has a distinct purpose in each of two phases: first to reveal the truth about the activities which took place, and then to hold trials and deliver sentences for category 2 and category 3 crimes.⁴⁴ Justice through the *gacaca* courts may resonate more with the Rwandan people since the duties and obligations that accompany the process are shared by the population, including women, and are based on the idea of citizenship.⁴⁵ However, the *gacaca* courts have faced the same challenges in actual proceedings as the ICTR and the national judiciary. According to Amnesty International, *gacaca* sessions regularly start late and are often canceled because a quorum has not been reached. Moreover, though *gacaca* courts are supposed to be a participatory form of justice, community members serving as judges "appear to be afraid of providing a true account of what they know about the genocidal crimes committed."⁴⁶ *Gacaca* has also not helped in expediting the trial of detainees. Less than ten percent of the 11,000 tribunals established in June 2002 have become operational, and as of 2004 no actual trials had taken place. Like the other justice mechanisms in Rwanda, the *gacaca* are overwhelmed by the tens of thousands of confessions and incriminations being processed by the Ministry of Justice.⁴⁷

Contribution to Interpersonal Reconciliation

The Rettig Commission received a mixed response from the public. At its start, over 70 percent of Chileans felt the commission would aid reconciliation. Soon after the report's release, the Chilean public was evenly split on the issue of whether the commission's findings advanced reconciliation.⁴⁸ According to Brahm, "victim's groups thought the commission was good as far as it went, but they still wanted punishment and more information on the fate of their loved ones" and, "the continued reluctance to discuss the past throughout much of the 1990's suggested that Chileans were far from reconciled with their past."⁴⁹

In El Salvador, the truth commission recommended symbolic reparations for the victims and the creation of a follow-up body to continue the commission's investigation into the murder and disappearance of thousands during the civil war. However, according to Brahm, UN Secretary-General Kofi Annan observed that the commission's recommendations concerning national reconciliation were largely ignored.⁵⁰

In East Timor, the Commission for Reception, Truth, and Reconciliation (CAVR) is mandated to inquire into and establish the truth about human rights violations committed between 25 April 1974 and 25 October 1999, to assist victims, and to conduct Community Reconciliation Procedures.⁵¹ According to UNTAET regulation, the Commission and the Serious Crimes mechanisms are to operate in a complementary manner. Following much debate it was decided that evidence found by the Commission would not be protected by privilege.⁵² However, the Steering Committee's widespread public consultations found that "the overwhelming majority of East Timorese wanted a process which included strict legal punishment for the most serious offenders but also provided a more lenient, community-based mechanism to deal with perpetrators of less-serious crimes."⁵³ A combination of traditional and formal justice systems seemed to be in order. Thus, Community Reconciliation Procedures (CRPs) were set up in which perpetrators must admit and apologize for all of their crimes in a community-based hearing, and then undertake community service or other acts of reconciliation; this process is registered with the nearest District Court. Afterward, they are safe from criminal prosecution. According to Burgess, both national and international observers consider the CRP program "a resounding success."⁵⁴ More than 1500 admissions of guilt were taken and 1404 perpetrators completed the CRP district hearings. When the CAVR conducted a mid-program follow-up with participants, over 90% of those interviewed

stated that the process had been positive and that they were satisfied with its results. Every perpetrator interviewed and most victims also stated that after the CRP process they felt perpetrator-victim relations had improved.⁵⁵ The survey also concluded that for victims, the most important factor for reconciliation was the strength and sincerity of the perpetrators' public admission and apology, not the nature or degree of their punishment.⁵⁶

In Rwanda inter-personal reconciliation was made nearly impossible by the continuing violence between Hutus and Tutsis. In 1998 fierce clashes between extremist Hutu and the Rwandan Patriotic Army continued, and government troops retaliated harshly to cross-border raids by Hutu militia in neighboring countries.⁵⁷ The courts did not ameliorate interethnic tensions. According to Neuffer, to many Rwandans, neither the international tribunal nor the national trials seemed fair, and "both Hutu and Tutsi saw themselves as victims of justice, not recipients of it."⁵⁸ The lack of accessibility proved a critical failure of the Rwandan national and international trials in terms of their ability to foster reconciliation as well. According to one woman, having trials outside of Rwanda deprived genocide survivors of the chance to confront those responsible for their suffering. They needed to actually see the accused before them to have a catharsis and feel reconciliation.⁵⁹ The *gacaca* courts have the potential to facilitate reconciliation through determination of guilt and revelation of the truth.⁶⁰ But until a clear move is made on all three tiers of Rwandan attempts at justice to impartially try all atrocities, regardless of ethnicity or political side of the perpetrator, reconciliation will likely not occur. The government has also failed to acknowledge crimes committed by the Rwandan Patriotic Front (RPF) against the *Interahamwe* and defeated Hutu forces.⁶¹

Contribution to Institution Building and Reform

The Chilean and Salvadoran commissions analyzed the quality and independence of the judiciary and the role of the armed forces in the violence. The Rettig commission advised law schools to incorporate human rights education; the Salvadoran commission referred to the new Judicial Training School described in the peace accords and its need to train competent members for new or existing courts.⁶² Both commissions recommended procedural changes for appointing judges and prosecutors: in Chile the president was to identify more candidates for appointment to the Supreme Court, and in El Salvador lower court judges were to be named by a new National Council of the Judiciary rather than the disproportionately powerful High Court.⁶³ The Rettig Commission also called for the publication of clear standards of judicial qualification and formulation of rules of impeachment for judges who violated said standards. The Salvadoran Truth Commission recommended that lower court judges possess greater budgetary control and receive higher salaries.⁶⁴ All of these reforms aimed at strengthening judicial independence, integrity, and accountability.

