



A TOOLKIT ON TRANSITIONAL & RESTORATIVE JUSTICE



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Acronyms and Abbreviations

C4JR	Coalition for Just Reparations
CPA	Coalition Provisional Authority
CSOs	Civil Society Organizations
DDR	Disarmament, Demobilization, and Reintegration
GoI	Government of Iraq
ICTJ	The International Center for Transitional Justice
ICTR	International Criminal Tribunal for Rwanda
KRG	Kurdish Regional Government
KRI	Kurdistan Region of Iraq
MHPSS	Mental Health and Psycho-Social Support
NGOs	Nongovernmental Organizations
RJ	Restorative Justice
TJ	Transitional Justice
TOC	Theory of Change
TRC	Truth and Reconciliation Commission
UN	United Nations
UNAMI	United Nations Assistance Mission for Iraq
UNODC	United Nations Office on Drugs and Crime
UNSC	United Nations Security Council
IHRL	International Human Rights Law
ISIL	The self-declared Islamic State in Iraq and the Levant

Introduction

This manual aims at enhancing the Iraqi civil society organizations' (CSOs) knowledge in Transitional and Restorative Justice (TJ/RJ) and improving their capacities in planning and implementing relevant activities. Therefore, the manual combines both theoretical knowledge and practical steps to explore, plan, and implement interventions at the local levels. While the manual draws on TJ/RJ academic discourse and experiences from other post-conflict contexts, it was specifically developed in conformity with the Iraqi context and based on accumulated inputs from civil society actors.

Although TJ processes cannot be meaningfully carried out without state measures, RJ processes demonstrate a wide margin for CSOs to operate locally while complementing and supporting any official spaces and measures. Where the communities' grievances are multi-layered and complex, the CSO's role becomes more crucial, since they are likely to be best placed to mitigate the consequences of unavailability or delay of official spaces and measures. The longer the communities are left without RJ measures, the severer the societal rift becomes, and the likelihood of conflict recurrence. Therefore, this manual encourages CSOs not to solely rely on its contents to design and implement RJ activities, but to expand their internal awareness raising and capacity building. Additionally, this manual considers the CSOs' main role in delivering the informed knowledge to the public a vital factor to ensure the latter's meaningful participation and ownership of the activities and interventions.

This manual neither can nor seeks to clarify every RJ measure, practice or initiative. The selection of the relevant conceptual aspects and practical interventions was derived from lessons learned and perspectives received from several actors in the civil society sector, which to a certain degree also reflects the understanding, experiences, and legacies of different areas and communities.

The manual aims to provide the CSOs with a "learning journey" that consists of the conceptual framework, the roadmap of planning RJ projects, and overview of potential activities. Throughout the "journey", Iraqi context, experience, and specificities are considered in the content and proposed interventions. The cited case studies and experiences are not meant to be replicated in the local communities. They should rather expand the CSOs' awareness of lessons learned from these experiences, and help them reflect on it based on the specificity of their own contexts.

Although most of the terms and concepts addressed in the manual are identified under the relevant sections, below is a list of TJ/RJ glossary definitions for easier access. The list is based on any available UN adopted definitions, otherwise on the most internationally used ones.

Glossary Definitions

Accountability: A notion that promotes the answerability and liability of individuals and public officials regarding their actions. Accountability has three dimensions: it refers to the obligation of those in power to take responsibility for their actions, to justify them to the people they affect, and to submit them to some form of enforceable punishment if their behavior or justification was found to be unsatisfactory.

Amnesty: The act of retroactively exempting individuals or a specific group of people from criminal prosecution for criminal offenses committed.

Criminal Justice: Legal mechanisms and instruments with which the relevant authorities investigate and prosecute crimes, and it results in either sentencing or acquitting the accused.

Compensation: Monetary payments provided by a wrongdoer to make up for damages such as loss, injury, suffering and breach of a contract or duty to the injured party.

Dealing with the past: Measures, instruments, and approaches that societies choose and/or develop to deal with the consequences of its violent past in order to build sustainable peace.

Guarantees of Non-Recurrence: The official and unofficial measures that collectively ensure that the acts that caused the grievances of the past will not be repeated in the future.

Guilt: The notion of individual guilt is the culpability for a crime or any harmful act, or the unpleasant emotion knowing or thinking that he or she has done something wrong or has violated moral standards. Collective guilt

or collective responsibility refers to individuals feeling or being responsible for other people's harmful actions, even if they did not actively take part in these actions, but tolerated, ignored or accommodated them in any way.

Impunity: Exemption or immunity from punishment or penalty for crimes.

Local Ownership: A notion that a certain society or groups feel they have the power to communicate and/or manage their own needs and priorities or where they are allowed to participate in the design, management, and implementation of respective projects that affect their lives.

Punitive or Retributive Justice: Legal mechanisms and instruments that pursue punishment of the offender, proportionally to the severity of the offense committed.

Peacebuilding: A comprehensive concept developed to assist war-torn states and societies to avoid a relapse into armed conflict by creating the conditions necessary for a sustainable peace. It combines mechanisms of peacekeeping with elements of state and nation-building, humanitarian action, transitional justice, and reconciliation. Peacebuilding attempts to address the root causes of conflicts with a view to building sustainable peace and promoting development in the aftermath of conflict.

Reconciliation: A process to transform and overcome remaining malevolence and feelings of hatred amongst (still) antagonist conflict parties to create feelings of acceptance and forgiveness of past hostilities and harmful acts.

Rehabilitation: A set of interventions designed to optimize functioning of individuals with special conditions and reduced capacities in interaction with their environment. In the reparation context, it is the process of restoring the individual's health and social standing after a serious attack on physical or mental integrity by continually offering medical, psychological, legal, social and other services.

Reparations: A range of material or symbolic measures taken by those responsible for serious crimes or human rights violations to rectify harm caused to victims, either individually or as a group. Proper reparations should consist of a balanced mix of different forms of reparations such as restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.

Restorative Justice: Justice model primarily oriented towards repairing the harm caused by the crime. More generally, restorative justice encompasses a range of policies, procedures and programmes which complement criminal trials to respond more squarely to the needs of victims. It relies on the participation of victims to define what must be restored and to determine how offenders can fulfill this restoration. Moreover, the focus away from merely punitive justice fosters reconciliatory dialogue between victims and offenders.

Rule of Law: A principle of governance in which all persons, institutions and entities, public and private are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with [international human rights norms and standards](#).

Transitional Justice: Measures to address large-scale human rights abuses which exceed the capacities of existing judicial and non-judicial structures in place. These

measures may include criminal prosecutions, the establishment of truth commissions, reparations, gender justice, institutional reforms, memorialization, reconciliation, and educational programs. Transitional justice intends to provide recognition for the victims and to strengthen the rule of law.

Truth Commissions: Official, nonjudicial bodies of a limited duration established to determine the facts, causes, and consequences of past human rights violations. By giving special attention to testimonies, they provide victims with recognition, can contribute to prosecutions and reparations, assist divided societies to overcome a culture of silence and distrust, and help to identify institutional reforms needed to prevent new violations.

Transformative Justice: A series of practices and philosophies designed not only to address the effects of the violence, but also to transform structures that have given rise to the violence in the first place. These practices seek to ensure cessation of inequalities and harmful practices that predated and contributed to violations. This is to be done by elevating survivors' standing as individuals and communities, legally and in practice, thus "transforming" their legal and social status for the better.

Victims/Survivors: Persons who individually or collectively suffered harm, including physical or mental injury, emotional suffering, economic loss, or substantial impairment of their fundamental rights, through acts or omissions that constitute gross violations of international human rights law, or serious violations of international humanitarian law. The term "victim" also includes the immediate family or dependents of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization. The word victim and survivor are usually being

used interchangeably to denote a person harmed through a violent incident. The term victim, embedded in international and criminal law, is commonly used when discussing a crime or when referencing the criminal justice system. Survivor, on the other hand, might be seen as more

empowering and thus preferred by survivors themselves or those supporting them. One should, however, be careful with using these terms beyond the English language context (by uncritically translating them), as they might acquire different, even improper, meanings.

I. Conceptual framework

Addressing the painful legacies of authoritarian rule, armed conflict, and terrorism cannot be achieved through a single courtroom. Effects of such legacies go beyond impact of individual crimes and may multiply in a very complex manner that undermines efforts to establish lasting peace. Moreover, these tend to generate concealed conflicts and grievances that are impossible to address through principle of crime and punishment only.

Numerous peoples and communities throughout history suffered for decades from horrible conflicts or dictatorships. When they reacted, the priority was to stop the ongoing violations or conflict. This is a natural response by human beings who tend firstly to put an end to the “visible” violence. However, peoples started to realize that changing the existing situation from violent to non-violent does not guarantee that the grievances they suffered from will not reoccur. For instance, the mothers of the kidnapped and disappeared persons in Argentina during the military dictatorship in the 1970s-80s started a movement demanding to know the fate and whereabouts of their loved ones. Faced by the intransigence and oppression of the authorities, the mothers – and many other CSOs and movements – combined their demands for the personal causes with a nation-wide and international approach calling for non-recurrence by adopting the “never again” or *Nunca más* slogan in Spanish which was the title of the National Commission on the Disappearance of Persons report in 1984.¹

Therefore, dealing with the past and its grievances evolved into an approach to ensure its non-recurrence through different methods and changes that bring justice to everyone and achieve societal reconciliation.

Transitional Justice

Transitional justice (TJ) as a concept does not present a body of binding rules, it is not an instrument, nor is it defined in absolute terms but rather described as a set of measures and/or processes and mechanisms.

The main characteristics of TJ conceptual framework are:

- Dealing with the past is the cornerstone to plan the future.
- Ignoring the causes of the grievances will lead to an insecure future and re-emerging conflicts.
- Each community/context has its own specificity and therefore it develops its approach to deal with the past accordingly.
- Whatever measures are adopted, non-recurrence and reconciliation should always be the major outcomes.

There are several concepts and definitions for TJ, but they all refer in one way or another to the interlinked relationship between the past and the future in the sense of the abovementioned characteristics. The United Nations define TJ as “the full range of processes

¹ Report of Conadep (National Commission on the Disappearance of Persons) – 1984 (Available at: http://www.desaparecidos.org/nuncamas/web/english/library/neveragain/neveragain_001.htm).

and mechanisms associated with a society’s attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation. Transitional justice processes and mechanisms are a critical component of the United Nations framework for strengthening the rule of law”.²

For the International Center for Transitional Justice (ICTJ) [TJ is about](#) “how societies respond to the legacies of massive and serious human rights violations. It asks some of the most difficult questions in law, politics, and the social sciences and grapples with innumerable dilemmas. Above all, transitional justice is about victims”.

Many other concepts can be found, and they can be summarized in general as confronting the legacies of the past of human rights violations and/or the horrors of conflicts and/or repressive dictatorships to build a stable, peaceful and democratic future.

TJ Conceptual Framework and Pillars

Dealing with the past was therefore considered the main pushing factor for TJ, and that was formulated in a [Conceptual Framework](#) that was drawn on different legal and contextual developments. The Framework (*see figure 1 below*) considers that the transformation of conflicts necessarily entails reconciliation and prevention of recurrent violations. The Framework sets 4 main pillars of a holistic approach to deal with the past and they represent the essential components for any TJ process.

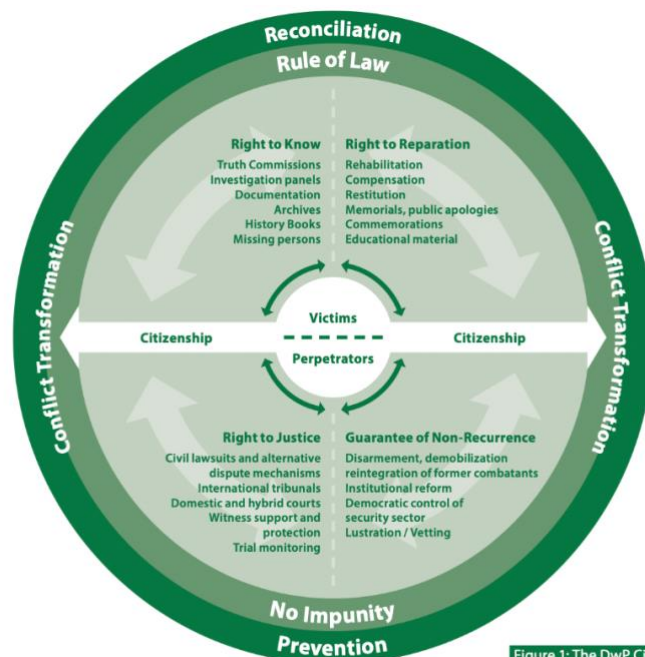


Figure 1: The DwP Circle.

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inspired by the Joinet/Orentlicher Principles

Therefore, TJ processes should explore the implementation of the 4 pillars within a system of rule of law that fights impunity, while the whole process leads to a conflict transformation into a reconciled society. At the core of the process rests the victims and perpetrators. The 4 pillars can be identified as follows:

² United Nations, *Guidance Note of the Secretary-General, United Nations Approach to Transitional Justice*, March 2010 (Available at: https://www.un.org/ruleoflaw/files/TJ_Guidance_Note_March_2010FINAL.pdf).

The Right to Truth

Individuals and society have the right to know what really happened, including the details of the experiences they went through, and the causes that led to the tragedies of the past. This right serves to preserve history from distortion or obliteration, which is essential for societies looking to a future in which the past is not repeated. The UN defines the right to truth as an entitlement of victims and their relatives to seek and obtain information on the causes and conditions that led to abuses, the progress and results of the investigation, reason for and circumstances of their perpetration, the circumstances in which violations took place, fate of those killed and still missing and the identity of perpetrators.³



The Case of Peru: How Truth Served TJ?

- The internal armed conflict continued between 1980 and 2000, killing more than 70,000 people, three-quarters of whom were indigenous.
- The dictatorial regime dealt with the separatists with the utmost repression, just as the separatists exaggerated their violations.
- The Caretaker Government established the Truth and Reconciliation Commission in 2001 to investigate violations by all parties.
- In its final report in 2003, the committee held all parties accountable according to specific percentages related to the number of victims of violations by each party.
- The position of the committee, in its report, is to hold the elites in society (the media, civil society, legislators, the educational system) simultaneously responsible with those directly involved because they left the country in the hands of the military and failed to confront violent ideologies.
- The Committee recommended reparation measures, bearing in mind that most of the victims and their families are indigenous people who are the poorest and most marginalized in society.
- The Committee called for national reconciliation and recognition and acceptance of the plurality of ethnicities and languages in Peru.
- Based on the committee's recommendations, the Anti-Terrorism Law, and trying civilians before military courts on treason charges were abolished.
- Adoption of measures for collective reparation and national reconciliation, and since 2008, reparations have been initiated for individual victims.

The Right to Justice

Although the term justice is widespread, especially when dealing with situations of large-scale violations of human rights, providing clear answers about the concept, form, and components of justice is very difficult. The search for the concept of justice will take the researcher to ancient philosophers such as Aristotle and Plato. Thus, the concept of justice is subjective, as each person may see justice from his/her own perspective, commensurate with his experience, pain, and needs. The [Nuremberg Trials](#) are considered a form of justice after World War II, but they are also described as [victor's justice](#), i.e., selective justice because they only held the defeated party accountable. For the United Nations, justice is an ideal of

³ UN Commission on Human Rights, [Study on the Right to the Truth](#), Report of the Office of the United Nations High Commissioner for Human Rights, 8 February 2006, E/CN.4/2006/91, para. 38.

accountability and fairness in the protection and vindication of rights and the prevention and punishment of wrongs. Justice implies regard for the rights of the accused, for the interests of victims and for the well-being of society at large. It is a concept rooted in all national cultures and traditions and, while its administration usually implies formal judicial mechanisms, traditional dispute resolution mechanisms are equally relevant.⁴ Assuming that criminal trials are what constitutes the concept of justice, what if an alleged perpetrator is acquitted for lack of evidence? Will the victim be satisfied, and considers the acquittance fair? Right to justice is not a right to a specific outcome. Put differently, there is no right to a conviction, but rather to a prompt and effective investigation that may lead to conviction.⁵



International Criminal Tribunal for the former Yugoslavia (ICTY)

- Established by the UN Security Council Resolution in 1993 as the first international war crimes tribunal after Nuremberg and Tokyo.
- Mandated to try individuals accused of core international crimes committed in former Yugoslavia from 1991 and contribute to the restoration and maintenance of peace in the region.
- Mandated to prosecute and try high- and mid-level political, military and police leaders only whereas the national criminal systems needed to take over mid- and lower-level perpetrators cases.
- Indicted 161 and sentenced 91 individuals.
- Was innovative as it introduced international justice even during ongoing conduct of hostilities.
- Played a crucial role in establishing the facts linked to the international crimes falling under its jurisdiction.
- Developed important jurisprudence on war crimes, crimes against humanity and acts of genocide. It extended the definition and sanctions on perpetrators of sexual violence, established that enslavement and persecution constitute crimes against humanity.

(for more information, check the Justice info website: [How the ICTY Changed Our World](#)).

The Right to Reparations

Reparations represent measures, benefits and entitlements designed to help victims overcome the harm they have suffered, restore their dignity, and ensure that such abuses do not happen again. Although this can include money, financial compensation is not the only form of reparation. It is important to keep in mind that reparations are distinct from development, reconstruction, and victim assistance programs in that they are a legal entitlement. Reparations signal recognition that a human rights violation occurred, victims were harmed, and they are entitled to redress. States should endeavour to establish national programmes for reparation and other assistance to victims in the event that the parties liable for the harm suffered are unable or unwilling to meet their obligations.

⁴ UN Secretary-General, “The Rule of Law and Transitional Justice in Conflict and Post-conflict Societies” (U.N. Doc S/2004/616, August 23, 2004), para. 7, <https://undocs.org/S/2004/616>.

⁵ Sarah McIntosh, Pursuing Justice for Mass Atrocities: A Handbook for Victim Groups, United States Holocaust Memorial Museum, 2021, xiii, <https://www.ushmm.org/m/pdfs/USHMM-Pursuing-Justice-for-Mass-Atrocities.pdf>



National reparation programmes

have been established by [Germany](#), [Colombia](#), [Peru](#), [Canada](#), [Kosovo](#) and other countries addressing different harms committed in different time periods such as slave forced labour, victims of internal armed conflict, human rights violations committed during the military regime, indigenous victims of sexual or physical abuses and conflict-related sexual violence, respectively.

Therefore, reparations are an umbrella term that cover a range of material and symbolic measures taken by those responsible for human rights violations (individuals and/or states) to repair the harm caused to victims.

