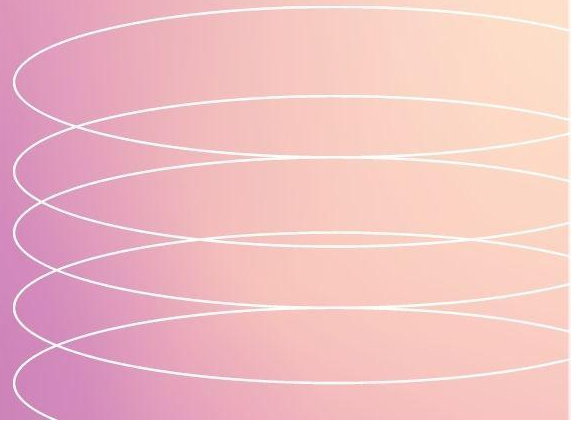


# Justice & Reconciliation

As presented by Megan Craig & Léa Glaenzer



# Readings for this week



## **ICTJ**

What is transitional justice?



## **Bell**

Transitional Justice,  
interdisciplinarity and the  
State of the 'Field' or 'Non-  
Field'.



## **Kent**

Rethinking 'civil society' and  
'victim-centred' transitional  
justice in Timor-Leste.



# What is Transitional Justice?

# Definition

"Transitional justice refers to **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."

-ICTJ



**How can we pursue justice if the state itself perpetrated or was complicit in violations against its own citizens?**



**How do we deliver justice while pursuing peace and stability?**



**There is no one route.**

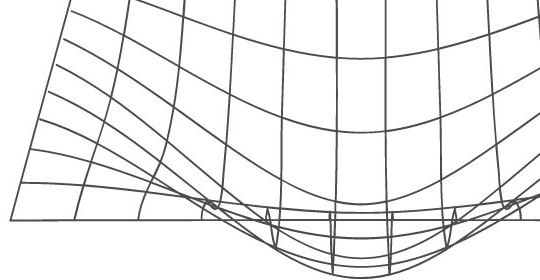
Instead, TJ processes will depend on the nature of the atrocities that occurred and the particularities of that society (culture, history, legal and political structures, and capacity, as well its ethnic, religious, & socioeconomic makeup).



Executive summary

# Christine Bell: Transitional Justice, interdisciplinarity and the State of the 'Field' or 'Non-Field'

# History of the Transitional Justice Field



## ➤ Term 'transitional justice' originated in mid-1990s

Emerged with 1990s transitions from authoritarian rule in Eastern Europe and Central America.

Establishment of the South African Truth and Reconciliation Committee (TRC) in 1995 demonstrated the consideration of alternative legal mechanisms for dealing with the past.

## ➤ Consolidated as a 'field' after 2000s

Addressed transitions in a wide range of societies.

By 2009, transitional justice was a broad, multidisciplinary field.

## ➤ 'Midlife crisis' for the field around 2009

Existence of a new field leads to increased pressure for inclusion and demands to include increasingly broad agendas and issues.



# Bell's Major Points

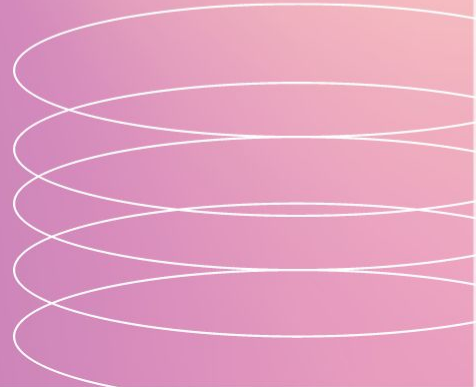
TRANSITIONAL JUSTICE DOES NOT  
CONSTITUTE A COHERENT 'FIELD' BUT IS A  
CLOAK THAT RATIONALIZES A SET OF  
DIVERSE BARGAINS

ONLY BY BRINGING PRACTICE AND  
INTERDISCIPLINARY LEGAL ANALYSIS  
TOGETHER CAN TRANSITIONAL JUSTICE CAN  
BE PRESENTED AS A COHERENT FIELD

THE CALL FOR INTERDISCIPLINARITY IS PART  
OF THE LEGITIMATING DISCOURSE OF  
TRANSITIONAL JUSTICE AS A FIELD AND AN  
ATTEMPT BY NON-LAW EXPERTS TO  
COLONIZE OR DECOLONIZE THE FIELD

Executive summary

# Lia Kent: Rethinking 'civil society' and 'victim-centred' transitional justice in Timor-Leste.







2005

**CHEGA! (NO MORE! STOP! ENOUGH!)**

Report by the Commission for Reception, Truth and Reconciliation (CAVR) detailing 'massive, widespread and systematic atrocities' that took place during the Indonesian occupation.

