



# PURSUING JUSTICE FOR MASS ATROCITIES

A Handbook for Victim Groups  
*by Sarah McIntosh*

UNITED STATES  
**HOLOCAUST**  
MEMORIAL  
**MUSEUM**

SIMON-SKJODT CENTER  
FOR THE PREVENTION OF GENOCIDE

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THE UNITED STATES HOLOCAUST MEMORIAL MUSEUM (Museum) teaches that the Holocaust was preventable, had the warning signs been recognized and acted upon. In this spirit, the Museum's Simon-Skjoldt Center for the Prevention of Genocide (SCPG) strives to encourage worldwide action to prevent, halt, and promote justice and accountability for modern day acts of genocide and related crimes against humanity. Mindful of the irreparable devastation, harm, and trauma caused to victims and survivors, SCPG places particular importance on developing and strengthening efforts to prevent genocide and promote justice through its research, policy engagement, education, and outreach activities. Learn more at

[ushmm.org/genocide-prevention](https://ushmm.org/genocide-prevention).

This educational Handbook, from SCPG's Ferencz International Justice Initiative, aims to assist victim groups and those who work with them to develop strategies to advance justice for mass atrocities over the long-term.

The Museum expresses its gratitude to all of the individuals and groups who have participated in shaping this Handbook.

**Cover photo:** A mural created by the students who reside at the school is seen on the wall of the cafeteria at the Agahozo-Shalom Youth Village near Rwamagana, in Rwanda. (*AP Photo/Ben Curtis*)

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## PREFACE

*“We want justice.”*

THAT HAS BEEN the unifying sentiment shared with us over the years as we have met with Yazidi, Iraqi Christians, Rohingya, Syrian, Darfuri, and countless other survivors of genocide and related crimes against humanity. They desperately seek justice, but many victims of these crimes lack an understanding of how to pursue it. That is the void this Handbook intends to fill. It is a practical guide to educate victims in ways they can champion their cause in their own voice.

Modern conceptions of international justice were born out of the ashes of the Holocaust. What is often not realized is that survivors played little to no role in the International Military Tribunal at Nuremberg. The Tribunal’s cases grappled with the horrors endured by millions. Yet virtually no Jews or other victims of German crimes were part of the proceedings.

In the rare instances since then where international criminal justice has been pursued, this model has persisted, with victims laboring to have their voices heard. More often than not, formal justice is a fleeting hope. Although there is sporadic media—and at times policy—attention, the communities we work with are all too often neglected. Survivors often struggle to understand the legal avenues open to them, their rights, how to navigate complex legal systems, and ways to persuade the public and policy makers at the national and international levels to support the pursuit of justice.

This Handbook was designed as a practical tool to empower survivors of genocide and related crimes against humanity in their pursuit of justice. It describes core concepts, identifies strategies that have proved useful in certain contexts, and shares examples of challenges and successes.

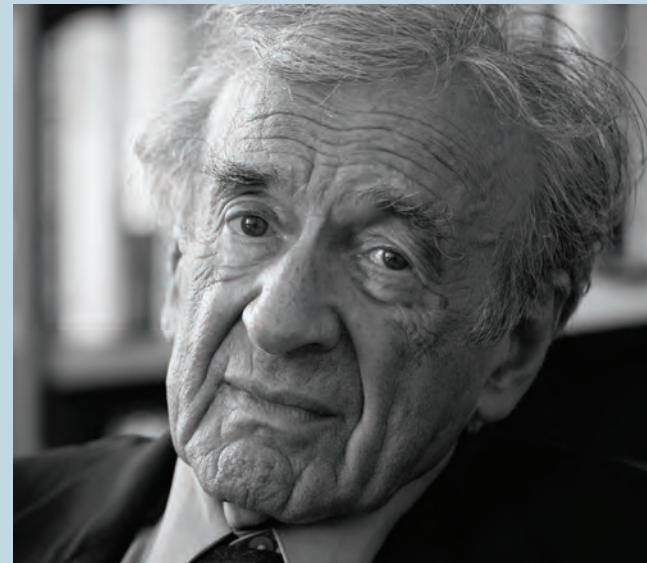
Throughout the Handbook we have provided examples that fall within the Simon-Skjodt Center for the Prevention of Genocide’s core mandate of genocide prevention and related crimes against humanity. However, in some instances we have drawn on other examples that do not meet that threshold in order to illustrate principles and approaches to justice that may be useful to victim groups.

We hope this will serve as a powerful and user-friendly educational resource for victims and advance goals often expressed by civil society, foundations, the US government and Congress, for example through legislation such as the Iraq and Syria Genocide Relief and Accountability Act of 2018, to support local groups in their desire for accountability. This Handbook aims to provide some answers to the questions so often posed to us by survivors of genocide and related crimes against humanity today.

In conceiving the Museum, Elie Wiesel envisioned that in addition to Holocaust education and remembrance, it would do for victims of genocide today what was not done for the Jews of Europe in the 1930s and 40s. In the 1979 President’s Commission on the Holocaust report, which proposed establishing the Museum, he wrote: “Of all the issues addressed by the Commission, none was as perplexing or as urgent as the need to insure that such a totally inhuman assault as the Holocaust—or any partial version thereof—never occurs again. The Commission was burdened by the knowledge that 35 years of post-Holocaust history testify to how little has been learned. Only a conscious, concerted attempt to learn from past errors can prevent a recurrence to any racial, religious, ethnic, or national group. A memorial unresponsive to the future would also violate the memory of the past.”

**Naomi Kikoler**

**Director, Simon-Skjodt Center for the Prevention of Genocide,  
United States Holocaust Memorial Museum**



**“A memorial unresponsive to the future would also violate the memory of the past.”**

**Elie Wiesel**

Photo: June 25, 2012, Elie Wiesel sits for a portrait at the US Holocaust Memorial Museum.  
*US Holocaust Memorial Museum*

## FOREWORD

by Benjamin Ferencz



Photo: October 2, 2018. Public Program, *Prosecuting Evil* film screening with post-discussion by Ben Ferencz and Anna Cave. US Holocaust Memorial Museum, courtesy of Benjamin Ferencz

IN 1947, AT THE AGE OF 27, I had my first glimpse into what it means to pursue justice for mass atrocities—crimes of tremendous proportions that shake the conscience of the entire world. In my role as chief prosecutor for the Einsatzgruppen trial in the Subsequent Nuremberg Proceedings, a milestone in beginning to achieve some measure of accountability for the Holocaust, my job was to prove beyond a reasonable doubt that the defendants were guilty of war crimes and crimes against humanity. (Genocide was not yet a legally recognized crime.) The defendants were commanders and officers of mobile killing units that had murdered over one million Jews and other civilians—including Roma and Communists—during World War II. Only a handful of individuals were indicted. Nevertheless, the court delivered guilty verdicts to all 22 of those individuals; 20 of the defendants were convicted of war crimes and crimes against humanity.

“Now in my 101<sup>st</sup> year, I am appalled that justice for mass atrocities today remains elusive.”

I have played a role in some of the extraordinary advances in this field, building on the work begun with the Nuremberg Trial—from the establishment of reparations programs for victims of Nazi crimes to the creation of the International Criminal Court—but important work remains to be done. In 2017, with this state of affairs in mind, I partnered with the United States Holocaust Memorial Museum, which has done so much to educate people about the history and lessons of the Holocaust, to launch the Ferencz International Justice Initiative. Reinforcing the legal principles, courts, and tools that I helped to develop, the Ferencz Initiative works to equip current-day victims of genocide, crimes against humanity, and related mass atrocities to seek justice and accountability.

This one-of-a-kind Handbook is something the Jews of Europe never had. It provides practical advice to victim groups on how to pursue justice for mass atrocities and is a vital contribution to the field of international justice. In my lifelong pursuit of a more peaceful and just world, I have used many of the tools and techniques described in this Handbook—from gathering evidence to negotiating for reparations programs to writing op-eds about the importance of international justice—to press decision makers to take action to advance justice and accountability. Victim groups face immense challenges in trying to advocate for their communities in the aftermath of mass atrocities. Unfortunately, the forces that push against justice and accountability are strong. It is my hope that by educating and empowering victim groups to serve as their own advocates for justice, this Handbook will make a lasting contribution to a more peaceful and just world.

I believe that supporting victims who have survived crimes against humanity is a fundamental legal and moral obligation that should become part of the prevailing law of all nations. This Handbook is intended to contribute to that noble effort.

It is always an honor to work with the United States Holocaust Memorial Museum, which shares my conviction that learning from the past is essential to shaping a different future.

Benjamin Ferencz

November 2020



# INTRODUCTION

AFTER 1945 as the world recognized the full horror and magnitude of the Holocaust—the systematic attempt to murder every Jew in Europe—there seemed to be a universal commitment: “Never again.” The term *genocide* was coined; the Genocide Convention was adopted; and new norms for international justice and accountability were established. And yet 76 years later, it is clear that the world has failed to live up to its aspiration. The United States Holocaust Memorial Museum established the Simon-Skjoldt Center for the Prevention of Genocide to do for victims of genocide today what was not done for the Jews of Europe. The Simon-Skjoldt Center produces research, analysis, education, and outreach in order to advance prevention, response, and justice for genocide and related crimes against humanity. Although the Center focuses on genocide and related crimes against humanity, the term *mass atrocities* is typically used by policy makers and practitioners to refer to those crimes in a single, nonlegal category. We use that term throughout this Handbook.

**This Handbook is an educational resource for victim groups that want to influence or participate in the justice process.**

Pursuing justice for genocide, crimes against humanity, and related mass atrocities requires societies to take steps to prevent the atrocities from recurring, to foster reconciliation, to promote healing, and to hold those responsible to account. This is a process that should not only serve but also be shaped by the needs and perspectives of victims and survivors; indeed, it should not and cannot truly occur without them. Yet all too often, justice processes exclude or sideline victims and survivors. This Handbook is an educational resource for victim groups that want to influence or participate in the justice process. While it does not provide advice tailored to every context in which victim groups may seek justice for mass atrocities, it serves a starting point from which victim groups can seek out specialized advice from experts for their specific situation. It presents a range of tools that victim groups can use, from building a victim-centered coalition and developing a strategic communications plan to engaging with policy makers and decision makers and using the law to obtain justice.

This Handbook is the first—or among the first—of its kind to provide practical strategies to victim groups seeking to advance transitional justice. Extensive academic and practical literature has emphasized that victims should play a role in advancing transitional justice, yet there is little guidance available in one place specifically for victim groups wishing to influence the transitional justice process. As an integral part of the United States Holocaust Memorial Museum, the Ferencz International Justice Initiative offers a unique perspective on transitional justice, rooted in the Museum’s founding principles and mission. Although this educational Handbook aims to broaden the conversation on transitional justice by

Photo right: Workers removing the signage from a former “Adolf Hitler-Straße” (street) in Trier 12 May 1945. U.S. Army, National Archives



putting victim groups and the strategies they undertake at the center, we do not aim to offer a one-size-fits-all approach for effective transitional justice. Rather, we hope others can build on our scholarship to continue to advance a more generous, more inclusive understanding of transitional justice.

This Introduction proceeds in five parts: first, to explain the structure of the Handbook and the subject of each chapter; second, to identify the audience for the Handbook; third, to define key terms used in the Handbook; fourth, to explain how the Museum developed this Handbook; and fifth, to provide a brief and nonexhaustive history of the role that victim groups played in advancing transitional justice after the Holocaust.

## What topics does this Handbook cover?

**THIS HANDBOOK IS DIVIDED INTO THREE PARTS:** first, understanding foundational concepts of justice for mass atrocities; second, generating support for justice efforts from key actors; and third, confronting the practical challenges of pursuing justice. Each of these parts includes chapters that are structured around and focus on the question that motivates this Handbook: *What can victim groups do to advance justice for mass atrocities?* The Handbook does not analyze this question from a theoretical perspective but rather aims to serve as a practical and pragmatic resource for victim groups that want to play an active role in advancing justice through the systems that currently exist to pursue justice for mass atrocities. This is not to suggest that any existing system is perfect or even that victim groups should accept the system as it is. As discussed throughout the Handbook, victim groups can play an important role in changing existing systems while simultaneously using the systems, despite their limitations and flaws, to achieve their desired outcomes.

Given that each chapter builds on the advice provided in previous chapters, the Handbook is designed to be read cover to cover. However, some readers may decide to focus on specific chapters as needed for their particular situation. The Handbook concludes with appendixes that provide contact information for a list of experts on the topics discussed in each chapter as well as a list of key resources for readers to consult.

### Part I Understanding foundational concepts of justice for mass atrocities

The first part of this Handbook discusses foundational concepts relating to justice for mass atrocities. **Chapter 1** presents the framework of transitional justice measures as a way to build incrementally toward peace and justice over the long term in the aftermath of mass atrocities. Specifically, it addresses the role that victim groups can play in reparations programs, memorialization efforts, truth commissions, the search for missing persons, measures of non-recurrence, public apologies, and reconciliation efforts. Building on the foundation laid in Chapter 1, **Chapter 2** explains how victim groups can use the law to seek justice and accountability for mass atrocities. It provides an overview of different legal processes, from human rights mechanisms to criminal trials and civil cases. It discusses the role that victims can play, individually or as a group, in using these tools.

### Part II Generating support for justice efforts from key actors

The next chapters of the Handbook aim to help victim groups develop strategies to garner support for their justice efforts from key actors. At the core of these chapters is the recognition that ending impunity and advancing meaningful forms of justice for mass atrocities requires time, resources, political will, and a social commitment to change. **Chapter 3** discusses building inclusive and sustainable victim-centered coalitions as a means of generating a broad base of support from diverse communities. **Chapter 4** discusses information that victim groups can gather to support justice efforts. This chapter focuses on information other than evidence about specific crimes that can be valuable to justice processes, such as background information about the conflict's context or names of people who are missing. The focus is on more general types of information to support justice; gathering specific evidence of atrocities requires specialized training and supervision that is beyond what this Handbook can provide. **Chapter 5** provides advice on engaging privately with political and diplomatic actors who can make decisions that advance justice. **Chapter 6** explores how victim groups can use media and public outreach to build the demand for justice among public audiences.

### Part III Confronting the practical challenges of pursuing justice for mass atrocities

Part III of the Handbook offers advice to victim groups on confronting some of the practical challenges that may arise in their pursuit of justice for mass atrocities. **Chapter 7** provides advice about some of the common risks that victim groups may encounter when pursuing justice. It discusses risks to people, to the advocacy effort, and to information that may be stolen, leaked, lost, or destroyed. Advancing justice also requires funding and support, but gaining access to these resources can be difficult for victim groups. **Chapter 8** provides advice on identifying the types of support that might be needed for a particular justice effort and the ways that victim groups can obtain it.

## Who is the intended audience of this Handbook?

**THIS HANDBOOK IS FOR VICTIM GROUPS** that are looking for tools and strategies to pursue justice for mass atrocities. While victim groups with experience working in coalitions and engaging in justice processes may be better positioned to implement some of the advice shared in this Handbook, other audiences may also find this Handbook useful, including the following:

- Individual victims and survivors of mass atrocities who do not belong to victim groups but are interested in learning more about justice and what victim groups can do to advance it
- Victim groups and individual victims that have experienced violations, such as widespread human rights abuses, for which similar transitional justice options may be available
- Those who work closely with victim groups on justice and related programming, but who are not themselves members of victim groups
- Community leaders who have witnessed atrocities and want to champion the call for justice on behalf of victims



- Descendants of victims of historical crimes and violations for which similar transitional justice options may be available
- Those in the international community who are responsible for designing or implementing justice processes after mass atrocities and wish to learn how to support victim groups that engage in these processes

## How did the Museum develop this Handbook?

FORMER DIRECTOR OF THE FERENCZ INITIATIVE, ANNA CAVE, developed the idea for this Handbook in November 2017 when the Museum convened over 70 civil society actors and experts in Washington, DC to discuss strategies for victim groups to advance justice after mass atrocities. Sareta Ashraph, Reed Brody, Nerma Jelacic, Dr. Riva Kantowitz, Prof. Naomi Roht-Arriaza, and Prof. Beth van Schaack wrote five-page memos for this convening that informed early draft chapters. Former Senior Legal Advisor Erin Rosenberg provided invaluable advice on how to make the Handbook useful for victim groups, and Megan O’Mahony provided exceptional assistance in research and drafting.

The Museum consulted over 90 experts, practitioners, civil society actors, and victim group representatives. Much of the advice in this Handbook draws on their expertise and lessons learned from past cases. In September 2020, the Museum conducted a workshop series focusing on each chapter of the Handbook to receive feedback and discuss complex issues with civil society actors, practitioners, and experts.

The Museum also partnered with the International Human Rights Clinic at Harvard Law School to conduct interviews and research for this Handbook. The team of students, led by Lecturer on Law Yee Htun, included Allie Bian, Makaiya Bullitt-Rigsbee, Shayan Edalati, Conor Hartnett, Riley Hawkins, Mark Jorgensen, Cassie Rasmussen, and Shanil Wijesinha.

## Definition of key terms

THIS SECTION DEFINES some key terms used in the Handbook. Some of these terms—such as *victims* and *survivors*, *victim groups*, *victim-centered coalitions*, *mass atrocities*, and *justice*—help define the Handbook’s scope. These are terms that relate to the topics the Handbook covers (and those it does not cover). Other terms defined here—such as *amnesty*, *jurisdiction*, and *sanctions*—are technical terms that appear frequently in the Handbook. The Handbook also uses other terminology not defined here; rather, these terms are defined when they appear in the text.

### Terms to help clarify the Handbook’s scope

The Simon-Skjodt Center for the Prevention of Genocide focuses on preventing, responding to, and redressing contemporary acts of genocide and related crimes against humanity. While the Center has this specific focus, this Handbook may also be useful to victims and survivors who have experienced other mass atrocity crimes.

## Mass atrocities

This Handbook uses the term *mass atrocities* to refer to instances of genocide, crimes against humanity, and war crimes, as defined below:

- **Genocide** occurs when a person, organization, or state commits an act with the intention to destroy, in whole or part, a national, ethnic, racial, or religious group. These acts include but are not limited to killing or causing serious bodily or mental harm. A full description of genocidal acts can be found in the Convention for the Prevention and Punishment of the Crime of Genocide.

**See:** UN General Assembly Resolution 260/III, Adoption of the Convention on the Prevention and Punishment of the Crime of Genocide, and Text of the Convention, A/RES/260(III), 78 U.N.T.S. 277 (December 1948, entered into force January 12, 1951), [https://undocs.org/en/A/RES/260\(III\)](https://undocs.org/en/A/RES/260(III)); International Criminal Court, Rome Statute of the International Criminal Court (1998), Art. 8.

- **Crimes against humanity** refers to crimes such as murder, torture, enslavement, rape, and other inhumane acts committed as part of a widespread or systematic attack directed against any civilian population.

**See:** International Criminal Court, Rome Statute of the International Criminal Court (1998), Art. 7.

- **War crimes** refers to unlawful acts that are linked to an international armed conflict or a civil war. The four 1949 Geneva Conventions and two 1977 Additional Protocols define lawful and unlawful conduct in armed conflict. Some currently recognized war crimes are codified in the Rome Statute of the International Criminal Court (ICC).

**See:** International Criminal Court, Rome Statute of the International Criminal Court (1998), Art. 8; Geneva Convention for the Amelioration of the Condition of Wounded and Sick in Armed Forces in the Field, August 12, 1949, 6 U.S.T. 3114, 75 U.N.T.S. 31; Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, August 12, 1949, 6 U.S.T. 3217, 75 U.N.T.S. 85; Geneva Convention Relative to the Treatment of Prisoners of War, August 12, 1949, 6 U.S.T. 3316, 75 U.N.T.S. 135; Geneva Convention Relative to the Protection of Civilian Persons in Times of War, August 12, 1949, 6 U.S.T. 3516, 75 U.N.T.S. 287; Protocol Additional to the Geneva Convention of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts, June 8, 1977, 1125 U.N.T.S. 3; Protocol II Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of Non-International Armed Conflicts, June 8, 1977, 1125 U.N.T.S. 609.

## Victims and survivors

In this Handbook, we use the terms *victim* and *survivor* to refer to people who have been harmed physically, mentally, socially, or economically in the context of mass atrocities. In areas that have experienced widespread or sustained violations, the majority of people in a given demographic may be both victims and survivors. This Handbook aims to encourage all victims and survivors wishing to press for justice to be active participants in justice efforts.

#### Note

While the Handbook generally uses the term *victim*, it should be read interchangeably with the term *survivor*, as different people may identify more strongly with one term over the other. Some people may prefer the term survivor, finding it to be more empowering and reflective of their desire to not be defined by negative past experiences.

