




Research Article - Araştırma Makalesi

COMPARATIVE ANALYSIS OF TRANSITIONAL JUSTICE IN LIBYA AND SOUTH AFRICA

Transitional justice is considered an important process in the democratic transformation of states emerging from conflict or authoritarian rule. It relies on well-defined legal frameworks to address historical grievances and past human rights violations to achieve justice and national reconciliation. This study clarifies the concept of transitional justice by tracing its evolving history across different contexts, as well as the variety of mechanisms employed in different countries. This study conducts a comparative analysis of transitional justice in Libya and South Africa, their mechanisms of transitional justice such; truth commissions, criminal prosecutions, compensation programs, and institutional reforms, so that the long-term effectiveness of these mechanisms can be assessed. Moreover, this study sheds light on the challenges these mechanisms face, especially in political and social contexts plagued by political instability, a lack of legitimacy, and absence of a unified authority. The Libyan case represents a post-conflict society that continues to face instability and institutional weakness, while South Africa stands as one of the most cited examples of successful reconciliation through transitional justice. Therefore, it focuses on two countries with completely different transitional justice experiences to highlight the successes and failures in implementing transitional justice mechanisms, with an emphasis on the influencing factors of these mechanisms, such as political will, inclusivity and participatory approaches, unified legal frameworks, and strong, independent institutions. It highlights the importance of comparative analysis in understanding how contextual differences influence the trajectory of transitional justice across post-conflict societies.

Keywords: Transitional Justice, Truth Commissions, Libya, South Africa, Peacebuilding

 Dalal Saleh
Altınbaş University



Received/Geliş Tarihi
20 October 2025

Accepted/Kabul Tarihi
02 March 2026

Publication/Yayın Tarihi
06 May 2026

**Corresponding
Author/Sorumlu Yazar**
Dalal Saleh
didi.bity@gmail.com

DOI: 10.69494/jirps.1806377

Cite this article

Dalal.S (2026). Comparative
Analysis of Transitional Justice
in Libya and South Africa
. Journal of International
Relations and Political Science
Studies, (16), 1-18



Content of this journal is
licensed under a Creative
Commons Attribution-
Noncommercial 4.0
International License.

Introduction

In this article, the study sheds light on the concept of transitional justice, its historical context and mechanisms, how it works, and the challenges it may face, particularly in post-conflict countries. It also demonstrates how transitional justice can help mitigate the effects of conflict and achieve lasting peace when implemented effectively. Furthermore, the study discusses the situation in Libya during and after the conflict, the incomplete implementation of justice mechanisms, and compares it to post-apartheid South Africa, where the corrective approach of the Truth and Reconciliation Commission (TRC) was adopted. For Libya, the transitional justice process began after the 2011 uprising by the revolutionaries, which led to the fall of Muammar Gaddafi's regime, which had lasted from independence in 1969 until 2011. In contrast, the transitional justice process in South Africa began after the end of the apartheid regime in 1994 and the first democratic elections, with Nelson Mandela winning the presidency of South Africa.

This study seeks to answer the main question: Why did transitional justice achieve relative success in South Africa, while it failed miserably to achieve its goals in Libya? The main argument explains the reasons for the different outcomes of transitional justice in the two countries, as a result of different contexts and influencing factors, such as political will, inclusiveness, institutional capacity, and the influence of international and regional actors. Therefore, this study focuses on this issue and its main argument, moving beyond a narrative description to an in-depth comparative analysis of the factors influencing the outcomes of transitional justice mechanisms. Transitional justice is a multidisciplinary concept that must be viewed from a flexible and multidimensional perspective. It occupies a prominent place in law, political science, international relations, sociology, and human rights. It includes rebuilding states emerging from conflict or authoritarian rule, building trust between government and local communities, and addressing past abuses to achieve reconciliation and justice.

Theoretically, this study falls within the academic perspective that depicts transitional justice as a moral and political project (Teitel, 2000; Hayner, 2011). This perspective relies on comparative approaches that link the outcomes of these processes to contextual factors, including political will, institutional capacity, inclusiveness, and the role of international and regional actors (Skaar, 2012; Olsen, Payne, and Reiter, 2010). This perspective views transitional justice not as a strict legal framework, but rather as an ongoing political, social, and economic process influenced by multiple contextual factors.

This paper aims to describe and analyze how diverse contexts influence transitional justice outcomes. The main contextual factors are the political system, institutional capacity, and social cohesion. It draws on two different case studies, South Africa and Libya, comparing contextual factors: one characterized by instability, and the other by reconciliation and relative institutional stability. Accordingly, this comparative study highlights the most important factors influencing the success or failure of transitional justice mechanisms and links the theoretical frameworks of transitional justice to the real-life experiences in South Africa and Libya. It also contributes to enriching the academic debate on transitional justice mechanisms and how the effectiveness of these processes is influenced by different contexts and influencing factors.