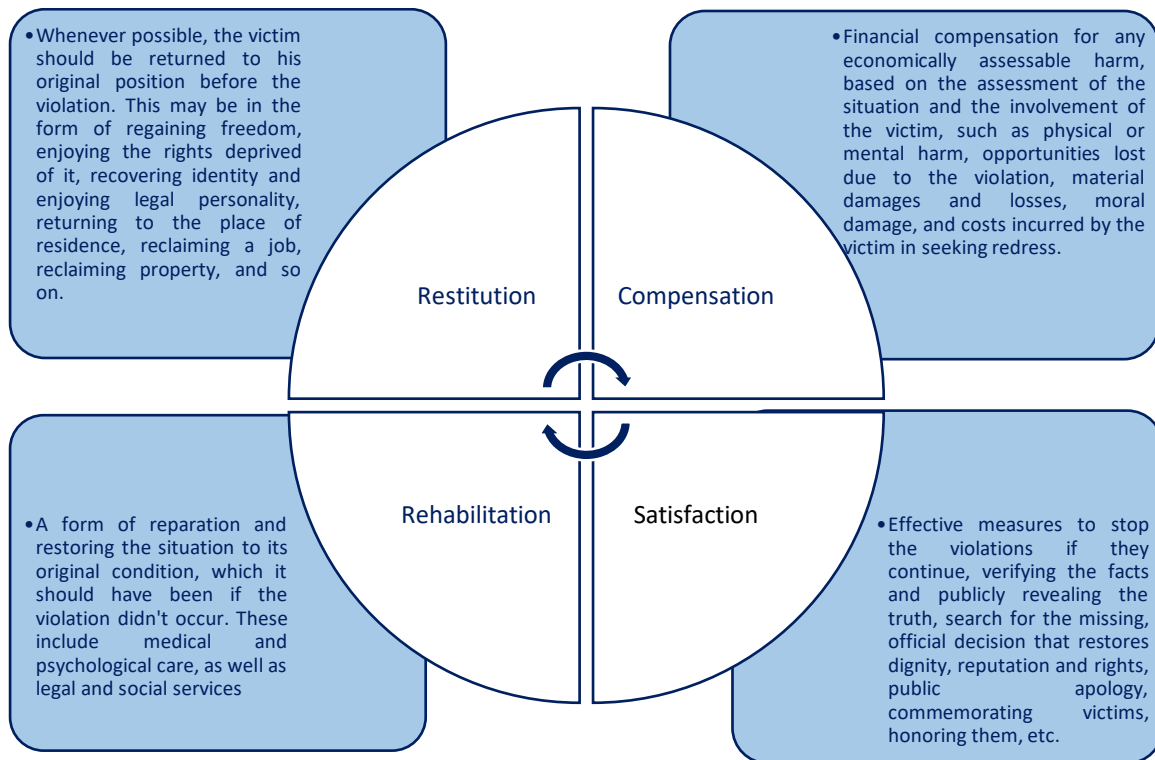


Figure 2: Forms of Reparation

Guarantees of Non-Recurrence

Nunca más! This was the slogan of human rights movements in Latin America in the 1970s and 1980s, and it means "Never again!". That experience was the inspiration for dealing with the past in order not to repeat it in the future. For this to happen, there are a series of necessary measures, most of which can be enumerated based on these and other experiences, and societies remain specific in adopting these measures or designing others:

- Fundamental [constitutional reforms](#)
- Reform of the legal system
- Confirmation of the supremacy of international law
- Ensuring the [independence of the judiciary](#)
- [Security sector reform](#)
- Monitoring the security and military sectors
- Conducting elections in accordance with appropriate laws
- Reforming the educational sector
- Regulatory institutions
- Mechanisms for monitoring, preventing, and resolving social conflicts
- Codes of conduct and ethical standards for all sectors
- Educating and raising awareness in the field of human rights
- Prioritizing training security and armed forces on [international rules](#)
- Protection of workers in the legal, medical, media and human rights sectors
- Vetting for public and formal positions
- Demobilization and reintegration of combatants

[The Working Group on Transitional Justice and SDG16+](#) advocates for expansion of the understanding of means to achieve guarantees of nonrecurrence to include a broader range of institutional, legal, and constitutional reforms as well as civil society, faith-based, cultural, and individual-level interventions.



Chilean National Commission on Truth and Reconciliation

recommended, back in 1992, a series of measures of institutional and legal reform: aligning Chile's legal framework with international human rights law, reforming the judicial branch (including legal training), ensuring that the armed forces, security forces and police exercise their functions in complete accordance with the obligation to respect human rights, creating an institution to protect human rights and making changes in the legal order in constitutional, criminal and procedural matters to better protect human rights. This paved the way for similar recommendations being put forward by truth and reconciliation commissions and other actors.

(for more information, see the [Report of the Chilean National Commission on Truth and Reconciliation](#).)



Nota bene

Precise position of the Guarantees of non-recurrence within broader TJ/IHRL frameworks is somewhat confusing as they not only feature as a TJ pillar in their own right but also, together with restitution, compensation, satisfaction and rehabilitation, constitute an integral element of reparations. This should not however, hold back the practitioners from making use of this important tool in advocating for sustainable peace.

Restorative Justice

Restorative justice (RJ)⁶ is a set of TJ measures that consider crime or abuse as more than just a breach of the law, but rather as harm to individuals, relationships, and society. A just response is to treat the harm and the act itself, to ensure the satisfaction and redress of those affected, while at the same time not repeating the act. RJ is defined as “an approach that offers offenders, victims and the community an alternative pathway to justice. It promotes the safe participation of victims in resolving the situation and offers people who accept responsibility for the harm caused by their actions an opportunity to make themselves accountable to those they have harmed. It is based on the recognition that criminal behavior not only violates the law, but also harms victims and the community”.⁷

According to [the United Nations Office on Drugs and Crime \(UNODC\)](#), RJ is a theory of justice that emphasizes repairing the harm caused by a wrongful act. This is to be achieved through cooperative processes that allow all parties involved to design measures ensuring accountability, customizing reparative measures to the needs of those affected and social integration of offenders and their families.

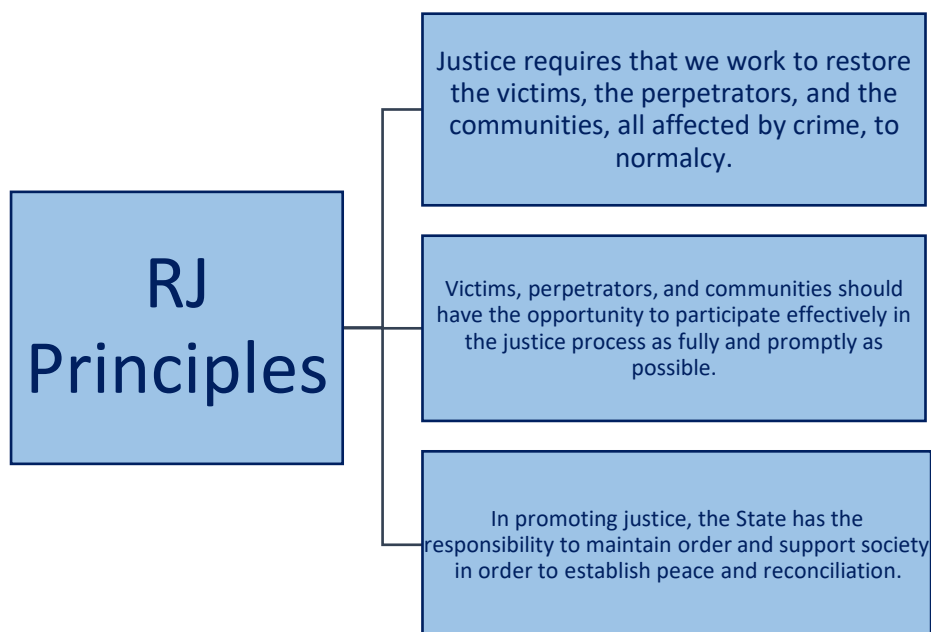


Figure 3: RJ principles

RJ allows communities, when dealing with the past, to ask fundamentally different questions from those questions dominating the “traditional justice”.

⁶ More definitions can be checked here: https://www.unodc.org/documents/commissions/CCPCJ/CCPCJ_Sessions/CCPCJ_11/E-CN15-2002-05/E-CN15-2002-5_A.pdf

⁷ UNODC, ‘Handbook on Restorative Justice Programmes’, Second Edition, 2020 (Available at: https://www.unodc.org/documents/justice-and-prison-reform/20-01146_Handbook_on_Restorative_Justice_Programmes.pdf).

Traditional Justice



- Q: What rules were breached?
A: The law
- Q: Who breached the rules?
A: Perpetrators
- Q: What do they deserve?
A: Punishment

Restorative Justice



- Q: Who was harmed by the act?
A: Individuals and community
- Q: What are their needs?
A: Reparation and non-recurrence
- Q: Who is responsible to respond?
A: Victims, perpetrators, community, and authorities

Figure 4: Traditional and RJ Questions

Therefore, RJ prioritizes reconciliation and non-recurrence, and to achieve this, dealing with the past must not be based on the traditional victim-perpetrator or law-perpetrator dualism, but rather on the participatory approach in which the perpetrators are not just punished, but bear practical responsibility in redressing the victims and the community, while being positively reintegrated in the society.

RJ is a relatively new concept and approach for the administration of justice. It emerged from the attempts of some national systems (such as USA, Canada, Australia, and New Zealand) to develop the justice systems in a transformative way, i.e., to build the capacity of the community to support social interventions to deal with crimes and offenders. This approach encourages the community to bear part of the responsibility for recovery in a way that prevents violence before it occurs, instead of limiting the response to criminal proceedings. In the aftermath of conflicts or dictatorships, RJ was rarely used as a term to describe dealing with the past processes, although many of its principles, values, and practices were integrated in the TJ processes (*some case studies are addressed below*). RJ is not necessarily a stand-alone approach to deal with the past, rather it is a TJ process with a restorative framework that requires specific interventions based on the following values:

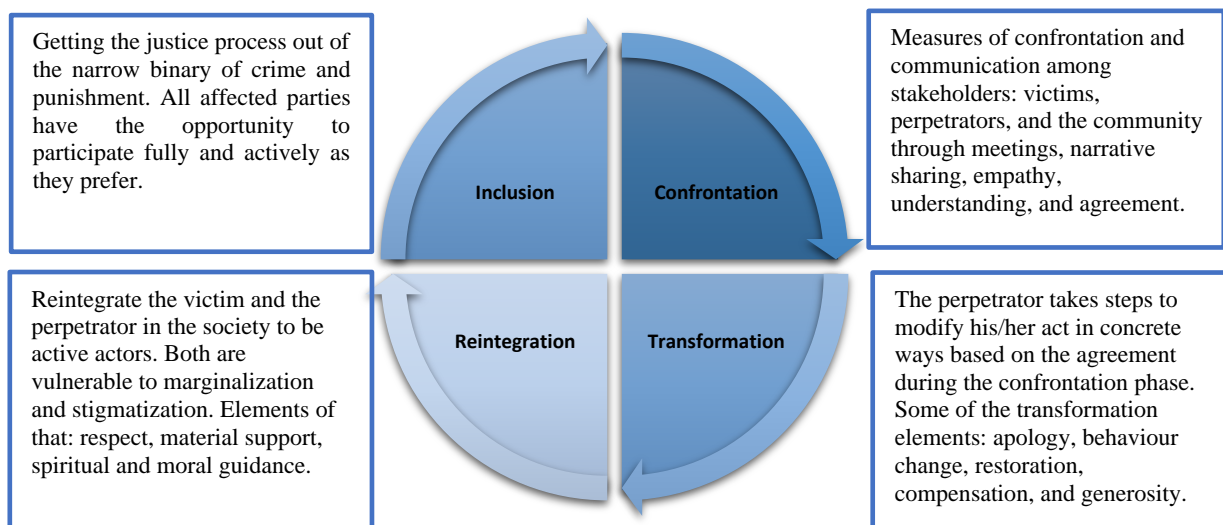


Figure 5: RJ Values

RJ enables communities to transform the process of healing the legacies of the past into a societal responsibility. The limitation of treating those legacies through traditional justice – mainly represented in criminal justice – may result in “negative peace” that minimizes the visible violence, but it can never create a “positive peace” which simply means a status of no war or violent conflict exists *in parallel* with a sustainable situation of equity, justice, and development. RJ, through its values and the corresponding interventions, does not only address the direct violence, but strives to resolve structural and cultural violence as well, as stipulated in Galtung’s triangle below:

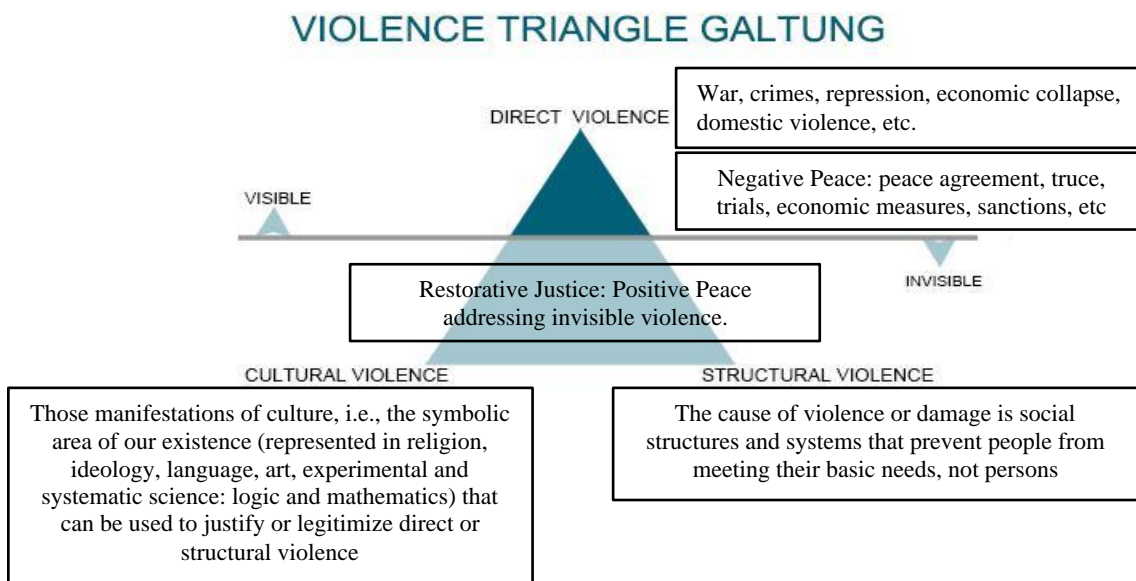


Figure 6: RJ and Galtung Violence Triangle

The measures that are usually adopted to respond to the visible violence — therefore creating negative peace — are always vulnerable to repetition. A simple example is the fragility of truces or peace agreements, which can be breached and even collapse at any time since the underlying causes of direct violence were not addressed. On the other hand, the RJ values involve all actors in assessing and learning from the cultural and structural causes of the past, as well as in taking practical steps to redress the harm while ensuring reconciliation and non-recurrence. The participation of perpetrators in agreeing on the best remedies for the victims and community forms an innovative approach of fighting impunity and reintegrating all those affected in society.

RJ is a real alternative to the principle of revenge and engages the whole community in the relationship with the perpetrators so that the damage they have caused turns into harm that affects the entire community, including themselves, their families, and their social connections. RJ plays a pivotal role in reforming the causes of wrongdoing and transforming the behaviours that cause them into components of reparation, ensuring non-repetition, and building societal peace. Considering the complexity of the Iraqi case, with its overlapping violations, the paths of RJ may ensure the inclusion of all societal components in designing a peaceful future.



The Perpetrator-Centred Approach

RJ is a practical illustration of the participatory approach to deal with the past and implement meaningful and inclusive TJ measures. Oftentimes, the authority, political/military powers, or the international community assume that the direct actors in society, including victims, civil society, and other societal forces, are unable and unqualified to assume the responsibility of deciding how to deal with the past and move towards a better future that ensures its non-recurrence. Since TJ and RJ are not a set of pre-developed measures the immediate response to the past grievances will most likely be triggering the applicable laws, mainly criminal justice measures.

When responding to the grievances of the past in that way, a perpetrator-based approach will be adopted, and consequently only visible violence can be addressed. Consequently, the results will be limited to relationship/conflict between the victim and perpetrator as individuals, or between the State/law and perpetrator only.

Limited number of perpetrators	Limited number of victims/affected persons	Only "serious" crimes are addressed	Individual criminal responsibility	Does not address the conflict causes, contexts, and effects.
Complex evidentiary standards	Results in punishment or acquittance	Does not try to answer the question of "Why"	No learned lessons, no recommendations	Limited - if not absent at all - role for the victims and community

Figure 7: Criminal Justice and an Objective View

Neither TJ nor RJ calls for the exclusion of criminal justice. To the contrary, because RJ prioritizes the non-recurrence of the grievances, it aims at ensuring the most inclusive approach to fight impunity and resolve the causes of the invisible violence. The restorative approach “defines transitional justice as an effort to address the damages suffered by individuals and communities as a result of past crimes”.⁸ This puts the emphasis not on punishment of an individual, but on the restoration of a collective experience of relations.

Restorative justice affords greater space to recognize the spectrum of behaviors between victim and perpetrator in atrocities, thereby presenting a more holistic model than retributive justice through which the harms of the past may be addressed. This is not to be understood as promoting impunity as all of those whose actions may have constituted a criminal offence under international law should be investigated and put to trial. However, only putting to trial those legally culpably for committing, aiding or abetting atrocities, will not set the groundwork for lasting peace.

To reflect on the limited outcomes of criminal justice as a sole measure to deal with the past in post-conflict communities, Rwanda is a suitable case study regarding the shift into the participatory approach despite the establishment of a special international tribunal to prosecute those responsible for genocide and other serious violations.⁹



Genocide in Rwanda: Context and Response

Rwanda witnessed one of the worst genocides in history. It resulted in more than 800,000 victims in less than 100 days. Some sources estimate about 800,000 perpetrators were involved in the genocide. The genocide was the last phase in a long history of colonialism, political marginalization, civil war, and ethnic/tribal aggravated tensions between the Hutu and Tutsi tribes. The Hutu tribe was collectively stigmatized as the perpetrator, and the Tutsi as the victim, although thousands of victims were Hutus who were subjected to crimes for being “accused” as moderates!

In response to the genocide, the international community through the UNSC decided to establish the ICTR in 1994 to prosecute all persons responsible for the genocide and other serious violations. After more than 2 decades, the tribunal indicted 93 persons only, of which 14 were acquitted. The Rwandan judicial system was collapsing, and one of the main reasons was the death of many judges in the genocide.

(See more at: United Nations International Residual Mechanism for Criminal Tribunals, Legacy website of the International Criminal Tribunal for Rwanda, Available at: <https://unictr.irmct.org/en/tribunal>).

⁸ Leebaw, Bronwyn Anne. 2003. Legitimation or judgment? South Africa's restorative approach to transitional justice. *Polity* 36(1): 23–51.