The term *victim* can also refer to a legal status. According to the UN Basic Principles on the Right to a Remedy and Reparation for Victims of Gross Violations of Human Rights and Serious Violations of International Humanitarian Law (Basic Principles), victims

*are 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.*

In some situations, family members, first responders who assisted the direct victim, and those who witnessed the traumatic event may also be recognized as victims. As the Basic Principles recognize, the status of victim carries a number of rights, including the right to a remedy and reparation. However, some victims are never officially recognized as such, nor are their rights to a remedy and reparation always satisfied.

**See:** UN General Assembly Resolution 60/147, Basic Principles and Guidelines on the Right to a Remedy and Reparation for the Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, A/RES/60/147 (March 21, 2006), para. 8, <https://undocs.org/A/RES/60/147>.

#### Victim groups

Victim groups that are interested in pursuing justice for mass atrocities are the primary intended audience of this Handbook. The term *victim group* encompasses groups of varying sizes, formality, and structure and include associations, networks, organizations, coalitions, and consortiums that focus on issues relevant and important to victims and survivors. Victim groups can usually be described as follows:

- They include or employ victims of mass atrocities, as well as community leaders, members of civil society, or other experts.
- They work with or are connected with one or more affected communities.

#### Coalitions and victim-centered coalitions

This Handbook follows the definition of *coalition* advanced by researchers Leftwich and Hogg, who use the term to refer to a collective made up of groups or organizations that decide to work together to solve shared problems or achieve shared goals. Coalitions can organize themselves in many different ways, but they usually have the following characteristics:

- Shared goals or a shared vision for the future
- Agreed approaches to decision making
- Diverse and inclusive membership

**See:** Adrian Leftwich and Steve Hogg, “The Case for Leadership and Primacy of Politics in Building Effective States, Institutions and Governance for Sustainable Growth and Social Development” (Developmental Leadership Program, Background paper no. 1, November 2007), para. 6.

The term *victim-centered coalition* refers to two or more victim groups that have decided to come together to pursue their common goals for justice. Their priorities and their geographic, social, and cultural backgrounds may differ, but they are unified around a common justice goal.

#### Note

Victims of other crimes, violations, and injustices that do not qualify as mass atrocities can still be important members of a victim-centered coalition fighting for justice for mass atrocities. Communities that have experienced mass atrocities may find solidarity with other communities that were also targeted, even if the crimes they suffered were of a different nature.

#### Justice

The word *justice* means different things to different people and groups. This Handbook uses the term to refer to “an ideal of accountability and fairness in the protection and vindication of rights and the prevention and punishment of wrongs,” as the UN Secretary-General has referred to it. It requires a process that not only upholds the rights of the accused but also considers victims’ and society’s interests and well-being.

Victims of mass atrocities have a right to justice, though this should not be considered the same as a right to a specific outcome. For example, in cases where victims seek to achieve justice through criminal accountability, there is no right to a conviction; rather, victims have the right to an effective and prompt investigation that may lead to those responsible being identified, prosecuted, and convicted.

**See:** 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>.

To make the concept of justice more practical and concrete, this Handbook uses the framework of transitional justice, which the United Nations (UN) defines as

*the full range of processes and mechanisms associated with a society’s attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation.*

As discussed in the following chapters and as the UN has noted, transitional justice

*includes both judicial and non-judicial mechanisms, with differing levels of international involvement (or none at all) and individual prosecutions, reparations, truth-seeking, institutional reform, vetting and dismissals, or a combination thereof.*

**See:** 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. 8.

## Technical terms

### Amnesty

*Amnesty* is a controversial and important topic in international criminal law. In essence, amnesties retroactively shield those responsible for certain crimes from prosecution or ensure that perpetrators will receive reduced sentences. Some believe amnesties are valuable because they encourage people to speak honestly about and admit to past wrongdoing. Others believe amnesties should not be offered because they allow people to avoid punishment and do not help to break cycles of violence. It is unlawful under international law to provide blanket amnesties for international crimes.

**See:** Transitional Justice Institute, *The Belfast Guidelines on Amnesty and Accountability* (Belfast: University of Ulster, 2013), [https://www.ulster.ac.uk/\\_data/assets/pdf\\_file/0005/57839/TheBelfastGuidelinesFINAL\\_000.pdf](https://www.ulster.ac.uk/_data/assets/pdf_file/0005/57839/TheBelfastGuidelinesFINAL_000.pdf).

### Jurisdiction

The term *jurisdiction* refers to the power or authority to administer judicial decisions. Jurisdiction encompasses not only the geographic boundaries of an institution's decision-making power, but also the issues and individuals over which that institution has decision-making authority. Each jurisdiction follows different rules, but knowing whether the jurisdiction belongs to the common law tradition (first developed in England) or the civil law tradition (first developed in continental Europe) can be helpful. These traditions can reveal factors that inform justice strategies, such as how laws are established, the rules of evidence and procedure, the role of victims and witnesses in proceedings, and the role of the judiciary.

In this Handbook, *jurisdiction* may occasionally be substituted for a more colloquial term such as country, but jurisdiction is usually preferred because some of the relevant judicial bodies (the ICC, for example) are not geographically bound to one country.

### Sanctions

*Sanctions* (sometimes called *restrictive measures*) are policy tools that aim to protect fundamental interests—such as human rights, the rule of law, peace, and security—by discouraging or making it difficult for specific individuals, entities, or governments to continue corrupt or violent activities. These tools include

- Banning travel to prevent individuals from entering or leaving a country or region
- Freezing assets to prevent sanctioned individuals, entities, or governments from getting to the funds they need to continue their activities
- Restricting or prohibiting trade, investment, and other commercial activity with these individuals, entities, or governments
- Creating arms embargoes to prevent or restrict trade in or use of arms, including weaponry, ammunition, protective attire, and military vehicles
- Imposing diplomatic sanctions to interrupt formal relations with a country, which may include canceling high-level government visits and expelling or withdrawing diplomatic staff

Sanctions are discussed in more detail in [Chapter 5](#).

## The role of survivor groups in advancing transitional justice after the Holocaust

THIS SECTION, WRITTEN BY MEGAN O'MAHONY (consultant, Simon-Skjoldt Center for the Prevention of Genocide), offers a brief and nonexhaustive history of the role that survivors played in advancing transitional justice after the Holocaust.<sup>1</sup> Redressing and reckoning with the Holocaust is a process that has spanned many decades and continues to this day. Given that the Holocaust affected millions of people in multiple countries, reconciliation is a transnational endeavor that involves various initiatives in several countries. Survivors of the Holocaust experienced processes of redress and reckoning differently; there was not a single common experience of post-Holocaust justice. It is beyond the scope of this brief introduction to provide a comprehensive history of these efforts. This section is not intended to be a checklist for a one-size-fits-all approach to transitional justice, nor is it meant to be an exhaustive history of post-Holocaust justice.

Instead, this introduction previews a number of key topics that appear in the Handbook: reparations; advocacy with political actors; memorializing the past; using the law to access justice; searching for missing persons; measures of non-recurrence; gathering and sharing information about mass atrocities; and building sustainable victim-centered coalitions. The aim of this section is to shed light on the nature and extent of survivor group involvement in efforts to pursue justice after the Holocaust. It offers inspiration and hope to current-day victims of mass atrocities about what victims can achieve. It also shares some valuable lessons learned.

### The Holocaust and its aftermath

The Holocaust was the systematic, state-sponsored persecution and murder of six million European Jews by Nazi Germany and its collaborators from 1933 to 1945. This event is also sometimes referred to as the *Sboab*, meaning *catastrophe* in Hebrew. After Adolf Hitler was appointed chancellor of Germany in January 1933, the Nazi regime implemented a series of radical, ideological policies that ultimately led to war and genocide. The Nazis targeted those groups that they considered to be a danger to their goals of racial purity and territorial expansion. They defined Jews on a pseudo-biological basis and deemed them an existential threat to Germany. Under the cover of World War II, the Nazi regime and its collaborators waged a genocidal campaign against European Jews. By 1945, six million out of a population of nine million Jewish civilians were killed. Nazi Germany persecuted and murdered millions of others, including Roma, Poles, and other Slavic people, Soviet prisoners of war, gay men, Jehovah's Witnesses, people with disabilities, and political opponents such as Communists and Socialists. The range of crimes committed by the Nazis was vast and included mass theft, deportation, forced labor, and ultimately mass murder. The Holocaust would not have been possible without the acquiescence or complicity of millions of ordinary people across Europe.

After 12 years in power, the Nazi regime came to an end in May 1945 with the country's total defeat in World War II. The victorious powers, known as the Allies, included the United States, Great Britain, the Soviet Union, and France. These

<sup>1</sup> Note: While the term *victim* is used throughout the Handbook, this introductory section uses the term *survivor*.



nations would be responsible for shaping Germany's, and Europe's, future. As Allied troops advanced through Europe, they encountered Nazi concentration camps, killing centers, and other evidence of crimes on a massive scale. But for those who had survived the camps or survived the war in hiding or in resistance movements, the suffering was far from over. Most of the survivors had lost their homes and families, and for many, their entire communities were completely destroyed, their property stolen. They had experienced and witnessed unimaginable violence and faced long-term health problems from illness and severe malnutrition.

In some cases, Jews returning to their homes in Eastern Europe were attacked or murdered in violent antisemitic riots. Hundreds of thousands of surviving Jews became refugees in Europe, where many were stranded for years in displaced persons camps while hoping to emigrate to more hospitable and safe countries. People searched for family members from whom they had been separated for years and started to rebuild their lives as best they could before emigrating elsewhere. Many Jews chose to emigrate to the United States or the British Mandate for Palestine, which became the state of Israel in May 1948.

Postwar Europe was in a state of economic devastation and political uncertainty. Germany and its capital, Berlin, had been divided into four occupation zones, one for each of the four major Allied powers (Great Britain, the United States, France, and the Soviet Union). While the Allies had agreed to demilitarize, denazify, and democratize Germany, the process of implementing these goals differed in each of the occupied zones. In 1949, the growing tension between the Communist Soviet Union and the liberal democratic Western Allies (Great Britain, the United States, and France) was solidified with the creation of two German states: the German Democratic Republic (known as East Germany) and the Federal Republic of Germany (known as West Germany). The two states were on opposite sides of the Cold War: East Germany was under Soviet influence; West Germany was aligned with the Western nations. Their vastly different ideological frameworks and systems of governance complicated the pursuit of justice for Nazi crimes into the 1950s and beyond.

The Allies had promised to punish perpetrators, even before the war was over.<sup>2</sup> In 1943, representatives from over a dozen countries established the United Nations War Crimes Commission to investigate Nazi crimes and identify the alleged perpetrators. Despite goodwill and unity of purpose, addressing and redressing crimes so grave, immense, and widespread as those perpetrated during the Holocaust presented extraordinary challenges.

### Survivors strategize for transitional justice

*Transitional justice* refers to a range of tools that aim to help societies come to terms with legacies of mass atrocity and violence. The term, which is discussed in further detail in **Chapter 1**, was not coined until the 1990s, but historians have sometimes referred to the period after the Holocaust as transitional justice *avant la lettre* (“before the term existed”).<sup>3</sup> Seeking justice for Nazi crimes, survivors and survivor groups made strategic use of the tools available to them. Some of these tools were

enacted immediately through grassroots initiatives, while others required survivors to gradually build momentum and put pressure on state powers and private actors. The case of the post-Holocaust period demonstrates that transitional justice is a long-term process, one that remains an ongoing pursuit for Holocaust survivors and their descendants. This introduction discusses some of the tools created and used by these survivors.

### Using law to access justice and accountability

The Nuremberg Trial is one of the best-known examples of post-Holocaust transitional justice. At the International Military Tribunal (IMT) at Nuremberg, the Allies prosecuted 22 defendants who represented a cross section of German society. The defendants were selected to show how different sectors, such as the media, business, and government, were complicit. Genocide, a term coined by Polish lawyer Raphael Lemkin in 1944, was not yet a legally recognized crime, so the Nazis on trial were convicted of war crimes and crimes against humanity.<sup>4</sup> As our colleagues at the International Criminal Justice Leadership Project explained in an unpublished brief, “The Nuremberg Trial of major war criminals demonstrated that leaders of national governments could be held responsible for their crimes under international law.”<sup>5</sup> Prosecutors at the IMT chose to rely primarily on documentary evidence from the alleged war criminals themselves, rather than testimonial evidence from victims.<sup>6</sup> Not only did authorities see documentary evidence as more reliable, but it also helped to expose the guilt of the German leadership to the German people through German documentation.

After World War II ended, the Allies established courts in each of their occupied zones in Germany to prosecute German officials for their role in the commission of war crimes, crimes against peace, and crimes against humanity. American military tribunals in Nuremberg, Germany, presided over 12 major proceedings against leading German industrialists, military figures, SS perpetrators (the Nazi paramilitary organization), and others. These are known as the Subsequent Nuremberg Trials. Many lower-level perpetrators were also put on trial in Germany and other European countries, where victim testimony was a more prominent and important component of the prosecution.<sup>7</sup> However, most perpetrators were never tried for their crimes.

### Pursuing reparations

As a result of the Holocaust, there was an international attempt to reckon with the past that acknowledged the needs and interests of individual survivors. Previous attempts to pursue justice after mass atrocities, such as the Yozgat courts-martial that were established to try those responsible for crimes committed during the Armenian genocide,<sup>8</sup> paid little attention to the impact of international crimes on

<sup>2</sup> Unpublished internal brief from the International Criminal Justice Leadership project on transitional justice efforts after the Holocaust.

<sup>3</sup> Annette Weinke, “West Germany: A Case of Transitional Justice Avant la Lettre?” in *Transitional Justice and Memory in Europe (1945–2013)*, ed. Nico Wouters, (Cambridge: Intersentia, 2014), 25–26, <https://doi.org/10.1017/9781780684888>.

<sup>4</sup> Todd F. Buchwald and Adam Keith, “By Any Other Name: How, When, and Why the US Government Has Made Genocide Determinations” (Washington, DC: United States Holocaust Memorial Museum, 2019), v and 15, accessed December 10, 2020, [https://www.ushmm.org/m/pdfs/Todd\\_Buchwald\\_Report\\_031819.pdf](https://www.ushmm.org/m/pdfs/Todd_Buchwald_Report_031819.pdf).

<sup>5</sup> Unpublished internal brief from the International Criminal Justice Leadership Project on transitional justice efforts after the Holocaust.

<sup>6</sup> Weinke, “West Germany,” 35.

<sup>7</sup> Steven Luckert (Senior Program Curator at the United States Holocaust Memorial Museum), interview with the author, August 5, 2020.

<sup>8</sup> Lina Laurinavičiute, Regina M. Paulose, and Ronald G. Rogo, “The Forgotten: The Armenian Genocide 100 Years Later,” in *Historical Origins of International Criminal Law: Volume 1*, eds. Morten Bergsmo, CHEAH Wui Ling, and YI Ping, FICHL Publication Series No. 20 (Brussels: Torkel Opsahl Academic EPublisher, 2014), <https://www.legal-tools.org/doc/e4e534/pdf/>.

individual victims. Other historical reparations programs, such as that awarded in the 1928 case concerning the Chorzów factory (an industrial dispute, not a mass atrocity case), had framed the award as a harm to the state as opposed to individual victims.<sup>9</sup>

*Reparations* are measures—financial and nonfinancial—made by those responsible for serious crimes or human rights violations to repair the harm caused to victims and to account for their actions. [Chapter 1](#) discusses this topic in more detail.

Before the end of the war, some Jewish organizations in the United States expressed hope that victims might receive reparations for the harms inflicted upon them at the hands of the German government. It was not until 1951, however, that the West German government took steps toward compensating victims of the Holocaust. After negotiating with the Conference on Jewish Material Claims Against Germany (known as the Claims Conference), an umbrella body formed by 23 major Jewish organizations to seek financial recompense, West Germany allocated DM 450 million (over US\$1 billion in 2020) of the initial agreement to these groups to fund their own direct relief, rehabilitation, and resettlement programs for Holocaust survivors. The agreement, one of many examples of reparations, also set up laws to allow individual victims to pursue direct compensation for harm or loss due to Nazi crimes and provided for payments to the state of Israel as a formal representative of the Jewish people.<sup>10</sup> Later initiatives, such as the Goldmann Hardship Fund, which “was established in 1981 for victims of Nazi persecution who emigrated from East Europe after 1965,”<sup>11</sup> also provided reparations to victims.

While no amount of money could repair the harm and loss the Nazis caused, some survivors welcomed the symbolic act of compensation. However, not all survivors wanted to receive reparations, seeing such payments as “blood money” or a way to buy forgiveness for unforgivable acts.<sup>12</sup> The process for individuals to claim compensation was not straightforward, sometimes requiring survivors to participate in retraumatizing interviews as part of the evaluation procedure.<sup>13</sup> Moreover, initial reparations programs were only available to those that West Germany officially recognized as victims of “typical National Socialist injustice.”<sup>14</sup> This policy excluded large numbers of Jewish survivors, including the more than 200,000 Polish Jews who survived after deportation and enslavement in the Soviet Union, as well as Roma and Sinti people, gay men, and smaller survivor groups.<sup>15</sup>

Those forced to labor for private companies under the Nazi regime did not initially receive any compensation for their unpaid wages and suffering. Lawsuits against some well-known German companies resulted in some small settlements, but it was not until many years later that these survivors received some form of compensation.<sup>16</sup> In 2000, the German government established the Foundation Remembrance, Responsibility and Future (also known as EVZ, the acronym of its German name) to make one-off payments to living victims of Nazi forced labor. The Foundation paid a total of €4.34 billion to beneficiaries in 89 countries under the forced labor compensation program; half of these funds were collected as voluntary contributions from the implicated German companies.<sup>17</sup> In the 1990s, the United States appointed a Special Representative of the President and Secretary of State on Holocaust-Era Issues to pursue financial recompense on behalf of Holocaust survivors. This office obtained substantial settlements from the Austrian, French, German, and Swiss governments for restitution of property and bank accounts, payment for slave and forced labor, recovery of looted art, and insurance payouts.

### Memorializing the past

When the war ended, survivors were finally able to memorialize the lives and deaths of those the Nazis had killed. Makeshift memorials and symbolic graves were built in displaced persons camps, and both religious and secular ceremonies were held to honor the dead.<sup>18</sup> Members of former Jewish communities, who had scattered throughout the world, compiled and published communal memorial books (*Yizkor* books) as a record of the hometowns, cultures, and fates of Jewish communities destroyed in the Holocaust. Some *Yizkor* books included photographs of reburial processes undertaken by survivors attempting to restore some dignity and accordance with Jewish ritual.<sup>19</sup> The state of Israel opened its memorial Yad Vashem in 1953. A reunited Germany dedicated its national memorial in 2005.

### Searching for missing persons

Allied forces established the International Tracing Service (now known as the Arolsen Archives and overseen by the International Committee of the Red Cross) in 1943 with the stated goal of helping survivors to search for and learn the fates of missing family members.<sup>20</sup> Up until 2011, the general public could not gain access to the archive. Only Holocaust survivors and their family members could use it, and those seeking information were required to submit a formal request. Such

9 Case Concerning the Factory at Chorzów (Ger. v. Pol.), Judgement, 1927 P.C.I.J. (ser. A) No. 9 (July 26).

10 “History,” Claims Conference: Conference on Jewish Material Claims Against Germany, accessed December 10, 2020, <http://www.claimscon.org/about/history/>.

11 “Records Relating to the Conference on Jewish Material Claims Against Germany, Inc” United States Holocaust Memorial Museum, accessed January 15, 2021, <https://collections.ushmm.org/search/catalog/irn508138>.

12 Andrew Woolford and Stefan Wolejszo, “Collecting on Moral Debts: Reparations for the Holocaust and Pořajmos,” *Law & Society Review* 40, no. 4 (2006): 883, <https://doi.org/10.1086/690235>.

13 Ariel Colonomos and Andrea Armstrong, “German Reparations to the Jews after World War II” in *The Handbook of Reparations*, ed. Pablo de Greiff, (Oxford: Oxford University Press, 2006), 404, <https://oxford.universitypressscholarship.com/view/10.1093/0199291926.001.0001/acprof-9780199291922-misc-Matter-1>.

14 Julia von dem Knesebeck, *The Roma Struggle for Compensation in Post-War Germany* (Hatfield: University of Hertfordshire Press, 2011), 10 and 116, <http://library.open.org/handle/20.500.12657/30668>.

15 Ibid, 236.

16 “Less Than Slaves: Jewish Forced Labor and the Quest for Compensation,” BenFerencz.org, accessed December 10, 2020, <https://benferencz.org/books/less-than-slaves/>.

17 Günter Saathoff et al, eds., *The German Compensation Program for Forced Labor: Practice and Experiences* (Remembrance, Responsibility and Future Foundation, 2017), 23, <https://www.stiftung-evz.de/service/publikationen/monografien-sammelbaende/german-compensation-program.html>.