The study focuses on the relationship between justice and peace in transitional justice. Many scholars, such as Teitel, view it as a “normative project” designed to achieve transformation in the social and economic dimensions (2000, p. 12). Others, such as Paris (2004, p. 7), view it as a process focused on the political dimension to achieve stability and security. Therefore, understanding transitional justice requires a comprehensive approach that considers legal, ethical, and political dimensions.

I. Methodology

This research paper, which evaluates transitional justice processes in South Africa and Libya, adopts a comparative case study methodology, examining each country in its own context. It draws on primary and secondary sources, including government reports, relevant laws and international frameworks, and previous academic studies and articles, which enhance the scientific rigor and practical relevance of the research. The study focuses on the strengths and weaknesses of the transitional justice mechanisms implemented in both countries, analyzing their progress by examining the established commissions and committees, reparations programs, accountability and reconciliation processes, and other relevant initiatives in each country. It also examines the different contexts of each case and the role of governmental and non-governmental actors in the effectiveness of these processes.

The comparative design of this study is based on the “most different systems” logic, using South Africa and Libya as contrasting cases due to their differing political, economic, and social contexts. Both countries share the goal of adopting transitional justice mechanisms after transitioning from authoritarianism or conflict, which helps identify the most important contextual factors influencing their effectiveness.

This comparative case study methodology was chosen for its ability to capture differences and similarities across diverse contexts, helping to understand how transitional justice is influenced by diverse political and social factors. Libya and South Africa were chosen not only to describe these factors, but also to analyze them in terms of the interactions between different mechanisms and contexts, and the results of these interactions. The comparison is based on four main variables drawn from the literature on transitional justice and comparative politics: (1) political will, (2) inclusiveness and participation, (3) institutional and legal capacity, and (4) the role of international and regional actors in influencing outcomes.

The triangulation tool was adopted in data analysis, relying on comparisons between official reports, NGO assessments, and academic literature. This enhances the credibility of the findings and achieves the objectivity required in scientific research. Qualitative data analysis was used to examine documents, particularly those related to government policies, truth commission records, and country-specific transitional justice frameworks. The selection of sources was based on the credibility and reliability of the data they provide as official and verified sources, such as government documents and laws, in addition to the archives of each country's special committees. Sources linked to the United Nations (UN) and the International Center for Transitional Justice (ICTJ) were also sought as reliable official bodies. Furthermore, previous academic literature and studies with a strong reputation in the field of transitional justice were relied upon.

This study adopts a comparative analytical approach that relies on theory building and constructive interpretation of experiences, rather than being limited to narrative description. It analyzes the interactions between political, social, and institutional factors and the outcomes of diverse transitional justice experiences. Thus, this methodological framework aligns with academic standards for comparative studies, emphasizing an interpretive and analytical approach that contributes to the development of theories in the field of transitional justice. This approach helps identify recurring patterns in transitional justice processes, as well as lessons learned for developing mechanisms that can contribute to achieving justice and reconciliation in countries undergoing similar transitions.

II. Transitional Justice: Concept, Mechanisms and Challenges

The study examines the concept of transitional justice, its mechanisms, and tools used to achieve its objectives. Transitional justice is viewed as a multifaceted set of legal tools and an ongoing political, social, and ethical process within the global academic debate (Teitel, 2000; Hayner, 2011).

It refers to efforts and mechanisms used to address violations committed during a former regime or conflict. Truth-seeking is understood as revealing the truth about past human rights abuses and addressing patterns, causes, and responsibilities, not merely isolated facts (Fraihat, 2023).

Transitional justice is a comprehensive framework that combines judicial and non-judicial measures to ensure accountability, reparation, equity, and institutional reform to achieve justice and reconciliation. According to the United Nations, transitional justice includes criminal prosecutions, truth-seeking, reparations, and institutional reform to address past injustices and prevent their recurrence (2004, p. 4). Transitional justice is not limited to criminal justice or individual violations; it must also address structural injustices, such as economic and social inequality, in post-conflict or authoritarian societies. Therefore, it must be viewed as an ongoing process addressing the painful past while building a future free of injustice (Teitel, 2000; Hayner, 2011).

These efforts include achieving social, economic, legal, and political justice through investigating crimes, ensuring accountability, uncovering the truth, reparations for victims, institutional reforms, and reconciliation aimed at achieving peace. Transitional justice mechanisms must be tailored to the local context and political reality of the country (United Nations, 2004). Since transitional justice encompasses both justice and reconciliation, it often faces tension between punishment and amnesty. As Hayner argues, truth commissions balance these goals: achieving justice by acknowledging victims' suffering while pursuing peace and reconciliation (2011, p. 14). Transitional justice mechanisms must be adapted to the political and social contexts of each country, taking into account historical legacies and power dynamics. For example, South Africa adopted a conciliatory approach to maintain stability and achieve reconciliation, while Libya adopted a selective retaliatory approach that led to renewed violence. These contrasting choices highlight the role of context in determining outcomes.