⁹ United Nations Security Council, S/RES/955 (1994), 08 November 1994 “The founding resolution for the International Criminal Tribunal for Rwanda”, Article 1 (Available at: https://unictr.irmct.org/sites/unictr.org/files/legal-library/941108_res955_en.pdf). Arabic source available here: https://legal.un.org/avi/pdf/ha/icttr/icttr_a.pdf

The international community's response was perpetrator-centred, and clearly represented a negative peace attempt that dealt with the visible violence represented in the genocide. Because of not addressing the cause roots of the conflict – the invisible violence, the aftermath of the genocide had tragic consequences that spread across several African countries and led to the death of more than 5 million people until 2003.¹⁰ Therefore, the Rwandan case if addressed from a perpetrator-based approach only can be analysed through the following figure:

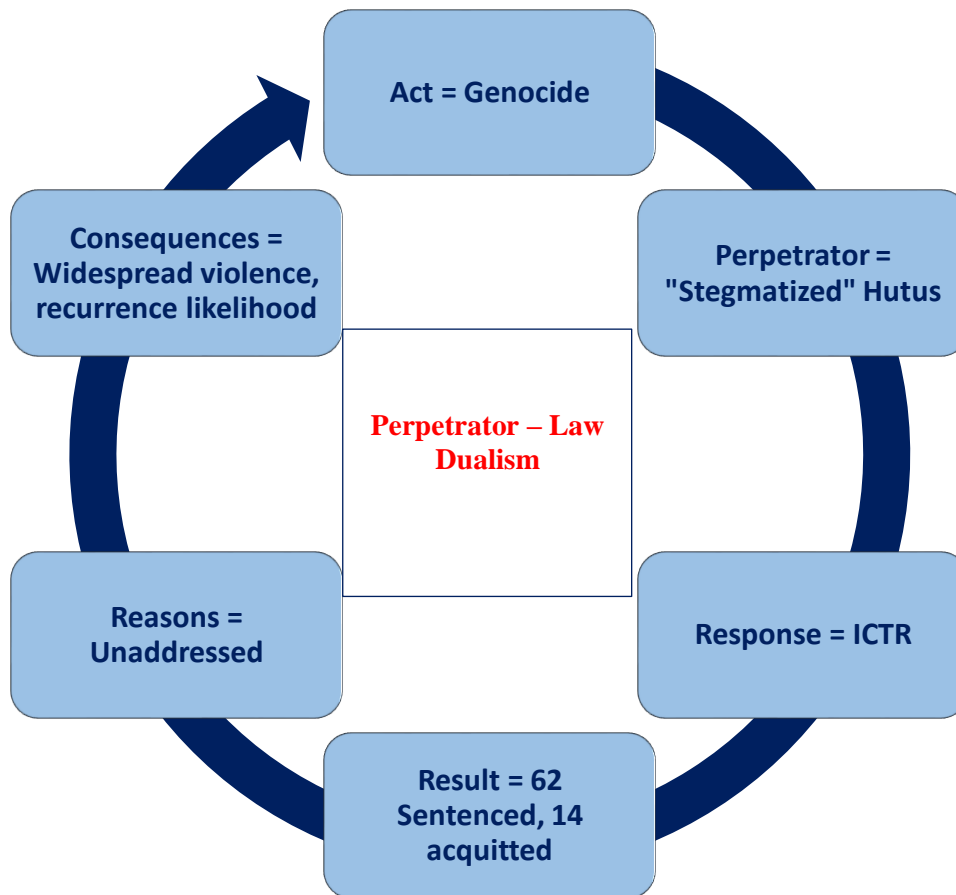


Figure 8: Rwanda and Perpetrator-Law Dualism

¹⁰ See a brief introduction to the Rwandan conflict and its aftermath on the BBC website: <https://www.bbc.com/news/world-africa-26875506>.



Two participants of the Jiyān Foundation's dialogue program activity, Arbat IDP camp, Sulaymaniyah

The Participatory Victim-Centred Approach

Ensuring the central role of victims (individuals and groups) and other affected actors in dealing with the past and TJ measures is an essential condition to avoid the narrow bilateral relationship between the victim and the alleged perpetrators. Thus, this is a guarantee of recovery and not repeating the tragedies of the past. The following table represents the most important elements of comparison between the participatory victim-centred and perpetrator-centred approaches, and the latter's clearest forms are the criminal justice process isolated from any other measures.

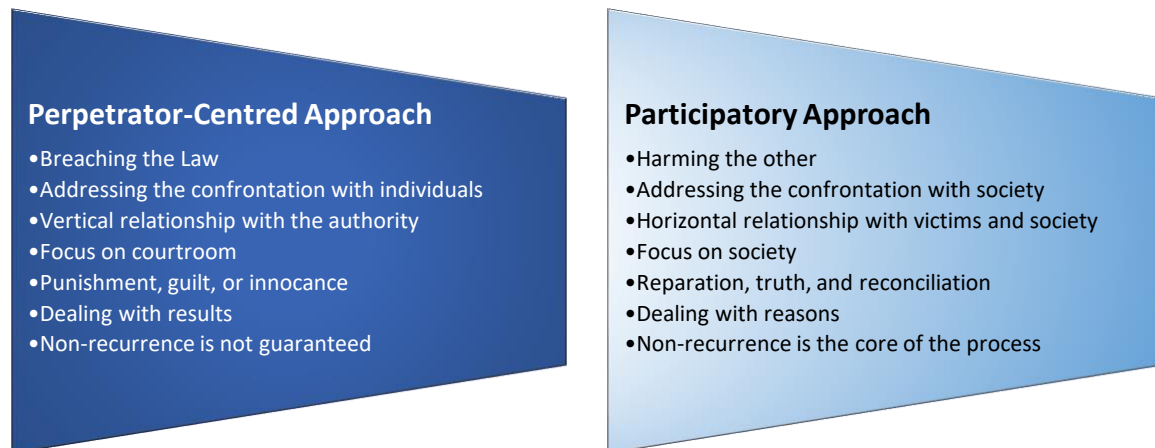


Figure 9: Perpetrator-Based and Participatory Approaches



What were Rwanda's RJ and Participatory Measures?

Rwanda set up the Gacaca courts initially to clear the backlog of hundreds of thousands of cases that concern people accused of involvement in the killings. Gacacas are community courts that use local tribal systems and regulations but monitored by the State. Gacaca means to sit down and discuss an issue, and that's why it used to convene outdoors in marketplace or under a tree.

Regardless of the trial-like setting and main objective, the Gacaca gave the communities a chance to face the accused and give evidence about what really happened and how it happened. It was a crucial measure for Rwandans to achieve truth, justice, and reconciliation. The meetings were designed to allow victims and eyewitnesses to be heard and ultimately to decide on the punishment of the offender. The Gacaca was one of the few spaces for communication, and by participating in proceedings, members of often disadvantaged communities, including women, had the ability to participate not only in the discussion, but also in the process of rebuilding the social fabric of society. The Gacaca issued reduced sentences if the person repented and sought reconciliation with the community.

If the matter were confined to court procedures (the duality of the perpetrator-law), the result would have been the punishment of 62 perpetrators. Years later, as confrontation and truth-telling efforts progressed, the number of witnesses at ICTR who refused to identify themselves racially (Hutu or Tutsi) and insisted on identifying themselves increased: We are all Rwandans. Other substantive measures coincided with RJ measures, the most important of which were memorialization, constitutional and institutional reform, economic reform, and development.

It is worth mentioning that the Gacaca courts were widely [criticized](#) by international human rights actors mainly for its nature that deprives the accused from the minimum judicial guarantees.

II. Transitional justice historical context in Iraq

Over the past 50 years, large parts of the population of Iraq have been exposed to severe and continuous human rights violations. During Saddam Hussein's years in power (1979-2003), Iraq experienced a series of international and internal conflicts and instability. For example, the Iran-Iraq war (1980-1988) saw internal campaigns against those thought to oppose the regime and/or, for example, align themselves with Iran in some way. Oppression of the Shia along with the Kurds and other minorities considered disloyal to the Baath regime led to a series of deadly campaigns and massacres (Anfal campaign against the Kurds in 1986-1989 and Dujali massacre against Shias in 1982 to name but a few) bordering or amounting to genocide. In addition, indiscriminate and excessive force, large scale forced displacements of entire communities, summary executions and systematic torture of political prisoners were routinely used. Since U.S.-led invasion in 2003, Iraq has suffered internal conflict. Insurgency and sectarian violence that erupted following the toppling of Saddam Hussein led to tens of thousands of civilian casualties and millions displaced. Armed conflict that spread across Iraq with the advent of ISIL, targeting mostly, but not exclusively religious minorities and other groups (e.g. LGBTQI+, non-Sunni or heterodox groups etc.) defined as infidels, accelerated an already existing spiral of violence. It instituted a reign of terror that included rape, abductions, executions, mass murder, pillaging, extortion, seizure of state resources, and smuggling. As a result, at least 30,000 civilians were killed, 55,000 injured and more than three million were displaced. Ethno-religious communities including Christians, Yazidis, Sabeen-Mandaeans, Turkmen, Kaka'i, and Shabaks were particularly targeted and faced existential threats. ISIL waged a genocidal campaign against these minorities across the Sinjar region and the Nineveh plains seeking to erase their presence in Iraq altogether. The latest escalation of violence took place during the 2019-2021 protest in Baghdad and cities in southern Iraq calling for the end of the sectarian political system and corruption. Security forces responded with lethal campaign of repression and use of excessive force against largely peaceful protesters causing the death of hundreds and injuring thousands of protesters.

The Iraqi TJ experience was a reflection of the Iraqi reality, although it was distinguished from other post conflict settings by the fact that Iraq was subject to the external military intervention not authorized by the UN. In spite of this, foreign occupation changed the balance of power in the country in favor of the opposition and resulted in the overthrow of the former regime. The total absence of genuine civil society under the Baath regime, which pursued the policy of preventing the establishment of any community entities outside the institutional frameworks of the ruling party, left a gap in the aftermath of the regime change in 2003.

Iraq has witnessed the establishment of more than one entity to ensure reparations, property restitution, documentation, and accountability of human rights violators and other TJ mechanisms. The difficulties with the TJ process in Iraq can be best illustrated by referring to two dilemmas: one related to the time factor and the second related to the forms of the acts and the actors. If we divide the timeline of violations, there are three different stages, namely the violations of the Baath Party 1968-2003, on which the foundations of TJ in Iraq and the political system were formed after 2003. The other stages are divided into the period before the rule of the Baath Party 1921-1968, and the period following the regime change in 2003

which itself consists of several stages and experiences. Among those three phases, TJ was reflected in its different paths only during the 1968-2003 Baath Party violations, and the violations before this period was ignored, with some measures taken in the context of the post-2003 period.

Over the last decades, the authorities in Iraq have created institutions tasked with addressing the TJ issues in Iraq. An overview of the most relevant Iraqi laws and institutions which dealt with or touched upon TJ/RJ is provided bellow.

Higher National De-ba'athification Commission (HNDBC), the first TJ institution in Iraq, was formed by the provisional government of Iraq: the Iraqi Governing Council (IGC), in August 2003. This body followed the footsteps of the Coalition Provisional Authority (CPA), temporary governing body which has been designated by the United Nations following the overthrow of the Baath regime, which already initiated a sweeping purge of Baath party membership from state institutions. This resulted in a complete dissolution of the Iraqi army, intelligence services and other bodies. Individuals were not dismissed on the basis of their actions or other measures of integrity, but on the basis of their party rank which led Sunnis to believe it to be an instrument of collective punishment. Law No. 10 of 2008 replaced the designation of the Higher National De-ba'athification Commission by naming the Supreme National Commission for Accountability and Justice. The decision to dissolve the Iraqi army has been widely criticized as a major trigger of the insurgency and a severe hindrance to improving security. It seems that at the outset many Iraqis thought of De-Baathification as a policy that should prosecute perpetrators, secure reparations, return stolen property, create memorials, revise educational curricula and prevent the Baath Party's return to power in the future. Regrettably, due to outlined deficiencies these hopes remained unrealized.

The Iraqi Property Claim Commission (IPCC) was established in 2003 as the independent Commission for the Resolution of Real Property Disputes (CRRPD) to resolve land and property rights violations incurred under the Baath regime. It was subsequently renamed into Property Claims Commission (PCC), which collects and adjudicates the Iraqi real property claims. Whereas IPCC was able to adjudicate most of more than 160 000¹¹ of submitted claims, its enforcement rate remains very low.¹² The matter of funding for purposes of compensation or resettlement was not addressed nor the question of where the Arab families moved by the former regime to northern Iraq under its Arabisation policy are to be resettled.

The Iraqi High Criminal Court (Iraqi Special Tribunal) Although the debate on the establishment of this mechanism started long before the overthrow of the regime, the court was established by the CPA in 2003 and formally sanctioned by the Iraqi legislature in 2005 (Iraqi High Criminal Court Law No 10). This Statute officially established the Iraqi Special Tribunal, officially named the Iraqi High Criminal Court. The tribunal had jurisdiction over crimes committed by the Ba'ath Party regime between 1968 and 2003. The Law of the Supreme Iraqi Criminal Tribunal provides definitions of genocide, crimes against humanity, war crimes and other serious crimes, which are consistent with the Rome Statute of the International Criminal Court. The operation of the Iraqi High Criminal Court was suspended by order of the Council of Ministers in April 2012.

¹¹ https://www.iom.int/sites/g/files/tmzbd1486/files/our_work/DOE/LPR/Hijra-Amina-HLP-return-assessment.pdf p.8

¹² https://www.iom.int/sites/g/files/tmzbd1486/files/our_work/DOE/LPR/A-Preliminary-Assessment-of-Housing-Land-and-Property-Rights-Issues-Caused-by-the-Current-Displacement-Crisis-in-Iraq.pdf p. 40

Martyrs Foundation was established in 2006 under Law No 3 to deal with victims of violations by the former regime who were killed and is tasked with implementation of the Martyrs' Foundation Law, which provides benefits to martyrs. It is also responsible for the implementation of Compensation Law No. 20. Under the Martyrs' Foundation Law martyr status is granted to all victims of the Ba'ath party regime as well as non - civilian members of the armed forces and paramilitaries in the post-2014 period. Martyr's relatives eligible to receive support under this law are: parents and children, wives, even if they are not Iraqi citizens, brothers and sisters and nephews and nieces.

Political Prisoners Foundation: Established under the Law of Political Prisoners No. 4 of 2006, the Political Prisoners Foundation was one of the institutions of TJ founded as part of the constitutional obligations of the Iraqi state as set forth in Article 132 pertaining to the welfare of families of martyrs, political prisoners, and persons who had been harmed by the arbitrary practices of the former dictatorial regime. General objective of the foundation, connected to the Prime Minister's Office, was to improve the situation of political prisoners and detainees, and to provide them with symbolic and material compensation commensurate with their sacrifice and the suffering endured under imprisonment or detention. Though this law initially covered political prisoners and their family members, it was subsequently expanded to include additional group targeted by the regime such as victims of Halabja gas attacks forced to flee to Iran, those sentenced in absentia etc.

The Ministry of Human Rights: Formed by the CPA, the Ministry of Human Rights, was meant to be a key body for managing more than one file related to the victims of the former regime and documenting its violations, especially since it was the first institutional entity formed for this purpose. The Ministry partnered with UNAMI and the National Assembly, where the legislative frameworks for several TJ institutions (The Iraqi Supreme Criminal Court, the Martyrs' Foundation, the Prisoners' Foundation) were drafted in 2006 such as the law on mass graves (no. 5) in 2006, regulating legal frameworks for working on mass grave sites. The Ministry drafted a law on the National Center for Missing Persons as an institutional framework dealing with the situation of thousands of missing persons in Iraq who were victims of the former regime or wars. The Ministry dealt also with the file of missing Iraqis and foreigners (Iraq-Iran war, Gulf War) and has adopted in its work many legal and institutional initiatives in accordance with the tasks assigned to it. After the Ministry was dissolved in 2015, the lead responsibility for mass graves passed to the Martyrs' Foundation, while other competencies were passed to the Ministry of Justice, Foreign Affairs, Iraqi High Commission for Human Rights etc

Iraqi High Commission for Human Rights: Established under the Constitution, Article 102, Law No. 53 of 2008 and the Paris Principles, it is the primary body for the protection of human rights enshrined in the Constitution. Its mandate includes:

- Receiving, investigating, and following up on complaints of human rights violations;
- Initiating lawsuits related to violations of human rights;
- Conducting visits to and assessments of prisons, social rehabilitation centres, and detention centres.

Law No. 20 on Compensation for Victims of Military Operations, Military Mistakes and Terrorist Actions (Law No. 20) passed by the Iraqi parliament in 2009 and amended in 2015 and 2020 provides a framework by means of which civilians harmed by all actions specified in the title may be compensated. It applies retroactively to incidents occurring on or after 20 March 2003, the date of the US invasion of Iraq. Beneficiaries, who could claim material compensation in form of one-time payment, award of family rent or plot of land, are civilian victims of war or their family members in cases when the direct victim is no longer alive. Compensation is to be provided in case of death, enforced disappearance, disability, injuries, damaged property and/or disadvantage related to job or education. Compensations for property damages are handled on a case-by-case basis and cover damaged vehicles, houses, farming lands, furniture, shops and companies. Finally, those that lost their jobs ought to be reinstated and their salaries recompensed.¹³

Yazidi Women Survivors Law (YSL), passed in March 2021 marked an important milestone in Iraq's post-conflict process, by specifically addressing the rights and needs of survivors of conflict-related sexual violence and genocide. This law mandates a number of critical reparations for survivors of ISIL crimes from the Yazidi, Christian, Turkmen, and Shabak communities, including financial support; medical and psychological care to facilitate rehabilitation; the provision of land, housing, and education and a quota in public sector employment. Additionally, the law explicitly recognizes that ISIL committed genocide and crimes against humanity against the recognized beneficiary groups, and obligates governmental authorities to investigate and prosecute these crimes (without general or special amnesty), search for those who remain missing, protect witnesses and survivors, and establish August 3rd of each year as a national day of remembrance. The associated bylaws expanded these obligations even further, including, for instance, an obligation for government agencies to develop specialized curricula on the ISIL conflict designed to promote peaceful coexistence and the renunciation of violence. The contentious and sensitive issue of children born of sexual violence, men and boys exposed to sexual violence as well as survivors belonging to some minorities targeted by Daesh such as Kakai but also both Shia and Sunni Arabs were left out.