18 Rita Horváth, “The Role of the Survivors in the Remembrance of the Holocaust: Memorial Monuments and Yizkor Books” in *The Routledge History of the Holocaust*, ed. Jonathan C. Friedman (Abingdon: Routledge, 2011), 472, <https://doi.org/10.4324/9780203837443>; Boaz Cohen, “The Jewish DP Experience,” in *The Routledge History of the Holocaust*, ed. Jonathan C. Friedman, (Abingdon: Routledge, 2011), 472, <https://doi.org/10.4324/9780203837443>; “The Return to Life in the Displaced Persons Camps, 1945–1956: A Visual Retrospective,” accessed December 10, 2020, [https://www.yadvashem.org/yv/en/exhibitions/dp\\_camps/index.asp#remembrance](https://www.yadvashem.org/yv/en/exhibitions/dp_camps/index.asp#remembrance).

19 Gabriel N. Finder, “Final Chapter: Portraying the Exhumation and Reburial of Polish Jewish Holocaust Victims in the Pages of Yizkor Books,” in *Human Remains and Identification: Mass Violence, Genocide, and the Forensic Turn*, ed. Élisabeth Anstett and Jean-Marc Dreyfus (Manchester: Manchester University Press, 2015), 35–36, <https://www.jstor.org/stable/j.ctt1wnos24>.

20 “United States Holocaust Memorial Museum Calls for Immediate Access to Closed Archive: Moral Obligation Demands That Holocaust Records Be Available for Families of Victims,” news release, March 7, 2006.

requests often produced “inadequate or inaccurate” results that could take years to fulfill.<sup>21</sup> As the United States Holocaust Memorial Museum pointed out in 2006, this fact meant that “[m]any survivors die[d] each year not knowing details of family members’ deportation, incarceration, and death.”<sup>22</sup> It also meant that scholars and historians could not study the archives and gain important insights into the events of the Holocaust.

The Museum, together with Holocaust survivors, pressed the International Tracing Service to open the archive to the public.<sup>23</sup> After lengthy negotiations, they succeeded. For the first time, Holocaust survivors and their families as well as scholars and educators could freely gain access to the archives. With the support of allies like the Museum, survivors were able to use the archives to learn the stories of their family members, while scholars and historians gained access to a trove of valuable information about the events of the Holocaust.

### Measures of non-recurrence

The willingness of millions of people across Europe to tolerate or abet the Holocaust allowed it to be perpetrated on a huge scale. After the war, authorities sought to rid German society of these racist and antisemitic ideas in a process known as denazification. Those who had been members of the Nazi party or the SS (the Nazi paramilitary organization) and some Gestapo (secret police) agents were officially prohibited from holding public office, though enforcement was inconsistent. Many Germans who committed crimes or enabled criminal policies simply continued in their same roles and professions and received state pensions, among other benefits. These included convicted mass murderers, such as the nurses who gave lethal injections in the Nazi T4 euthanasia program. Different occupation zones in Germany and countries in Europe took different approaches to prosecuting local collaborators and German perpetrators of crimes committed against the citizens of that country. Many of these processes were scattershot and left incomplete because of a desire to prioritize Europe’s future political and economic stability. As Cold War tensions mounted, trials in Germany and elsewhere decreased in popularity, and many perpetrators’ sentences were reduced.

In recent decades, local grassroots organizations across Europe have taken up the responsibility of educating their communities about what happened in their towns during the Holocaust. These initiatives range from studying the Jewish communities of local towns, villages, and cities to memorializing the victims of the many relatively unknown concentration or labor camps in local areas. Various measures and activities, including public tours and commemorative plaques remembering individual victims, help to educate future generations about the crimes that took place in their own neighborhoods.<sup>24</sup>

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> “United States Holocaust Memorial Museum Lauds New International Tracing Service Agreement,” news release, December 9, 2011, <https://www.ushmm.org/information/press/press-releases/united-states-holocaust-memorial-museum-lauds-new-international-tracing-ser>.

<sup>24</sup> “Home,” Stolpersteine, accessed December 10, 2020, <http://www.stolpersteine.eu/en/home/>; “Historical Memory and Authentic Historical Sites—Virtual Encounters with Survivors and Witnesses through Jewish Historical Walks in Rural Towns—An Interactive Holocaust and Active Citizenship Education Program,” EEA Grants, accessed December 10, 2020, <https://eeagrants.org/archive/2009-2014/projects/HU05-0395>.

### Building sustainable victim-centered coalitions

Shortly after the Holocaust, Jewish survivors mobilized, forming groups to press for recognition, justice, and redress. The Conference on Jewish Material Claims Against Germany (the Claims Conference) is one prominent example. Formed in 1951, the Claims Conference brought together over 20 “major Jewish and international organizations” to press for “aid...[for] Holocaust survivors” in order to “rebuild...the Jewish communities of Europe.”<sup>25</sup> The following year, the Claims Conference negotiated with the West German government to “compensate Nazi victims directly” and receive funding “for the relief, rehabilitation, and resettlement of Jewish victims of Nazi persecution.”<sup>26</sup> The state of Israel joined these agreements. During the subsequent decades, the Claims Conference has worked tirelessly to “provide a measure of justice for Jewish Holocaust victims, and to provide them with the best possible care.”<sup>27</sup>

Other survivors like the Romani, an Indo-Aryan ethnic group that the Nazis had targeted during the Holocaust, also mobilized. The exact number of Romani victims of Nazi crimes is unknown, but at least 250,000 and up to 500,000 were killed by 1945. Persistent anti-Roma prejudice that labeled Roma as inherently criminal meant those survivors were deemed ineligible to receive initial reparations from the West German government.<sup>28</sup> The surviving Romani community did not have organizational structures in place to attract the allies, resources, or the media attention needed to successfully advocate for justice.<sup>29</sup> Unlike the Jews, who overwhelmingly left Europe, the Roma remained there. Many Roma felt that mobilizing would further compromise their safety, so the limited efforts that did emerge failed to attract members.<sup>30</sup>

It was not until the late 1970s that large numbers of Romani Germans were able to safely mobilize to demand justice. The children of the survivor generation, who had not themselves experienced Nazi crimes, were inspired by the civil rights movement in the United States and encouraged by the increasing acceptance of minorities in West Germany.<sup>31</sup> Seizing this opportunity, they founded advocacy organizations that attracted intergenerational membership and gained important allies in high-profile Jewish Holocaust survivors.<sup>32</sup>

<sup>25</sup> “History,” Claims Conference: Conference on Jewish Material Claims Against Germany, accessed January 15, 2021, <http://www.claimscon.org/about/history/>.

<sup>26</sup> Ibid.

<sup>27</sup> “About Us,” Claims Conference: Conference on Jewish Material Claims Against Germany, accessed January 15, 2021, <http://www.claimscon.org/about/>.

<sup>28</sup> Claire Greenstein, “Patterned Payments: Explaining Victim Group Variation in West German Reparations Policy,” *International Journal of Transitional Justice* 14, no. 2 (2020): 10, <https://doi-org.gate3.library.lse.ac.uk/10.1093/ijtj/ijaa009>.

<sup>29</sup> Ibid, 6.

<sup>30</sup> Ibid, 11.

<sup>31</sup> Ibid, 14.

<sup>32</sup> Ibid, 16.



### Gathering and sharing information

Both during and immediately after World War II, survivor communities engaged in grassroots efforts that would lay crucial foundations for long-term transitional justice. Particularly important was the documentation of Nazi crimes against Jews. Despite unimaginable circumstances, Jews suffering at the hands of the Nazis documented what was happening to them even while the persecution was occurring.

In the Warsaw Ghetto, an urban prison zone where the Nazis forced hundreds of thousands of Jews to live in horrific conditions, historian Emanuel Ringelblum and a group of others imprisoned in the ghetto established a secret organization to record and collect documentation about life under Nazi occupation. The clandestine archive, known as *Oneg Shabbat* (“Sabbath Joy”), contained personal diaries, official decrees, and literature and art depicting life in the ghetto. Some of this material would later be recovered and used for Holocaust research and education around the world. Ringelblum and his team took great risks to preserve a culture that the Nazis were intent on destroying and to document Nazi crimes, acutely aware that they were unlikely to survive to offer firsthand testimony.

Some Jewish grassroots documentation efforts were formalized with the formation of historical commissions and centers that debated and published research guidelines to encourage safe, sustainable, and ethically robust documentation practices.<sup>33</sup> Some of this material was later used as evidence in war crimes prosecutions and helped determine eligibility for reparations.<sup>34</sup> Much of it continues to aid research and education in museums and archives around the world to prevent the Holocaust from being forgotten or denied. It also serves as a corrective against perpetrator-focused narratives.

### Advocating publicly for justice

Particularly effective in pressing on decision makers to implement justice measures was a hunger strike organized by Romani survivor groups at the site of the Dachau concentration camp in 1980.<sup>35</sup> The strike, covered by national and international media, included many aging Romani survivors wearing their old camp uniforms.<sup>36</sup> The West German government finally recognized the genocide of the Roma and set up a hardship fund of DM 100 million to provide compensation for some non-Jewish survivors, 37 years after the end of the war.<sup>37</sup>

Public institutions that document mass atrocity crimes can contribute to the advancement of justice. In addition to its memorial function, the United States Holocaust Memorial Museum educates the public on how and why the Holocaust happened and brings awareness to current acts of genocide and related crimes against humanity. The Museum sends a clear, compelling message that the Holocaust should never be repeated.

33 Laura Jockusch, *Collect and Record!: Jewish Holocaust Documentation in Early Postwar Europe* (Oxford: Oxford University Press, 2012), 3–5, <https://oxford-universitypressscholarship-com.gate3.library.lse.ac.uk/view/10.1093/acprof:oso/9780199764556.001.0001/acprof-9780199764556>.

34 Ibid, 43; Günter Saathoff et al. (ed), *The German Compensation Program for Forced Labor*.

35 Jockusch, *Collect and Record!*, 18.

36 Ibid.

37 Ibid, 18-19; Marilyn Henry, “Fifty Years of Holocaust Compensation,” *The American Jewish Year Book* 102 (2002), 22, accessed December 22, 2020, <http://www.jstor.org/stable/23604537>.


### The legacy of post-Holocaust transitional justice

The process of transitional justice for the Holocaust is ongoing and continues today. Prosecutions of Nazi war criminals have continued into the 21st century, reparations agreements are regularly revised to be more inclusive, and in Germany, training and curriculum requirements are in place in a concerted effort to prevent the spread of racist, antisemitic ideologies in schools and the police force.<sup>38</sup> Building on the early documentation work of survivors, museums and archives around the world are dedicated to safeguarding the memory of the Holocaust for generations to come.

So many years later, it is important to remember that these measures were by no means inevitable. Although the need to satisfy survivors’ demands for justice was not always the paramount interest, survivor groups and their allies were critical in building and maintaining the political will to advance justice for the crimes of the Holocaust. This work was not easy, nor was it successful in every avenue. There were major setbacks and disappointments for survivor groups as they fought tirelessly to achieve even a measure of justice for themselves and those who were lost. Most survivors were never able to receive formal measures of recompense in their lifetimes.

Nevertheless, the work of different survivor groups advocating for justice after the Holocaust provides valuable lessons to those seeking justice many years later, demonstrating how survivors can come together and strategically mobilize to achieve shared justice goals, even when society is resistant. This Handbook is for victims of genocide, crimes against humanity, and related mass atrocities who want to press for and participate in justice processes.

38 Katrin Bennhold and Melissa Eddy, “In Germany, Confronting Shameful Legacy Is Essential Part of Police Training,” *New York Times*, June 23, 2020, <https://www.nytimes.com/2020/06/23/world/europe/germany-police.html>; Stephen A. Pagaard, “German Schools and the Holocaust: A Focus on the Secondary School System of Nordrhein-Westfalen,” *The History Teacher* 28, no. 4 (1995): 546, <https://www.jstor.org/stable/494641>.



**UNDERSTANDING  
FOUNDATIONAL  
CONCEPTS OF JUSTICE  
FOR MASS ATROCITIES**

**PART ONE**



## CHAPTER ONE

# PURSuing AND USING TRANSITIONAL JUSTICE MEASURES

**Transitional justice is one possible framework for pursuing justice after mass atrocities.**

- Transitional justice involves many different measures that can occur in no set order or number.
- Transitional justice is a long-term process that sometimes takes decades.
- Victim groups can play a critical role in ensuring that these measures are victim centered.

**FOLLOWING WIDESPREAD ATROCITIES** that Indonesian forces and their allies perpetrated during their occupation of Timor-Leste between 1974 and 1999, and in the wake of post-referendum violence in 1999, the United Nations (UN) and the governments of Timor-Leste and Indonesia established multiple transitional justice mechanisms. Over an eight-year period, they created two truth commissions, launched four inquiries, established a community reconciliation program, and advanced dozens of criminal trials (primarily of low-level perpetrators) in domestic and hybrid courts with the stated aim of promoting truth, justice, reconciliation, and social healing. The UN truth commission created an urgent reparations scheme for “the most severely disadvantaged and vulnerable victims,” but no such regime has been created for all victims at the time of writing. Important though these initiatives were, they have fallen short of victims’ expectations of justice. As some commentators have noted, the transitional justice agenda overpromised and underdelivered, in part because those responsible lacked the political will to properly implement it. Nevertheless, despite predictions of revenge attacks on perpetrators for their role in the 1999 violence, intracommunal violence has not recurred in Timor-Leste during the difficult initial years of nation building. See: David Cohen and Leigh-Ashley Lipscomb, “When More May Be Less: Transitional Justice in East Timor,” *Nomos* 51 (2012): 257–315.

This chapter discusses how victim groups can use and pursue different transitional justice measures to build incrementally toward peace and justice over the long term. It discusses a range of measures, from reparations, memorialization efforts, and searching for missing persons to truth commissions, measures of non-recurrence, public apologies, and reconciliation efforts. This chapter does not discuss legal accountability mechanisms, a critical part of transitional justice, because **Chapter 2** addresses that topic in detail.

Photo: A mural created by the students who reside at the school is seen on the wall of the cafeteria at the Agahozo-Shalom Youth Village near Rwamagana, in Rwanda. (AP Photo/Ben Curtis)



## What is transitional justice and how does it work?

MASS ATROCITIES HARM VICTIMS, communities, societies, countries, and the whole world. With such devastating and far-reaching consequences, determining what justice for mass atrocities means is difficult. Transitional justice offers one framework that may help societies recover after mass atrocities. The concept of transitional justice emerged in the late 20th century after the collapse of Eastern European and Latin American regimes that had systematically violated their citizens' human rights and committed widespread abuses. Using new and existing tools, human rights activists sought to transform structures of oppression and impunity into more just systems in which marginalized groups had a say in decisions that affected them and in which those responsible for violations were held to account.

See: Louis Joinet, *Question of the Impunity of Perpetrators of Human Rights Violations (Civil and Political): Final Report Pursuant to Sub-Commission Decision 1996/119*, UN Economic and Social Council, Commission on Human Rights, U.N. Doc. E/CN.4/Sub.2/1997/20 (June 26, 1997), para. 2–4, <https://undocs.org/E/CN.4/Sub.2/1997/20>.

*Transitional justice* refers to a set of measures that aim to help societies understand the past, hold those responsible for abuses to account, repair the harm caused to victims, and take steps to prevent the past from repeating. The theory of transitional justice, as articulated in a 2004 report from the UN Secretary-General, is that separately or together, these processes can build incrementally toward justice, peace, and social healing after mass atrocities. Ideally, these initiatives should be developed and applied as part of a coherent policy. As efforts to grapple with events such as the Holocaust and the Troubles in Northern Ireland have shown, this process can take decades.

See: 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. 25–26, <https://undocs.org/S/2004/616>.

**Example:** On January 30, 1972, British army soldiers shot 26 unarmed civilians who were taking part in a peaceful civil rights march in Derry/Londonderry, Northern Ireland. Fourteen civilians died during the incident, which is now known as Bloody Sunday. Soon after the massacre, the Northern Ireland Civil Rights Association erected a memorial with the names of those shot in Derry, and the victims created a museum to tell the story of Bloody Sunday. A British government inquiry conducted in the immediate aftermath of the incident absolved the soldiers of responsibility by stating protestors had fired on them first. However, victims continued the demand for justice, eventually prompting a second British government inquiry. The inquiry, which concluded in 2010, found that those shot were unarmed civilians and that they had not fired upon soldiers. In light of the inquiry's findings, former prime minister David Cameron apologized and described the events of Bloody Sunday as “unjustified and unjustifiable.” In 2019, almost 50 years after the incident, public prosecutors in Northern Ireland announced that there was sufficient evidence to prosecute one of the British soldiers for murder. Some of the relatives of the victims of Bloody Sunday were devastated that only one person would be tried. Between 2018 and 2020, families of those who were killed received between £75,000 and

£625,000 in compensation from the British Ministry of Defence. See: “Bloody Sunday: What Happened on Sunday 30 January 1972?,” BBC News, March 14, 2019, <https://www.bbc.com/news/uk-northern-ireland-foyle-west-47433319>.

## What are the key components of transitional justice?

The following elements are critical components for achieving transitional justice:

- **Understanding the past**  
Understanding the scale and impact of past abuses on affected communities, which is sometimes called *truth seeking*, can be a formal or official process that requires international funding and substantial support from decision makers in the affected country. It may also involve less formal, smaller-scale initiatives that victim groups or civil society can undertake themselves.
- **Holding those responsible to account**  
Accountability mechanisms that aim to hold individuals and governments who are responsible for abuses accountable for their actions can acknowledge the seriousness of the harms that victims experienced and send a clear message that abuse and criminal behavior are not acceptable. Chapter 2 discusses these mechanisms in more detail.
- **Repairing the harm caused to victims**  
*Reparations* are measures taken by those responsible for serious crimes or human rights violations to repair the harm caused to victims and to account for the harmful actions. Reparations can take many forms, including restitution, compensation, rehabilitation, satisfaction, and steps to prevent conflict in the future.
- **Taking steps to prevent conflict in the future**  
When transitioning from conflict to peace and justice, governments and other public bodies involved in committing mass atrocities must take steps to eradicate corruption and abuse. These steps—sometimes called *measures* (or *guarantees*) of *non-recurrence*—aim to protect societies from the occurrence of large-scale violence and abuse. This effort usually requires multiple measures, such as constitutional change, removing criminals from government positions and ensuring that they are not promoted, reforming the security sector, and reintegrating fighters into society.

See: “What Is Transitional Justice?,” International Center for Transitional Justice, accessed November 9, 2020, <https://www.ictj.org/about/transitional-justice>.

### Note

In February 2019, the African Union adopted a Transitional Justice Policy, which sets common guidelines and standards to help African Union member states rebuild societies in the aftermath of violence and mass atrocities. The policy provides a framework and sets benchmarks for countries to develop their own policies for democratic and socioeconomic transformation and for achieving sustainable peace, justice, reconciliation, and social healing. See: African Union, *Transitional Justice Policy*, February 2019, [https://au.int/sites/default/files/documents/36541-doc-au\\_tj\\_policy\\_eng\\_web.pdf](https://au.int/sites/default/files/documents/36541-doc-au_tj_policy_eng_web.pdf).

## How do transitional justice measures interact with one another?

As former UN special rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence (special rapporteur) Pablo de Greiff has observed, different transitional justice processes may reinforce and build on each other, but they can also inhibit each other. On the one hand, transitional justice measures that are seen as less controversial, such as truth commissions, may pave the way for more controversial measures, such as criminal trials of senior perpetrators. Truth-seeking measures may also highlight important aspects of the conflict that can inform how decision makers design and implement reparations programs. On the other hand, truth commissions may use up all available political will for justice, blocking other efforts such as criminal trials and reparations programs. Thus in some cases, these different forms of justice may be in direct tension with one another. It is therefore important for victim groups to identify their own justice priorities and articulate them clearly to decision makers, noting that those priorities may change over the many years or decades it takes to receive justice.

**See:** Pablo de Greiff, *Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence*, U.N. Doc. A/HRC/21/46 (August 9, 2012), para. 22–27, <https://undocs.org/A/HRC/21/46>.

### Note

It is beyond the scope of this Handbook to discuss the many ways in which different transitional justice measures may interconnect and interact with one another. Instead, in the next section, the Handbook discusses each measure separately.

## What challenges does transitional justice aim to address?

Transitional justice aims to help societies address challenging questions that often arise in the aftermath of mass atrocities, including how to

- Confront the past without inspiring revenge
- Decide who to hold responsible for violations
- Restore public trust in institutions that perpetrated or failed to respond to mass atrocities
- Promote reconciliation and trust between divided communities
- Develop a shared history or collective memory
- Prevent the cycle of violence from repeating
- Repair the damage done to those who were harmed

Transitional justice is the leading framework for helping societies transform after periods of oppression, authoritarianism, conflict, and systematic violations and abuse. One way transitional justice mechanisms may do this is by addressing not only victims' direct suffering but also the preexisting inequalities that aggravated their suffering. This transformation may be of particular importance to victims who are members of groups more likely to be marginalized, such as women and those in lesbian, gay, transgender, queer, or intersex communities.