After World War II, specialized tribunals, such as the International Criminal Tribunal for the former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), and the Special Court for Sierra Leone (SCSL), were established to investigate atrocities and crimes against humanity. This study focuses on the International Criminal Court (ICC), established in 2002 under the Rome Statute to prevent war crimes, crimes against humanity, and aggression. International or hybrid tribunals are necessary when states are unwilling or unable to investigate violations, but their selectivity can undermine their domestic legitimacy (Mamdani, 2009).

These courts play an important role in promoting justice in many countries, but they are often criticized for their selectivity and politicization. Mamdani argues that international justice can sometimes substitute law for politics, hindering genuine reconciliation (2009, p. 53). Therefore, transitional justice mechanisms must coordinate domestic and international processes to support genuine reconciliation. This paper posits that international guarantees, if linked to local ownership, may enhance the effectiveness of transitional justice (De Greiff, 2012).

The International Criminal Court complements domestic criminal law when states are unable to prosecute crimes. It also plays a role in transitional justice by seeking truth and providing redress for victims, but prosecutions alone are insufficient without comprehensive reparations and reforms (United Nations, 2004).

However, international courts alone cannot achieve transitional justice, as they lack local legitimacy. Therefore, it is preferable to adopt hybrid frameworks that combine local and international mechanisms (De Greiff, 2012). This hybrid model integrates formal and informal frameworks, including cultural rituals, public apologies, school curricula, national archives, and memorials, all of which contribute to strengthening national memory and fostering pride and dignity. Exposing atrocities is essential to establishing judicial independence and genuine participation in transitional justice. Progress begins with acknowledging the truth. Fact-finding commissions reveal facts, patterns, and perpetrators of violations, helping to inform reform and reparation agendas.

Truth commissions play a vital role in documenting past violations and developing unified narratives. This preserves national memory, as in South Africa, where the commission collected testimonies from perpetrators and victims. Truth-seeking must be accompanied by reparations and institutional reforms supported by sufficient political will and resources. Compensation should be material, psychological, and symbolic, and provided transparently (Hamber, 2009). Acknowledging past crimes contributes to rebuilding trust and achieving healing. Preserving national memory is a cornerstone of transitional justice. However, collective memory can be politicized by competing groups; therefore, inclusive dialogue is essential to foster consensus and unify the historical narrative. Financial compensation alone is not enough to satisfy victims, as it may appear to be an attempt to silence them. Compensation must address injustices and treat human rights as vested rights rather than privileges. Reparations should include financial, psychological, and symbolic measures, including recognition, rehabilitation, and the provision of public services. As Brandon Humber (2009) points out, recovery requires justice and compassion.

Misallocation of compensation can prolong conflict and damage credibility, as occurred in Libya. Efficiency and transparency in resource management are essential to maintaining trust and fairness. Oversight frameworks also reduce politicization and enhance legitimacy.

Inclusivity is essential for independence and integrity. It helps address the structural causes of conflict and ensure sustainable peace. “Intensive participation,” as Waldorf calls it, enhances local legitimacy (2012, p. 172). Reforming damaged institutions is also crucial, as transitional justice cannot succeed if institutions lack oversight or remain subject to political influence. Institutional reform complements transitional justice. Democratic transformation cannot be achieved without a comprehensive review of the security, police, judicial, and civil sectors. This was demonstrated in South Africa, where post-apartheid reforms ensured long-term reconciliation. Institutional reform must also address social and economic disparities.

Lack of civil society engagement is another challenge. Selective justice delivery undermines legitimacy. Civil society engagement is critical to achieving peace and justice, particularly in affected communities. A comprehensive approach that engages all stakeholders and addresses economic, social, political, and legal factors helps limit elite dominance and fosters societal consensus. Without the participation of victims' groups and NGOs, the process cannot reflect real societal demands. Imposed agendas politicize justice (Waldorf, 2012). Long-term peace depends on “thick participation” in the establishment and implementation of transitional justice.