Trials under the anti-terrorism laws

Both Federal Anti-Terrorism Law No. 13 of 2005 and the Kurdistan Region (KRI) Anti-Terrorism Law (No. 3) of 2006 contain broad definition of terrorism, inadequate legal safeguards and mandatory death sentences for a range of offences labelled as terrorist acts.¹⁴ Rape and other acts of sexual violence are not even criminalized under respective legislation.¹⁵

Whereas criminal proceedings aimed at punishing ISIL supporters are taking place in both federal and KRI courts under their respective antiterrorism legislation, they could hardly contribute to vindicating the right of victims to reparation/compensation. Namely, as mere affiliation or supporting ISIL in any capacity suffices for conviction and subsequent sentencing,

¹³ For a detailed analysis of the forms of reparation envisaged by the law, and practice of state organs authorized to work on its implementation see C. Sandoval and M. Puttick, M. (2017, November) [Reparations for the Victims of Conflict in Iraq: Lessons learned from comparative practice](#). Ceasefire Centre for Civilian Rights and Minority Rights Group International, pp.17-21 and Ceasefire Centre for Civilian Rights and Minority Rights Group International, (2020, January) [Mosul after the Battle: Reparations for civilian harm and the future of Ninewa](#) pp.12-19.

¹⁴ For critical assessment of KRG and GoI Anti-Terrorism Laws No.3 of 2006 respectively see UN Assistance Mission for Iraq (UNAMI), [Report on Human Rights in Iraq: January to June 2017](#), 14 December 2017, p. 7-9; UN Special Rapporteur on extrajudicial, summary or arbitrary executions. Report on her official visit to Iraq (14-23 November 2017). A/HRC/38/44/Add. 1, p. 12.

¹⁵ Human Rights Watch. (2017). *Flawed justice: Accountability for ISIS crimes in Iraq*, p. 29.

alleged ISIL militants are not being charged with specific crimes, but with supporting terrorism in general.¹⁶ It has been reported that even when the accused admitted to having perpetrated crimes of sexual nature, no separate charge under this head has been brought.¹⁷ This deprives the survivors of an official acknowledgement of the wrongs committed against them, which is often a crucial element in the reparations process.

UN Support for Collecting Evidence of ISIL crimes in Iraq.

The UN Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD) - mandated to collect and preserve evidence of ISIL crimes in Iraq was set up through UNSC Resolution [2379](#) of 21 September 2017 to support Iraqi domestic efforts to hold ISIL accountable for crimes it committed in the country. Due to explicit requirement that evidence of crimes secured through the work of UNITAD are to be used only "*in fair and independent criminal proceedings, consistent with applicable international law, conducted by competent national-level courts*" UNITAD cannot share evidence it collected with national courts conducting trials under the anti-terrorism laws as they do not comply with international fair trial standards and may impose the death penalty.¹⁸ As of yet no tangible progress has been made to set up a court in Iraq to prosecute those responsible for these horrific crimes.¹⁹ After Iraq's Federal Supreme Court blocked a KRG initiative to establish a hybrid tribunal in the KRI to try ISIL crimes,²⁰ likelihood of an international or hybrid court being established in Iraq was significantly decreased. Interestingly, survivors of ISIL crimes prefer an international court to try ISIL militants in line with fair trial standard and following international criminal law to "*achieve the full and public disclosure of the truth, allowing for the full extent of the harm to come to light*".²¹

¹⁶ Human Rights Watch. (2017), [Flawed Justice: Accountability for ISIS Crimes in Iraq](#), p. 3; Human Rights Watch. (2019), [Everyone Must Confess" Abuses against Children Suspected of ISIS Affiliation in Iraq](#), p. 20; Mara Revkin (2018), [The Limits of Punishment: Transitional Justice and Violent Extremism-Iraq Case Study](#), pp. 18-19.

¹⁷ Human Rights Watch. (2017), [Flawed Justice: Accountability for ISIS Crimes in Iraq](#), p. 30.

¹⁸ <https://www.securitycouncilreport.org/monthly-forecast/2020-09/iraq-unitad-2.php>

¹⁹ UNITAD has reported ongoing work with the GoI in the codification of international crimes. [Fifth report of the Special Adviser and Head of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant](#), 2020; Beth Van Schaack, [The Iraq Investigative Team and Prospects for Justice for the Yazidi Genocide](#), *Journal of International Criminal Justice* 16(1), 2018.

²⁰ See [Open Letter of the Coalition for Just Reparations to Iraqi Authorities and the International Community](#) on the Occasion of 17 July 2021, Day of International Criminal Justice

²¹ Commission for Investigation & Gathering Evidence (2020), [Consultations for Reparations: Analysis and Recommendations based on Consultations with Yazidi women survivors of ISIL crimes conducted in 14 IDP camps across Duhok Governorate between October 2019 and February 2020](#), p. 18.



Halabja Monument and Peace Museum

III. Civil Society and Restorative Justice

The civil society sector may be the primary factor in ensuring that discussion, planning and implementation of RJ measures takes place according to a participatory and context-specific approach. If we want to balance between authorities, other powers, victims, and the public, it is necessary for the active and effective intervention of civil society to ensure that those with power and influence are not unilaterally deciding, which, if happened, would only constitute a shortcoming and a danger to the goal of RJ in the first place.

In 2003, 2004 and 2005, Iraqi civil society was not genuinely involved in developing the legal frameworks for Iraq's transition, and most of the activities were limited to representatives of CSOs founded by opposition forces abroad, which necessarily predominately represented their views and priorities. This politicized the TJ file and was not a space for community and academic discussion until post 2019 when a number of organizations took the initiative to address violations through TJ/RJ framework based on the society itself. This being said, the political dimension is still dominant.

The civil society did not play an influential role when establishing the TJ mechanisms in Iraq, either at the level of theory or at the level of institutional structure, in addition to not contributing to relevant legislation and laws. The discussion space remained thus confined to the poles of the political system and its parties and became a matter of political bargaining. There was no clear role for civil society except for some critical attempts, which did not exceed few articles by a number of writers and researchers.

CSOs have the experience, knowledge, networks of communication and access, which enable them to play a major role in many forms as follows:

- Developing its internal capabilities to deal with the past and adopting participatory and victim centred approach.
- Establishing networks and/or institutional cooperation mechanisms.
- Programming sustainable interventions aimed at:
 - Reaching out to victims and communities.
 - Sharing knowledge and raise awareness.
 - Facilitating dialogue and analysing its outputs.
 - Supporting initiatives and groups of victims, families, and other gatherings.
- Refraining from “guardianship” style (being able to conduct assessments and set priorities irrespective of both preferences of domestic political elites and the donor community).
- Developing national mobilization strategies.
- Employing communication channels and influencing authorities and other stakeholders.
- Creating informal spaces between the various components and come up with insights and recommendations.



Preparatory, Booster, and Complementary Role to Formal Spaces

RJ measures need not be imposed on society irrespective of needs and aspirations of its components. Therefore, it is crucial to develop spaces at the community level to discuss, design and implement achievable measures that do not necessarily need legal intervention. Nevertheless, these community-based spaces must not conflict or contradict official spaces and the rule of law. To the contrary, these should complement the official endeavours. What results from these spaces constitutes the preparation of a solid base at the societal level to interact with the official spaces, and it can be a motivator and encouragement for the authorities to start designing and implementing official spaces.



The Role of Civil Society and Victims' Organizations in Tunisia

Civil society organizations, including victims' organizations, played a critical role in promoting social change in Tunisia before, during, and after the revolution. They have contributed to raising awareness about TJ and have consistently advocated and lobbied for its measures. Then, in 2012, they were able to make a great contribution to the national consultation process on TJ, through the involvement of several groups in the technical committee that was helping to supervise the national dialogue draft the TJ law.

The Tunisian civil society was very creative and understood the importance of networking, coordination, and joint and specialized work. Therefore, many networks were established and played a significant role in the TJ process in Tunisia, such as:

- 1) Transitional Justice Network: A coalition of associations and groups that support victims.
- 2) Transitional Justice Barometer: An initiative launched by launched by Al-Kawakibi Centre for Democratic Transitions to assess the Tunisians' perspectives towards TJ approaches and institutions.
- 3) Transitional Justice for Women also Network: It communicates with communities, especially women victims, and raise the level of awareness about TJ, and strengthening of women's capacities and willingness to testify.

(for more information, check the ICTJ's briefing paper, [Tunisia in Transition: One Year After the Creation of the Truth and Dignity Commission](#)).

Considering the TJ/RJ pillars, addressing the causes of the painful legacy and the damage it caused to Iraqi society in general needs to find spaces that allow for societal openness and the involvement of all parties to redress societal damage, including rehabilitation and integration for all parties.

CSOs should not design their interventions with the intention of being isolated or competing with official authorities. Iraq has created many measures and institutions related to TJ processes, and where such measures or institutions exist, CSOs should not seek to eliminate them, but rather contribute to their activation and enhance their role and effectiveness. The design of intervention plans on building trust and restoring community links must be based on the logic of supporting and partnering with official authorities. By establishing effective communication with the official authorities, CSOs cultivate a relationship of trust and partnership which can motivate the authorities to overcome obstacles and assume their responsibilities. The CSOs should make the maximum use of their networks of relationships to open channels of communication and interaction with the authorities.

IV. Setting the Scene for RJ Initiatives

Since RJ is not a “one-size-fits-all” process, its measures, practices, and activities should not be implemented according to academic or “elite” perspective, or solely based on experiences from other contexts. There are unique needs and challenges for every society, where past experiences and current circumstances differ. This is especially the case in Iraq, where legacies of multiple overlapping waves of violence vary widely, and consequently, affect differently victims, perpetrators and their communities. Any imposed RJ activities without a deep understanding of the multiple contexts will, therefore, be a mere repetition of other experiences that remain incomplete in the eyes of those affected because they do not reflect their reality.

Contextual Analysis

Therefore, no RJ activity should be implemented without objective contextual analysis and needs assessment for the targeted area or community. Based on the outcomes of this, a theory of change should be developed to ensure the whole intervention is coherent, logical, and achieves the ultimate objectives.

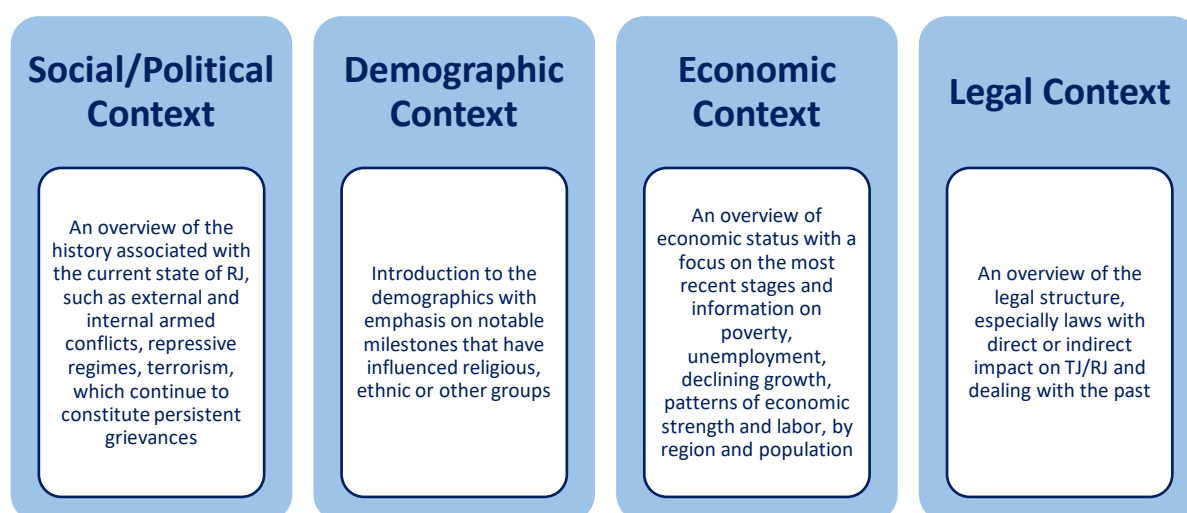


Figure 10: Main Elements for Contextual Analysis

When analysing the context, the available information and literature should be utilized, including academic and field research studies, national and international reports. This process is known as the secondary data review.

Needs Assessment

Contextual analysis is a first step towards conducting a needs assessment for the targeted areas or communities, which is defined as a investigation of the community's needs or "gaps" that need to be filled to move from current to optimal conditions. Filling these gaps is done by the activities conducted by civil society or other actors. In the context of RJ, needs assessment reflect the perspectives and vision of the community members regarding the process and what shall it address while looking into the future.

Participatory Process

Both contextual analysis and needs assessment are, ideally, completed through a participatory process. This means that the implementing actors should not deal with the community members as sources of information only, but rather involve them in the entire process of planning and implementation, while ensuring that they are fully informed about the subject matters discussed.

Several tools can be used to conduct needs assessment in a participatory approach, such as:

- 1. Semi-structured interviews:** conducted with a small number of people in an informal and conversational way by using open-ended questions. They can be conducted with individuals, families, households, or groups of people known to each other and with similar concerns.
- 2. Focus group discussions:** a focus group is a group discussion which enables analysis and understanding of a selected topic based on the common characteristics of the group. Meeting with groups of common characteristics under the guidance of a facilitator, is useful not only for gathering numerous views simultaneously, but also for observing the interactions among participants.
- 3. Participatory observation:** simply receiving observations from the public. This needs to be organized in a manner that clarifies to the public what, why, and how they are invited to share their observations.
- 4. Surveys and questionnaires:** Set of tailored questions that aim into gathering quantitative or qualitative information through the answers provided either by specific groups/categories or the general public.
- 5. Structured interviews:** This needs to be planned especially in terms of identifying the criteria to choose the interviewees, the preparatory phases including the informed knowledge, and the structured questions.

Theory of Change and Logical Framework

A theory of change (TOC) articulates a hypothesis of how and why change will occur, based on the contextual analysis done in the first step of setting the scene for RJ initiatives. A TOC connects the needs assessment to the goal, and activities to specific outcomes. In other words, you understood the context, and identified the needs, therefore, you want to make the necessary interventions to respond to these needs and achieve the required/desired change. Put differently, it is a description of how and why a desired change is expected to happen in a particular context. This journey is illustrated in the TOC and implemented through the logical framework (Log-frame).

Before addressing more details about the TOC and log-frame, their development should be based on the participatory approach that involves different community components. This can be achieved through the following proposed steps:



Suggested Steps to Develop a Participatory TOC

- 1) Bring together community members: This requires a pre-identification and selection process based on the nature and specificity of each community, e.g., academics, youth, women, tribal leaders, influential figures, victims/survivors, and families, etc.
- 2) Informed knowledge: Make sure that the invitees are aware of the purpose of developing a TOC. This awareness should be based on proving the importance, benefit, and relevancy of such approach to the community, e.g., make the identified needs an entry point, bring up some success stories from other contexts, etc.
- 3) Determine the long-term goal: What is the final impact you wish to achieve or contribute to? This should also be linked to the identified needs. What is the ultimate change we want to achieve in response to those needs?
- 4) First Backward mapping: Don't start thinking about the activities, but the objective(s) you need to achieve. Your objective must be SMART: specific, measurable, achievable, relevant, and time bound. That's how the objectives differ from the ultimate goal or impact.
- 5) Second backward mapping (outcomes): What results (outcomes) do we need to see to achieve our objectives? Map also the existing evidence that shows the priority of our objectives and that will enable us to achieve the results.
- 6) Third backward mapping (outputs and activities): What immediate, measurable results (outputs) you need to achieve the outcomes? What direct interventions (activities) enable you to achieve the outputs?
- 7) Test your TOC and make revisions as needed. If we read our TOC using "if" "then" statements, does the logic make sense? Are we making any assumptions that, if not met, would make the local-level process fail? If so, are there any activities that we can do to prevent this from happening? Is everything in our TOC, from outputs to objectives, specific, measurable and achievable?
- 8) Write a brief narrative: After illustrating your TOC in a diagram, explain it in writing.

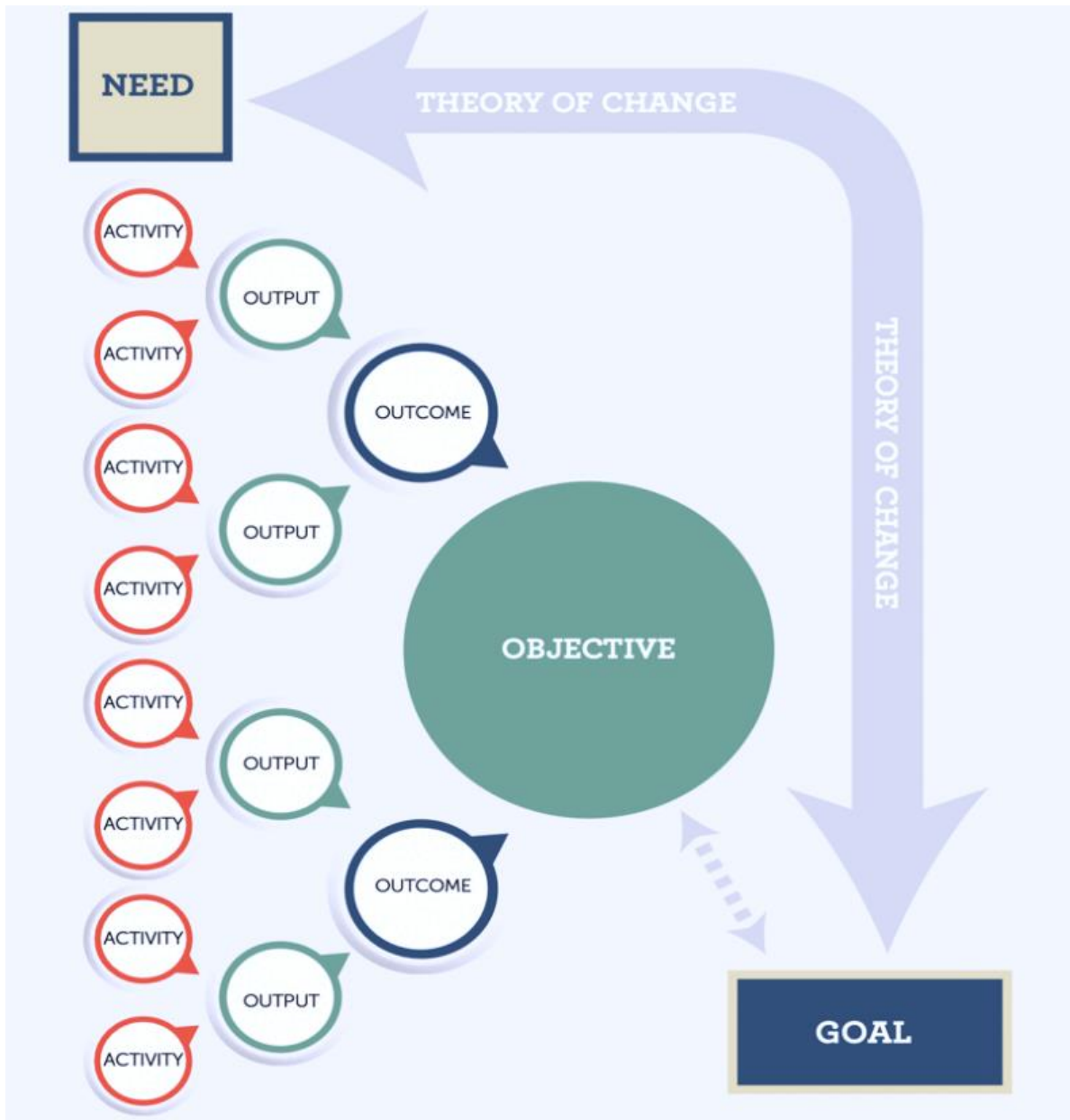


Figure 11: Sample Illustration of TOC

One of the most helpful tools in this context is the “Problem-Objectives Tree” analysis. It is a participatory tool of mapping out main problems, along with their causes and effects, supporting project planners to identify clear and manageable goals and the strategy of how to achieve them. There are three stages in this analytic process: (1) the identification of the negative aspects of an existing situation with their “causes and effects” in a problem tree, (2) the inversion of the problems into objectives leading into an objective tree, and (3) the decision of the scope of the project in an analysis of strategies. The value of this type of assessment is greatest if it is carried out in a workshop with the stakeholders, giving the opportunity to establish a shared view of the situation.²²