Given the gravity of the situations it aims to address coupled with its emphasis on holistic redress and repair, transitional justice is a valuable framework for helping societies pursue justice after mass atrocities.

However, transitional justice alone cannot accomplish the full process of political, social, and economic transformation required after mass atrocities. Development, humanitarian assistance, and peace-building measures, among other initiatives, may run in parallel to transitional justice processes.

**See:** Pablo de Greiff, *Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence*, U.N. Doc. A/HRC/21/46 (August 9, 2012), para. 43, <https://undocs.org/A/HRC/21/46>.

## How does transitional justice interact with the rule of law?

According to the UN secretary-general, the rule of law

*refers to a principle of governance in which all persons, institutions and entities, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards.*

The rule of law involves

*measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency.*

As former UN Secretary-General Kofi Annan observed, transitional justice can advance the rule of law in countries that have experienced mass atrocities in several ways, including by ending a culture of impunity for past wrongs and by exposing and removing compromised persons from public office.

**See:** 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. 6, <https://undocs.org/S/2004/616>.

After mass atrocities, the rule of law usually needs to be restored or, in some cases, established. As the special rapporteur observed, this is a process that can help societies recover from legacies of mass atrocities by giving the population confidence that there are legitimate and peaceful means available to redress wrongs and resolve disputes. However, establishing or restoring the rule of law after mass atrocities is difficult. Mass atrocities destroy institutions, deplete state resources, and traumatize societies. After widespread violations, political will for institutional reform is usually lacking, as is judicial independence, technical capacity, material and financial resources, and trust in government.

The process for establishing or restoring the rule of law differs across contexts. As the special rapporteur emphasized, the more the process involves national stakeholders—including affected communities—and responds to the local political context, the more fruitful it will be. Therefore, in the same way that victim groups can play an important role in advancing transitional justice, they can also contribute to establishing or restoring the rule of law.

**See:** Pablo de Greiff, *Report of the Special Rapporteur on the Promotion of Truth, Justice, Reconciliation and Guarantees of Non-recurrence*, U.N. Doc. A/67/368 (September 13, 2012), Part IV, <https://undocs.org/A/67/368>.

## How can informal, traditional, and community-based approaches help societies address the past?

Informal, traditional, and community-based approaches to understanding the past and resolving disputes can be a valuable way to address violations and abuses. Little is known about the efficacy of community-based approaches in post-conflict situations, but they have played a critical role in advancing transitional justice processes in a number of contexts. Often blended with formal, state-based justice mechanisms, traditional justice mechanisms may be effective when they

- Respond to local preferences and needs
- Help to repair and restore community relationships and allow perpetrators to reintegrate
- Emphasize the community dimension to criminal behavior
- Are an effective way to address large numbers of perpetrators who would otherwise overwhelm formal court processes

This is not to suggest that these mechanisms are necessarily easier to establish than formal justice processes. Indeed, they can be difficult to set up in cases where traditional memories of cultural practices have been ruptured—perhaps by the violence itself.

**Example:** In response to atrocities perpetrated during the Sierra Leone civil war of 1991 to 2002, a number of formal transitional justice mechanisms, including a hybrid tribunal and a Truth and Reconciliation Commission, were created. However, the consequences of conflict at a local level were difficult to address through these formal mechanisms alone. In 2008, a program called *Fambul Tok*—Krio for “family talk”—was set up in consultation with villages across the country to complement the work of the formal transitional justice measures. *Fambul Tok* builds on the tradition of resolving disputes within the security of the family through ceremonies—like truth-telling bonfires and cleansing practices—which had not taken place since before the war. The program works with communities on a long-term basis to promote reconciliation, understanding, acceptance, and forgiveness between victims and perpetrators. **See:** “Our Story,” *Fambul Tok*, accessed November 9, 2020, <https://fambultok.org/about/our-story>.

Like any justice mechanism, informal, traditional, and community-based approaches may also reopen wounds and disempower victims. As researchers Allen and Macdonald have observed, in some situations, these approaches may create a perception that perpetrators are not facing formal justice; in others, they may promote a one-sided version of the conflict; and in still others, governments may manipulate and control the process to support their own goals. Meanwhile, highly localized justice processes may create an impression that the conflict was a local issue rather than a national or international problem, even if it involved mass atrocities that are by definition a global concern. In addition, such processes may replicate and institutionalize ethnic, religious, generational, and gender hierarchies and silence marginalized groups. Traditional justice mechanisms may reinforce discriminatory structures that existed prior to the conflict. According to Allen and Macdonald, that reinforcement can be particularly damaging in cases where

the discriminatory structures are related to the outbreak of conflict. Finally, some international organizations argue that traditional justice mechanisms do not fulfill the duty under international law for states to prosecute mass atrocity crimes. Some of these challenges can be overcome by blending traditional methods with more formal justice measures that incorporate procedural safeguards—such as due process rights.

**See:** Tim Allen and Anna Macdonald, “Post-conflict Traditional Justice: A Critical Overview” (JSRP Paper 3, Justice and Security Research Program, 2013), 14, [http://eprints.lse.ac.uk/56357/1/JSRP\\_Paper3\\_Post-conflict\\_traditional\\_justice\\_Allen\\_Macdonald\\_2013.pdf](http://eprints.lse.ac.uk/56357/1/JSRP_Paper3_Post-conflict_traditional_justice_Allen_Macdonald_2013.pdf).

**Example:** Despite their many successes, the *gacaca* courts—a community-based mechanism introduced by the Rwandan government to manage the overwhelming number of low-level perpetrators awaiting trial for their role in the Rwandan genocide—have been criticized by some for favoring one ethnic group and forcing victims to publicly discuss their trauma. Meanwhile, in Timor-Leste, men dominated community reconciliation hearings, sidelining women, who were often unable to attend the meetings because of competing domestic obligations. **See:** World Bank, *World Development Report 2011: Conflict, Security, and Development*, (Washington, DC: World Bank, 2011), 167, <https://openknowledge.worldbank.org/handle/10986/4389> (discussing the *gacaca* courts).

## What role can victim groups play in different transitional justice measures?

**AFTER GUATEMALA'S 36-YEAR** internal armed conflict, ongoing threats to victims, witnesses, and judges made achieving transitional justice through official channels impossible. As a result, victim groups sought to establish a record of past events themselves, civil society organizations conducted exhumations of clandestine graves and massacre sites, and the Catholic Church led its own truth-seeking exercise. Later, the UN established a truth commission. Victim groups like the Association for Justice and Reconciliation also brought cases as private prosecutors (*querellantes adbesivos*); they built evidence, submitted legal motions and arguments, called witnesses during criminal trials, and laid the foundation for later cases of genocide, enforced disappearance, and massacres. Despite these important efforts, the influence of corruption and opposing security forces prevented justice processes from truly advancing. The eventual appointment of a new prosecutor, Claudia Paz y Paz, who was committed to prosecuting mass atrocity crime cases, finally led to official justice processes moving forward. Her appointment created an opportunity to advance the previous work of victims and civil society in building institutional capacity to prosecute crimes, creating a reliable record of past events, conducting forensic investigations, independently building criminal cases, and forming victims' associations. Senior military officials have now been convicted for mass atrocity crimes and corruption, indigenous populations have begun to receive judicial support, and many communities have been able to rebury their family members. However, justice has not yet met victims' expectations. Most notably, former



President Ríos Montt was convicted for the crime of genocide, but the verdict was annulled on procedural grounds before his death. **See:** Marta Martínez, “Impunity’s Eclipse: The Long Journey to the Historic Genocide Trial in Guatemala,” International Center for Transitional Justice, accessed November 10, 2020, <https://www.ictj.org/sites/default/files/subsites/guatemala-genocide-impunity-eclipse/>.

**Definition:** Amnesty International defines enforced disappearance as follows:

*Victims of enforced disappearance are people who have literally disappeared; from their loved ones and their community. They go missing when state officials (or someone acting with state consent) grabs them from the street or from their homes and then deny it, or refuse to say where they are. Sometimes disappearances may be committed by armed non-state actors, like armed opposition groups. And it is always a crime under international law.*

**See:** Amnesty International. *Enforced Disappearances*. Accessed February 10, 2021. <https://www.amnesty.org/en/what-we-do/disappearances/>. **See also:** International Convention for the Protection of All Persons from Enforced Disappearance, December 20, 2006, U.N.T.S.2716, 3, U.N. Doc. A/61/448 <https://undocs.org/A/61/448>.

Transitional justice processes often occur during periods of social and political change when decision makers at the highest levels of government agree to recognize and respond to past abuses. It is a framework that developed organically in contexts emerging from periods of authoritarianism and, according to the UN special rapporteur, requires “strong institutions, high degrees of capacity and a manageable set of potential beneficiaries.” However, even when there is no will for social and political transformation, where the scale of mass atrocities that have occurred is immense, and where institutions are weak, transitional justice offers an aspirational framework that may help advance the cause of justice. That said, and as the special rapporteur observed, transitional justice is not a model that can or should be “adopted in the same way in every place”; rather, it needs to be adapted to the needs of specific contexts.

**See:** Pablo de Greiff, *Report of the Special Rapporteur on Truth, Justice, Reparation and Guarantees of Non-recurrence*, U.N. Doc. A/HRC/36/50/Add. 1 (August 7, 2017), para. 82–84, <https://undocs.org/A/HRC/36/50/Add.%201>.

This section discusses different transitional justice measures and the role that victim groups can play in advancing them. Victim participation in transitional justice processes is not only a right protected under international law, it is also a critical part of their success. According to the UN special rapporteur, this participation can take a variety of forms, from joining “consultations, workshops, seminars, community meetings, debates, focus groups and in-depth interviews” to “direct involvement in transitional justice institutions.” Not only can their participation ensure that transitional justice measures respond to the diverse interests of different victim groups, it can also empower victims and expand their role in the public sphere. At the same time, and as the special rapporteur has observed, it can be a tremendous burden, involving “security risks, social risks, including stigmatization and isolation, economic costs and the risk of retraumatization.” Too often, states fail to establish the security measures and

psychosocial supports needed for successful victim participation in transitional justice programs.

**See:** Pablo de Greiff, *Report of the Special Rapporteur of the Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence*, U.N. Doc. A/HRC/34/62 (December 27, 2016), Part III, <https://undocs.org/A/HRC/34/62>.

**See also:** Diane Orentlicher, *Independent Study on Best Practices, Including Recommendations, to Assist States in Strengthening Their Domestic Capacity to Combat All Aspects of Impunity*, UN Economic and Social Council, Commission on Human Rights, U.N. Doc. E/CN.4/2004/88 (February 27, 2004), para. 11, <https://undocs.org/E/CN.4/2004/88>.

## Reparations programs

As noted above, reparations are measures taken by those responsible for serious crimes or human rights violations to repair the harm caused to victims and to account for the harmful actions. Individuals, private entities, and states may be ordered to make reparations, including through providing restitution, compensation, rehabilitation, satisfaction, and measures of non-recurrence. This section provides general answers to basic questions about reparations programs to help victim groups decide whether to press for reparations and if so, how to engage with decision makers about reparations programs.

### What forms can reparations take?

Reparations can be awarded to victims individually, but they may also benefit a group or category of people. In mass atrocities affecting large populations, both individual and collective reparations are usually appropriate and necessary. According to the UN *Basic Principles and Guidelines on Reparations*, reparations can take the following forms, whether individual or collective:

- **Restitution**, which aims to restore a person’s rights as far as possible, for example by returning their liberty, citizenship, job, education, or lost or stolen property
- **Compensation**, which is a monetary award—usually paid in the form of a lump sum, monthly amount, or tax break—available for loss of family member, function, or property, or when some form of economic relief is appropriate and proportionate in light of the harm experienced
- **Rehabilitation**, which makes medical services—including health care and psychological, psychiatric, and social assistance—available to those suffering from grief and trauma, as well as any relevant legal and social services to enable beneficiaries to function more fully
- **Satisfaction**, which involves measures to publicly acknowledge and raise awareness in society of the harm caused, such as, among others, apologies by those responsible, recovery of the remains of those killed or disappeared, incorporating an accurate account of past violence in educational curriculums, and uncovering and memorializing the truth about the past

- **Measures of non-recurrence**, which are efforts that aim to prevent the past from being repeated by reforming institutions, developing local conflict resolution measures, strengthening judicial independence, and promoting human rights standards across various sectors

See: UN General Assembly Resolution 60/147, Basic Principles and Guidelines on the Right to a Remedy and Reparation for the Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, A/RES/60/147 (March 21, 2006), para. 19-23, <https://undocs.org/A/Res/60/147>.

#### Note

Later sections of this chapter address some of these specific measures—such as memorialization, public apologies, measures of non-recurrence, and searching for missing persons—in more detail. This section focuses on large-scale administrative programs and court orders intended to distribute reparations to many victims.

#### Note

Because reparations acknowledge wrongdoing and the harm inflicted on victims, their value is often symbolic. This can be true even for very small acts of reparation.

### Do victims of mass atrocities have a right to receive reparations?

Victims of gross violations of human rights and serious breaches of international humanitarian law—which include victims of mass atrocities—have an internationally recognized right to appropriate, adequate, and prompt reparations. The UN Basic Principles and Guidelines on the Right to a Remedy and Reparation codifies this right. In cases where the harm can be attributed to a state, that state has an obligation to satisfy this right. Human rights mechanisms, truth commissions, and other bodies that have authority to make orders against states can press them to carry out this obligation. In criminal cases, which involve individual perpetrators or organizations, courts may have the discretion to order those convicted to make reparations. In such cases, the state has an obligation to ensure that all individuals within its jurisdiction have access to an effective remedy and reparations for gross violations of human rights and serious breaches of international humanitarian law, whether committed by a public or private individual or organization. However, many victims of mass atrocities never receive reparations and those who do may not receive them for years or even decades.

See: UN General Assembly Resolution 60/147, Basic Principles and Guidelines on the Right to a Remedy and Reparation for the Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, A/RES/60/147 (March 21, 2006), Part VII, <https://undocs.org/A/Res/60/147>.

### Who are “victims” for the purposes of reparations?

For the purposes of reparations, *victims* are people or institutions who suffered personal harm because of the serious crimes or violations that are the subject of the relevant reparations order. The crime or violation may have harmed the victim directly or indirectly. For example, family members of people who are forcibly disappeared may themselves be victims of distinct personal harm.

A reparations order may identify specific individuals who are eligible or criteria by which eligible individuals can be identified. To gain access to reparations, victims usually must provide evidence to show the link between their suffering and specific crimes or violations covered within a reparations order.

Given limited resources, not all victims benefit from reparations. Often, states and courts prioritize those who have suffered the most, through crimes such as extrajudicial killings, disappearances, sexual violence, torture, or those left seriously injured.

According to the UN special rapporteur, domestic administrative reparation programs may provide a broad range of reparations to a large number of victims, using lower evidentiary requirements than court orders, which are limited to the charges or claimants before them and often have higher evidentiary requirements. Officials may create separate programs to address those who have been forced to leave their homes, either through a compensation scheme or by returning their home or land. However, these programs can be contentious due to ongoing insecurity, changes in community identity, or new families now living in the lost property.

See: Pablo de Greiff, *Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence*, U.N. Doc. A/69/518 (October 14, 2014), para. 4, <https://undocs.org/A/69/518>.

### What role can victim groups play in designing reparations programs?

Victim groups can play a critical role in ensuring that any reparations program is meaningful and beneficial for the victims. Many of the problems that arise after a reparations program's design has been finalized are difficult to remedy and often result in eligible victims being excluded or in victims finding less reparative value from the program than was intended. It is therefore vital that victim groups engage in the reparations process while the program is still in the design phase. They may wish to advocate for

- A consultation period with victims and affected communities regarding their desires for the specific measures to be included in the program
- A flexible evidentiary standard for eligibility that takes into account the difficulties victims may encounter in obtaining and filing evidence to support their claims
- An application process that ensures access for displaced and refugee victims
- A prioritization process that will first address the urgent needs of the most vulnerable victims
- A rigorous and transparent monitoring and evaluation process to be undertaken once the reparations program is implemented

Victim groups can also provide invaluable assistance to those designing reparations programs by making sure that the views of particularly vulnerable victims are included, by providing information on the locations of displaced victim groups, and by ensuring that the programs' designs take into account the challenges affecting specific localities or subgroups of victims. Victim groups are often much more familiar with specific local experiences than national authorities are, and this information can help ensure that reparations programs are designed to address these differences from the beginning.

### How long does it usually take to process reparations programs?

After a reparations order has been made, many factors inform how long it takes for victims to receive reparations. Often reparations programs or court orders take 15–20 years to be fully realized because of ongoing violence, inaction of the state, or the time it takes victims to sufficiently recover and organize to claim redress. Legal, infrastructural, financial, programmatic, and security issues can all delay reparations implementation, sometimes indefinitely. Of all the forms of reparation, one-off payments of monetary compensation awarded by courts tend to have the highest and fastest implementation rate.

### How are reparations programs usually funded?

Governments of the country undergoing transition typically fund reparations programs. As the special rapporteur has noted, a dedicated budget line is critical to ensure the program's sustainability and to demonstrate political will to deliver reparations to victims that will typically operate for decades. In many cases, governments that are ordered to implement reparations programs never appropriate the necessary funds. Even when the funds are appropriated, the reparations program may not be enshrined into law, making it subject to changing governmental priorities. Victim groups have played an important role in pressing governments to fund reparations programs.

See: Pablo de Greiff, *Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence*, U.N. Doc. A/69/518 (October 14, 2014), para. 56, <https://undocs.org/A/69/518>.

**Example:** Guatemalan victim groups successfully lobbied the US government to condition its loans to the World Bank and the Inter-American Development Bank and its military aid to the Guatemalan government on implementing a reparations program for Chixoy dam victims. As a result of this pressure, the Guatemalan government agreed to pay US\$155 million in reparations to victims. At the time of writing, full implementation of the reparations program remains outstanding. See: Mark Tran, “Guatemala’s Indigenous Communities Boosted by Landmark Reparations Bill,” *Guardian*, January 17, 2014, <https://www.theguardian.com/global-development/2014/jan/17/guatemala-chixoy-dam-reparations-bill>.

According to the UN special rapporteur, “Most Governments that face calls for reparations argue that reparations are unaffordable.” However, he points out that they often make this claim without “any serious effort to quantify the costs.” Victim groups should be prepared to put pressure on decision makers to implement reparations programs despite this argument.

See: Pablo de Greiff, *Report of the Special Rapporteur of the Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence*, U.N. Doc. A/HRC/34/62 (December 27, 2016), para. 60, <https://undocs.org/A/HRC/34/62>.

### What challenges might arise for victims trying to access reparations programs?

It is not always easy for victims to access the bodies responsible for overseeing reparations programs. These bodies may operate out of capital cities that are difficult for victims to reach, or relevant materials may not be translated into appropriate languages or media. Victims in displaced persons or refugee camps may experience particular challenges in accessing and submitting registration forms for receiving reparations. Victims may also have difficulty providing sufficient evidence to support their claims. Depending on their role, victim groups may be able to help to make reparations more accessible by facilitating connections between reparations officials and victims, translating written information into local languages, or helping to explain key concepts.

### How might reparations programs interact with gender issues?

One risk inherent in reparations programs is that they may reinforce social practices that affect people differently on the basis of their gender. For example, in some societies land titles are held only by men, a situation that may make it impossible for women to inherit land from their disappeared relatives or to benefit from land restitution projects. Similarly, the gendered nature of violence often means that women experience the consequences of conflict differently than men. If a person’s spouse is killed in conflict, the surviving spouse—often a woman—becomes the caregiver, breadwinner, and single parent of the household. Some bodies responsible for overseeing reparations programs are required to consider these factors and other ways reparations may benefit people differently on the basis of gender.

Victim groups that are interested in advancing reparations sensitive to gender dynamics should also consider the ways in which different transitional justice measures interact with one another. Specifically, and as Gilmore, Guillerot, and Sandoval have pointed out, transitional justice measures that specifically focus on the gendered nature or impact of conflict may make reparations more gender sensitive.

See: Sunneva Gilmore, Julie Guillerot, and Clara Sandoval, “Beyond Silence and Stigma—Crafting a Gender-Sensitive Approach for Victims of Sexual Violence in Domestic Reparation Programmes,” *Reparations, Responsibility and Victimhood in Transitional Societies* project, 2020.

#### Note

In March 2007 in Nairobi, civil society actors from around the world issued a declaration to guide reparations programs to account for the needs of victims of sexual violence and affirm a participatory and transformative reparations process. See: “Nairobi Declaration on Women’s and Girls’ Right to a Remedy and Reparation,” International Meeting on Women’s and Girls’ Right to a Remedy and Reparation, 2007, [https://www.fidh.org/IMG/pdf/NAIROBI\\_DECLARATIONeng.pdf](https://www.fidh.org/IMG/pdf/NAIROBI_DECLARATIONeng.pdf).