2008

**NATIONAL ASSOCIATION OF VICTIMS OF THE POLITICAL CONFLICT 1974–1999**

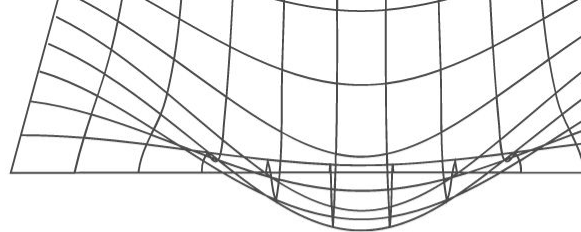
Lobby political leaders on the need for prosecutions and reparations, link 'vulnerable victims' in each district into existing forms of social support and organizing forms of commemoration for significant violent events.

2015

**VICTIMS CONGRESS**

Three main difficulties and setbacks of the association are perceived by Kent as described by participants, allowing for a reflection of the transitional justice process that highlights certain shortcomings of the industry.

# Kent's major points



01

## **'homogenizing model' of victimhood**

Scholars' priority on 'victim-centered' TJ in the last year has proceduralized a 'toolkit' of prescribed mechanisms.

Not context-specific and shapes the activities of victims' groups, rather than responding to and supporting organic, 'bottom-up' initiatives.

02

## **embodying ideological liberalism, individualism**

Promotion of narrow, individualistic victim identities that hence don't do justice to the ways different societies conceptualize their identities, or questions of harm and redress.

03

## **'local knowledges' & community-based approaches**

The ongoing rebuilding of highly localized community and family relationships (including with the dead) is essential to viable social life.

Local or faith-based practices might help to imagine more pluralistic + locally resonant ways of addressing legacies of mass harm.



# Case Study: Sierra Leone





# Timeline

1961

**SIERRA LEONE  
BECOMES  
INDEPENDENT  
FROM BRITISH  
AFTER 200 YEARS**



1991

**START OF  
CIVIL WAR**

Revolutionary United Front  
(RUF) led by Foday Sankoh  
begin campaign against  
President Joseph Momoh



1992

**SERIES OF  
MILITARY COUPS**

President Joseph Momoh  
ousted by  
Captain Valentine Strasser



2000

**SEVERAL HUNDRED  
UN TROOPS ARE  
ABDUCTED, BRITISH  
FORCES INTERVENE  
(LEAVE IN 2002)**

2002

**WAR DECLARED  
OVER**

UN mission says  
disarmament of 45,000  
fighters is complete & govt  
establishes war crimes court



2004

**UN-BACKED  
WAR CRIMES TRIALS  
BEGIN**



2005

**LAST UN TROOPS  
LEAVE SIERRA LEONE**



2012

**FIRST ELECTIONS  
SINCE END OF THE  
CIVIL WAR WITHOUT  
UN OVERSIGHT**

President Koroma wins  
a second term





# Peace Process

## Abidjan Peace Accords – November 1996

- Between Kabbah government and RUF
- Conclusions:
  - Provided amnesty for all combatants
  - Created a DDR process
  - Established RUF as a political party
- Vetting of employees in the police force was the only transitional justice initiative
- May 1997: Republic of Sierra Leone Armed Forces (RSLAF) overthrew Kabbah government and created a government with RUF

## The Conakry Peace Plan – October 1997

- Initiated by the Economic Community of West African States Monitoring Group (ECOMOG)
- Focus on reinstating the ousted Kabbah government
- Provisions for:
  - DDR of combatants
  - Cessation of hostilities
  - Restoration of Kabbah government
- No transitional justice provisions
- Never implemented
  - Junta refused to disarm and ECOMOG intervened to reinstate Kabbah gov't



---

## Lomé Peace Agreement (LPA) – July 1999

- First to give civil society groups the chance to participate
  - Lack of commitment from gov't and RUF
- Plans for a truth and reconciliation committee, but no justice provisions
- Major points:
  - Cessation of hostilities
  - Initiation of a DDR program
  - Inclusion of RUF in government
  - Blanket amnesty
  - Reintegration assistance for fighters

## The Abuja Protocols – 2000–2001

- Additions to LPA
- Abuja Ceasefire Agreement (November 2000)
  - Immediate ceasefire and end to hostilities
  - Resumption of LPA DDR process
  - Deployment of UNAMSIL peacekeepers
  - Widening of government authority
- Second Abuja Agreement (May 2001)
  - Disarmament of RUF and CDF fighters
  - Concerns that justice and accountability would disrupt disarmament process
- By 2002, more than 76,000 combatants (and 6,000 children) had been disarmed