²² Project DPro (PMD Pro Starter) provides various tools and guides in this context. It can be accessed here: <https://pmdprostarter.org>

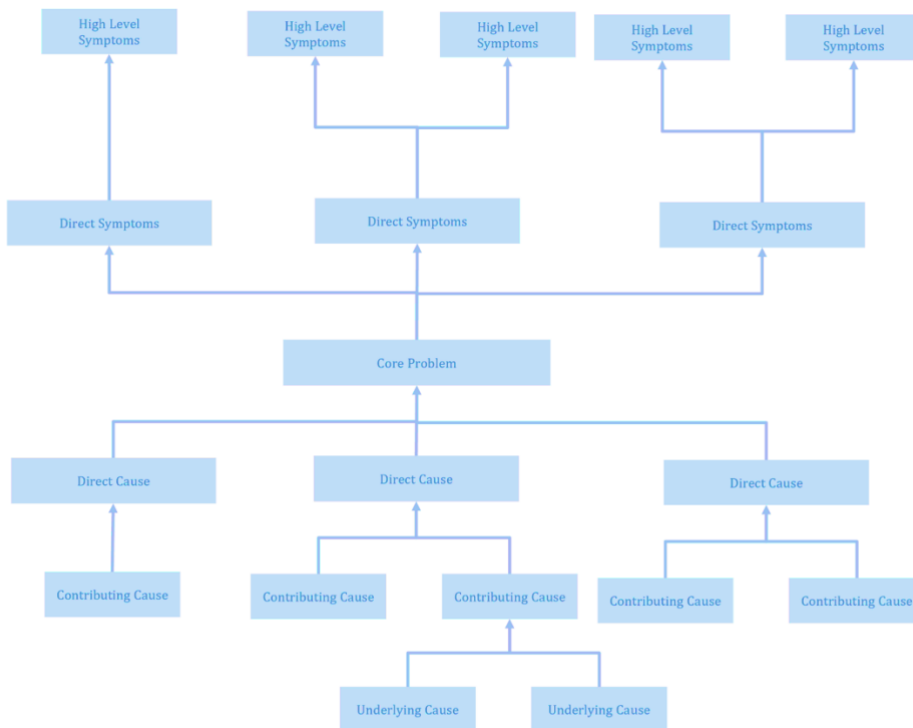


Figure 12: Problem Tree Template

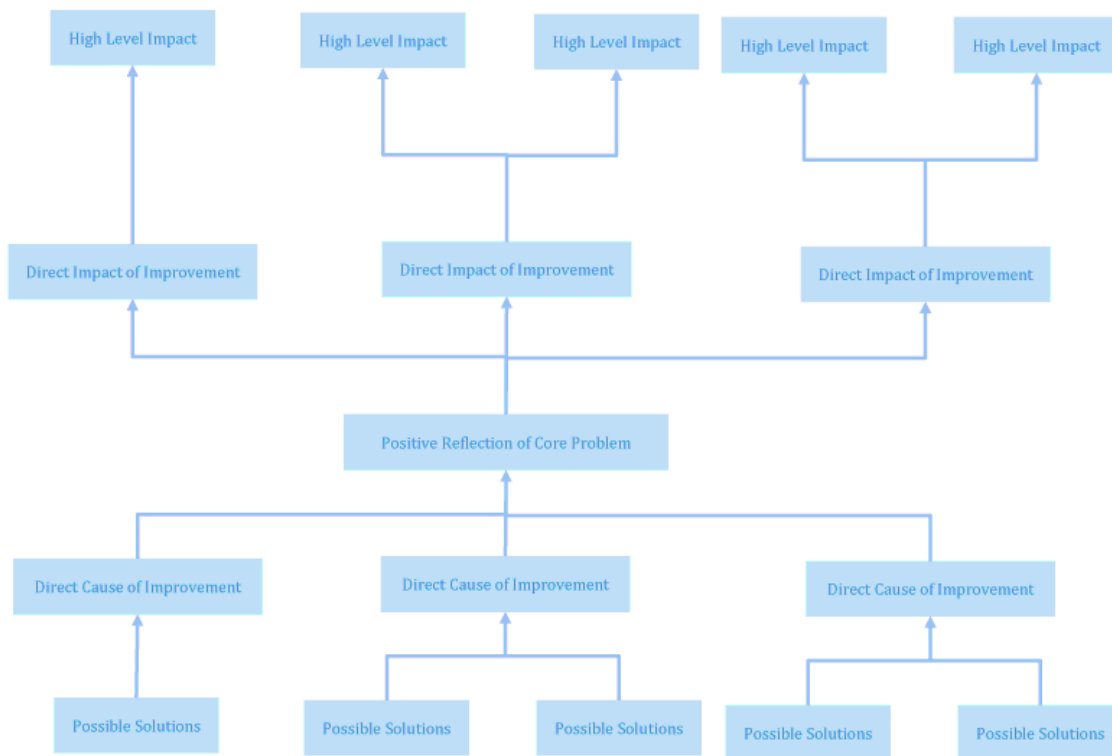


Figure 13: Objective Tree Template

The problem-objective tree analysis is also important to develop the Logframe which forms the actual plan for your project. A Logframe is another name for Logical Framework, a planning tool consisting of a matrix which provides an overview of a project's goal, activities, and anticipated results. It provides a structure to help specify the components of a project and its activities and for relating them to one another. It also identifies the measures by which the project's anticipated results will be monitored.

A standard logframe is divided into four rows, which are your long- to short-term objectives ranging from top to bottom:

- Goal (overall aim).
- Outcome/Purpose (what will be achieved, who will benefit, and by when).
- Outputs (specific results the project will generate).
- Activities (what tasks need to be done in order for the output to be achieved).

These are achieved and measured by the headings from left to right:

- Project summary (explaining the objectives).
- Objectively verifiable indicators (how you'll measure the achievements).
- Means of verification (how you'll collect the information for the indicators).
- Risks and assumptions (external conditions needed to get results).



Figure 14: A Logframe Illustration

V. Designing RJ Activities



Before Designing and Implementing RJ Initiatives, Keep in Mind:

- 1) TJ/RJ is not a one-model toolbox to be used in all situations and contexts.
- 2) TJ/RJ is not a legal instrument that States ratify and adhere to its strict provisions.
- 3) TJ/RJ is not one measure isolated from others.
- 4) TJ/RJ is not a checklist that must be implemented in order.
- 5) TJ/RJ is the responsibility of everyone. It is a complementary relationship between social initiatives and formal measures.
- 6) TJ/RJ must not investigate the past only. Future is its main endeavour.
- 7) TJ/RJ is not a bilateral relationship between the perpetrator and victim or law.
- 8) Expectations management is a crucial pre-condition for any TJ/RJ initiative.
- 9) Without informed knowledge to all concerned actors, TJ/RJ will not achieve its objectives in reconciliation and non-recurrence.
- 10) TJ/RJ is not a tool to achieve to every person his subjective concept of justice.

After you have accomplished the comprehensive and objective context analysis, needs assessment, and TOC with a Logframe, here are some proposed activities that can be designed and implemented in the context of the civil society' role promoting inclusiveness and taking a pivotal part in RJ. The list is not exhaustive as it mirrors only the most pressing needs in the Iraqi context, while recalling different post conflict experiences.

Truth

Individuals and society have the right to know what really happened and the causes that led to the tragedies of the past. Preserving history from distortion or obliteration is essential for societies looking to a future in which the past is not repeated.

On the other hand, victims, perpetrators, and affected communities are usually either deprived of the possibility, reluctant or scared to share their experiences, feelings, detriments, and needs. This is usually a complicating factor for RJ efforts: the more silenced they are, the more prejudices there are, and consequently more societal barriers, stigmatization, isolation, mistrust, and social polarization. Knowing the truth is not only an inherent right, but also an essential tool for healing and dignity restoration.



Truth and Justice Charter – Syria: Truth is the Main Driver to Justice

In February 2021, five Syrian survivors and families' groups released a common vision on the issue of the disappeared persons in Syria. The groups – on their own initiative and supported by several NGOs – announced that truth is an immanent demand and a form of justice. Addressing truth in Syria is the main gateway to long-term justice, as identified by the groups.

(See more at: <https://massarfamilies.com/wp-content/uploads/2021/02/Truth-and-Justice-Charter.pdf>).

Truth can be addressed through formal and informal initiatives and mechanisms. Although formal Truth Commissions have so far been the predominant mechanisms for revealing the truth,²³ civil society actors are the main player preserving the truth even during conflicts, as well as facilitating truth initiatives in post-conflict contexts. Truth seeking activities may take different forms depending on the objective, target groups, and the involved actors.

Documentation

Documentation is originally meant to keep record of human rights violations committed during armed conflicts, civil unrest or any other situations. It forms a valuable source of evidence for criminal justice, especially in conflict and unrest times, where documentation is the only means to ensure the preservation of evidence to be used in the courtroom. It covers all kinds of information that might prove the violations, identify and implicate perpetrators, such as documents, official records, audio-visual material, samples, and testimonies.



Documentation Defined

Documentation is a process consisting of several activities, namely:

- 1) determining what information is needed and establishing means for acquiring it;
- 2) recording the discovered information and storing such in appropriate containers (called documents) or collecting already-existing documents containing the needed information;
- 3) organizing the documents to make them more accessible; and
- 4) actually providing the documents to users who need the information.

Documentation might also include 2 more activities:

- 1) Analysing the data to make them more accessible; and
- 2) Advocacy and Dissemination relying upon a precise strategy.

(See more at: Huridocs, *What is Documentation? 2003*, Available at: <https://huridocs.org/wp-content/uploads/2020/12/whatisdocumentation-eng.pdf>).

Oral Archives and Truth-Telling

In the RJ context, testimonies serve as the main tool for restoring dignity and facilitating healing and openness to positive confrontation. Testimonies form the “oral archive” that contributes to truth recovery and reconciliation.

Oral human rights archives refer to the gathering of individual testimonies expressed through spoken language, (expressing individual or group perspective), and recorded using various means (audio-visual, audio or written). Within organizations focused on truth-seeking in areas of human rights, oral archives tend to play a leading role compared to other types of archives. These often contain first-hand information from people who lived through or are related to crucial events that need to be reconstructed in order to achieve the recovery of the truth.²⁴

²³ For a comprehensive list and information on Truth Commissions, see for example: United States Institute of Peace, *Truth Commission Digital Collection*, 16 March 2011 (Available at: <https://www.usip.org/publications/2011/03/truth-commission-digital-collection>).

²⁴ Global Initiative for Justice, Truth, and Reconciliation, *Living Archives* (Available at: <https://gijtr.org/wp-content/uploads/2021/12/Living-Archives-Toolkit-6x9-EN-final.pdf>).

Oral archives can be created without the need to wait for official processes to begin. By establishing these archives CSOs will be paving the path and assisting any official processes. This kind of documentation can be an unofficial illustration of a truth commission as it seeks to identify those responsible (material and intellectual authors) for the acts committed, the circumstances in which they were committed, the victims affected, and the possible causes of violence.



The Colombian Women's Truth and Memory Commission

La Ruta de las Mujeres is a feminist movement who actively supported a negotiated solution to the armed conflict in Colombia. The movement developed a non-official Truth Commission project. The project collected the experience of women victims of violence with a methodology centered on the facts, the subjective experiences and the consequences of the violence on the active attitude of the survivors, the meaning they give to the facts, as well as their demands and hopes.

The Commission's work was divided in three phases: preparation and assessment, collection of information and producing a report, and finally dissemination and advocacy. The first phase focused on capacitating the project workers through training workshops. It also included a special component to provide the targeted women with the informed knowledge.

The Commission, after creating an oral archive from more than 1000 individual and collective cases, addressed the root causes of the violations that women victims were subjected to and concluded that women bear most of the consequences of war due to cultural and social stigma, but more importantly because they are not free to choose their own conditions and psycho-social affections regarding their life and body.

The Commission criticised the existing "economic compensation" as a main reparation measure, in addition to the complex processes for women to access these measures.

(For more information check *La Ruta de las Mujeres* website at: <https://rutapacifica.org.co/wp/#>).

Oral Archives can be used in various activities such as public awareness, collective reflection sessions, or the dissemination of general aspects of the Archive in a participatory way. Oral Archives – testimonies in general - can also be utilized in other RJ activities as described later below.

IMPORTANT: Any utilization of the Oral Archive content MUST follow a consensus with the persons and/or communities who shared their stories.

Obtaining Testimonies

To create an Oral Archive, and to obtain testimonies in general, there is a set of principles and rules that should be respected at all times. Don't forget that you will be interacting with vulnerable individuals and involving them in a painful recall of a traumatic experience. Therefore, three main principles form the umbrella for other sub-rules: best interest of the interviewee, do no harm, and professionalism.

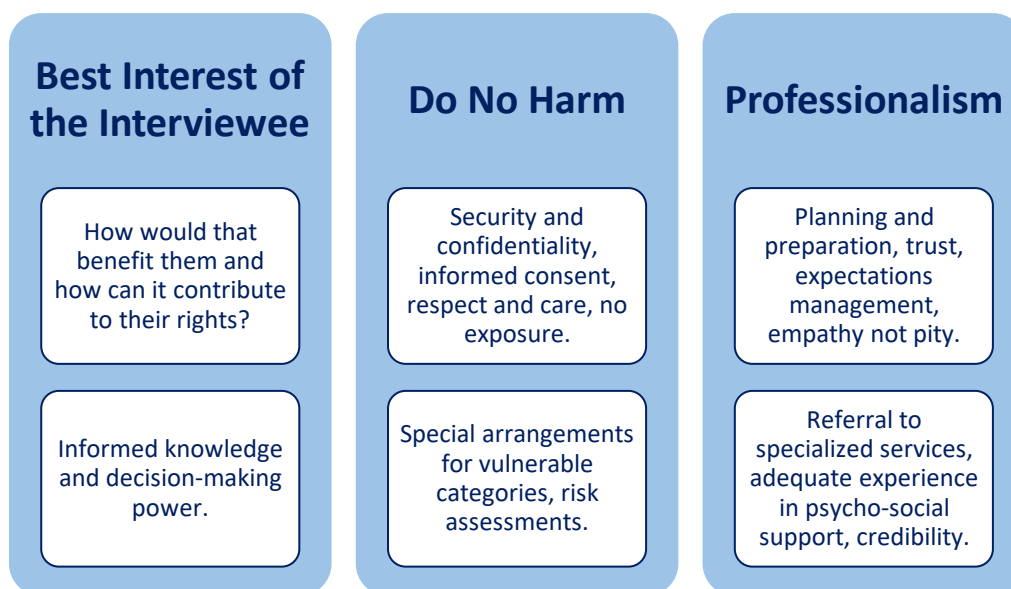


Figure 15: Three Main Principles for Testimony Taking

Truth-telling is rarely implemented in post-conflict situations outside the spectrums of official measures, mainly truth commissions. A “community-based” approach to post-conflict truth-telling is nevertheless possible but needs to meet the utmost sensitivity considerations as well as inclusiveness.



The Ardoyne Commemoration Project (ACP) in the North of Ireland

*The ACP was a community truth-telling project established in 1998 to record the testimonies of the relatives and friends of all the conflict-related victims from Ardoyne in North Belfast. It resulted in the publication of a book in 2002, *Ardoyne: The Untold Truth*. The project was designed and implemented by a group of community activists and victims' relatives.*

The project targeted all victims as a result of the conflict regardless of their affiliations or the perpetrators. They identified 99 victims and conducted over 300 interviews over a 4-year period, with relatives, friends, and eyewitnesses.

(Check a brief introduction to the project and the book here:

https://www.researchgate.net/publication/296443559_Ardoyne_Commemoration_Project_2002_Ardoyne_The_Untold_Truth_Belfast_Beyond_the_Pale_Publications).

When evaluating the ACP project,²⁵ following lessons learned can be considered for Iraqi context.

1. Community-based truth-telling approaches afford recognition to all those participating regardless of their affiliation or even stigmatization.
2. It can be perceived by the participants as a form of justice and healing. Ignorance, insensitivity, and inaccurate narratives might cause worse grief than the actual experience of the past.
3. The presumption of “raking up the past opens up old wounds” can be refuted if the community was given the chance to tell the truth and share their stories.
4. Nevertheless, this is subject to the specificity of each society, as well as to careful pre-assessment and preparation.
5. This practice should not be implemented as a one-time activity in isolation from other communities. The ACP project was criticized for that, especially that it led to the exclusion of main actors who played a role in the conflict, just because they were not considered as residents of the targeted community: Ardoyne.
6. The inclusive approach allows to share the experiences of all actors from all sides. This reduces stereotypes and prejudices. A victim or his/her family will have the opportunity to know the story and experience of who might be considered an “enemy”. This is crucial to challenge any perceived hierarchy of victimhood.
7. The participatory approach in truth-telling is a very important aspect that provides the participants with the sense of ownership by referring to them to review any products or utilization of their contribution before using it.
8. Community-based truth-telling approaches promotes conflict resolution and therefore enhances reconciliation. It stimulates self-reflection and shifting of long held viewpoints. It also opens a space for community dialogue and debate.
9. It provides a space to address internal divisions resulting from the past.
10. This kind of intervention requires, as essential pre-condition, to be unbiased and fair. Implementers need to be impartial and professional.

²⁵ A whole project was dedicated for this end. Read about its conclusions at: Patricia Lundy and Mark McGovern, *Community-based Approaches to Post-Conflict ‘Truth-telling’: Strengths and Limitations*, Community Relations Council, Shared Space (Available at: <https://www.community-relations.org.uk/sites/crc/files/media-files/community%20based%20conflict%20to%20approaches%20to%20post%20conflict%20truth%20telling.pdf>).