## Are there ways outside reparations programs for victims to receive benefits and support?

As the special rapporteur observed, community and national development schemes as well as humanitarian assistance programs can help communities that have been marginalized or targeted for violence to rebuild. Although these efforts do not aim to respond to the harm victims suffered and are therefore not reparations, they can complement reparations and may be important short-term measures to which all citizens are entitled. Sometimes these less formal programs provide the only tangible benefit victims receive after mass atrocities.

*See:* Pablo de Greiff, *Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence*, U.N. Doc. A/69/518 (October 14, 2014), para. 59–61, <https://undocs.org/A/69/518>.

## Memorializing the past

Memorialization refers to the act of preserving memories of people or events, usually for a public audience. Memorials can take many forms, from large-scale and resource-intensive projects such as museums or monuments to more symbolic acts like commemoration ceremonies or public apologies. A critical yet often overlooked part of transitional justice, memorials can

- Provide a public platform to share the stories of victims
- Help communities reflect and heal together
- Collect and conserve primary material
- Teach future generations about the past, including the community's pre-conflict way of life and traditional customs

*See:* Kelli Muddell and Sibley Hawkins, "Gender and Transitional Justice: A Training Module Series, Module 5: Memorialization," International Center for Transitional Justice, 2018, 9.

Memorialization can also take place online. In 2020, the United States Holocaust Memorial Museum launched the online exhibition "Burma's Path to Genocide" (<https://exhibitions.ushmm.org/burmas-path-to-genocide>), informed by nine Rohingya individuals who shared their stories of surviving the violent attacks by the Burmese government and military in 2017. The exhibition aims to give a voice to the victims and to help establish the historical record as the Burmese government denies the genocide against the Rohingya. Digital memorials have the potential to reach a wider audience and may be produced with less political and economic capital.

Memorialization is not neutral. Each decision, including where the memorial is located and who designs it, has a political meaning. Disagreements about what happened and how it should be remembered have the potential to exacerbate tensions and prevent healing. Memorialization may be a good opportunity for victim groups and individual victims to work as a coalition, bringing together a diverse range of voices and involving those who may have been unable to tell their story through other transitional justice processes. Advisory groups of this kind are

sometimes referred to as *memory committees* and can include members of the victim group, individual victims, civil society organizations, memorialization experts, community leaders, and donors. Where possible, memory committees should include or consult with representatives from other transitional justice efforts to ensure that resources are shared and that the memorial is well integrated into the broader justice strategy.

*See:* Judy Barsalou and Victoria Baxter, "The Urge to Remember: The Role of Memorials in Social Reconstruction and Transitional Justice," (USIP Stabilization and Reconstruction Series, No.5, United States Institute for Peace, 2007), 1–2.

Regardless of how they are organized, the most effective memorials are intentional and strategic. Anyone seeking to engage in the memorialization process should consider the following questions:

- **Who are the memorial's intended audiences?**  
Memorials that are public facing will have multiple audiences. When planning a memorial, victim groups should consider this range of perspectives and sensitivities. Audiences for a memorial might include multiple victim groups, witnesses to violence, and people who know nothing about what happened. Memorials should be trauma sensitive and should prioritize the needs of victims and their communities.
- **Where should the memorial be located?**  
Memorials can exist in physical or digital spaces, and victim groups should consider how safe and accessible these spaces are for their intended audiences. If the memorial is in a physical space, the group should consider who currently uses that land and what a memorial might mean for that community. Some memorials are located at sites where violence occurred. While this can be very powerful, it is not always possible or appropriate.
- **What role will a memorial play in achieving shared justice goals?**  
While the creation of any kind of memorial acknowledges the harm caused to victims, different types of memorials will help to achieve different goals. For example, a museum that establishes a clear narrative of why violence occurred may have a powerful truth-telling function, whereas a commemorative plaque or public artwork can offer more room for historical interpretation. Victim groups should consider what role they want a memorial to play in their long-term justice strategy. This decision will likely depend on how recently the violence occurred and how contested the history is.
- **How might these efforts interact with ongoing transitional justice processes?**  
People offering time, materials, or their experiences to a memorialization project may be familiar with other transitional justice processes. It is important to be transparent about the goals and operations of a memorial in contrast to formal information recovery or legal proceedings and to obtain informed consent from all involved. Victim groups should also consider how important milestones, like the release of a truth commission report or a court ruling, might affect the content and impact of their memorial.

- How could a memorial evolve over time?

The meaning and impact of any memorial will change as time goes on. Victim groups should consider how a memorial can be dynamic and respond as collective memory evolves. For example, they may wish to consider how to ensure that future generations will be able to engage with the memorial in a way that relates to contemporary issues and concerns.

Naturally, all decisions regarding memorialization should also take available resources and support into account. There are various avenues of funding for memorialization, each with its own implications for the process and meaning of the memorial.

### State-funded memorialization

Memorials can be mandated and funded by the state. Some truth commissions have included memorialization in their recommendations, but this has rarely been discussed in much detail or in relation to other recommended efforts. With the further difficulties of implementation that arise when faced with a hostile or unwilling government, many efforts toward memorialization have been forced to seek support elsewhere, using these recommendations as a starting point.

In some cases, the involvement of a state in memorialization does not have a reparative effect. States may use their participation in a memorial to give the illusion that they are engaged with justice processes without taking broader responsibility.

**Example:** El Salvador's 1992–93 truth commission recommended “moral compensation” in the form of a national monument bearing the names of the estimated 75,000 victims of the civil war. The Salvadoran government ignored this for many years and instead pursued a policy of amnesty and forgetting. In 1997, 12 Salvadoran civil society organizations came together to form the Committee to Build a Monument to the Civilian Victims of Human Rights Violations. Eventually gaining the support of the municipal government of the city of San Salvador, the Monument to Memory and Truth was inaugurated in 2003. At the time of writing, approximately 30,000 names of victims are inscribed on the granite wall of the monument, with space for more to be added. **See:** Rachel Hatcher, “The Victims and Violence of Civil War: Presences and Absences in El Salvador’s Monumental Narratives of Reconciliation,” *de arte* (2019): 89.

Courts can also issue orders of symbolic and collective reparations, which may include a requirement that those responsible for crimes or violations support memorialization. On a number of occasions, the Inter-American Court of Human Rights (IACtHR) has ordered a state to rename public places, hold public memorialization ceremonies, and even require the presence of government officials at such events.

### Alternative funding for memorialization

When state sponsorship is unavailable, memorial projects can seek support from donor organizations or foreign governments that directly or indirectly fund

memorialization. For smaller-scale projects, there may be opportunities to engage local businesses, religious organizations, or other private groups who want to invest in sustained peace in their communities.

In any case, funding for memorialization should be considered for the long term, keeping in mind maintenance costs. Memorials that are vandalized or fall into disrepair may no longer serve their community as a symbol of healing, instead representing ongoing tensions or lack of respect for victims.

**See:** Lazarus Kgalema, “Symbols of Hope: Monuments as Symbols of Remembrance and Peace in the Process of Reconciliation,” (*The Centre for the Study of Violence and Reconciliation*, 1999), 4–5.

### Other impacts of memorialization

Economic impacts of memorialization must also be considered, particularly for expensive memorials in low-income areas. Before construction begins, it is important for victim groups or memory committees to decide if the memorial will be free of charge and, if it will not be free, who would benefit from any potential revenue. Increased employment opportunities or tourism to the area can sometimes have positive economic impacts on communities, but this does not always happen and should not be expected.

Using primary materials such as personal belongings of victims, human remains, or sites of detention can help tell the story of past events. Safeguarding and collecting this material is often one of the first phases of memorialization. At this early stage, victim groups should consider the other potential uses for primary material, such as to provide evidence in judicial proceedings.

**Example:** Tuol Sleng Genocide Museum in Cambodia memorializes the atrocities committed by the Khmer Rouge regime at Security Prison 21 (S-21), the former secondary school used as a prison, torture, and execution center from 1975 to 1979. When liberating forces discovered the site upon entering the capital city in 1979, the site and prison records were preserved. The museum opened later that year and displayed many rooms exactly as the fleeing Khmer Rouge left them. Thirty-one years later, the Extraordinary Chambers in the Courts of Cambodia (ECCC) used the museum’s preserved evidence in the case against the chief of S-21, Kang Kek Iew (also known as Comrade Duch), who was found guilty of crimes against humanity and war crimes. The court also supported placing a memorial stupa, inscribed with the names of the 12,380 known prisoners who died at Tuol Sleng, on the site. **See:** Amy Sodaro, *Exhibiting Atrocity: Memorial Museums and the Politics of Past Violence*, (New Brunswick, NJ: Rutgers University Press), 2018, 164.

### Note

In addition to the documentation, study, and interpretation of Holocaust history, USHMM’s mission as a memorial includes working to advance justice and accountability for genocide and related crimes against humanity. This Handbook is a product of such efforts to integrate memorialization and education with other transitional justice tools.

## Truth commissions

Truth commissions are temporary, nonjudicial bodies that aim to investigate the root causes and consequences of gross human rights violations and mass atrocities. Countries where abuses and crimes occurred may establish truth commissions during periods of transition through an official document like a peace agreement, legislation or presidential decree, or a provision in a new constitution.

See: 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. 50–51, <https://undocs.org/S/2004/616>.

Truth commissions generally aim to

- Provide an official forum for victims to share their experiences
- Identify patterns of violence and the widespread nature of violence that state and private institutions and organizations have perpetrated
- Recommend additional measures such as prosecutions, reparations, and institutional reform to respond to the past and prevent it from repeating
- Build archives of information that may be made available to the public and be used as evidence in future prosecutions
- Promote reconciliation between individual victims and perpetrators and between citizens and their government

Truth commissions are not always effective. They may offer a one-sided or incomplete version of history or contribute to impunity by providing a pathway for perpetrators to avoid prosecution. Governments may ignore truth commission recommendations or, if they do implement them, the recommendations may not lead to tangible changes in the affected country. Moreover, some recommendations are impossible to achieve because they are too numerous and not all directed at the state.

According to the UN special rapporteur, victim groups can play an important role in ensuring that truth commissions fulfill their goals. Truth commissions have rules that govern who can participate and how. As this section discusses, depending on the content of these rules there may be opportunities for victim groups to

- Join consultations as officials are establishing the truth commission
- Provide statements or other information as the truth commission is gathering information
- Speak at public hearings
- Participate in community outreach
- Influence the recommendations that the truth commission makes

See: Pablo de Greiff, *Report of the Special Rapporteur of the Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence*, U.N. Doc. A/HRC/34/62 (December 27, 2016), Part III (C)(1), <https://undocs.org/A/HRC/34/62>.

See also: Diane Orentlicher, *Independent Study on Best Practices, Including Recommendations, to Assist States in Strengthening Their Domestic Capacity to Combat All Aspects of Impunity*, UN Economic and Social Council, Commission on Human Rights, U.N. Doc. E/CN.4/2004/88 (February 27, 2004), para 19(a), <https://undocs.org/E/CN.4/2004/88>.

### Participating in consultations as the truth commission is established

When officials are establishing a truth commission, they need to decide what it should focus on, how it should conduct its work, and how it will record and communicate its recommendations. This is usually called the truth commission's *mandate*. Officials responsible for establishing a truth commission may consult victim groups as part of this process. Questions officials may seek to answer when establishing a truth commission's mandate include

- Which incidents, periods, and geographic regions should it focus on?  
Truth commissions may prioritize some violations over others or they may only address abuses that occurred after a certain date and/or in a specific region. During consultations, victim groups can offer their perspective on what the truth commission should examine, particularly if there are important but commonly overlooked aspects of the country's history that they believe need to be understood to allow society to heal.
- Will it take steps to protect victims' security and promote their well-being?  
Truth commission mandates sometimes require them to take steps to protect victims. During consultations, victim groups may offer their perspective on the kinds of emergency assistance, psychosocial services, legal services, and security and witness protection that victim communities need.
- Will it have the power to grant amnesties?  
Some truth commissions can grant amnesties to perpetrators in exchange for truth telling, apologies, reparations, and a promise not to reoffend. Amnesties can retroactively shield those responsible for certain crimes from prosecution or ensure that these perpetrators receive a reduced sentence. Those in favor of amnesties argue that they encourage people to speak honestly about and admit to past wrongdoing. Others argue that amnesties allow people to get off too lightly and do not help to break cycles of violence.

#### Note

International law requires states to respond to international crimes by investigating and prosecuting those responsible and by taking steps to prevent their recurrence in the future, among other obligations. However, as the Belfast Guidelines on Amnesty and Accountability explain, international law affords states some flexibility in granting amnesties to those responsible for certain violations. According to the Belfast Guidelines, illegitimate amnesties typically are unconditional, effectively prevent investigations, and maintain impunity. See: *Belfast Guidelines on Amnesty and Accountability*, Transitional Justice Institute, University of Ulster, 2013, [https://www.ulster.ac.uk/\\_data/assets/pdf\\_file/0005/57839/TheBelfastGuidelinesFINAL\\_000.pdf](https://www.ulster.ac.uk/_data/assets/pdf_file/0005/57839/TheBelfastGuidelinesFINAL_000.pdf).



- **Who will lead the commission?**  
To be successful, truth commissions must be trustworthy. The characteristics and qualities of those who lead the commission are therefore critical. Victim groups should advocate to have a say in who serves as commissioners and what qualities they should possess.
- **Will participation in the truth commission affect the ability of victims to gain access to other transitional justice measures?**  
In some cases, participating in a truth commission will hinder victims' ability to access other transitional justice measures in the future. In particular, some reparations programs are available only to victims who have not previously participated in a truth commission. Understanding whether and how the truth commission interacts with other transitional justice measures is therefore very important.
- **Where will the truth commission operate?**  
Truth commissions may operate at the local level, territorial level, national level, or any combination of these. Colombia's truth commission, for example, operates at each of these levels. Ideally, truth commissions should operate in the manner that is most accessible to victims.

### Assisting officials to gather information

Once a truth commission is established, it must gather information about the abuses and violations that occurred. As part of this process, commission officials may ask victim groups to connect them with individual victims who are willing to share their stories. Before introducing officials to victims or otherwise sharing information about them, victim groups must obtain the victims' informed consent.

#### Note

Chapter 7 contains more information about informed consent.

Truth commission officials may also ask victim groups to share information that they have already gathered about past abuses. Before agreeing to share information, victim groups should ask the following questions to determine whether it is safe and worthwhile:

- How will the truth commission record, store, and use the information?
- What steps will the commission take—if any—to protect people who have provided information?
- Will people who share information be required to testify in public hearings or criminal cases?
- Can those who share their information provide statements anonymously?

### Participating in public hearings

Many truth commissions hold public hearings to allow victims and other members of the public to share their stories. This approach may encourage societies to acknowledge past wrongs and make them harder to ignore or deny. Speaking

publicly about past abuses may not always be possible or appropriate, particularly those concerning sensitive matters, so some truth commissions may also conduct private hearings.

### Working with truth commission officials on public outreach efforts

Meaningful public outreach to affected communities about the work of the truth commission and its findings is critical. Not only can outreach help to manage community expectations about what the commission will achieve, but it can also help shed light on the commission's successes. Officials may invite victim groups to assist in this process, for example by convening community meetings for commission officials to discuss their work and by sharing written information about the truth commission with their communities. Information about truth commissions may be valuable not only to victims living inside the affected country but also to those living abroad in exile, as refugees, or as members of the diaspora.

### Informing and using the truth commission's recommendations

Some truth commissions can issue binding recommendations about other transitional justice measures, such as the need for reparations, memorialization activities, criminal prosecutions, and institutional reform. For this reason, truth commissions sometimes lead to a broader transitional justice process. However, it is not always possible to overcome the practical and political difficulties associated with implementing the recommendations of a truth commission. Nonbinding recommendations that have popular and political support are sometimes just as effective as binding recommendations.

#### Note

Whether binding or nonbinding, the recommendations of a truth commission can be a powerful tool for victim groups to use in their advocacy about the need for additional transitional justice measures. Later chapters discuss other strategies for putting pressure on decision makers to implement justice measures.

## Searching for missing persons

Searching for missing persons is a vital component of social healing from mass atrocities. Under international law, families of persons who have gone missing in the context of mass atrocities have a right to an effective investigation, to the truth of what happened to their family member(s), and to justice, reparations, and memorialization. This means that states have a duty to investigate cases of missing persons. However, states do not always fulfill this obligation. Victim groups who want to find missing persons may need to approach international organizations like the **International Commission on Missing Persons** and the **International Committee of the Red Cross's missing persons program** for assistance.

**See:** Diane Orentlicher, *Report of the Independent Expert to Update the Set of Principles to Combat Impunity, Addendum: Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity*, UN Economic and Social Council, Commission on Human Rights, E/CN.4/2005/102/Add.1 (February 8, 2005), Principle 4, <https://undocs.org/E/CN.4/2005/102/Add.1>.

### What can searching for missing persons achieve?

When successful, searching for missing persons is a process that may

- Answer questions about what happened, why it happened, and who is responsible
- Provide information that may be relevant for criminal trials and serve as an important part of the criminal justice process
- Allow next of kin or dependents to obtain inheritance or social benefits, or resolve legal issues if the missing person is confirmed to be deceased
- Allow families to conduct ceremonial reburials in cases where the missing person is confirmed to be deceased

### What does a search for missing persons involve?

Searching for missing persons is a costly and time-consuming process that requires the technical expertise of professional investigators and forensic anthropologists. To conduct searches, states will usually need a national forensics team, DNA banks, and mobile storage facilities. It is also often necessary for states to create a national commission for missing or disappeared persons with the authority to grant immunities. Such immunities can encourage perpetrators and others to come forward without fearing that their information will be used against them in civil or criminal proceedings. Authorities conducting searches may use a variety of tools, including analysis of DNA samples and information and communication technologies, to try to understand what has happened to missing persons, when it happened, and who is responsible. In some cases, disappearances are transnational, meaning that the perpetrators have taken the missing person to another country. Such cases require bilateral agreements between the relevant countries to allow cross-border identification and recovery processes to occur. In other cases, burial sites may be difficult or impossible to access, particularly if they are located on sites owned or occupied by private entities, armed factions, or political actors.

#### Note

Different search methods have their own benefits and trade-offs. Search efforts that rely on nonscientific methods of identification are often flawed; for example, visual identification of a body is only correct in 1 in 10 cases. While DNA analysis can help identify the remains of missing persons more accurately, it is also an expensive and time-consuming process that relies on qualities that many bodies do not have by the time they are found.

### How can search efforts interact with criminal justice processes?

Officials may use information gathered during search efforts in criminal trials to prosecute perpetrators. However this is not always possible, particularly if humanitarian agencies conduct the search rather than criminal justice sector actors. Where criminal justice sector actors do conduct the search process, judicial procedures may prevent family members from identifying and burying the remains of their deceased relatives.

#### Note

The term *forensic* refers to tests or techniques to gather information about crimes that officials can use in court. Some humanitarian search efforts are not strictly forensic and uncover information that is not admissible in court.

### What role can victim groups and family members play in searching for missing persons?

Victims usually need financial support to search for missing family members and to address the economic hardships caused by their absence. With this support, they can play the following roles in the process of searching for missing persons:

- As individuals, victims—particularly family members of missing persons—can assist investigators by notifying authorities that a person is missing, providing DNA samples, providing information about where the person was last seen, and sharing information about the locations of possible mass grave sites.
- Organized victim groups can advocate for legal structures to serve victims' interests and can hold institutions accountable to these standards. Moreover, victim groups can provide a bridge between victims and the state in cases where the victims do not trust state institutions.
- Organized victim groups can support individual victims by referring them to experts in areas with less state intervention such as financial, legal, humanitarian, and psychological support organizations. This support function offers a space for learning, empowerment, and capacity building.

**Example:** According to recent estimates, 61,000 people are currently missing in Mexico, but only 20 people have been convicted at the federal level for the crime of enforced disappearance. Victim groups have been highly active in advocating for justice and for the recognition of enforced disappearance as a crime. Because of pressure and advocacy from victim groups, the Mexican parliament passed the General Law on Disappearances in 2017. This law establishes a principle of joint participation, in which the state must work with families when searching for missing persons. The law also separates the responsibility for investigating cases of missing persons from prosecuting those responsible. This means that even if prosecutors are reluctant to investigate cases involving missing persons, a search effort can nevertheless occur. **See:** Madeleine Wattenbarger, "We're Doing What the Government Won't Do," *Foreign Policy*, April 24, 2020, <https://foreignpolicy.com/2020/04/24/mexico-drug-war-forced-disappearance-victims-families-government/>.