When transitional processes lose local ownership, they misplace legitimacy and adopt external agendas. Therefore, cultural forms such as mediation, tribal councils, and popular rituals should be embraced. Collaboration between institutions and popular forums expands access to marginalized areas. When embarking on transitional justice processes, accountability must be promoted while pursuing reconciliation. Relationships between victims and perpetrators must be managed to create a reconciliatory, not vengeful, environment. All parties must be heard equally, and biased narratives must be avoided. Understanding the true causes and motivations behind violations is crucial to preventing their recurrence. Preventive measures and communication between all parties ensure effective participation. This relationship defines restorative justice, as reconciliation complements truth-telling, prosecution, and reparation. It restores trust between government and community, promoting dialogue and reconciliation. As Lederach states, reconciliation is “Reconciliation is a place where truth and mercy have met, where justice and peace have kissed” (1997, p. 29).

Public apologies, symbolic reparations, and cultural rituals should complement official initiatives to bridge gaps. These initiatives resonate strongly in traditional societies, addressing trauma holistically. Linking them to state frameworks ensures that they are not merely symbolic. Transitional justice mechanisms aim not only for present accountability (negative peace) but also for long-term positive peace. All relevant actors must be included, and the process must remain comprehensive and impartial. Justice and peace are interdependent; truth-telling, reconciliation, and accountability must complement one another (Galtung, 1969).

Positive peace differs from negative peace; the latter refers to absence of violence, while the former entails equitable social relations and inclusive institutions (Galtung, 1969). Transitional justice should achieve sustainable peace by addressing root causes such as inequality, exclusion, and repression. Transitional justice is an ongoing process that includes truth-telling, reconciliation, reparations, and sustainable development for democratic transformation. Minimum guarantees of due process, participation, and transparency must be applied. Transitional justice must be inclusive to avoid marginalization and bias. Supporting one party over another entrenches division and undermines credibility. Ensuring oversight prevents "victor's justice." Inclusivity ensures the representation of all groups—minorities, marginalized groups, victims, perpetrators, displaced persons, the government, and international actors. Ignoring inclusivity fuels bias and domination. For example, Libya's 2012 Political Isolation Law targeted individuals associated with the former regime, exacerbating divisions and violations. In contrast, South Africa adopted a participatory approach, providing victims and survivors with platforms to share their stories and conferring legitimacy. These contrasting trajectories demonstrate that selective and biased processes deepen divisions, while inclusive approaches foster legitimacy and participation.

III. Discussion and Findings

A. Case Studies: Libya and South Africa

1. Libya

This section highlights transitional justice mechanisms in Libya following a long period of authoritarianism, grave violations, the civil war and its repercussions. The collapse of Gaddafi's autocratic regime in Libya occurred in October 2011 after armed conflict between the rebels and the former regime, which began in February 2011. Since that stage, Libyan cities, especially Tripoli, Benghazi and Misrata, have become centers and arenas for political and military competition, and these different aspects have shaped the context of transitional justice in Libya.

It clarifies key considerations for implementing these mechanisms and demonstrates the importance of integrating transitional justice and reconciliation, as they are interlinked to achieve social justice and sustainable peace. The challenges facing the process are examined. Unaddressed mistakes contributed to failure and prolonged the conflict. Analytically, the Libyan case is read through the four comparative variables—political will, inclusiveness, institutional and legal capacity, and international and regional actors.

After the fall of the Gaddafi regime and the fragmentation of Libya's political and social environment in 2011, a major institutional vacuum and the proliferation of armed militias, in addition to foreign interventions, hindered the democratic transition. The state adopted transitional justice mechanisms, but the unstable environment hindered addressing past grievances and establishing unified legal frameworks, imposing agendas inconsistent with local needs.

As a result of the ongoing struggle over resources and power, political polarization increased, and competing authorities—the General National Congress (GNC), the House of Representatives (HoR), and later the Government of National Accord (GNA) —adopted competing visions, hindering national consensus on a single legal and procedural framework. This weakened the legitimacy of the transitional justice process and hampered the functioning of its mechanisms. This fragmentation has translated into further legal pluralism, polarization, and the promotion of different agendas, further eroding confidence in the process. The ICC's selectivity, agenda-setting, and exclusion of certain parties, along with the Political Isolation Law, negatively affected reconciliation and deepened divisions. Issuing laws without effective implementation made the process symbolic. ICC intervention included arrest warrants for Gaddafi and officials on crimes against humanity, facing criticism for selectivity and foreign agendas that undermined local ownership. The 2012 Political Isolation Law fostered a narrative of “victor’s justice,” sidelining competent officials without proper charges and politicizing transitional justice.

The 2012 general amnesty was applied incompletely, excluding certain crimes and complicating reconciliation. Excluding individuals associated with the former regime raised questions about judicial impartiality, dividing society into “heroes” and “villains” and harming cohesion and equality under a pro-winner narrative. This binary division hampered national unity and reconciliation, turning mechanisms into tools for politicization and delegitimization. Lack of impartiality and inclusiveness led to recurring violations. Inconsistency between amnesty and punishment steered the process toward revenge. Overlapping interests of foreign states, the ICC, and the UN Security Council fueled internal conflicts, hindering credible accountability, negotiation, and compromise.