A crucial issue following the civil war in El Salvador and in Chile was the principle of due obedience, which requires soldiers to comply with orders regardless of their content.⁶⁵ For example, in December 1981 the Salvadoran Army's Atlacatl Battalion deliberately and systematically murdered the entire civilian population of the village of El Mozote – more than 200 men, women, and children.⁶⁶ Mark Danner's account of the massacre suggests that some of the soldiers involved in the operation felt uneasy about its brutality and its necessity; when Captain Salazar heard about the men's misgivings, he angrily berated their hesitation and insisted, "this is what war is."⁶⁷

In Chile the Rettig Commission evaded making a decisive pronouncement

on the matter of command responsibility, and only recommended scrutiny of the due obedience principle to prevent it from facilitating human rights violations.⁶⁸ The Truth Commission in El Salvador went further, though its actions were still limited. It recommended a strict system of discharge for officers who violated human rights and the codification of legal penalties for said violations; it demanded the eradication of any relationship between members of the armed forces and the death squads; and it called for a special legislative commission to ensure the completion of the transition to the new model of the armed forces as delineated in the peace agreements.⁶⁹ Though all of these recommendations sound appropriate, here one can imagine that the criminal prosecution of both commanders and subordinates complicit in the massacre of El Mozote might have had a significant, or at least stronger, impact on the willingness of soldiers and commanders alike to perpetrate atrocities in the future.

Since the hybrid court in East Timor failed to accomplish much in its own jurisdiction, it is doubtful that it had positive effects on other institutions in the country. There was also little domestic judicial capacity-building. Though the court building and all its employees were new, little guidance and training were provided, administrative staff was severely shorthanded, and files and evidence were routinely misplaced.⁷⁰ Meanwhile, the embryonic judicial system faltered under the continuously growing case load. Linton writes,

"The persistent failure to provide adequate support [by international actors] to the court, prosecution and defence, coupled with resentment of alleged interference in professional independence, led to difficult relations between UNTAET's Ministry of Justice and East Timorese judicial personnel...The adoption of the Serious Crimes project was viewed with much anger by the East Timorese jurists, who felt they had been excluded

from the process and that the atrocity cases, which they had previously been dealing with, were being taken away from them by the international community.”⁷¹

Thus, the international community is not truly building local judicial capacity so much as half-heartedly imposing its capacity on East Timor.

The ICTR, operating distantly in Arusha, Tanzania, has had little effect on domestic institutions and has not served to enhance the protection of political and civil liberties in Rwanda.⁷² Notwithstanding its poor location, the Rwandan International Tribunal has not been competent in itself, let alone helped build the Rwandan national judicial system. According to Neuffer, trials at the ICTR “sputtered along” – witnesses and defense attorneys failed to appear, prosecutors were unprepared, motions could not be found or had not been translated, and the court even lacked a reference library.⁷³

Contribution to Human Rights

Both the Chilean and Salvadoran truth commissions furthered the promulgation of human rights by advising the adaptation of political constitutions and legal statutes to reflect international human rights standards, the ratification of any international human rights treaty, and the review of any reservations submitted with previous ratifications.⁷⁴ They called for amendment of those provisions of the constitution and the military code of justice incompatible with international human rights law, as well as for institutional reforms. These recommendations led to changes in national law and legally institutionalized international human rights norms in both countries. In particular both commissions examined *amparo* and habeas corpus remedies, due process, criminal procedure, and administrative detention.⁷⁵ The Rettig Commission in Chile “focused on the routine practice of secret indictments which compromised the rights of the accused to an adequate defense, and the incommunicado

detention of suspects for inordinate lengths of time without justification.”⁷⁶ The Salvadoran Truth Commission reviewed the violation of suspects’ rights to defense from the start of legal proceedings and to the presumption of innocence; the commission also examined the arbitrary authority of administrative officials to impose imprisonment penalties.⁷⁷

It is unclear what exactly the East Timorese transitional justice mechanism will achieve for human rights in the country’s future. But thus far it has pushed, to some extent, the principle of accountability for human rights violations. The Serious Crimes panel has indicted hundreds of perpetrators, including senior Indonesian military officers, though most indictees remain outside the panel’s jurisdiction.⁷⁸ Meanwhile the CRP program has meted out “acts of reconciliation” as punishment for perpetrators of less serious crimes. There is an understanding that human rights violators will not simply get away with impunity.