### In what ways might the process of searching for missing persons be traumatizing?

The process of searching for missing persons can be traumatizing or retraumatizing for families of the missing. Victim groups can play a valuable role in supporting families throughout the process, including by assisting them to gain access to services and support. The process may be traumatizing for the following reasons

- Authorities may ask family members to look at photographs of crime scenes or of deceased persons
- Search efforts may result in misidentifications, leading families to believe that their relative has been found when in fact they have not
- DNA testing may reveal that a presumed family member is not biologically related to the deceased person, which can cause intrafamilial problems
- DNA testing requires pulverization (or crushing) of a bone sample, which presents problems in cases where only a very small bone sample is found
- Authorities may lack or fail to follow appropriate documentation procedures, which can cause them to lose human remains

- Legislation may prevent authorities from returning remains to family members for reburial until a perpetrator has been found
- Communities may consider that uncovering human remains disturbs the spirit of the deceased; in such cases, it may be preferable to identify the location of grave sites without exhuming them

Moreover, family members involved in search efforts may face serious security issues. Even in countries where perpetrators are inactive, any effort to search for missing persons may present a threat to those perpetrators. In some cases, family members who want to report a person as missing face threats or are forced to make bribes, which may include sexual bribes.

## Measures of non-recurrence

*Measures* (or *guarantees*) of non-recurrence are a range of measures and institutional reforms intended to tackle the structural causes of violence or to dismantle organizations responsible for violations. They are also concerned with building a stronger culture of human rights compliance within state institutions and in civil society. This may involve a range of efforts including reforming and vetting the security sector, legal reforms, and the disarmament, demobilization, and reintegration (DDR) of armed forces. As the recommendations of the Guatemalan truth commission demonstrate, measures of non-recurrence may also involve reforms in the areas of housing, health, education, social security, land access, and economic development. Collectively, these efforts aim to build social harmony and prevent the next generation from resorting to violence to resolve disagreements.

**See:** Naomi Roht-Arriaza, “Measures of Non-Repitition in Transitional Justice: The Missing Link?” (University of California Hastings College of the Law, Legal Studies Research Paper Series, No. 160, n.d.), 31, [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2746226](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2746226).

### Note

This Handbook uses the language of *measures* of non-recurrence rather than *guarantees* of non-recurrence or nonrepetition because it is usually impossible to guarantee that conflict, violations, and abuse will not recur.

### Are states required to adopt measures of non-recurrence?

According to the 2005 UN *Updated Principles to Combat Impunity*, “guarantees of non-recurrence” are a distinct component of the right to reparations. In addition, a number of international legal instruments impose an obligation on states to take steps to prevent or stop certain serious violations, including the Convention Against Torture, the Convention for the Prevention and Punishment of the Crime of Genocide, and various human rights treaties.

**See:** Diane Orentlicher, *Report of the Independent Expert to Update the Set of Principles to Combat Impunity, Addendum: Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity*, UN Economic and Social Council, Commission on Human Rights, U.N. Doc. E/CN.4/2005/102/Add.1 (February 8, 2005), Principle 35, <https://undocs.org/E/CN.4/2005/102/Add.1>.

### Why might measures of non-recurrence be important to victim groups?

For many victims, ensuring that violations do not recur is a vital part of ensuring security for themselves, their children, and their grandchildren as well as allowing them some peace of mind to rebuild and make plans for the future. Mass violence is not simply committed by individuals, but by a range of direct and indirect perpetrators, complicit beneficiaries, and bystanders, who are often beyond the reach of a criminal trial. As a result, in the transition from an authoritarian regime or conflict, such individuals and organizations may continue to wield power, have access to a disproportionate share of economic resources, or be able to interfere with any progress in dealing with the past. In subtler ways, individuals may continue to hold beliefs that legitimize past violence. Many of these individuals will continue to work in institutions that victims use for social services or in reparations programs, which risks secondary victimization and discrimination. Measures that remove these individuals from such roles are therefore important to victim groups.

### What risks and opportunities do measures of non-recurrence present?

Measures of non-recurrence that upset existing conditions may cause violence to flare up or at least continue. For example, efforts to reform housing and voting rights in the early years of the Troubles in Northern Ireland caused pro-government forces to become increasingly violent. On the other hand, measures of non-recurrence can enhance other transitional justice measures. For example, as Mayer-Reickh has observed, reforming the police service can enable more professional investigations and reforming the judiciary can result in more effective court decisions and reparations orders.

**See:** Alexander Mayer-Reickh, “Guarantees of Non-recurrence: An Approximation,” *Human Rights Quarterly*, 39, no. 2 (May 2017): 431, <https://muse.jhu.edu/article/657336/pdf>.

### What role can victim groups play in supporting security sector reform processes?

After conflict, law enforcement, military, and intelligence agencies may be dissolved or reconstituted, but untrustworthy personnel, illegal methods, and a lack of internal accountability mechanisms often persist. The targets of these agencies may shift from political opponents to common criminals or land rights activists, but unless victim groups and civil society insist on and monitor meaningful reform, the same bad practices often recur. Victim groups can provide valuable insights for this reform process by

- Monitoring which personnel are promoted
- Insisting that personnel be screened for aptitude, corruption, and past abuses
- Creating informal monitoring mechanisms
- Shining a spotlight on instances of corruption and undue influence on security forces, the judiciary, and broader government institutions
- Gathering information needed to instigate change or ensure that change is being appropriately undertaken



Even if there is no formal vetting or screening process, there may be creative ways for victim groups to remove criminals from official positions.

For example, as noted by the UN special rapporteur, in the absence of a formal vetting process, Argentine civil society organizations used existing laws to increase parliamentary transparency and civil society participation in debates about promotions in the security sector. This allowed civil society to raise concerns about individual candidates before they were promoted and created powerful incentives for members of the security forces to retire. This indirectly and effectively “cleansed” the security forces.

See: Pablo de Greiff, *Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-repetition*, U.N. Doc. A/HRC/34/62 (December 27, 2016), para. 63(d), <https://undocs.org/A/HRC/34/62>.

### What role can victim groups play in broader efforts to reform society and its institutions?

Institutional reform aims to prevent future mass atrocities by equipping institutions to protect fundamental human rights and to function according to democratic principles. It may require the establishment of ethical codes of conduct and complaints procedures, review of legal frameworks (such as the removal of discriminatory laws), disbandment of entire public offices, and review of salaries and state infrastructure. Required institutional reform measures differ across contexts, but typically address key institutions including the judiciary, police, and armed forces. It may also require changing judicial and prosecutorial selection, retention, and discipline policies, as these directly impact the independence and capacity of the justice system. Auditors, ombudsman offices, inspectors general, and even tax and customs officials should also be important targets for victim groups engaged in monitoring and reform efforts. This is because corruption and state capture, which often starts with the control of these offices, can overrun any justice efforts.

Broader efforts to reform institutions may also address the underlying tensions that first led to violence, repression, or mass atrocities. These efforts can even help to rectify structural inequality. However, broader agendas are also more difficult and complex to achieve. In such cases, narrower approaches (that focus only on institutional change) may need to be combined with coalition-building between groups around socioeconomic or cultural issues at the local level. The strength and diversity of civil society and the level of governmental commitment will inform how broad or narrow institutional reform efforts can be. While measures of non-recurrence often focus on reform at the national level, victim groups may be able to play a role in reforming structures at the local and district levels. They may work with local religious leaders and other community leaders with the power to encourage the kinds of institutional change needed to ensure that mass atrocities do not recur.

### Which sectors may be involved in measures of non-recurrence?

As Mayer-Reickh has pointed out, measures of non-recurrence are not only the domain of transitional justice; development and peace-building actors participate in a number of activities that aim to prevent conflict from recurring. As a result, victim groups that want to participate in advancing measures of non-recurrence may consider forming an alliance with other civil society organizations—including those outside the transitional justice sphere—that have this issue as their focus. Individual members of victim groups who are particularly passionate about this issue may look for opportunities such as courses and scholarships to obtain a deeper understanding and become champions for measures of non-recurrence.

See: Alexander Mayer-Reickh, “Guarantees of Non-recurrence: An Approximation,” *Human Rights Quarterly*, 39, no. 2 (May 2017): 417, <https://muse.jhu.edu/article/657336/pdf>.

### Public apologies

In the aftermath of mass atrocities, those responsible may apologize for their actions. Private apologies between individual perpetrators and victims may be very important, but this section focuses on the role that victim groups may play in public apologies. According to the UN special rapporteur, a public apology is the following:

- “An acknowledgement of a wrong deliberately or negligently inflicted that is named;
- A truthful admission of individual, organizational or collective responsibility for that hurt;
- A public statement of remorse or regret related to the wrongful act or acts, or omission, that is delivered with due respect, dignity and sensitivity to victims;
- A guarantee of non-recurrence.”

See: Fabián Salvioli, *Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence*, U.N. Doc. A/74/147 July 12, 2019, para. 3, <https://undocs.org/A/74/147>.

As the special rapporteur has observed, apologies are not always satisfactory. The apology may be rushed or delayed, it may be insincere or motivated by political interests, decision makers may not accompany the apology with guarantees of non-recurrence, and the broader perpetrator community may not be prepared to give the apology. Any of these can lead to backlash. Even if a sincere apology is given, accepting it is still a highly personal matter for individual victims, whose received harm makes such acceptance extremely difficult.

See: Fabián Salvioli, *Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence*, U.N. Doc. A/74/147 (July 12, 2019), para. 12, <https://undocs.org/A/74/147>.

This makes it all the more important for victims to explain their experience, the impact of the violations, and what they hope to hear in the apology. Without this input, apologies are unlikely to be meaningful or to restore victims' sense of dignity. Therefore, victim groups should advocate for and even shape the content of public apologies. They can communicate with those responsible about the seriousness of what has happened and what the victim community expects from the apology. Victim groups can also disseminate information about the apology among victim communities.

#### Note

While apologies may mitigate perpetrators' responsibility, according to the UN, authorities cannot use apologies to exonerate perpetrators entirely. **See:** Louis Joinet, *Question of the Impunity of Perpetrators of Human Rights Violations (Civil and Political); Final Report Pursuant to Sub-Commission Decision 1996/119*, UN Economic and Social Council, Commission on Human Rights, U.N. Doc. E/CN.4/Sub.2/1997/20 (June 26, 1997), para. 37, <https://undocs.org/E/CN.4/1997/20>.

## Reconciliation and social cohesion

For some communities, reconciliation and social cohesion are not only important goals but are also necessary for people to continue living alongside one another. For example, in communities in which child soldiers—who themselves are victims—have committed abuses and violations against other members of the community, it is often necessary for communities to reconcile and build a future premised on trust. It may also be necessary for communities to reconcile after periods of mass atrocities so they can resolve land distribution issues. In other cases, it may be offensive to suggest that victims who have lost so much should reconcile with their perpetrators. This is a particular problem in cases where apologies and efforts to reconcile appear to be disingenuous.

#### Note

The interests of justice, peace, and reconciliation need not be put in tension with one another. The African Union Transitional Justice Policy, for example, provides a framework in which these goals can mutually reinforce one another. This policy defines reconciliation as both a goal and a process that “involves addressing legacies of past violence and oppression, reconstructing broken relationships and finding ways for individuals and communities to live together.” The policy connects reconciliation with the concept of social cohesion, a healing process in which people consider one another's suffering, grapple with past abuses, and develop a common narrative about the past, among other goals. **See:** African Union, *Transitional Justice Policy*, February 2019, para. 60, [https://au.int/sites/default/files/documents/36541-doc-au\\_tj\\_policy\\_eng\\_web.pdf](https://au.int/sites/default/files/documents/36541-doc-au_tj_policy_eng_web.pdf).

Victim groups must decide for themselves whether and how they want to participate in processes for promoting reconciliation and social healing. Victims have been instrumentalized in reconciliation processes for political purposes, for example by being asked to participate in photo opportunities with perpetrators that aim to send the message that communities have reconciled. In this regard, informal means of reconciling grievances between communities may be more impactful than measures that governments mandate.

## Conclusions

TRANSITIONAL JUSTICE is a long-term process that requires multiple kinds of official and unofficial activities and interventions that feed into and support one another. Each of these measures can be valuable in helping societies to understand and recover from past abuses and take steps to make sure the past is not repeated. Victim groups can help to ensure that these processes reflect victims' perspectives by engaging with officials as they are designing and implementing them. For victim groups operating in contexts where these measures do not yet exist, the remaining chapters of this Handbook may be a helpful starting point as they think through the strategies and tools needed to put pressure on decision makers to implement these measures.



## CHAPTER TWO

# USING LAW TO ACCESS JUSTICE AND ACCOUNTABILITY FOR MASS ATROCITIES

**Different legal tools are available for victims and victim groups to help to achieve different types of justice.**

- Victim groups can explain different legal tools to affected communities.
- Individual victims and victim groups can initiate proceedings in some jurisdictions.
- Individual victims and victim groups can participate in proceedings as victims or witnesses.

**BUILDING ON THE FOUNDATION** laid in the previous chapter, this chapter explores the ways in which victim groups can use the law to obtain justice and accountability for mass atrocities. The purpose of this chapter is to offer victim groups guidance about the role that they can play in accessing and using different legal avenues. It is beyond the scope of this Handbook to offer legal advice to victim groups about specific justice and accountability options that may be available to them; as will be discussed, that kind of advice can be offered only by a lawyer who knows the specific circumstances of the case and the jurisdiction in which proceedings may take place.

As part of their work to advance justice for mass atrocities, victim groups may decide to share information about justice and accountability mechanisms with victim communities. Discussions about different legal options with victim communities can fulfill many important functions, including the following:

- Sparking interest in justice among a broader group of victims
- Providing information to victims about their rights to justice and a remedy
- Explaining what legal tools can achieve so that victims do not have unrealistic hopes or expectations about the process

This chapter aims to inform those discussions. It begins with a short overview of different kinds of legal tools that may be available. The chapter addresses some of the common challenges that may arise when trying to use these tools to advance justice and offers strategies for overcoming those challenges. It then discusses the role that individual victims and victim groups can play in proceedings, either by initiating cases or participating in proceedings as victims and witnesses.

Photo: Rohingya refugee women hold placards as they take part in a protest at the Kutupalong refugee camp to mark the one-year anniversary of their exodus in Cox's Bazar, Bangladesh, August 25, 2018. *REUTERS/Mohammad Ponir Hossain/File Photo*



## Working with lawyers

Because victim groups are the primary intended audience of this Handbook, this chapter focuses on the ways that victim groups can advance justice as a group or coalition. Individual victims can also use some of these tools and, as such, they may find aspects of this chapter useful; however, victims who want to learn more about their rights or evaluate whether they want to participate in legal proceedings need additional advice tailored to their unique situation on a range of issues that are not covered here. For that audience, this chapter may be a helpful starting point, but working with a lawyer will also be necessary.

Individual victims and victim groups seeking assistance may approach a strategic litigation group that has funding to take on these kinds of cases, such as the **Center for Justice and Accountability**, the **European Center for Constitutional and Human Rights**, **Guernica 37**, **Legal Action Worldwide**, and **Victim Advocates International**. A lawyer with relevant experience can advise on the best and worst possible outcomes for a particular justice avenue and on the steps required to pursue it. The lawyer may also represent a victim or victims in eventual justice proceedings if the lawyer is admitted to practice in the relevant jurisdiction and the jurisdiction allows direct victim representation.

Victim groups may want to establish a professional relationship with their lawyer through a formal contract or a less formal agreement, such as a memorandum of understanding. In some cases, lawyers may require payment for their services, but if a lawyer agrees to represent victims *pro bono* (for free), he or she will still need other sources of income to make the representation sustainable over the long term. In such cases, it is perfectly appropriate for victim groups to inquire about the lawyer's funding source so that they can determine whether they want to continue the relationship. As part of their agreement, the victim group and lawyer should decide on an approach to issues that may arise during the course of the legal effort, including the following:

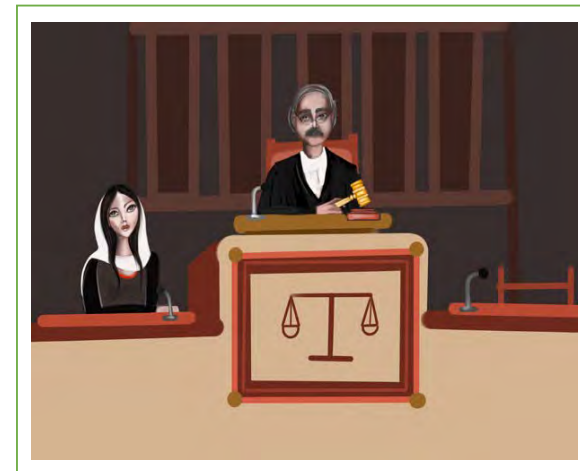
- The specific roles of the lawyer and members of the victim group
- Circumstances in which the lawyer will consult with or update the victim group
- Mechanisms to resolve disagreements between members of the victim group
- Strategies and protocols for speaking to the media and conducting outreach
- Personal and data security protocols, including whether and how the victim's identity will be protected
- Potential costs (financial or otherwise) that victims or the victim group may incur as a result of the partnership
- Mechanisms for changing or terminating the relationship

## Pamphlet on working with lawyers to pursue justice and accountability

We are grateful to the Free Yezidi Foundation for allowing us to reproduce this resource, which the US Department of State Office for Global Criminal Justice funded. Although this pamphlet is tailored to victims who want to pursue justice for crimes committed by ISIS (Daesh) in Iraq, it contains information that is valuable to victims from many contexts.



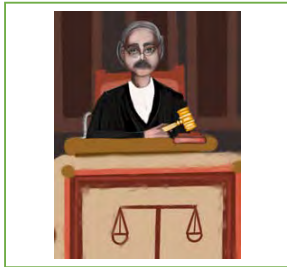
## Information about Justice and Accountability



All Yezidis deserve to have accurate information and basic facts about justice and accountability. Yezidi survivors and Yezidi families have rights, and it is important that all Yezidis are informed so they can make the best decisions.

1

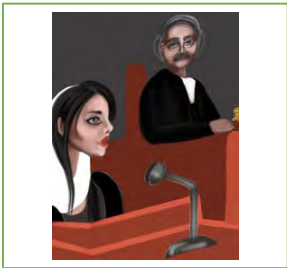
**1. The aim of criminal justice is to have a fair, thorough exploration of an alleged crime, to punish those found to be guilty, and to signal to survivors and society that impunity will not be tolerated.**



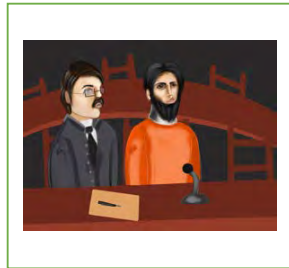
Judgment about evidence and crimes committed



Justice should fairly weigh evidence



Witnesses can testify in court



The accused has the right to defend himself in court

2

## 2. A criminal case

To build a criminal case, there must be:

- some evidence that a crime has been committed
- identification of the person or people who committed the crime
- existing laws that make that action illegal

## 3. YOU HAVE RIGHTS!

You are not obliged to speak to anyone. It is your right to refuse to speak.\* If you are willing to be interviewed, you have the following rights:

- If you consent to be interviewed, you have the right to demand confidentiality \*\*
- You have the right to not answer some questions or to ask the person interviewing you to rephrase their questions, if you are uncomfortable
- You have right to ask for breaks or stop any interview at any time
- You have the right to be interviewed alone or ask for someone to be with you in the interview to provide you with emotional support
- You have the right for the interview to take place at a location or time convenient for you and your family
- Lawyers have ethical obligations to identify themselves and their organization to you (and you should make a note of it)
- You have the right to be kept updated on developments in the case for which you provided the interview
- You have the right to share any security concerns with the person interviewing you
- If your family member or loved one is a survivor or witness and over 18, only he or she can make the decision to give an interview or not

\* There are some limited instances where the government can seek to compel someone to be interviewed. If you are approached by Iraqi or KRG government authorities, you can call a lawyer if you have one, or contact the FYF legal team if you do not.

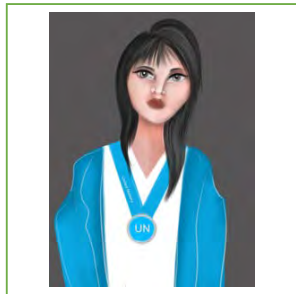
\*\* In the Iraqi criminal justice system, you may not have rights of confidentiality – contact a lawyer for more details.

3

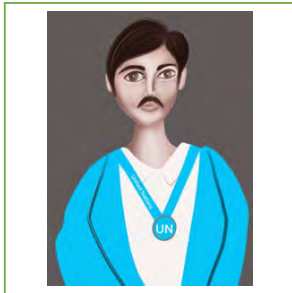
#### 4. Who is trying to collect information?



The Iraqi government or the KRG may collect information.



UNITAD is a United Nations body specifically formed to collect information about crimes committed by Daesh with the aim of building cases against Daesh members and holding them to account.

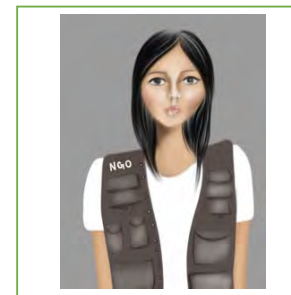
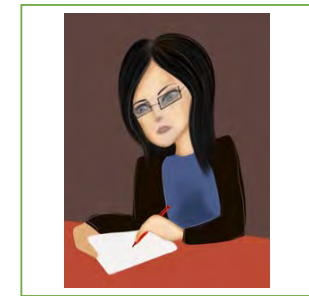


IIIM is a United Nations body specifically formed to collect information about crimes committed in Syria.