This binary division into "heroes" and "villains" has hampered attempts to unify the nation and, consequently, the reconciliation process. Thus, the transitional justice process has become a tool for politicizing and delegitimizing the defeated, depriving state institutions and the judiciary of independence and integrity. When adopting transitional justice mechanisms, it is important to adhere to international standards of impartiality and inclusiveness. However, the process in Libya lacked these factors, which led to the recurrence of violations. This unjustified foreign intervention by France (FR), Italy (IT), the United Arab Emirates (UAE), Qatar (QA), and Turkey (TR) have exacerbated internal divisions and expanded the conflict to unimaginable proportions. This, in turn, has produced a politicized transitional justice process that imposes diverse foreign policies that fuel internal conflicts by proxy, thus thwarting the process of achieving peace and stability in the country.

Regional and international support to revolutionary factions neglected their crimes, hampering reconciliation and prolonging conflict. Impartial accountability consistent with legal standards is essential to move beyond victor's justice. The United Nations Support Mission in Libya (UNSMIL), confirmed that one-sided justice repeats violations and increases marginalization, requiring equality in applying criminal law to all parties. National initiatives marginalized tribal and southern regions. Given Libya's rich tribal environment, neglecting traditional dispute-resolution practices widened gaps. Hybrid initiatives combining formal and informal mechanisms are needed to restore trust. The role of civil society, NGOs, and victims' groups has been absent, leaving the process without oversight and genuine victim demands, and thus lacking legitimacy. As Andrieu notes, "justice imposed from above cannot transform societies—it must be built from below" (2010, p. 7).

The Libyan model requires extensive commitments and reforms: laws must include effective application mechanisms; sincere political will from official and unofficial parties, civil society, and regional and international actors is necessary. A comprehensive, unified approach embracing institutional and security reforms should restore confidence, ensure oversight and independence for truth and reconciliation commissions, and address all past grievances. Dialogue and reconciliation through neutral mediators should reflect victims' desires and address structural problems. Economic and social development programs must be combined with the investigation of violations and fair criminal justice to achieve sustainable peace. These measures may promote political, security, and economic stability. Contends comprehensive national reconciliation reduces divisions and promotes a more inclusive environment (Fraihat, 2023).

Resources and funding must be available in practice, with guarantees to enforce penalties and compensate victims, and to bind all parties (Mani, 2008).

Genuine political will and independent judges and bodies responsible for truth-seeking and sanctions are essential to establish integrated and sustainable justice. In short, rebuilding local legitimacy requires strong, neutral institutions, a comprehensive design, and the avoidance of external agendas through local agents.

2. South Africa

Regarding South Africa's transitional justice process, it adopted a remedial approach (restorative) to address the social, political, economic, and other factors contributing to violations under the apartheid system. The establishment of the Truth and Reconciliation Commission (TRC) in South Africa in 1995 paved the way for the institutionalization of the transitional justice process. Archbishop Desmond Tutu was appointed its chairman, and it operated from 1996 to 1998 to investigate human rights violations. The commission held public hearings in major South African cities, including Cape Town and Johannesburg.

This section focusses on three key aspects employed by the that the TRC to achieve transitional justice and address the violations of the apartheid regime. This analysis highlights that design and implementation choices in South Africa have led to reconciliation without truly addressing structural inequalities. South Africa's experience with transitional justice is among the most famous, relying heavily on the reconciliatory approach spearheaded by Nelson Mandela and Archbishop Desmond Tutu after the end of the brutal apartheid regime. The end of this chapter of marginalization and systematic oppression against the black majority saw a revolution of reforms and change aimed at achieving justice and reconciliation, and thus the desired democratic transformation. The broad negotiating environment and the sufficient space that South Africa enjoyed produced a process of reconciliation rather than revenge and conflict.

The TRC, established in 1995, sought to uncover the truth about past abuses. It adopted public hearings as an alternative to trials to achieve reconciliation and prevent destabilization. Conditional amnesty, linked to full disclosure, strengthened this process and provided space for community participation. First, the individual approach: This approach examined perpetrators' violations against victims during political conflicts under apartheid, shifting the dominant narrative from collective to individual responsibility. This approach mitigated collective guilt, promoted accountability, and emphasized personal responsibility. However, Mamdani criticized this approach for depoliticizing systemic crimes and exonerating the institutions that supported the apartheid regime from scrutiny (2000, p. 33).

The restorative nature of the South African process fostered reconciliation but failed to dismantle systemic inequalities, revealing the gap between restorative and transformative justice.

