

## MODULE #8 HANDOUT: TRANSITIONAL JUSTICE AND ACCOUNTABILITY MECHANISMS

### Transitional Justice Mechanisms<sup>1</sup>

TYPE OF ACCOUNTABILITY MECHANISM	KEY ROLE IN PROMOTING JUSTICE
Trials or Legal Accountability	Targets individual wrongdoing (criminal trials) or state responsibility (United Nations, International Court of Justice, domestic courts or commissions).
Fact-Finding or Truth-Telling Bodies	Allows victims and survivors the ability to share and publicly legitimize their experiences. Can reveal previously unknown information about violence and can promote social healing.
Reparations	Makes amends to victims of violence, through restitution, compensation, official apologies, or other means.
Lustration and Vetting	Removes perpetrators and architects of violence from future governance structures.
Memorialization	Recognizes and preserves the memory of past violence. Educates future generations.
Legal and Institutional Reform	Incorporates lessons from the past into reformed laws, agencies, and political institutions to prevent abuses from recurring. Signals to survivors and society at large that the dynamics that led to mass atrocities will not be tolerated again.

<sup>1</sup> For more background and practical perspectives on justice and accountability after atrocities, see Sarah McIntosh, [Pursuing Justice for Mass Atrocities: A Handbook for Victim Groups](#) (United States Holocaust Memorial Museum, 2021).

### Foreign Legal Accountability: Jurisdictional Types

TYPE	DEFINITION	EXAMPLES
Extraterritorial Jurisdiction	A government may initiate a case when nationals—either victims or perpetrators—of the country where atrocities took place seek residence or citizenship on the government's territory.	The United States, France, Belgium, Canada, and other governments have initiated or completed investigations against Rwandan nationals who resided in those countries and who were accused of committing crimes during the Rwandan genocide.
Universal Jurisdiction	States may invoke the principle of universal jurisdiction, which is premised on the idea that some crimes are so heinous that any state can prosecute them, even if the state is not directly connected to the events in question.	Israel's prosecution of Adolf Eichmann in 1961; a Spanish court's indictment and subsequent attempt to extradite former Chilean dictator Augusto Pinochet in 1998

### Domestic and International Legal Accountability Mechanisms

MECHANISM	DEFINITION	EXAMPLES
Domestic Court	Ordinary court system and informal alternative justice	Rwanda: ordinary courts and gacaca; Central African Republic (CAR): ordinary courts
Specialized Chamber of Domestic Court	Specialized chamber operating within domestic system. Often has special applicable procedures and sometimes international funding and staff.	Rwanda: International Crimes Chamber; CAR: Special Criminal Court
Hybrid Court	Located <i>in situ</i> and embedded to varying degrees in the local justice sector. Local and international funding and staff.	Special Court for Sierra Leone (SCSL); Extraordinary Chambers in the Courts of Cambodia (ECCC)
Ad Hoc Tribunal	Created by the UN Security Council to prosecute crimes from a particular period and region.	International Criminal Tribunal for the Former Yugoslavia (ICTY); International Criminal Tribunal for Rwanda (ICTR)
The International Criminal Court (ICC)	ICC can assert jurisdiction as a court of last resort over member states, their nationals, and with UN SC referrals, respecting the norm of complementarity.	ICC investigations in Democratic Republic of Congo (DRC), Sudan, Uganda, Kenya, CAR, Côte d'Ivoire, Mali, and Libya