# Transitional Justice in Sierra Leone

## Truth and Reconciliation Committee (TRC)

- TRC was included in LPA and established in 2002
  - Creation was driven by civil society groups
- Established to produce an impartial record of human rights violations during the civil war, respond to victims' needs, and promote reconciliation
- 2004 report determined that poor governance, corruption, human rights violations, and failure of leadership created the conditions for conflict
- Analyzed 9,000 personal statements, 200 written submissions from NGOs, and held more than 500 individual hearings

## The Special Court for Sierra Leone (SCSL)

- Sierra Leone government requested that the UN establish a court to try RUF members accused of human rights violations
  - Effort led by the Sierra Leone government, the UN, and international community
- Hybrid style in which Sierra Leonean and international law apply
- SCSL indicted 23 people, including Charles Taylor (former Liberian Pres.)
- Other activities:
  - Educates population of Sierra Leone about the principles of the rule of law and provides human rights and humanitarian law training to military, victims, students, and police
  - Ex-combatants serve as points of contact for outreach activities

## Institutional Reform

## Reparations

- LPA provided for a Special Fund for War Victims
- TRC had no mandate to provide reparations, but recommended two forms:
  - Service packages to provide for the needs of victims of the war (ex: free medical care, education, housing, mental health services)
  - Symbolic acts such as memorials to acknowledge the suffering of victims
- Civil society groups pressured government to create a victims' fund, which it did in 2006
  - Designated National Commission for Social Action (NaCSA) as implementing organization
- UN Peacebuilding Fund contributed \$3 million (USD) for reparations in 2008
  - Koroma government also contributed funds

### • **Sierra Leone Police (SLP)**

- Policing Charter (1998) suggested local needs policing to build trust between police and community
- Four reform measures: (1) community policing approach, (2) establishment of a Complaints, Discipline, and Investigations Department (CDID), (3) creation of Family Support Units (FSU) for women and children, and (4) addition of human rights education to officer training
- Few attempts to screen officers or recruits on human rights

### • **Republic of Sierra Leone Armed Forces (RSLAF)**

- 1999 Military Reintegration Program (MRP) established to create democratic civilian oversight of military, reform Ministry of Defense, and retrain soldiers who had joined rebellion
- Screening protocols not based on human rights criteria
- Recruits receive training on human rights and the role of military in democracy



# Evaluation

**SIERRA LEONE HAS REMAINED LARGELY  
PEACEFUL AND STABLE WITH NO MAJOR  
OCCURRENCE OF HUMAN RIGHTS VIOLATIONS**

***THOUGH SOME INSTABILITY, CRIME, AND CIVIL  
UNREST STILL EXIST***

## **TRUTH COMMISSION**

Established a record of fact + served as a platform for victims to air grievances & identify perpetrators.

Its recommendations included the creation of a new bill of rights, the establishment of independence for the judiciary, strengthening the role of parliament, and tighter control of security forces.

## **INSTITUTIONAL REFORMS + THE ESTABLISHMENT OF REPARATIONS**

# Discussion

---

What was your perception of Transitional Justice before/after this class?

Who should be present or participate in a peace process?

How do the labels “victim” and “perpetrator” impact justice?

# Questions

---

What are the advantages and disadvantages of “toolkit” peace processes?

Which marker of TJ do you find the most important?  
(Truth & Reconciliation, Trials, Reparations, Reform)

[insert your question here!]



# Bibliography

Bell, Christine. "Transitional Justice." Beyond Transitional Justice, 2022, pp. 89–98., <https://doi.org/10.4324/9781003169451-13>.

Kasdan, Marli. Peace or Justice?: Transitional Justice in Sierra Leone. 2017, <http://www.cornellpolicyreview.com/transitional-justice-drc-sierra-leone/?pdf=4213>.

Kent, Lia. "Rethinking 'Civil Society' and 'Victim-Centred' Transitional Justice in Timor-Leste." Civil Society and Transitional Justice in Asia and the Pacific, 2019, pp. 23–38., <https://doi.org/10.22459/cstjap.2019.01>.

Sesay, Mohamed Gibril, and Mohamed Suma. Transitional Justice and DDR: The Case of Sierra Leone. 2009, <https://www.ictj.org/sites/default/files/ICTJ-DDR-Sierra-Leone-CaseStudy-2009-English.pdf>.

"Sierra Leone." Sierra Leone | International Center for Transitional Justice, <https://www.ictj.org/location/sierra-leona#:~:text=ICTJ%20works%20with%20the%20government,community%2Dbased%20reconciliation%20and%20reparations>.

**T**



**H**



**A**



**N**



**K**



**S**