Second, focus on emotions: The TRC emphasized emotions and victims' stories, framing them as moral lessons for collective healing. Public hearings served as a therapeutic process for both parties, adding an ethical dimension to reconciliation. Archbishop Tutu's "Ubuntu" philosophy, which links humanity to the humanity of others, fostered empathy and collective healing. Despite achieving national reconciliation, the process neglected adequate compensation and failed to address persistent economic inequalities. Wilson noted that reconciliation without socio-economic transformation risks becoming ritualized (2001, p. 13).

Finally, portraying human behavior as a disease: The TRC viewed human behavior as a disease that needed treatment. This framework promoted a tolerant environment, thus avoiding retaliation. However, critics argue that portraying injustice as a disease depoliticizes crimes rooted in power and inequality. While this process achieved psychological healing, it failed to address the structural injustices that have persisted since the apartheid era. Therefore, combining restorative and transformative justice with institutional reforms is essential to achieving just redistribution and lasting reconciliation.

The TRC contributed significantly to transitional justice and stands as a successful example compared to failed experiences like Libya. It enabled victims to express their pain and allowed perpetrators to confess guilt, but it neglected the structural political issues that contributed to the continuation of the apartheid regime. The South African experience, on the other hand, achieved reconciliation and stability, but neglected the transformative dimension that links restorative practices to social and economic justice. Therefore, addressing past injustices requires integrating restorative and retributive approaches with transformative justice to address inequality, poverty, oppression, and marginalization. Achieving psychological and emotional recovery alone is not sufficient to resolve economic and social injustice. Adopting a single framework leaves the roots of conflict unaddressed, while transitional justice models that integrate multiple approaches achieve justice and positive peace.

B. Comparative Discussion: Libya and South Africa

Libya and South Africa embarked on transitional justice processes with divergent designs, methods, and outcomes, influenced by their contexts. South Africa represents a successful model of reconciliation, while Libya's fragmented process reflects conflicting international and domestic agendas.

Both experiences are shaped by the political environment. South Africa's peaceful transition and inclusive settlement prioritized reconciliation, while Libya's post-Gaddafi environment, characterized by a power vacuum and foreign interference, hindered unified mechanisms and fueled retribution. The TRC's work under government support ensured a peaceful framework and legal legitimacy, while Libya's fragmented institutions and militia dominance created collapse and fear, hindering justice. This contrast highlights how political context and power dynamics determine outcomes. While the transitional justice process in South Africa began after the end of apartheid and the adoption of a negotiated political settlement in 1994, Libya adopted a transitional justice phase amid continuing conflict and institutional vacuum after the fall of Muammar Gaddafi's autocratic regime in 2011.

1. Political Will and Institutional Context

Political will was strong in South Africa, supported by Mandela and Tutu, who provided authority, resources, and legitimacy. Libya lacked political will for reform, turning justice into a tool for exclusion. Transitional justice requires strong institutions, as noted by De Greiff: "Transitional justice should be understood as a process, not a moment, aiming to redress legacies of massive human rights abuses" (2012, p. 31). South Africa's unified will and participation enhanced legitimacy, while Libya's fragmentation produced conflicting agendas. The absence of a codified legal framework in Libya led to selective accountability, unlike South Africa's constitutional framework ensuring inclusiveness and adherence to the rule of law.

2. Inclusivity and Public Participation

National participation builds legitimacy and dialogue. South Africa's TRC engaged victims, perpetrators, and elites in public hearings to form a unified truth. Libya's unstable environment excluded groups demanding justice, sidelining civil society and victims' organizations. The Political Isolation Law exemplified retaliatory agendas. Exclusion in Libya deepened violations and renewed conflict, while South Africa's reconciliatory, community-based participation fostered healing and prevented violence.

3. Truth-Telling and Accountability Mechanisms

South Africa prioritized truth-telling over trials, allowing perpetrators to confess for amnesty and fostering forgiveness and healing. Libya lacked dialogue and imposed a single narrative favoring victors, distorting history and exploiting justice for domination. Public storytelling in South Africa preserved memory through archives and museums; Libya's absence of truth fostered myths and polarization.

4. Reparations and Socioeconomic Justice

Reparations address economic and social injustice. South Africa integrated moral discourse but suffered resource shortages and delays. Libya neglected reparations entirely, focusing on selective trials and revenge. Corruption and resource struggles undermined compensation frameworks. Transitional justice must address inequality, poverty, and exclusion to achieve genuine democratic transformation.

5. Role of International Actors

International intervention shapes outcomes. South Africa minimized it, integrating local ownership and legitimacy. Libya marginalized local voices, allowing powers to impose agendas through proxies, deepening division. The ICC's selective prosecution of Gaddafi's allies while ignoring NATO-backed crimes reintroduced external agendas. Effective transitional justice requires integrating local and international cooperation to strengthen legitimacy and reflect victims' needs.