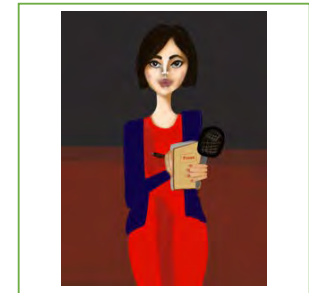
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#### 5. Who is trying to collect information?

You could be approached by lawyers or investigators who are seeking information.



You could be approached by a journalist or media member seeking information.



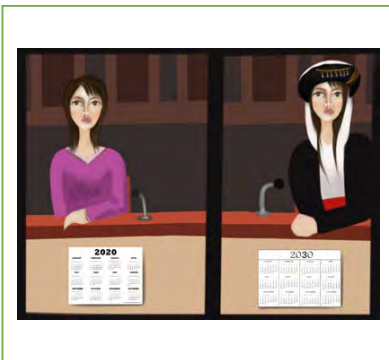
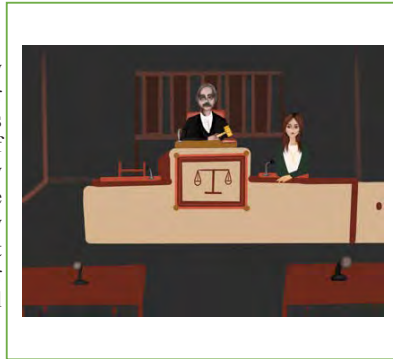
You could be approached by an NGO or an individual activist seeking information.

5



## 6. Basic facts

Be aware that criminal cases may not lead to reparations, better security for Yazidis, or changes in the political situation of Sinjar. A criminal case is only about the crime that the perpetrator has allegedly committed. Do not expect benefits to you, your family, or the Yazidis based on a criminal court case.



Criminal cases can take a long time. In many situations criminal cases may not be possible if the perpetrator is dead or there is not enough evidence. Criminal cases may not always end satisfactorily for survivors and their families, and there can never be a guarantee that the perpetrator will be convicted.

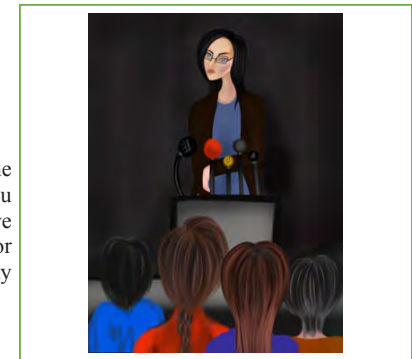
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## 7. Basic facts



If you sign power of attorney with a lawyer, it is a big step. Power of attorney means this lawyer legally speaks for you. Consider carefully who you want to represent you.

There is always more than one choice for a lawyer, and you (or your legal guardian) have the power to choose or dismiss your lawyer at any time.



7

*This Informational Product*



The Free Yezidi Foundation supports Yezidi survivors and the pursuit of justice and accountability. For more information, contact the Free Yezidi Foundation at 0751-134-1463 (in Iraq) or at [info@freeyezidi.org](mailto:info@freeyezidi.org).

This informational pamphlet is made possible by the generous support of the American people through the United States Department of State. The contents are the responsibility of the Free Yezidi Foundation and do not necessarily reflect the views of the Department of State or the United States Government.

\* All of the content of this pamphlet is the sole property of the Free Yezidi Foundation. No reproduction of this material is permitted without the express written consent of the Free Yezidi Foundation. Artwork courtesy of Aveen Ezidi (March 2020).

## An overview of different legal options

THIS CHAPTER BEGINS with an overview of different legal options for pursuing justice that may be available after mass atrocity crimes have occurred. Many kinds of wrongful acts occur during mass atrocities, which means that a variety of avenues for holding perpetrators to account may be available. Perpetrators may commit mass atrocity crimes and other abuses against civilians, but they may also commit acts of terrorism and corruption, transnational crimes, and immigration fraud, among others. Some legal tools focus on holding perpetrators responsible for the crimes, violations, and abuses they have committed against civilians to punish perpetrators and to acknowledge victims' experiences. Those legal tools may provide a direct form of justice to victims. Other legal tools focus on holding individuals responsible for the other wrongful acts that may have affected victims less directly. In the context of efforts to pursue justice for mass atrocities, that second category of legal tools may help build pressure on decision makers to deliver justice. This section discusses examples of each kind of tool.



## Legal tools that focus on mass atrocity crimes

Three main legal tools focus on abuses, violations, and crimes committed against victims of mass atrocities. If successful, these tools may help to acknowledge the experience of victims, punish those responsible, and deter them from repeating those acts.



**CRIMINAL ACCOUNTABILITY MECHANISMS** aim to determine whether individuals or organizations have committed unlawful acts and to hold those responsible to account through penalties, including sentences of imprisonment, fines, and orders for reparations to victims. In the context of mass atrocities, those acts may include genocide, crimes against humanity, or war crimes, as defined in the **Introduction**. Criminal accountability proceedings may occur in military and civilian courts in the country where the events took place; courts in other countries that recognize extraterritorial jurisdiction over international crimes; an ad hoc or hybrid court specifically established to prosecute those crimes; or the International Criminal Court (ICC), if it has jurisdiction over the matter.

### Note

Military courts are sometimes the only available domestic avenue for prosecuting serious offenses perpetrated by state armed forces; however, they are not necessarily a preferred avenue for a number of reasons, including that they often conduct proceedings in private. The Updated Principles to Combat Impunity state that human rights violations should be prosecuted in ordinary domestic courts, not in military courts. **See:** UN Economic and Social Council, *Report of the Independent Expert to Update the Set of Principles to Combat Impunity*, Diane Orentlicher, *Addendum: Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity*. Principle 29, E/CN.4/2005/102/Add.1 (February 8, 2005), <https://undocs.org/E/CN.4/2005/102/Add.1>.



**STATE RESPONSIBILITY MECHANISMS** aim to hold governments responsible when they fail to meet their internationally recognized obligations. Those measures may lead to reparations awards or an order that the government take steps to remedy its acts or omissions. Mass atrocity situations may involve breaches of human rights and certain treaty obligations, such as those arising under the Convention on the Prevention and Punishment of the Crime of Genocide. Governments may be held responsible for violations of their international obligations through two main avenues: the International Court of Justice in proceedings initiated by one state against another; and domestic, regional, and international human rights measures that can enforce governments' obligations to guarantee certain fundamental rights and freedoms.






**CIVIL LIABILITY MECHANISMS** aim to resolve private disputes between individuals, organizations (such as private companies), and, in some cases, governments. Those cases may result in an award of monetary damages for financial or nonfinancial losses (such as physical and psychological harm) to the harmed party. Civil disputes that may be relevant to mass atrocity situations typically relate to the intentional or negligent commission of acts that cause an injury or loss, referred to as *torts* in countries of the common law tradition and *delicts* in countries of the civil law tradition. Civil disputes may involve companies that have profited from conflict or conducted business activities that have caused harm to civilians.

## Comparing criminal accountability, state responsibility, and civil liability

This table identifies some of the main differences and similarities between criminal accountability, state responsibility, and civil liability mechanisms.

Table 2.1: Legal tools that focus on mass atrocity crimes

	Criminal accountability 	State responsibility 	Civil liability 
What does it aim to do?	Determine whether individuals and organizations have perpetrated criminally unlawful acts and hold those responsible to account.	Enforce states' obligations to guarantee certain fundamental human rights to its citizens and to fulfill its treaty obligations.	Resolve disputes between individuals, organizations (such as private companies), and, in some cases, governments.
What venues can decide these cases?	Courts with jurisdiction, which may include courts in the affected country; courts in countries that recognize extraterritorial jurisdiction; ad hoc or hybrid courts that have been specifically created for this situation; or the ICC	Regional human rights courts and commissions; UN human rights complaints mechanisms; the ICJ; and, sometimes, courts or commissions in the affected country	Courts with jurisdiction, which include courts in the affected country and courts in other countries that have authority to hear these kinds of cases (e.g., the United States under the TVPA and ATS)
Who can it hold to account?	Individuals (and, occasionally, organizations)	Governments (or states)	Individuals, organizations, and governments
What acts or abuses relevant to mass atrocities does it focus on?	International crimes, notably genocide, crimes against humanity, war crimes, and—in countries in which these acts are not recognized as crimes—crimes under ordinary domestic law, such as rape, murder, and aggravated bodily harm	Human rights, such as the right to life, the right not to be tortured, and the right not to be detained arbitrarily, among many others	Negligent or intentional acts that caused injury or loss to an individual or group
What outcomes may it deliver if it finds the person, organization, or government responsible?	Depending on the jurisdiction and the seriousness of the crimes committed, fines, imprisonment, orders for reparations to victims, and, in some places, the death penalty	Depending on the venue, an order for the government to provide reparations and to remedy or stop violations	Depending on the case, financial compensation for the harm suffered and an order to undertake steps to prevent or discourage the defendant from engaging in similar behavior in the future

ATS = Alien Tort Statute; ICC = International Criminal Court; ICJ = International Court of Justice; TVPA = Torture Victims Protection Act; UN = United Nations.



### Understanding litigation strategies

Criminal investigators and prosecutors need to make strategic decisions about which cases they will pursue. Victim groups must understand that in a mass atrocity situation with widespread violations, prosecutors will not be able to pursue each and every incident. Incidents may be more likely to be prosecuted if they

- Involve many witnesses and victims who can corroborate each other's stories
- Are considered by part or all of the community to be emblematic of a broader pattern of violence, even if the incident appears comparatively "small"
- Involve known or identifiable perpetrators (e.g., via their uniforms and insignia)
- Occur in or near armed group locations, such as barracks, detention centers, or organized facilities—which may be more connected to command structures—or in territory occupied by a specific group
- Involve weapons systems or tactics available only to one side (e.g., aircraft controlled by the government)

### Legal tools that focus on other wrongful acts that occur during mass atrocities

Several legal tools are available for holding those responsible to account for other unlawful acts that occur during mass atrocity situations. Although these tools acknowledge wrongdoing, their benefit to victims may be less direct than the measures previously discussed. That said, these tools may make it harder for perpetrators to continue to commit mass atrocities by undermining the systems and structures that have allowed conflict and mass atrocities to occur. They may also put pressure on decision makers to deliver justice and accountability more directly to victims. This section briefly discusses four examples of legal tools available for violations other than specific mass atrocities: immigration proceedings, terrorism cases, transnational crime cases, and corruption proceedings.



**IMMIGRATION PROCEEDINGS** may be initiated against perpetrators who have fled to another country to avoid prosecution. Perpetrators who have fled may have falsified immigration forms, which many countries consider to be a serious offense that carries prison sentences and fines. These proceedings may help provide additional evidence for prosecutions for mass atrocity crimes. In some cases, immigration proceedings may also provide victims the opportunity to speak about their experiences in court. Successful immigration proceedings against perpetrators may lead to the extradition or deportation of perpetrators to countries where they could face prosecution for other criminal acts.



**TERRORISM** refers to violent, criminal acts committed by individuals or groups that aim to further a political or ideological goal. The conduct of some terrorist organizations may amount to mass atrocity crimes. In many countries, belonging to a terrorist organization is also a crime that carries long prison sentences and fines. Members of these organizations could be prosecuted if they are nationals of countries that have antiterrorism laws or if they flee to or are a national of a country that has such laws.



**TRANSNATIONAL CRIMES** are unlawful acts that are planned in, occur in, or substantially affect more than one country. In the context of mass atrocities, perpetrators may commit transnational crimes to fund their involvement in mass atrocities. Examples of transnational crimes include trade of unlawful goods (such as drugs, weapons, animals, and stolen property) and services (such as commercial sex and human trafficking) as well as corruption, fraud, and money laundering. Transnational crimes can be prosecuted in the domestic courts of countries that have jurisdiction based on where the crimes occurred or who committed them. These crimes differ from the international crimes of genocide, crimes against humanity, and war crimes—which, as previously discussed, are so serious and widespread that they affect the entire international community.



**CORRUPTION** occurs when leaders dishonestly or fraudulently use their positions of power, often for personal or financial benefit. Corruption often occurs during mass atrocity situations, and it can allow structures of oppression and violence to continue. Criminal proceedings against leaders for corruption can diminish their public support and, in some cases, make it easier to arrest and prosecute high-level perpetrators for mass atrocity crimes.

**Example:** In Peru in the early 2000s, the attorney general's office began investigating crimes perpetrated by the Fujimori regime at a time when society still considered many former officials to be heroes. Investigations revealed that high commanders had committed acts of corruption, including unlawful enrichment and weapons purchases. The conviction of those higher-level commanders for corruption tarnished their reputations and created an opening to pursue further prosecutions against them for human rights violations. **See:** Cristián Correa, "Reparations in Peru: From Recommendations to Implementation," International Center for Transitional Justice, June 2013, <https://corteidh.or.cr/tablas/r30998.pdf>.

### Common barriers to achieving justice

A number of barriers can derail or impede efforts to hold perpetrators and governments responsible for mass atrocities. Understanding that those barriers may arise can help victim groups and their communities to anticipate disappointing outcomes. As this section also explains, it is possible to overcome some of these barriers.

#### Lack of jurisdiction

Finding a court with *jurisdiction*—or the authority to make decisions—can be difficult in the context of mass atrocity crimes. The legal regime in which the court operates determines whether it has jurisdiction based on where and when the events occurred, who committed them, who was harmed, and the kinds of events that took place. Discerning those facts is a particular problem in countries that have not incorporated the crimes of genocide, crimes against humanity, and war crimes into domestic law. It is also challenging in countries that have not ratified the Rome Statute, because the ICC lacks jurisdiction over those crimes unless the United Nations (UN) Security Council refers the situation to the Court or elements of the crimes were committed in another country that has

accepted the Court's jurisdiction. This situation leaves three possible avenues for prosecuting perpetrators:

- Under the domestic criminal framework for crimes such as murder, rape, or aggravated bodily harm
- In another country that recognizes jurisdiction over those crimes extraterritorially (which is discussed in more detail below)
- In an ad hoc or hybrid court that is specifically created to prosecute those crimes

Different countries follow different systems for incorporating international law into domestic law. Understanding which system a country follows can help victim groups determine whether international crimes can be prosecuted in that jurisdiction.

- According to the **monist system** (which many countries of the civil law tradition follow), international law automatically becomes domestic law when a treaty is signed, even without specific legislation to enact the treaty. That said, if the country has adopted no domestic provisions to incorporate international law, the defense may object to its use.
- According to the **dualist system** (which many countries of the common law tradition follow), international law is considered to be a separate body of law that applies domestically only when it has been enacted into domestic law, even if the treaty has been signed or ratified. In dualist systems, lawyers may refer to international treaties and case law in court, but they are not considered binding until they have been implemented domestically.

**See:** "How Does International Law Apply in a Domestic Legal System?" Peace and Justice Initiative, accessed November 9, 2020. <https://www.peaceandjusticeinitiative.org/implementation-resources/dualist-and-monist>.

#### Note

The **civil law** tradition developed in continental Europe, whereas the **common law** system developed in England. Many countries follow **hybrid systems** that blend elements of both the common and civil law traditions, and others follow different legal traditions entirely.

#### Note

When trying to assess whether international law applies domestically, it is important for victim groups to obtain advice from a lawyer who understands the legal provisions in the relevant jurisdiction. This is because it is not always obvious whether a country follows the monist or dualist system. For example, some common law countries have constitutions that expressly incorporate international law.

#### Spotlight on universal jurisdiction

**Universal jurisdiction** is a principle of international law that allows any country to investigate alleged perpetrators of genocide, crimes against humanity, war crimes, torture, and enforced disappearances regardless of where the crimes were committed or the nationality of the victims and alleged perpetrators. Universal jurisdiction is based on the notion that certain crimes pose such a serious threat to the international community as a whole that all countries

have a legal and moral duty to prosecute those responsible, no matter where those crimes were committed. Some—but not all—countries consider universal jurisdiction to be a principle of customary international law; however, they very rarely invoke it to prosecute international crimes. Each country that recognizes universal jurisdiction applies it somewhat differently.

*Universal jurisdiction in Europe:* As a matter of law or policy, most countries require a "link" to provide a basis for prosecution, meaning that a victim or perpetrator must be present in that country. Germany, Sweden, and Norway are notable exceptions; in those countries, investigations can proceed even if the suspect is neither a citizen nor present in that country. In fact, Swedish authorities are required to lay charges in cases of war crimes, crimes against humanity, and genocide if they have sufficient evidence to do so, and they may open investigations and share information about such investigations with other countries if the suspect is overseas. **See:** "Basic Facts on Universal Jurisdiction," Human Rights Watch, October 19, 2009, <https://www.hrw.org/news/2009/10/19/basic-facts-universal-jurisdiction#>.

*Universal jurisdiction in the African Union:* Attempts by France and Spain to invoke universal jurisdiction to extradite 45 *génocidaires* for their roles in the downing of the plane that sparked the Rwandan genocide triggered concerns in the African Union (AU) about "political abuse" of the principle of universal jurisdiction. In 2008, the AU Assembly adopted a resolution in Sharm el-Sheikh that expressed concerns about the potentially damaging effects of the abuse of universal jurisdiction on international law, order, and security. The resolution specifically called on African Union member states not to execute the warrants of arrest issued against the Rwandans and, more generally, called for the establishment of an international regulatory body to review complaints arising out of abuse of the principle of universal jurisdiction by individual states. In 2016, the AU Assembly encouraged states to enact a Model Domestic Law on Universal Jurisdiction over International Crimes. Under the law, heads of state still have immunity for international crimes. The law also gives priority to the principle of territoriality over the principle of universal jurisdiction. Despite those limitations, it expands the types of crimes that can be tried under universal jurisdiction—beyond mass atrocity crimes—and the category of individuals who can be tried under universal jurisdiction to include accomplices and others. **See:** Assembly of the African Union, *Decision on the Report of the Commission on the Abuse of the Principle of Universal Jurisdiction*, Doc. Assembly/AU/14 (XI) (June 30–July 1, 2008), [https://au.int/sites/default/files/decisions/9558-assembly\\_en\\_30\\_june\\_1\\_july\\_2008\\_auc\\_eleventh\\_ordinary\\_session\\_decisions\\_declarations\\_tribute\\_resolution.pdf](https://au.int/sites/default/files/decisions/9558-assembly_en_30_june_1_july_2008_auc_eleventh_ordinary_session_decisions_declarations_tribute_resolution.pdf); African Union (AU), *African Union Model National Law on Universal Jurisdiction over International Crimes*, BC/OLC/22589/66.5-2/306]6 (February 10, 2016), [https://www.un.org/en/ga/sixth/71/universal\\_jurisdiction/african\\_union\\_e.pdf](https://www.un.org/en/ga/sixth/71/universal_jurisdiction/african_union_e.pdf); Manuel Ventura and Amelia Bleeker, "Universal Jurisdiction, African Perceptions of the International Criminal Court and the New AU Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights," in *The International Criminal Court and Africa: One Decade On*, ed. Evelyn A. Ankumah (Cambridge/Antwerp/Portland: Intersentia, 2016).

*Universal jurisdiction in the United States:* Although the United States criminalizes war crimes, torture, and genocide, US courts lack universal jurisdiction over those crimes committed without a connection to the United States. As discussed below, some victims may consider filing civil proceedings in the United States using the Alien Tort Statute or Torture Victim Protection Act; however, the rules about how victims can use those statutes are strict and evolving. **See:** Andrew Johnson, “How Universal Is Universal Jurisdiction,” American University Washington College of Law, accessed December 11, 2020, <http://www.jgspl.org/how-universal-is-universal-jurisdiction/>.

### Enforcement

Enforcing courts’ decisions, even when they are legally binding, can be difficult. For example, an arrest warrant cannot be enforced if the accused cannot be found or if relevant authorities do not cooperate to apprehend them. Similarly, an order to compensate victims cannot be enforced if the perpetrator has no money or if his or her funds are inaccessible.

### Evidentiary difficulties

The serious consequences of a guilty verdict require strict rules about the kinds of evidence that courts can consider and the amount of evidence needed to secure a conviction. In criminal matters, the court usually must be persuaded that specific events occurred, that those responsible had the necessary criminal intent, and that a link exists between the accused and the crime.

#### Note

In the case of crimes against humanity, one must also demonstrate that the crimes occurred as part of a widespread or systematic attack directed against a civilian population to support a state or organizational policy. The perpetrator must have committed the crimes with knowledge of the attack.