Play therapy, Jiyon Foundation for Human Rights, Mosul, Iraq

Hearings

Public hearings are organized community spaces where the opportunity for victims to share their experiences with the community is provided. They can be organized as testimony or questioning sessions. Most common form is the organization of a number of keynote speakers followed by a general discussion (questions and answers). These sessions can be organized as a space for disclosure where victims may not be the only speakers, but also perpetrators. Hearings may provide an opportunity for disclosure by "conflicting" communities due to stigma or marginalization. They should not aim to provoke feelings of anger or hatred but should be an opportunity for honesty and voicing a genuine need for reparations and non-recurrence measures. These sessions, especially with the participation of perpetrators or their communities, allow an examination of the causes of legacies and societal harm rather than simply focusing on perpetrators. Organizers usually make use of public spaces such as universities, municipalities, cultural centres, or religious facilities.

Public hearings are usually a central component of officially formed truth commissions. Such hearings are therefore targeting thousands of victims through a series of public events. It aims – as part of these commissions' mandate – at officially documenting the testimonies to reveal the truth and contributing to the healing process of the community.



South Africa's Truth and Reconciliation Commission (TRC) Public Hearings

The TRC was the first official body to hold public hearings. Between April 1996 and June 1997, it held 83 hearings in which about 2000 victims testified. The hearings were widely broadcast which allowed reaching to hundreds of thousands of the population. The events hosted victims, perpetrators asking for amnesty, spectators, and/or the commissioners.

In Iraqi context, where no official truth commission exists, large-scale public hearings might be problematic. Nevertheless, hearings can still be planned and organized in accordance with the specificities of certain communities and/or regions and based on the results of the context analysis and needs assessment. Public hearings may be implemented with the support of local social actors and figures, and it can be an effective measure in the context of "filling the gaps" and overcoming the barriers between the community components. It should neither aim at being a substitute to any official and nation-wide mechanisms nor at overriding the rule of law.



Need to know!

Survivors approached with an offer to participate in hearings should be informed in detail on nature, possible negative effects and/or risks of such public testimonies. Only after full information is disclosed they may be asked to provide their informed consent in writing. Their preferences related to participation (privacy, confidentiality etc.) should be honoured to the greatest degree possible. If this is not possible or this conflicts with some important considerations, honest response should be accorded, after which they should make a final decision without undue pressure.

Survivors that agree to provide their testimonies should, shortly before the event, be briefed in detail about the event itself, security measures, the venue, who will participate and moderate the sessions and how will the material obtained be used afterwards.



Coalition for Just Reparations (C4JR) created Internal Guidelines on Ethical Engagement with Survivors of Sexual and Gender-Based Violence to govern members' engagement with survivors in C4JR-related work. C4JR encourages its members, other CSOs and all those who engage directly with survivors to adopt the Guidelines for all engagement with survivors and to adopt or review internal protocols as necessary. Internal guidelines can be found [here](#)

Below is a proposed "roadmap" to design targeted public hearings.

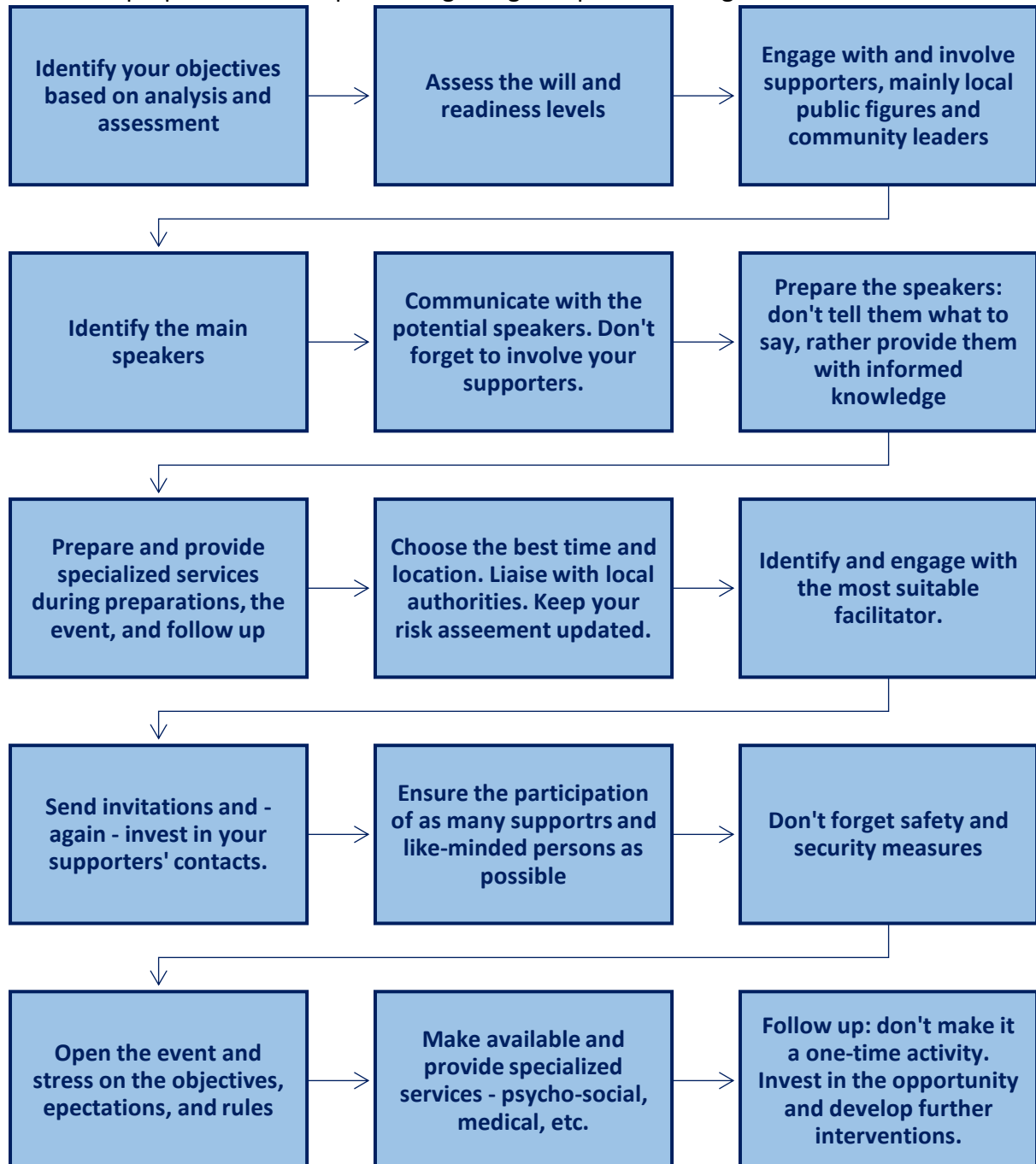


Figure 16: Suggested Roadmap for Public Hearing Activity Conferences

Conferences as RJ practice, bring together offenders, victims, and their communities (more broadly than a direct bilateral encounter) with the aim of reaching an agreement on how to redress the harm that has occurred.

Conferences increase the number of participants to include victim and offender communities. The focus remains on repairing the harm, but causes and effects of the harmful acts may also be discussed. The parties agree on a reparation plan that the offender will implement to make things right. The conference is not intended to bring together large numbers of people, but rather is a multilateral meeting aimed primarily at the active participation of all parties: the victims, the perpetrators, and the community. Different objectives or outcomes can be set for this activity and do not necessarily directly result in “agreements”.

You can start with “family group conferences”, where the main aim is to bring together family of the victim and that of the perpetrator. The activity aims at enabling the latter families to address the causes of what happened, express their sympathy and start a dialogue about their contribution to reparation, and what they can do with their alleged perpetrator relatives and other generations to prevent a recurrence of violence.

Other participants contribute positively to both sides and provide substantive interventions, such as community leaders, respected figures, official representatives if appropriate and agreed upon, and religious and faith-based actors.



Figure 17: Stages of Conferencing Process



Circle Meetings

Circle meetings are sometimes considered a distinct process from conferencing. However, since circle processes involve almost the same actors – victims, perpetrators, and their care communities – it could be a form of conferencing. A main difference is that circle processes usually aim at decision-makings and the expected outcome is a kind of agreement.

Circles are dialogue processes to provide safe spaces for participants to engage openly and honestly with one another. They are used to respond to irregularities, disagreements, or problems, and to share openly with each other about difficult or painful issues. Unlike conferences, all participants have the same right to speak and participate, so this process is usually limited to the number of participants.

Circle processes can be extensive and include community representatives. Due to their safe environment and limited number of participants, they can be an effective means to reach agreements between the parties regarding appropriate reparation measures. They are flexible and can be used to achieve different goals, such as conflict resolution, recovery, support, community building, idea generation, or information sharing.

Satisfaction as a Form of Reparation and Non-Recurrence

Throughout TJ/RJ processes, many measures may have a reparative effect not only on the victims, but the society. The main aspect of this reparative effect is satisfaction and healing, which proved to be a strong catalyst for reconciliation and social cohesion.²⁶

RJ seeks to heal the wounds triggered by victimization and to instill a sense of accountability in the offender. Therefore, material reparation is not always satisfactory, especially when its measures are designed and implemented in isolation from other healing measures. Moreover, material reparations are always decreed in official decisions or regulations, and usually made available by state bodies. Therefore, the absence of interventions with reparative effect for prolonged times increase the victims' silence, isolation, mistrust, stigmatization, and even self-blame. On the other hand, this strengthens the so-called phenomenon of Deny, Attack, and Reverse Victim and Offender (DARVO) usually used by the offenders,²⁷ and that may be generalized at the societal level.



Simulation of DARVO, Dissatisfaction, and Aggravated Social Rift

A group displaced because of military operations in a multi-ethnic community is socially stigmatized as many of its members are perpetrators. Although the group itself is a victim of displacement and probably other violations committed by the same perpetrators, it prefers not to return.

The group is – officially and socially - denied victimhood, and is being accorded collective guilt for crimes committed by some of its members. The group starts to isolate itself, and the feeling of collective self-blame is rapidly formed. On the other hand, its original community develops a hostile position towards the group, feels injustice, and indirectly demands collective punishment for the group.

Both groups are dissatisfied, create more barriers between each other, and aggravate the tension to a more likely eruption of violent conflict. Consequently, the perpetrators themselves are increasingly claiming the victim status, undermining the truth, and creating a different discourse that topples the real conditions for reconciliation and non-recurrence.

Civil society interventions are crucial – as mentioned earlier – to contribute to rapid and structured process not only to prevent social rift aggravation, but also to enhance the satisfaction of all actors, paving the path to better openness to dialogue, positive confrontation, and probably transformation.

Inclusion and Survivors' Empowerment

The exclusion of the concerned parties (victims, perpetrators, and community in general) from discussing, planning, and implementing TJ/RJ measures is the “magical prescription” to social polarization, dissatisfaction, and reversing victims and offenders which further complicates reconciliation. At the individual level, talking about the past may bring closure to those who suffered, and truth-telling may encourage individuals to let go their anger and

²⁶ See e.g., Biggar, N. (2003) *Making Peace and Doing Justice After Civil Conflict*. Georgetown University Press; and Lederarch, J. (1999). *The Journey Towards Reconciliation*. Pennsylvania: Herald Press.

²⁷ For a comprehensive study on the phenomenon, see Sarah J. Harsey, Eileen L. Zurbriggen & Jennifer J. Freyd (2017) *Perpetrator Responses to Victim Confrontation: DARVO and Victim Self-Blame*, *Journal of Aggression, Maltreatment & Trauma*, 26:6, 644-663.

resentment toward perpetrators.²⁸ However, to ensure such results, individuals should not be subjected to the recalling of past experiences on a one-session basis considering them as information providers only, since this could aggravate their trauma.²⁹ Therefore, a comprehensive and inclusive approach is required to involve those affected in the healing process which enhances societal healing and the opportunities for reconciliation.



Fambul Tok Experience in Sierra Leone

Sierra Leone went through a brutal civil war between 1991 and 2002 that erupted due to resentment over corruption and authoritarian rule. More than 50,000 people were killed and half of the population was displaced. Due to the multiple actors involved in the conflict, the violence was largely neighbour-on-neighbour, committed between people from the same community. Following the conflict, the government and international community established a Special Court to try the high-profile perpetrators. It ended up indicting 13 individuals only. The government also established a Truth and Reconciliation Commission (TRC) which was widely criticized due to excluding a wide range of atrocities and the rural population. In response to the gap in the reconciliation process, some activists and NGOs created the *Fambul Tok* (Family Talk) program in 2007 which was transformed into an NGO in 2009.

The program, designed to be community-driven, started through a consultation meeting with each targeted village chiefs to attain their consent and support. Following that, the program worked for months in each village on community organization through 2 groups: Reconciliation Committee consisting of village chiefs, religious and youth leaders, as well as some war survivors and former combatants; and an Outreach Committee consisting mainly of youth. Each Committee team was trained on the relevant knowledge and skills such as healing and mediation, planning and publicization. The process culminates in a two-day long bonfire ceremony where victims share their stories and perpetrators ask for forgiveness. Each ceremony is capped by a “cleansing” ceremony designed to bring the community together after the difficult testimonies.

Fambul Tok had utilization and follow up plans for these activities. It established a series of local institutional structures to further heal the community. It also sat up a Peace Tree which provided a focal point for resolving disputes. It also created communal farms on land set aside as a pledge towards reconciliation. Finally, it helped establishing a Peace Mothers’ group that promotes women’s economic activities and discusses gender-targeted atrocities.

In communities that experienced a multi-legacy history such as Iraq, the reverse victim and perpetrator might be a reality where a victim of the dictatorship era is perceived as a perpetrator in post 2003 era or ISIL conflict, and *vice versa*. It is relevant to borrow a statement by two of *Fambul Tok*’s leaders: “We work at the level of the man in the village whose neighbor might have been the one who burned down his house, amputated his son and raped his wife”, and “everyone is longing for the opportunity to tell their stories. The victims have stories they want to tell, and so do the perpetrators, who often talk of being forced to do horrible things when they ask for forgiveness.”³⁰

²⁸ See e.g., Hamber, B. (2003). “Healing,” *In Reconciliation after Violent Conflict: A Handbook*, Stockholm, Sweden: International Institute for Democracy and Electoral Assistance.

²⁹ For a scientific/psychological perspective on this matter, see e.g., van Emmerik, A. A. P., Kamphuis, J. H., Hulsbosch, A. M., & Emmelkamp, P. M. G. (2002). “Single Session Debriefing After Psychological Trauma: A Meta-Analysis”, *The Lancet*. 360(9335):766-771.

³⁰ Bonnie Price Lofton, *Fambul Tok Helps Heal Sierra Leone*, PEACEBUILDER, The Center for Justice & Peacebuilding, Issue: Spring-Summer 2014 (Available at: <https://emu.edu/now/peacebuilder/2014/08/fambul-tok-helps-heal-sierra-leone/>).

Victims and their families should not be excluded from any stage of analysis, needs assessment, and development of TOCs. If they choose not to be decision-makers, this should not justify their complete exclusion. Rather, they should always be aware of the developments of the interventions and share their feedback and evaluation.

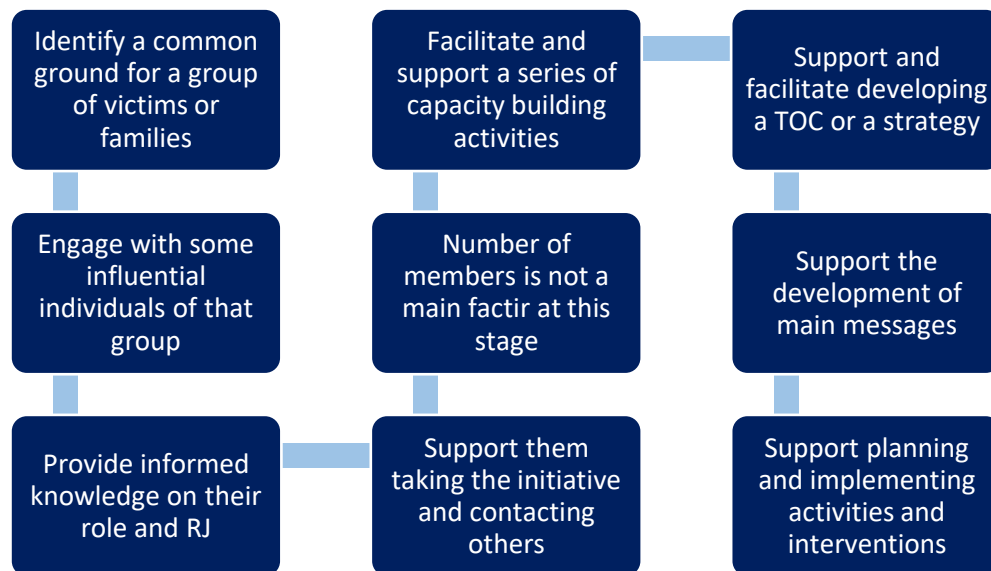


Figure 18: Proposed Roadmap to Empower Victims/Families Groups

Victims and families proved to be the most influential actor in TJ/RJ processes. They are conceived as the “neutral” parties, and they are less likely to be politically classified. They also share pain with victims and families of the “other”, which may make fertile ground to initiate effective inclusive and positive confronting activities of those addressed above such as conferencing or circles.



The Khulumani Survivor Support Group, South Africa

The Khulumani Support Group in South Africa represents an effort that started as a way to empower victims around the Truth and Reconciliation Commission (TRC) process and turned into a social movement demanding social transformation. Khulumani (Speak Out!) was formed in 1995, largely by survivors and families of victims of political violence, and supports victims in their struggle for personal and community reconciliation, helping victims restore their dignity and integrating them into society. As a victims’ lobbying group, Khulumani evolved out of civil society engagement with the Act that created the TRC, with the goal of representing victim-specific issues at the TRC. In contrast to their lack of priority in the TRC process, reparations have become one of the central issues for Khulumani, and in particular a focus on individual reparation, including payments and services to address disability, trauma and poverty. This demonstrates that when victims of conflict represent themselves, the agenda that emerges is qualitatively different from what has become the national “transitional justice agenda.” Khulumani understands “justice” in terms far broader than that of the TRC, including the many social, economic and political legacies of apartheid that have failed to be addressed even 20 years after the process. This has driven its work to move beyond a narrow focus on violations of the conflict to broader issues of social justice, with an emphasis on empowerment and “active citizenship,” and much of its work has been advocacy driven alongside direct support to victims. The philosophy of Khulumani is that of “refusing representation,” rejecting how experts and others see victims and their needs, and how they ultimately produce victims, in favor of victim agency. Khulumani continues to remind the South African government of its as-yet unfulfilled commitments to dealing with the consequences of the collective trauma of the violent past to ensure that harmed individuals and communities can be restored to a dignified existence. (Visit the group’s website to know more: <https://khulumani.net>).