6. Moral and Psychological Dimensions

South Africa focused on victims' psychological healing through public hearings that fostered forgiveness and reconciliation. Libya neglected this entirely, emphasizing retribution and exclusion. South Africa's moral foundation, "Ubuntu" ("I am because we are"), built unity and collective identity, while Libya's "victim vs. perpetrator" dichotomy reinforced division. Lederach stresses that reconciliation arises through relationships, not law alone (1997, p. 26). South Africa institutionalized empathy and tolerance, while Libya institutionalized revenge and division.

7. Comparative Synthesis

In short, the South African approach was characterized by reconciliation and rehabilitation, emphasizing dialogue, tolerance, and addressing psychological problems through moral transformation. This fostered inclusiveness and participation in the transitional process through public sessions, recognition, and amnesty, strengthening reconciliation between all segments of society and the government. The Libyan model, by contrast, was exclusionary and retributive, focusing on the dominant party's narrative and marginalizing the defeated, reinforcing division and enabling foreign agendas in an imperialistic manner. This study demonstrates that transitional justice depends largely on the context in which it is applied. It cannot be universally implemented but must adapt to provide conditions for success, political will, institutional capacity, inclusiveness and participation, local and cultural ownership, structural reform, and ethical and psychological dimensions.

Depending on each context, transitional justice must adapt to achieve reform in the economic, social, and political spheres.

This provides a clear vision for enhancing the effectiveness of transitional justice by balancing accountability and healing, empathy and reconciliation, and local ownership with international support to achieve justice, reconciliation, and peace in the long term.

Table 1
Comparative Matrix: Libya and South Africa

Variable	South Africa	Libya	Analytical Note
Political Will	Strong political will, embodied by moral authority; unified commitment to reconciliation and reform supported by state institutions.	Weak and fragmented political will; competing authorities and militias; no unified national vision.	Political will emerged as the decisive variable—its absence in Libya undermined legitimacy and reconciliation.
Inclusivity and Participation	Broad societal participation through public hearings.	Exclusionary approach and Political Isolation Law.	Inclusivity built legitimacy in South Africa; its absence deepened division in Libya.
Institutional and Legal Capacity	Stable institutions, rule of law, constitutional oversight.	Institutional collapse and politicized judiciary.	Institutional strength anchored justice; fragility in Libya rendered mechanisms symbolic.
International and Regional Actors	Limited intervention preserved local ownership.	Heavy international interference undermined legitimacy.	External influence weakened Libya’s domestic ownership; South Africa preserved authenticity.

Conclusion

In conclusion, transitional justice is a complex process involving multiple actors—conflicting parties, civil society, regional states, the international community, and the ICC. It must remain independent from dominant narratives or politicized prosecutions that obstruct peace and reconciliation. Transitional justice is not a rigid legal practice but a continuous moral, political, and social transformation balancing justice, reconciliation, and peace. Each context requires a flexible model adapted to its dynamics and influencing factors. The comparative analysis shows that transitional justice outcomes depend on design and implementation. South Africa’s inclusive model achieved reconciliation and unified the national narrative despite economic shortcomings, whereas Libya’s selective and vengeful approach deepened divisions due to the absence of political will, institutional capacity, and participation.

Truth-seeking remains one of the most challenging stages, as actors may conceal information to protect political or personal interests. This was evident in Libya, where international interference distorted narratives, undermining legitimacy. In contrast, South Africa's open dialogue fostered credibility, inclusion, and a unified historical record, proving that equality and independent representation are crucial to democratic transition.

A holistic framework should integrate the incentives of warring parties and the concerns of donors and international actors to align interests and promote effective justice. Neutral venues, balanced timing, and impartial mediation enhance negotiations and reconciliation. Any biased intervention strengthens one side and undermines transitional justice. It is also vital to assess whether actors genuinely pursue justice or exploit mechanisms for political gain. Political will, transparency, truth acknowledgment, dialogue, and trust-building are fundamental to successful reconciliation. Transitional justice should transcend traditional frameworks to achieve societal and moral transformation, rebuilding nations on democratic and ethical foundations that ensure equality, justice, and sustainable peace.

Finally, sustained commitment beyond conflict is crucial for achieving positive peace and ensuring the integrity of transitional justice. Continuous evaluation and institutionalisation of reconciliation and accountability signal genuine democratic transformation as exemplified by South Africa's inclusive and enduring commitment. This experience offers valuable lessons for Libya and similar states seeking to transform conflict into sustainable peace and development.

Bibliography

Acar, O. (2022, February 1). Transitional justice and memory: A case study of Argentina [Master's thesis, Middle East Technical University]. Middle East Technical University Institutional Repository.