In Rwanda it is unclear how the three-tiered pathway to justice will affect long-term human rights protection. The government’s policy of “maximum accountability” to end the *culture of impunity*⁷⁹ certainly condemns human rights violations and reinforces the concept that human rights must be protected. However, the lack of accountability for abuses by the Rwandan Patriotic Front and other Tutsis undermines this verbally aggressive approach to justice and perpetuates the sense that human rights are not respected in Rwanda.

Conclusion

The truth commissions in Chile and El Salvador definitely had some positive effects. Both implicated the respective national judicial system in covering up human rights abuses and recommended amendment of provisions of the constitution and other legal statutes which were incompatible with international human rights law. As Snyder and Vanjamuri write, “While the government rejected the [Salvadoran] commission’s call

for the resignation of a long list of members of the judiciary, a reformist ruling coalition implemented some of its recommendations.”⁸⁰ In Chile the judiciary was resistant to change after the transition, but in the late 1990s the Frei administration pushed the reform effort forward and these reforms “have had a dramatic effect on the judiciary and on Chilean politics more generally.”⁸¹ For example, the number of Supreme Court justices was increased and the court has taken on a more activist approach to human rights.

In East Timor’s case the “sham” nature of the Indonesian ad hoc tribunal and the incompetence of the hybrid court in Dili have impeded the pursuit of justice. International human rights norms have also not been meaningfully integrated into the domestic system. However, East Timor’s Community Reconciliation Process has been fairly effective and received positive reviews by participating victims and perpetrators.

In Rwanda the ICTR, national judiciary, and *gacaca* courts have all been undermined by corruption, procedural problems, and the taint of victor’s justice. The *gacaca* courts, due to their community-based, participatory nature, have the potential to facilitate reconciliation in a way the other two mechanisms have not, but they too must overcome their functional deficiencies.

These four case studies yield several lessons. First, accessibility by victims and

visibility to the larger society are critical to any transitional justice mechanism’s meaning, weight, and legitimacy. Many Rwandans feel alienated from the ICTR because much of its work is hidden and they cannot actively participate in it. Many East Timorese feel the same alienation, not because of distance, but because of friction with and lack of true collaboration with the international elements supporting their nascent national court. In Chile and El Salvador, the truth commissions’ reports were published but their findings did not satisfy many of the victims. This leads to the second conclusion, which is that investigations must be extremely comprehensive, encompassing human rights violations by all sides and of all types.⁸² Third, where truth commissions are used rather than prosecutions, there must be some outside recourse for victims who feel that adequate justice has not been attained and who want to further pursue accountability for the violations they suffered. Finally, international support, if provided, must be competent and adequately funded. If it is not fully capable, funded, and staffed, international judicial assistance will do little to help, if not detract from, newly developing or destroyed post-conflict national judicial systems. No approach to transitional justice has proven exceptionally effective, but each country’s experience sheds light on what can be done to ensure its success in the future.

Endnotes

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⁶ Laura Dickinson, “The Promise of Hybrid Courts,” *The American Journal of International Law*, Vol.97, No.2 (Apr. 2003): 298.

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¹² Jack Snyder and Leslie Vinjamuri, “Trials and Errors: Principle and Pragmatism in Strategies of International Justice,” *International Security*, Vol.28, No.3 (Winter 2003/04), 32. Brahm, 24.

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¹⁴ Literal translation: justice on the grass

¹⁵ Chakravarty, 133-134.

¹⁶ Jones, 13.

¹⁷ Nicholas Jones, “Adjudicating the Perpetrators of Genocide: A preliminary investigation into the judicial

response to genocide in Rwanda," (PhD diss., University of Calgary, 2006), ii.

⁸ Ensalaco, 672.

⁹ Ensalaco, 659-660.

²⁰ Ensalaco, 660.

² Ensalaco, 663-664,

²² Ensalaco, 664.

²³ Ensalaco, 665.

²⁴ "Justice Denied for East Timor," *Human Rights Watch*, www.hrw.org/background/asia/timor/etimor1202bg.htm 1 May 2007.

²⁵ Ibid.

²⁶ Mandate covers period from 1 January to 25 October 1999. Burgess, 143.

²⁷ Linton, 9.

²⁸ Linton, 12.

²⁹ Linton, 12.

³⁰ Following the evacuation of Indonesian military and Timorese militias from East Timor in September 1999, "those most responsible are likely to remain outside the reach of effective prosecution." Burgess, 140-141.

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³² Jones, 13-14.

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³⁷ Neuffer, 265.

³⁸ Neuffer, 268.

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⁴ Jones, 19.

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⁴³ Jones, 78.

⁴⁴ Jones, 90-98.

⁴⁵ Jones, 97-98.

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⁵² Burgess, 145.

⁵³ Burgess, 148.

⁵⁴ Burgess, 151.

⁵⁵ Burgess, 151.

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⁷⁰ Linton, 12.

⁷¹ Linton, 12.

⁷² Snyder and Vinjamuri, 25.

⁷³ Neuffer, 344.

⁷⁴ Ensalaco, 666.

⁷⁵ Ensalaco, 667.

⁷⁶ Ensalaco, 667.

⁷⁷ Ensalaco, 667.

⁷⁸ Burgess, 158.

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⁸² For example, violations which did not result in death sho

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