Acknowledgement and Apology

“Although an apology cannot undo what has been done, it can have the power to rehabilitate the individual and restore social harmony”.³¹ Even when the restitution of rights is possible, that does not necessarily guarantee the satisfaction of victims, nor it contributes to reconciliation which cannot be achieved without the opposite parties coming together in a situation where peace, truth, justice, and mercy meet. What contributes to boosting reconciliation is the recognition and acknowledgement of the victims and community’s sufferings. This is best illustrated in the inclusive approach, but of a great added value also is the positive confrontation with the offender and the latter’s confessions and/or apology.

Acknowledgement – and possibly apology – is not expected from perpetrators only. It is not only related to revealing the truth or proving the guilt of the perpetrator or the harm they caused, but also part of the healing and satisfaction process for those who were silenced, stigmatized, and/or marginalized because of what they were subjected to. It paves the way for victims to see perpetrators once again as humans, especially in contexts of reverse victims and offenders. Therefore, recognition or acknowledgment might be a collective or group initiative that does not entail the confirmation of their perpetration.



A victim in Solomon Islands Testimony to the Truth and Reconciliation Commission:

“Nobody talks of reconciliation because nobody wants to think about it. It’s not that anybody is actively opposed to it, but it’s that the victims are not recognized. It is only for big men and ex-militants. We small people are forgotten therefore reconciliation has no meaning for me.”

(Solomon Islands Truth and Reconciliation Commission, Final Report, Confronting the Truth for a better Solomon Islands, vol. 3, p. 714).

The one-to-many and many-to-one types of apologies are more institutionalized and usually undertaken in the context of official spaces, mainly Truth Commissions. The many-to-many apologies are national/local processes or initiatives and are the most relevant type to societal reconciliation. The national apology “is indeed a curious rhetorical phenomenon involving a speaker apologizing, on behalf of a group, for something neither the speaker nor the vast majority of the group did—often to a group of people who, while representative, were not among those originally wronged.”³²

A genuine apology issued by a figure holding public authority and capable of restoring societal relations, in an ideal case, acknowledges responsibility for harm inflicted and is pronounced, without any reservations.³³

³¹ Nicholas Tavuchis, *Mea Culpa: A Sociology of Apology and Reconciliation*, Stanford University Press, 1991.

³² Lisa Storm Villadsen, *Speaking on Behalf of Others: Rhetorical Agency and Epideictic Functions in Official Apologies*, *Rhetoric Society Quarterly*, Raleigh 38:1, (Winter 2008), 25-45, at 17.

³³ Nicholas Tavuchis, *Mea Culpa: A Sociology of Apology and Reconciliation*, Stanford University Press, p. 19. 1991.



Perception of Sincerity

An apology must be seen by those affected (survivors and wider community) as sincere and genuine and not motivated by other considerations. For example apologies made by Serbian politicians – for crimes Serbian armed forces committed in former Yugoslavia - are, by their recipients, most notably Bosniaks, considered flawed, insincere and prompted by Western influence rather than outcomes of a genuine reckoning with the past.³⁴ This is mostly due to the fact that none of Serbian officials and institutions actually recognized that mass killings of Bosniak men and boys in Srebrenica in 1995 amounted to genocide, despite of the fact that two international courts (International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Court of Justice (ICJ)) in their respective rulings recognized that Srebrenica massacre met the legal definition of genocide.

Such apologies are not meant to attribute guilt to the apologizing group/community, but rather to emphasize unity and collective responsibility. For example, a Canadian aboriginal community travelled to Japan in 1998 to apologize for transporting uranium mined from the group's land, later used in the atomic bombs dropped on Hiroshima and Nagasaki.³⁵ The feeling of unity and collective responsibility is reflected not only as a response to the subject matter of the wrongdoing, but towards the community as such and the strive for a future of non-recurrence.



South African TRC Register of Reconciliation

"The register has been established in response to a deep wish for reconciliation in the hearts of many South Africans -- people who did not perhaps commit gross violations of human rights but nevertheless wish to indicate their regret for failures in the past to do all they could have done to prevent such violations; people who want to demonstrate in some symbolic way their commitment to a new kind of future in which human rights abuses will not take place.

We know that many South Africans are ready and eager to turn away from a past history of division and discrimination. Guilt for wrongdoing needs to be translated into positive commitment to building a better society - the healthiest and most productive form of atonement."

(Mrs. Mary Burton, A South African TRC Commissioner)

Excerpts from the Register

My Grandfather fought WW1, my Father fought WW2, I fought Apartheid's Wars and I pray that my Son will be the first male in four generations of my family not to have to fight a war.

(Craig Michael Williamson, Johannesburg, SA).

For being a defence force member in 1983 and 1985 and witnessing the police force involved in brutalities against the local population in and around Uitenhage and failing to do anything to prevent this.

To have done anything then, would have involved a court martial, for this, I am truly sorry...

(Peter Reitemeyer, Cape Town, SA).

I welcome this opportunity to pledge a moral and social commitment to building a better society in the New South Africa. Despite having living abroad for many years, I share the hopes of all those South Africans who are indeed actively translating their regrets about the past into positive acts. I believe that symbolic demonstrations of solidarity such as this register will be imprinted in history, and should be held in the highest esteem by the rest of the world.*(Sonja Laden)*

³⁴ Diane Orentlicher. *Some Kind of Justice: The ICTY's Impact in Bosnia and Serbia*. Oxford: Oxford University Press, 2018., p. 255.

³⁵ Celermajer, D. (2009). *The Sins of the Nation and the Ritual of Apologies*. Cambridge: Cambridge University Press, p. 31.

It is important to employ some of the societal measures used to resolve conflicts and address some issues such as family or clan/tribe apology initiatives. These initiatives do not aim to stigmatize a group or component of society, but rather they are a means stemming from the clan/tribe nature of some regions and societies that consider that the family or clan bears moral responsibility for what some of its members may commit, hence the apology initiative to emphasize the responsibility of that individual and demolish any hostile positions at the level of families or clans/tribes.

It is possible for some societies, primarily through their moral authority figures, to take the initiative if among their members are perpetrators to the harm caused to other components of the same society. This initiative that contributes to national reconciliation and thus may open the horizon for other initiatives dealing with the causes of what happened and finding common solutions to non-recurrence.



Apologies in Iraq

C4JR asked Iraqi decisionmakers to include the following sentence in their reparations legislation: *Iraqi authorities offer their sincere apology to the affected communities for failing to prevent crimes committed against them.* This suggestion was not accepted.

(Draft Law on Reparations for Survivors of CRSV Committed during the ISIL Conflict in Iraq, available at: <https://c4jr.org/wp-content/uploads/2020/10/C4JR-DRAFT-CRSV-REPARATION-LAW-final-version-english-with-logo.pdf> In Arabic available here)



Arab Women Apology Initiative to Yazidi Women

A group of Arab women approached an INGO proposing a project where they take the initiative of engaging with Yazidi women in a form of general apology for what they were subjected to of crimes by ISIL. The initiative does not mean to stigmatize the Arab community or accuse it of the crimes committed by ISIL, rather it aims at re-establishing the social links, expressing solidarity, and most importantly renouncing the horrors caused by some people who might be of the same ethnicity as of those women and contributing to the healing process of the Yazidi victims.

(A contribution of one participant in Jiyon Foundation's workshop in Erbil in March 2022)

Societal Initiatives

Some societal idiosyncrasies are an opportunity to implement interventions at a broader societal level. Active involvement of CSOs, tribal leaders, youth groups, academics, and other holders of moral authority, known and usually respected at the local level, can initiate the establishment of local spaces under their sponsorship, which may open the way for the various societal sectors to meet and speak openly. The use of such moral authority sometimes does not mean imposing measures on society, but it responds to the need to find common ground and use this authority to bring change in dealing with the past in a way that goes beyond mere accusation and blame for the other.

Such initiatives fall under the so-called claimed spaces, and they are ones that communities create for themselves. A claimed space can range from something as simple as a meeting of victims in a community hall or private homes, created with no view to impacting transitional justice, to ones created by mobilization and social movements in which victims and affected communities organize to create a political voice.



Replanting Bashiqa's Farms

A group of participants in Jiyan Foundation's workshop in March 2022 suggested a societal initiative that concerns Bashiqa and its population loss of farms. They proposed that the people of the neighboring towns take the initiative and grow trees and rebuild the farms in Bashiqa jointly with the town's population. The initiative aims at contributing not only to the reparations of the town's victims, but also to re-establish the societal ties and to bring a needed change to the polarization among these towns due to the experience of the past.



Youth for Peace Community Memorialization Projects, Cambodia

The extreme violence of the Khmer Rouge regime in Cambodia in 1970s negatively impacted many communities. A project of the Cambodian NGO Youth for Peace (YFP) sought to increase the limited opportunities for collective mourning and open discussion of the Khmer Rouge past. YFP established community memorial committees that allowed a range of different community members to discuss the past, including through dialogue between genocide survivors and youth. Throughout these activities, YFP sought to remember the past in a living and dynamic way and to empower communities to develop peace learning centers to be symbols of recognition, venues for healing, truth-seeking and telling, learning, preserving and moving forward. During this process, community members had discrete and active roles to play, ranging from providing financial support and donating objects, to sharing ideas in community forums and representing their memories of the Khmer Rouge era through paintings and other artwork to be included in the center. Committee members organized events to introduce the memorialization activities to the community, mobilized people in building infrastructure and gathering resources, fundraised, and collected historical information from other community members. There was a high level of participation in contributing to and directing implementation of communities' shared visions, which included building libraries, documenting local narratives about the Khmer Rouge regime, organizing ceremonies, and painting murals depicting the community's experiences during the genocide. According to an external evaluation of the project, the process of creating these community peace learning centers promoted empowerment, healing, and reconciliation among participants, demonstrating that 'memory work' - that is the process of bringing divergent memories together to create memorials - has far greater impact than erecting physical memorials.

(For more information: Khet Long, Initiating A Way to Address Legacy of Memory in Cambodia: Action Research Paper, at 52 (2009); and Chona R. Echavez, Leah Wilfreda R.E. Pilongo, Michael Lou Montejo, Samrong Khnong Community Peace Learning Center Project: Final Evaluation Report, at 14 (2015)).



Pro-environment activit by the volunteers of the Youth Network for Peace and Dialogue

Rehabilitation and Reintegration

Rehabilitation refers to a wide range of activities, from social work to monitoring human rights. These efforts seek to reintegrate lives and livelihoods in the circumstances of transition from conflict to relative peace. That's said, rehabilitation should not be understood as solely a health issue – e.g., MHPSS – but rather a holistic approach that considers the progressive re-enjoyment of human rights by survivors and their communities as an essential indicator for individual and collective rehabilitation. Furthermore, despite the importance of economic and infrastructural development and rehabilitation efforts, neither component – health and development – should be considered separately as a rehabilitation plan itself. Planning and implementing rehabilitation interventions based on a human rights approach will ensure longer term development and peace. In other words, when designing such plans, they should be looked at from the respect of human rights lens to ensure the complementarity between its components.

Rehabilitation and reintegration are – unfortunately – usually overlooked in post-conflict situations, perhaps because – in the funding environment – it is difficult to measure its impact. However, it is well established that traumatized persons tend to gradual isolation and discouragement from forming social bonds. Trauma in this context is not a psychic phenomenon only, but a societal threat that leads to identity, ideological, political, and even regional polarization. Traumatized persons if ostracized by their communities they are likely to revert to hostile positions that foment their mobilization to violence.

Therefore, there is a pressing need to build their relationships with community members and institutions, so they build empathy and social bonds, promote a sense of belonging again, and avoid isolation and aggravated hostility. Healing entails helping individuals overcome trauma alongside addressing issues in the social and cultural context that cause distress. Addressing individual and collective trauma is regarded as a vital component of bringing about sustainable peace: ignoring or denying such trauma and suffering will not make it disappear.³⁶

Several activities and interventions can be carried out in this context. Trauma counselling for victims can be undertaken by professional therapists, or within communities through survivors coming together and sharing experiences and supporting each other. CSOs may consider in their projects training of local people in psycho-social support skills, organizing self-help support groups, arts and storytelling, education and retraining, reintegration of individuals with families and communities. However, any program seeking to train and deploy lay therapists should be well thought through, supervised and accompanied by a proper referral system. Lack of formal training and experience in providing mental health interventions may bring more harm than good especially in work with highly traumatized individuals in need of professional and structured mental health services.

Rehabilitation may be of economic or livelihood nature, such as the provision of small economic projects for individuals or families. Other forms include what might be considered as “positive discrimination” by allocating certain privileges such as education and employment opportunities.

³⁶ Parent, G. (2012). 'Identifying Factors Promoting or Obstructing Healing and Reconciliation.' *International Journal of Peace Studies*, Volume 17, No. 1, Summer 2012, pp. 25-45 (Available at: https://www.gmu.edu/programs/icar/iips/vol%2017_1/Identifying%20Factors%20FINAL.pdf).



Recommendations on Rehabilitation to the Iraqi Council of Ministers for Implementing Regulations of the Yazidi [Female] Survivors Law

In addition to medical and psychological services, rehabilitation of survivors indicated in Article 4(2) of the Law shall encompass a range of specialized services to mitigate, to the greatest extent possible, the consequences of endured traumas thus enabling the survivors to lead a dignified life. Survivors and, where necessary, their family members will have temporally unlimited and free of charge access to at least the following services in line with best international practices:

a) Mental Health and Psychosocial Support (MHPSS) provided through individual, family, and group therapy sessions, as well as other culturally sensitive and appropriate techniques;

b) Medical services including comprehensive health services and particularly sexual and reproductive health services, necessary for treating physical after effects of wartime sexual violence. These services will be provided in a non-discriminatory manner, residentially and through referrals to specialists. The consistent supply of necessary medications shall be ensured.

c) Legal aid services that encompass assistance with legal issues stemming from or arising out of an individual's status as a survivor including, but not limited to, legal action to obtain civil documentation, welfare benefits, and participation in criminal proceedings against alleged perpetrators.

e) Livelihood programs including offering vocational trainings for securing and retaining suitable employment and income-generating work.

f) Family counselling providing professional guidance on how to advance physical and psychological well-being of survivors, including by strengthening and reestablishing family ties severed or damaged by wartime sexual violence and other crimes stipulated in the Law;

g) Community-oriented programs to support reintegration of survivors of wartime sexual violence and other crimes stipulated in the Law. These programs should strengthen social support networks (including but not limited to friends, neighbors, community, and religious groups), by fostering understanding for survivors, combating stigma, and cautioning against harmful and discriminatory traditional practices.

To ensure survivors have access to rehabilitative services in the vicinity of their residence and that these services are provided in conformity with international standards and best practices, an assessment will be conducted to determine what services are already available, their quality, and what new services need to be established.

(Key Recommendations to the Iraqi Council of Ministers for Implementing Regulations of the Yazidi [Female] Survivors Law, C4JR, available at: <https://c4jr.org/wp-content/uploads/2021/06/C4JR-Rec-to-CoM-ENG.pdf>).

Another very important form of rehabilitation is the reintegration of ex-combatants. Before dwelling into this topic, it is essential to emphasize that RJ approaches do not call for impunity for perpetrators through reintegration, but it sets a framework of interlinked measures that collectively ensure justice, reparation, rehabilitation, and reconciliation. Part of that for instance is the process of vetting to ensure that those who bear the responsibility for the severest crimes do not have the opportunity to hold senior positions in the post-conflict State or society.

Reintegration of ex-combatants entail firstly their disarmament and demobilization. This requires official measures carried out by the authorities through specific legislations and institutions. CSOs can play an important role in the reintegration phase of the process, especially at the psycho-social level. Not all ex-combatants bear responsibility for grave violations and crimes, and there might be several reasons for them taking up arms or joining

certain groups. Since RJ seeks to address the root causes of violence – cultural and structural ones – it is pivotal to study those reasons and allocate resources to deal with this category to ensure their inclusion instead of marginalizing them leading them to opt to violence again. The preparation of the receiving communities which are willing and able to accept ex-combatants is of particular importance to the success of social reintegration. Reintegration processes require intervention on a societal level. Community interventions aimed at reducing stigma and revengeful actions should be framed in new spaces of collective disarmament. Community sensitization exercises can be influential in preparing a community for reintegration and should be promoted. Education and support at this stage is vital to the development and fostering of trust between communities and ex-combatants.³⁷

A socio-economic reintegration strategy for ex-combatants is also needed alongside the psycho-social efforts. It needs, however, to be effectively linked to a long-term, sustainable recovery process, by not only targeting individual ex-combatants but also by building local and national capacities to ensure that reintegration evolves into further reconciliation, reconstruction, and development.³⁸



Colombia and the Reintegration of Female Ex-Combatants

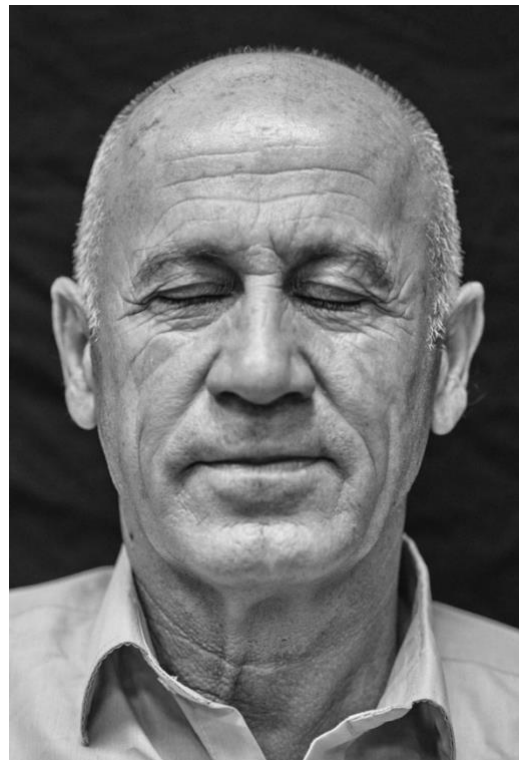
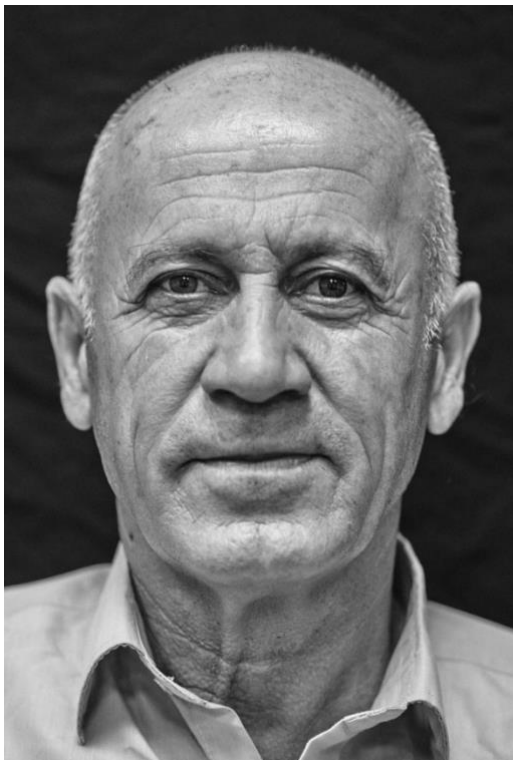
In 2016, one of the most long-standing and protracted violent conflicts in the world took a positive turn: The Final Agreement between the Colombian government and the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, FARC) was signed. One of the most contested elements is the socioeconomic and political reintegration of more than 13.000 FARC members, among them 7.000 former combatants. The disarmament, demobilization, and reintegration (DDR) process has achieved significant benchmarks - with the FARC handing over its weapons under UN supervision and its political participation in the parliamentary elections in 2018. The process is considered an essential stage for the successful implementation of a civil war peace agreement. The main aim is to contribute to the security of post-conflict settings by supporting the transition of former combatants from the military to the civilian life and providing them with the necessary tools to become active participants in the peace process.