Al-Atrash, A. A. A.-A. (2021, October 6). Transitional justice and national reconciliation in Libya: The dialectic of priorities. Al Jazeera Centre for Studies.
<https://studies.aljazeera.net/ar/article/5149>

Aljazeera Centre for Studies. (2014, April 24). Seminar on concepts of conflict management and dispute resolution (Part 1) [Video]. YouTube.
https://www.youtube.com/watch?v=KfRt_P92574

Andrews, M. (2003). Grand national narratives and the project of truth commissions: A comparative analysis [Manuscript]. University of East London Repository.
<https://repository.uel.ac.uk/item/86919>

Andrieu, K. (2010). Civilizing peacebuilding: Transitional justice, civil society and the liberal paradigm (p. 7). Routledge.
https://www.academia.edu/25802917/Civilizing_Peacebuilding_Transitional_Justice_Civil_Society_and_the_Liberal_Paradigm

Corradetti, C., & Eisikovits, N. (2015). Theorizing transitional justice. Routledge.
<https://doi.org/10.4324/9781315551180>

De Greiff, P. (2012). Theorizing transitional justice. In M. S. Williams (Ed.), *Transitional justice: NOMOS LI* (pp. 31–172). New York University Press.
<https://doi.org/10.18574/nyu/9780814794661.003.0002>

Fraihat, I. (2023, February 21). Transitional justice in the Arab world [Video]. YouTube.
<https://www.youtube.com/watch?v=gtFLD5jTDEA>

Galtung, J. (1969). Violence, peace, and peace research. *Journal of Peace Research*, 6(3), 167–191. <https://gsdrc.org/document-library/violence-peace-and-peace-research/>

Hamad, M. (2020). Transitional justice in Libya: In real terms, useless statutes. *Siyasat Arabiya*. <https://siyasatarabiya.dohainstitute.org/ar/issue047/Pages/Siyassat47-2020-Hamad.pdf>

Hamber, B. (2009). *Transforming societies after political violence: Truth, reconciliation, and mental health*. Springer.

Hayner, P. B. (2011). *Unspeakable truths: Transitional justice and the challenge of truth commissions* (2nd ed., p. 14). Routledge.
<https://archive.org/details/unspeakabletruth0000hayn>

Kersten, M. (2015). Transitional justice without a peaceful transition: The case of post-Gaddafi Libya. KU Leuven. <https://soc.kuleuven.be/crpd/files/working-papers/working-paper-kersten.pdf>

Kersten, M. (2016). Justice in conflict: The effects of the International Criminal Court's interventions on ending wars and building peace. Oxford University Press. <https://global.oup.com/academic/product/justice-in-conflict-9780198777151>

Lederach, J. P. (1997). Building peace: Sustainable reconciliation in divided societies (pp. 26–29). United States Institute of Peace Press. <https://archive.org/details/buildingpeacesus0000lede>

Mamdani, M. (2000). The truth according to the Truth and Reconciliation Commission. *Critical Inquiry*, 26(3), 640–654. <https://idl-bnc-idrc.dspacedirect.org/server/api/core/bitstreams/79fd2b5b-025a-462f-9190-ec65c8a134f1/content>

Mamdani, M. (2009). Saviors and survivors: Darfur, politics, and the war on terror (p. 53). Pantheon Books. <https://www.rahs-open-lid.com/wp-content/uploads/2024/02/Saviors-and-Survivors-Darfur-Politics-and-the-War-on-Terror-PDFDrive-.pdf>

Mani, R. (2008). Dilemmas of expanding transitional justice, or forging the nexus between transitional justice and development. *International Journal of Transitional Justice*, 2(3), 253–265. <https://bit.ly/3KLEH5I>

Paris, R. (2004). At war's end: Building peace after civil conflict (p. 7). Cambridge University Press. <https://archive.org/details/atwarsendbuildin0000pari>

Richmond, O. P. (2020). Peace in international relations (2nd ed.). Routledge.
Teitel, R. G. (2000). Transitional justice (p. 12). Oxford University Press. https://archive.org/details/transitionaljust0000teit_t8a3/page/n5/mode/2up

United Nations. (2004). The rule of law and transitional justice in conflict and post-conflict societies: Report of the Secretary-General (S/2004/616) (p. 4). United Nations. <https://undocs.org/S/2004/616>

Waldorf, L. (2012). Local justice for victims and defendants. In R. Shaw & L. Waldorf (Eds.), *Localizing transitional justice: Interventions and priorities after mass violence* (pp. 171–188, esp. p. 172). Stanford University Press.

Wilson, R. A. (2001). The politics of truth and reconciliation in South Africa: Legitimizing the post-apartheid state (p. 13). Cambridge University Press. https://www.columbia.edu/itc/ce/s6403/richard_wilson.pdf