Women constituted a crucial part of the insurgent group; they were estimated to make up approximately 23% of the FARC. Many female combatants find it difficult to reintegrate into civilian communities, specifically in social terms, and they receive little support, especially that they have enjoyed – as combatants - parity, power, and freedom of choice especially in left-wing armed groups that centered women's emancipation and gender equality as cornerstones of their fight. Communities may be distrustful towards female ex-combatants, while women themselves may feel that they do not fit in with the traditions and social expectations of their communities anymore, making it harder for them to settle down to a new life. There is an urgent need to challenge the traditional understanding of men and women, war and peace, perpetrator and perpetrated since the post-conflict scenario may be equally gendered, as it is the conflict scenario. In other words, there is a risk that peace processes might reflect and thus perpetuate the war context, for example, that decision-makers will strengthen, legitimize, and reproduce patriarchal systems and will thus obstruct the path toward sustainable peace.

(Shekhawat, S., & Bishnu, P. (2015). *Female combatants, peace process and the exclusion*. In S. Shekhawat (Ed.), *Female combatants in conflict and peace* (pp. 53-68). London: Palgrave Macmillan UK)

³⁷ Bowd, Richard, and Alpaslan Özerdem. "How to assess social reintegration of ex-combatants." *Journal of Intervention and Statebuilding* 7.4 (2013): 453-475.

³⁸ For comprehensive guidelines on the issue, see: International Labour Office, *Socio-Economic Reintegration of Ex-Combatants: Guidelines*, 2010 (Available at: https://www.ilo.org/wcmsp5/groups/public/---ed_emp/documents/instructionalmaterial/wcms_141276.pdf).



EYES OF TRAUMA: ANFAL CAMPAIGN, photography project © Michele Camicia

APPENDIX I

List of organizations, CSO coalitions/alliances and resources in Iraq dealing with transitional justice, restorative justice and reparations, peace building etc.

National NGOs

Iraqi Al-Amal Association

Al-Amal, a pathbreaking Iraqi NGO, is established in 1992 in Iraqi Kurdistan and opened an office in Baghdad in 2003. It works to build capacity and raise awareness around social issues, to ensure peace, sustainable development and the respect of human rights in Iraq. Its programmes aim to combat all forms of violence and discrimination.

 www.iraqi-alamal.org

 iraqialamal2014@gmail.com

Iraqi Institution for Development (IID)

IID is a Mosul based NGO established in 2003 by Iraqi youth to work towards consolidation of human rights, spreading a culture of peace and tolerance and promoting democracy and tolerance in Iraq.

 www.iidiraqi.org

 info@iidiraqi.org

Peace and Freedom Organization (PFO)

PFO is an Erbil based NGO working to protect human rights and ensure peaceful co-existence through promoting trust and collaboration between the diverse components of the society. PFO runs a peacebuilding and social cohesion program aiming to preserve the diversity of Iraq by building capacities of key stakeholders to resolve conflict and promote peaceful co-existence. Through its transitional justice program it seeks to activate transitional justice mechanisms to provide reparations to victims of human right violations.

 www.pfo-ku.org

 pfo@pfo-ku.org

Al Mesalla

Al Mesalla is Erbil based NGO working to disseminate and reinforce a culture of human rights, participate in strengthening principles of democracy, peace building, conflict resolution and non-violent culture and reinforce the spirit of voluntary work in the Iraqi community.

 www.almesalla.net

 almesalla@almesalla.net

Baghdad Women Association (BWA)

BWA is a leading women's rights NGO in Iraq combating all forms of violence against women and girls, while ensuring their legal protection, equality, respect and all human rights. In this context BWA also works on conflict prevention and mediation at the community level to increase women participation in formal conflict prevention mechanisms.

 www.bwa-iraq.org

 info@bwa-iraq.org

Sustainable Peace Foundation (SPF)

SPF is Erbil based NGO who works on transforming conflicts, building and sustaining peace by empowering communities, women and youth; fostering a non-violent and democratic societies and culture; good governance and a common identity based on equitable citizenship.



 www.sustainablepeacefoundation.com

 info@sustainablepeacefoundation.org

Jiyan Foundation for Human Rights



Jiyan Foundation is a charitable organization supporting survivors of human rights violations, defending fundamental freedoms,

and promoting democratic values. Though initially focused on providing mental health and medical services, it came to address a range of issues around holistic rehabilitation including transitional justice, reparations and ethical engagement with survivors. Jiyan Foundation currently supports 9 treatment centers, a clinic for Yazidi women and families, a Healing Garden and mobile teams helping survivors in 11 refugee and IDP camps and nine regions throughout Kurdistan-Iraq, Iraq, and Syria.

 www.jiyan.org
 info@jiyan-foundation.org


Dak Organization for Ezidi Women Development

Dak Organization is a Duhok based women led organization working for women's development, empowerment, protection and peacebuilding through the strengthening of women's decision making. It is also a feminist organization that fights for the rights of women by empowering women and building their capacities in different walks of life.

 www.dakngo.org
 info@dakngo.org

Civil Development Organization (CDO)



CDO is a Sulaymaniyah based NGO founded in 1999 and active in the Kurdistan Region of Iraq, Kirkuk, Diyala and Salahaddin governorates. CDO conducts peace education and encourages dialogue among community, tribal and religious leaders and politicians in Iraq. It also promotes media freedom, women rights and provides support to refugees and IDPs.

 www.cdo-iraq.org
 info@cdo-iraq.com

Bustan Association

It was established in 2003 and is based in Sulaymaniyah. The organization works primarily with women and children, offering services in the fields of protection, education,

media and communication, and landmine awareness. Bustan empowers the women & young girls from ISIS-impacted Iraqi provinces (Diyala, Kirkuk, Salah-Al-Din, Ninewa & Anbar) to combat violent extremism, and increase women's participation at local & national levels in peace process. The NGO operates in Erbil, Basra, Missan, Diyala, Anbar, Kirkuk and Ninewa governorates.

 www.bustan-iraq.org
 info@bustan-iraq.org

The Observer Human Rights Center (OHRC)

OHRC is Najaf based NGO established in 2003. The organization works to monitor, document and report violations of human rights in Iraq, as well as advocate for victims. OHRC's headquarters are located in Najaf, with sub-offices in most governorates across Iraq.

 info.ohrc@gmail.com

Al-Tadhamun Iraqi League for Youth (TILY)

TILY is Anbar based NGO working on peacebuilding and social cohesion, youth empowerment, women rights, livelihood and income generation.

TAJDID Iraq Foundation for Economic Development

TAJDID Iraq is Baghdad based NGO founded in 2008. TAJDID fights for a safe and stable Iraqi society using all available financial and human resources to develop the Iraqi society in all fields, and works to support the vulnerable to achieve prosperity.

 www.tajdid-iq.org
 info@tajdid-iq.org

Ufuq Organization For Human Development

Ufuq seeks to promote human rights and achieve peaceful coexistence with the concept of citizenship and minority rights. It works towards promoting cultural diversity and gender equality. Ufuq utilizes

peacebuilding and development projects with a specific focus on education.

www.ufuqorg.org
info@ufuqorg.org

Eyzidi Organization for Documentation (EOD)

EOD is an Erbil based NGO that offers its services to all citizens without discrimination. EOD seeks to build community awareness of human rights principles through their knowledge and deal with all cases of violations or abuses by monitoring and documenting them, increasing the communities' understanding of their rights, and advocating for them. It implemented projects focusing on social cohesion, rehabilitation of destroyed shrines and promoting rights of minorities.

www.eyzidi-documentation.org
info@eyzidi-documentation.org

Hammurabi Human Rights Organization (HHRO)

HHRO is Baghdad based NGO founded in 2005. It works with human rights activists

from different communities who believe that human is the highest value which must be respected. HHRO activists defend the rights and dignity of all Iraqis regardless of religion, sect, nationalism, sex, origin, ideas or political affiliation. HHRO's goals are protecting human rights, internationally and nationally, monitoring and revealing human rights violations and upholding the respect for human dignity by, inter alia, combating extremism in any form.

www.hhro.org
info@hhro.org

Turkmen Rescue Foundation (TRF)

TRF is a Baghdad based NGO established in 2011 with the principal aim to defend human rights especially of Turkmen minority by using all legal and democratic means available. TRF is focused on accountability for ISIL crimes, particularly against Turkmen component of Iraqi society.

www.turkmenrescue.com
trf@turkmenrescue.com

Alliances of Iraqi and/or international organizations

Coalition for Just Reparations (C4JR)

C4JR is an alliance of Iraqi NGOs calling for comprehensive reparations for civilian victims of atrocity crimes perpetrated during the ISIL conflict in Iraq. C4JR uses Iraqi law and international human rights law to support reparation claims of survivors and encourage Iraqi authorities to meet their obligation to provide reparations.

www.c4jr.org
info@c4jr.org

The NGO Coordination Committee for Iraq (NCCI) is a member-led organization established in 2003 to coordinate principled, collective NGO action in order to foster development, address humanitarian needs, and promote respect for human rights in

Iraq. NCCI has offices in Geneva, Baghdad, and Erbil.

www.ncciraq.org
www.ncciraq.org

Women for Peace Network (WPN)

WPN is a group of non-governmental organizations registered in accordance with the law and has the right to open branches in all areas of Iraq.

www.wpniraq.org
info@wpniraq.org

Iraqi Women Network (IWN)

IWN is an umbrella women NGO which believes that the advancement of woman is the actual measure for the progress of the society. It aims to coordinate the work of

women rights NGOs in Iraq, build democracy, promote human rights and work to eliminate violence and all forms of discrimination against women in the new Iraq.

 www.iraqiwomennet.wordpress.com

 iraqiwomennet@yahoo.com

Nineveh Peace and Reconciliation Working Group (PRWG) is a coordination platform that brings together local and international

peacebuilding organisations, government as well as UN agencies and donors. The aim of this coordination mechanism is to reduce duplication of peacebuilding programming, address gaps in addition to integrating broader development and systems approaches to peacebuilding, within the geographical scope of Nineveh.

 www.prwg.info

 secretariat@prwg.info

Iraqi research organizations

Peace Paradigms Organization (PPO)

PPO is a private consulting company, based in Iraq, established to deliver context-specific solutions for peacebuilding actors to achieve holistic and effective results through their conflict mitigation and prevention efforts.

 www.ppo-iq.org

 info@ppo-iq.org

Social Inquiry

Social Inquiry is a non-profit Erbil based research organization addressing conflict-affected and/or fragile societies through creative and cross-disciplinary applied research that explores their intersecting political, social, psychological, economic, and historical dimensions.

 www.social-inquiry.org

 hello@social-inquiry.org

International NGOs active in Iraq

Impunity Watch

Impunity Watch (IW) is an international human rights NGO, based in the Hague (Netherlands), seeking to promote accountability for past atrocities, notably in countries emerging from a violent past. IW analyses, advocates, and partners to help local communities seek accountability for gross human rights abuses and for systemic injustice. In doing so, it focuses on victims, survivors, and the most marginalised. IW has developed partnerships in Iraq and has been working on sexual and Gender Based Violence (SGBV), accountability and restorative justice.

 www.impunitywatch.org
 info@impunitywatch.org

PAX



PAX is the largest peace organization in the Netherlands working to protect civilians against acts of war, to end armed violence and to build inclusive peace. The PAX programme in Iraq aims to address root causes and patterns of conflict, with a particular focus on the lack of inclusive governance, the lack of inclusive transitional justice and the lack of inclusive human security. Cooperating closely with local civil society and peace-activists, PAX implements projects that seek to build trust between and within communities, facilitate dialogue between policy makers and citizens, promote inclusive citizenship, and enhance gender-sensitivity in the security sector.

 www.paxforpeace.nl
 vrijhoef@paxforpeace.nl

Fight for Humanity

Fight for Humanity is Geneva based NGO with the objective to increase respect for human rights in situations of violence and conflict. It relies on human rights law to promote the basic rules that ensure respect for human dignity. Together with Public Health

Organization (P.H.O) it works on building social cohesion between different social groups in Iraq.

 www.fightforhumanity.org
 www.fightforhumanity.org

Pro Mediation

Pro Mediation is a French non-profit organization of professional mediators and experts in the field of mediation and negotiation. Promediation professionals couple high-quality competence in mediation and negotiation with field experience in Africa. Since July 2019, Promediation's project in Iraq aims to contribute to the stabilization of the Sinjar district, located on the Syrian border, northwest of Mosul. This project aims to foster the emergence of an accepted governance by the different actors.

 www.promediation.org
 www.promediation.org/contact

MADRE



MADRE is an international women's human rights organization that works in partnership with community-based women's organizations worldwide to address issues of economic and environmental justice, women's health and gender. It also works to strengthen women's abilities to prevent, survive and recover from war, to end impunity, and to create lasting peace. It has implemented several projects in Iraq together with local partners.

 www.madre.org
 madrespeaks@madre.org

Ceasefire Centre for Civilian Rights

The Ceasefire Centre for Civilian Rights is an international initiative to develop civilian-led monitoring of violations of international humanitarian law or human rights; to secure accountability and reparation for those violations; and to develop the practice of civilian rights. It has published several reports



on Iraq and dealt with realization of the right to reparations under Law No. 20 on Compensation for Victims of Military Operations, Military Mistakes and Terrorist Actions.

 www.ceasefire.org
 contact@ceasefire.org

Global Fund for Survivors

The Global Survivors Fund (“GSF”) is a Geneva based organization launched in October 2019 by Dr Denis Mukwege and Nadia Murad, Nobel Peace Prize laureates 2018. Its mission is to enhance access to reparations for survivors of conflict-related sexual violence around the globe, thus responding to a gap long identified by survivors. GSF acts to provide interim reparative measures in situations where states or other parties are unable or unwilling to meet their responsibilities. GSF is working collaboratively with Nadia’s Initiative and other stakeholders in Iraq to provide interim reparations to survivors of conflict-related

sexual violence while advocating the Government to issue survivor-centric reparations.

 www.globalsurvivorsfund.org
 www.globalsurvivorsfund.org/contact

Un Ponte Per (UPP)

UPP is an international solidarity association and NGO founded in 1991.. Its focus has always been the solidarity for the Iraqi population affected by the war. Originally called “Un Ponte Per Baghdad”, the association later became known as "Un Ponte Per" after expanding its work into Serbia, Kosovo and other Middle Eastern and Mediterranean countries. UPP’s goal is the prevention of armed and violent conflict, particularly in the Middle East, through a series of information campaigns, cultural exchange, cooperation projects, peace building programs and the creation of social justice networks.

 www.unponteper.it
 iraq@unponteper.it

International organizations and institutes

United Nations Development Program (UNDP)

UNDP is the UN lead agency on international development. UNDP works in 170 countries and territories to eradicate poverty and reduce inequality.

In Iraq it works especially on supporting social cohesion through a five-year programme launched in January 2020 to promote stronger, peaceful and more cohesive communities in all areas of Iraq. Built on integrating the success and lessons learned from social cohesion projects and interventions implemented since 2017, the programme takes a multi-faceted approach to address institutional frameworks, local mechanisms, capacity development, university curriculums, inter-group and state-citizen relations, and conflict-sensitive responses.

www.undp.org/iraq
registry.iq@undp.org

UN Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD)

UNITAD was set up through UNSC Resolution 2379 of 21 September 2017 to support Iraqi domestic efforts to hold ISIL accountable for crimes it committed in the country by “collecting, preserving, and storing evidence in Iraq of acts that may amount to war crimes, crimes against humanity and genocide committed by the terrorist group ISIL (Da’esh) in Iraq, to the highest possible standards”.

www.unitad.un.org
www.un.org/en/contact-us-0

United Nations Assistance Mission for Iraq (UNAMI)

UNAMI is a Special Political Mission established in 2003 by United Nations Security Council Resolution 1500, at the request of the Government of the Republic of Iraq. UNAMI’s mandate is to advise and assist

the Government and people of Iraq on a number of issues. This includes advancing inclusive political dialogue and national reconciliation, assisting in the electoral process and in the planning for a national census, facilitating regional dialogue between Iraq and its neighbours, and promoting the protection of human rights and judicial and legal reforms.

www.iraq.un.org
www.un.org/en/contact-us-0

IOM Iraq

IOM in Iraq works in cooperation with the Government (federal and regional) to provide support across the country’s 18 governorates, pursuing a holistic approach that focuses on sustainable, long-term impact, while also serving the critical, immediate needs of those experiencing protracted displacement and crisis. IOM Iraq also seeks to increase the knowledge and understanding about right to reparations and remedy among the survivors and their representatives, improve the capacity of CSOs to advocate for and engage in development of reparations policy and increase the capacity of the local authorities and government institutions to develop and implement such policies.

www.iraq.iom.int
iomiraq@iom.int

United States Institute of Peace (USIP)

USIP is a U.S. nonpartisan, independent institute, founded by Congress and dedicated to the proposition that a world without violent conflict is possible, practical and essential for U.S. and global security. In conflict zones abroad, the Institute works with local partners to prevent, mitigate, and resolve violent conflict.


www.usip.org/regions/middle-east-and-north-africa/iraq

International Commission on Missing Persons (ICMP)

ICMP works with governments, civil society organizations, justice institutions, international organizations and others throughout the world to address the issue of people who have gone missing as a result of armed conflict, human rights abuses,

disasters, organized crime, irregular migration and other causes. ICMP began working with Iraqi institutions in 2005. It established an office in Baghdad in 2008 and in Erbil in 2010.

 www.icmp.int

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