In many cases, courts accept that the crimes or violations occurred. Available documentation usually makes that fact extremely challenging to deny. Trials tend to focus instead on proving the accused’s link to the crime, which is referred to as the *mode of liability*. The prosecution (in a common law system) or the investigating judges (in a civil system) must gather evidence of the accused’s criminal responsibility. They may have to find evidence that the accused ordered or incited the crimes or was in effective command of the people who committed the crimes. Producing enough admissible evidence to satisfy a court of those elements can be difficult. It can be particularly challenging in the context of mass atrocities, in which authorities may not have kept records about their activities or evidence may have been lost or destroyed.

### Principle of legality

The principle of legality protects people from being prosecuted for conduct that was not considered to be a crime at the time the events occurred. That principle usually means that if a country criminalized certain behavior *after* relevant events took place, the perpetrator cannot be prosecuted. Under international human rights law, however, that protection is not available for conduct recognized as a crime under international law at the time of the events. That includes mass atrocity crimes.

**Example:** The recruitment and use of child soldiers, among many other serious violations, characterized Sierra Leone’s civil war of 1991 to 2002. In 2002, the Sierra Leonean government and the United Nations established the Special Court for Sierra Leone (SCSL) to investigate crimes that had occurred since November 1996. The defendants raised a number of arguments, including that they could not be prosecuted for recruiting and using child soldiers because it was not a crime under domestic law in 1996; however, the court found that it was a crime under customary international law, which allowed the court to hold those responsible to account. Since then, the international community has codified the recruitment and use of child soldiers as an international crime with the signing of the Rome Statute of the ICC on July 17, 1998. **See:** *Prosecutor v. Sam Hinga Norman*, Case No. SCSL-2004-14-AR72(E), Decision on Preliminary Motion Based on Lack of Jurisdiction (Child Recruitment) (May 31, 2004).

### Statutes of limitation and amnesties

Some countries in which mass atrocities have occurred may try to limit prosecutions for international crimes. They may grant amnesties to perpetrators to exempt them from liability for their past actions. They may also impose statutes of limitation, which set deadlines for pursuing legal action for certain crimes. International law prevents and restricts the applicability of those limitations in cases concerning serious violations of international criminal law. Regional and international human rights mechanisms may be able to invalidate those kinds of restrictive domestic provisions.

**See:** UN General Assembly Resolution 60/147, Basic Principles and Guidelines on the Right to a Remedy and Reparation for the Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, A/RES/60/147 (March 21, 2006), para. 6–7, <https://undocs.org/A/Res/60/147>.

On March 13, 2004, the SCSL handed down a significant decision on the validity of amnesties under international law. The appeals chamber ruled that blanket amnesties granted to members of the warring factions in the Sierra Leone civil war by the 1999 peace agreement did not prevent prosecution. As researcher Simon Meisenberg has explained, it was “the first ruling of an international criminal tribunal unequivocally stating that amnesties do not bar the prosecution of international crimes before international or foreign courts.” How future courts will grapple with the issue of amnesties for international crimes remains to be seen.

**See:** *Prosecutor v. Morris Kallon and Brima Bazzy Kamara*, Case No SCSL-2004-15-AR72(E), SCSL-04-15-PT-060-I, ICL 24, *Decision on Challenge to Jurisdiction: Lomé Accord Amnesty*, Special Court for Sierra Leone (March 13, 2004).

**See:** Simon M. Meisenberg, “Legality of Amnesties in International Humanitarian Law: The Lomé Amnesty Decision of the Special Court for Sierra Leone,” *ICRC International Review* 86 (December 2014), [https://international-review.icrc.org/sites/default/files/irrc\\_856\\_5.pdf](https://international-review.icrc.org/sites/default/files/irrc_856_5.pdf).

**See:** *Prosecutor v. Augustine Gbao*, SCSL-2004-15-PT, *Decision on Preliminary Motion on the Invalidity of the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of the Special Court*, Special Court for Sierra Leone (March 25, 2004).



**See:** Louise Mallinder, “Amnesties and International Criminal Law,” in *The Handbook of International Criminal Law*, ed. William A. Schabas and Nadia Bérnáz (Oxfordshire, UK: Routledge, 2010).

### Spotlight on enforced disappearances

Under international law, crimes such as enforced disappearance and recruitment of child soldiers are “continuous crimes.” As the Belfast Guidelines on Amnesty explain, in the case of enforced disappearance, this means that the crime is “deemed to continue until the fate of the disappeared person has been clarified.” According to the guidelines, amnesties “should not bar investigations regardless of when the disappearance occurred.” Advocates before the Inter-American Court of Human Rights have successfully made the similar argument that statutes of limitation should not apply to the crime of enforced disappearance because it is impossible to determine when the crimes occurred and to set deadlines by which proceedings must be filed.

**See:** Transitional Justice Institute, *The Belfast Guidelines on Amnesty and Accountability*, Guideline 9(b) (Belfast: University of Ulster, 2013), [https://www.ulster.ac.uk/\\_data/assets/pdf\\_file/0005/57839/TheBelfastGuidelinesFINAL\\_000.pdf](https://www.ulster.ac.uk/_data/assets/pdf_file/0005/57839/TheBelfastGuidelinesFINAL_000.pdf); UN Economic and Social Council, *Progress Report on the Question of the Impunity of Perpetrators of Human Rights Violations, Prepared by Mr. Guissé and Mr. Joinet, Pursuant to Sub-Commission Resolution 1992/23*, U.N. Doc. E/CN.4/Sub.2/1993/6 (July 19, 1993), <https://undocs.org/E/CN.4/Sub.2/1993/6>.

## Initiating and participating in cases as individual victims or victim groups

INDIVIDUAL VICTIMS AND VICTIM GROUPS may be able to initiate or participate in legal proceedings, which may involve anything from filing a case about a specific event to participating as a witness in a trial. As discussed previously, victims need to hire a lawyer to obtain legal advice tailored to their specific situation; this chapter does not replace the need for such context-specific advice. This section nevertheless discusses a few venues in which individual victims and victim groups may be able to file or participate in proceedings.

### Participating as a victim in a criminal trial

The scope for victim participation in criminal trials depends on the specific procedural and evidentiary rules in the relevant jurisdiction. Those rules govern the kinds of information that the decision maker can consider and the ways in which such information can be presented to the court. Broadly speaking, criminal trials can follow one of two systems: the inquisitorial system or the adversarial system.

- **Inquisitorial system**

Jurisdictions of the civil law tradition typically follow the inquisitorial system, which requires the judge to play an active role in proceedings. The judge conducts his or her own judicial inquiry to determine whether the defendant is guilty or innocent rather than relying on evidence provided by the prosecution or the defense. Inquisitorial systems tend to offer wider scope for victim

participation. As discussed in the text that follows, victims may be able to join the public prosecution as civil parties and may even have the right to bring a private prosecution.

- **Adversarial system**

Jurisdictions of the common law tradition typically follow the adversarial system. This system is often described as a two-sided contest between the state and the defendant. Each party brings his or her own evidence that the judge or sometimes jury assesses impartially. Adversarial systems tend to offer limited scope for victim participation because the prosecution is considered to represent society and the victims. Victims typically participate as witnesses, and if the accused is found guilty, the victims may also give a victim impact statement at the sentencing hearing about the emotional, economic, and physical impact of the crime.

#### Note

Some jurisdictions adopt elements of both systems, so classifying any criminal justice system as purely adversarial or inquisitorial often is overly simplistic.

### Filing or joining criminal cases in some jurisdictions

In some countries and jurisdictions, particularly those of the civil law tradition, individual victims may bring private prosecutions. In some jurisdictions, that process allows victims to institute proceedings autonomously when the prosecutor has not opened a case. In other jurisdictions, victims may participate actively in cases, but they must adhere to the filings brought by the state. Those active kinds of victim participation are referred to as *parties civiles* (in French-speaking countries), *Nebenklage* (in German-speaking countries), or *querellantes adhesivos* (in Spanish-speaking countries). In countries that follow the Islamic law tradition, victims may also have the right to initiate private prosecutions and claim compensation.

**See:** UN Economic and Social Council, *Independent Study on Best Practices, including Recommendations, to Assist States in Strengthening Their Domestic Capacity to Combat All Aspects of Impunity*, by Professor Diane Orentlicher, U.N. Doc. E/CN.4/2004/88, (February 27, 2004), para. 44, <https://undocs.org/en/E/CN.4/2004/88>.

Depending on the specific jurisdiction, victims may attach a claim for civil damages to a criminal case, which is awarded if the defendant is found guilty. Victims may have similar rights to the accused, including the rights to

- Request that the judge gather certain evidence or interview particular witnesses
- Appeal decisions made by the prosecutor, including the decision not to investigate or not to present an indictment
- Be represented by a lawyer in a similar manner to the defense during all court proceedings

**See:** Luke Moffett, “Meaningful and Effective? Considering Victims’ Interests through Participation at the International Criminal Court,” *Criminal Law Forum* 26, no. 2 (June 2015): 3, <https://link.springer.com/article/10.1007/s10609-015-9256-1>.

That level of participation is not possible in every jurisdiction, particularly not in countries that follow the common law tradition. In criminal matters in those systems, the public prosecutor represents society, which is usually understood to include the victims. Victims may participate by giving sworn testimony if called to do so by the prosecutor or by submitting a victim impact statement that describes how the crime affected them. They may also be able to claim compensation.

**See:** Pablo de Greiff, *Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence*, U.N. Doc. A/HRC/34/62 (December 27, 2016), para. 48, <https://undocs.org/en/A/HRC/34/62>.

### Victim participation and representation in ICC proceedings

In cases at the ICC, victims may apply to participate as “participating victims.” Participating victims can receive updates on the case and have legal representation (known as *victims’ legal representatives* [VLRs]). VLRs can make submissions to the Court, question witnesses, and, in some circumstances, present evidence when the personal interests of the victims they represent are affected. Victims may apply to participate in ICC proceedings provided that they are either

- a) An individual who suffered harm owing to a crime within the ICC’s jurisdiction, including family members of direct victims; or
- b) An organization or institution whose property is dedicated to specific cultural, humanitarian, or historic purposes and is directly harmed as the result of such a crime.

#### Note

Because of the large number of victims who may be eligible to participate in ICC proceedings, the ICC allows VLRs to represent victims collectively. Some have criticized that approach for grouping victims into general categories without adequately accounting for their distinct interests and needs.

**See:** Pablo de Greiff, *Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence*, U.N. Doc. A/HRC/34/62 (December 27, 2016), para. 43, <https://undocs.org/en/A/HRC/34/62>.

At any point after a preliminary examination opens, individuals, organizations, or institutions may apply to participate as victims by applying to the Registrar. Victims should work with someone who has been trained by the Victim Participation and Reparations Section (VPRS) to complete a simplified application form. Once the form has been submitted, the prosecution and the defense receive a copy of the application unless security concerns are present, in which case the applicant’s identity is redacted from the copy that the defense receives. The relevant chamber then assesses the application to determine whether the applicant is a victim and whether he or she is entitled to participate in proceedings.

**See:** International Criminal Court, “Application Form for Individuals,” 2019, <https://www.icc-cpi.int/about/victims/Documents/Application-form-individuals.PDF>; International Criminal Court, “Chambers Practice Manual,” 2019, Part V(A), <https://www.icc-cpi.int/iccdocs/other/191129-chamber-manual-eng.pdf>.

Prospective applicants should

- Work with others whom the VPRS has trained to complete ICC application forms
- Consider the risks involved in completing an application, including the possibility that their identity and experiences will be communicated to the defense
- Keep the decision to submit an application confidential to minimize risks to themselves and others
- Understand that they may not always choose their lawyer; that if they do choose their own lawyer, the lawyer may be ineligible for legal aid; and that many victims may be represented by a common legal representative
- Understand that recognition as a participating victim does not automatically mean that they will receive reparations

The ICC’s Chambers Practice Manual lays out the ICC’s approach to victim participation. Participating victims, through their VLR, may generally

- “Make opening and closing statements
- Consult the record of proceedings
- Receive notification of all public filings and those confidential filings that affect their personal interest
- Tender and examine evidence if the chamber feels it will assist in determining the truth.”

In addition, VLRs usually may attend and participate in proceedings and question witnesses, experts, and the accused.

**See:** International Criminal Court, “Chambers Practice Manual,” 2019, Part V(A), <https://www.icc-cpi.int/iccdocs/other/191129-chamber-manual-eng.pdf>.

### Filing complaints with human rights complaint mechanisms

Human rights bodies aim to hold governments responsible for failing to protect certain fundamental rights and freedoms, such as the right to life, the right to not be tortured, and the right to not be detained arbitrarily. Some human rights bodies can adjudicate complaints in which individual or group rights have been violated. This section first highlights considerations for victim groups planning to file a complaint and then provides a short overview of different UN human rights bodies that can adjudicate those complaints.

#### Cases involving nonstate actors

The state may be held responsible for the conduct of nonstate actors in situations in which the state permitted or failed to prevent nonstate actors from violating fundamental human rights norms. Evidence that the state did not investigate, prosecute, or punish acts such as torture or extrajudicial killings perpetrated by private actors may indicate that the state did not exercise due diligence in upholding its human rights obligations or in providing an avenue for redress.

### The requirement to “exhaust domestic remedies”

Most regional and international venues that adjudicate human rights cases will not consider a claim unless applicants can demonstrate that they tried to obtain justice domestically but that their efforts were unsuccessful. In some courts, that limitation does not apply if the court considers that the domestic avenues were ineffective because they were nonexistent, unfair, or inordinately delayed. Some human rights bodies have found that the obligation to exhaust domestic remedies does not apply in situations of ongoing or recurring mass violations because that may also indicate that domestic remedies are not effective.

### Reparations through human rights proceedings

Most bodies that adjudicate human rights claims have the authority to award or recommend reparations, but some bodies have historically preferred not to do so. Where reparations are available and awarded, applicants must generally demonstrate that they have personally suffered harm as a result of the violation or abuse, as discussed in **Chapter 1**. Compliance with the recommendations and awards of human rights mechanisms is usually low, particularly in states that are experiencing or have recently experienced large-scale atrocities. The enforcement procedures and political sway of some regional human rights bodies, such as the Inter-American Court of Human Rights (IACtHR) and the European Court of Human Rights, may promote better compliance than UN complaint mechanisms.

**Example:** In 2004, the IACtHR ordered the Guatemalan government to prosecute and provide reparations in the case of Emma Molina-Theissen. The case concerned crimes against humanity, sexual assault, and the enforced disappearance of a minor—crimes to which the Guatemalan government had admitted. The Guatemalan government ultimately paid reparations to the Molina-Theissen family, and in May 2018, a domestic court convicted four high-ranking military officials for the crimes. The court also ordered the creation of a Commission to Search for Disappeared Persons and other nonmonetary reparations measures. **See:** *Case of Molina-Theissen v. Guatemala* (Art. 63.1 American Convention on Human Rights), Judgment of July 3, 2004 (Reparations and Costs), Inter-Am. Ct.H. R. (ser. C) No. 108 (2004), [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_108\\_ing.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_108_ing.pdf).

### Overview of UN human rights complaints mechanisms

The following table provides an overview of the three main UN mechanisms for adjudicating human rights cases. In addition to these UN bodies, various regional and subregional courts may also adjudicate human rights cases concerning individuals and events that occurred within the relevant jurisdiction. Those courts include the African Court and Commission of Human and Peoples Rights, the East African Court of Justice, the Economic Community of West African States (ECOWAS) Court of Justice, IACtHR, and the European Court of Human Rights.

Table 2.2: United Nations Mechanisms for Adjudicating Human Rights

	UN Human Rights Treaty Bodies (UNTBs)	Special procedures	Human Rights Council complaints procedure
Accepts complaints from—	Individual victims or those acting with the victim’s written consent	Any reliable source about individuals or widespread incidents	Victims (usually of widespread incidents) or those acting with their authorization
Jurisdictional requirements	Country must have ratified the relevant treaty and accepted jurisdiction of the complaints mechanism	Country does not need to have ratified treaty but a special procedure with jurisdiction must exist	Country does not need to have ratified relevant treaty
Exhaustion of effective domestic remedies	Yes, applicants must exhaust effective domestic remedies before lodging a complaint	No, there is no need to exhaust effective domestic remedies to lodge a complaint	Yes, applicants must exhaust effective domestic remedies before lodging a complaint
Private or public	Usually publishes names of victims mentioned, but individuals may request that sensitive matters be suppressed	Communications are usually confidential until the mandate holder reports on the matter to the Human Rights Council (at which time they become public), but they may also issue public statements before this time	Work is confidential unless otherwise noted
Length of process	2–3 years to resolve; interim orders may be issued	May issue urgent actions	Lengthy process but cannot exceed 2 years

### Participating as a plaintiff in civil proceedings

Individual victims and victim groups may be able to sue—or file civil proceedings against—individuals, organizations, and, in some cases, governments that have harmed them. Those proceedings may lead to an award of monetary damages for financial and nonfinancial losses; however, even if a financial award is made in a civil action, the harmed party may never actually receive the money awarded to him or her. Enforcing awards for damages against defendants in civil actions, as with all avenues discussed in this chapter, is always challenging. That said, civil action can still prove to be an important avenue for official recognition of victims’ experiences and may even spur future criminal justice efforts.

Victim groups may consider including civil proceedings as part of a broader justice strategy for addressing mass atrocities for a few reasons:

- Civil proceedings may afford greater scope for affected persons to initiate and participate in proceedings, particularly in common law countries. Whereas criminal measures in common law countries are usually initiated by the prosecutor on behalf of society, civil litigation can be brought only by those affected by the defendant’s conduct. As a result, affected persons may have more scope to influence proceedings than in criminal matters.



- Civil liability usually requires a lower standard of proof to hold the defendant responsible than does criminal liability. To find a defendant civilly liable, the decision maker must be satisfied that the person is responsible on the balance of probabilities. This standard, which is less onerous than the “beyond reasonable doubt” standard applied in criminal cases, requires only that the evidence demonstrate that the defendant is more likely than not to be responsible.
- High-profile cases may draw media and public attention and thereby build pressure on decision makers to pursue other justice and accountability measures.

In some jurisdictions, civil proceedings may be brought only after criminal proceedings have commenced. A notable exception is the United States, where non-US citizens may claim compensation against those responsible for torts (or civil wrongs) that violate international law. No prior criminal proceedings are necessary. Victims may initiate proceedings under the Alien Tort Statute and the Torture Victims Protection Act against

- Individuals physically present in the United States
- Those directly or indirectly responsible for the relevant violations
- Government officials, members of security forces, or those acting in an official capacity on behalf of, or together with, such authorities
- Those who are not protected by foreign sovereign immunity

These cases can only be brought against defendants who are in the United States, while those brought under the Alien Tort Statute must also “touch and concern” “with sufficient force.” Victim groups that want to explore whether and how they can use the Alien Tort Statute or Torture Victims Protection Act should consult a lawyer with relevant expertise, such as the [Center for Justice and Accountability](#).

*See: Filartiga v. Pena-Irala, 577 F. Supp. 860 (E.D.N.Y. 1984); Kpadeh v. Emmanuel, 261 F.R.D. 687 (S.D. Fla. 2009); Kiobel v. Royal Dutch Petroleum, 569 US 108 (2013); Jesner v. Arab Bank, PLC, 584 US \_ (2018).*

## Participating as a witness

A witness in a criminal trial is a person that the prosecution or defense calls upon to provide evidence in court. Witnesses may include

- Individuals with knowledge of the relevant events, known in some jurisdictions as “fact witnesses”
- Individuals who are or were close to the accused persons, known in some jurisdictions as “insider witnesses”
- Experts with knowledge of specific subjects or topics that are relevant to the case
- Individuals with relevant information about the social, geopolitical, historical, or other relevant context in which the events occurred

In cases of mass atrocities, a small subset of victims and other witnesses who have knowledge of the relevant events may be asked to testify in court. Court cases are unlikely to cover every crime committed and instead usually focus on a few

emblematic incidents. Only victims who directly witnessed or have particularly compelling information about the specific crimes are likely to be considered as potential witnesses. From that group, victims who can sustain the pressures of cross-examination by the defense, who have clear memories of relevant events, and who are able to clearly and factually testify about what they observed and know are most likely to be selected as witnesses.

For some witnesses, testifying in court and confronting the perpetrator face-to-face can be a restorative experience. For others, it can be intimidating and retraumatizing and may even make the witness a target for further violence; therefore, witnesses and their families need adequate support and protection before, during, and after their testimony. Witnesses who are unprepared for court appearances may feel betrayed, uninformed, and reluctant to assist in further efforts.

Before witnesses provide an official statement about their experiences or agree to testify in court, they must understand the following:

- **Witnesses may be compelled to testify.**  
People who provide evidence to investigators or prosecutors that is considered essential for the case may be subpoenaed, which means that they may be required to testify even if they do not want to. That said, people who have provided evidence that is not considered essential and who have not been subpoenaed may choose not to testify and may also decide that they no longer want to testify (even if they have already agreed to).
- **Witnesses may face security risks and lack protection.**  
Some courts provide witness protection measures to keep witnesses’ identities confidential if necessary; however, such measures are not always in place, may not be enforced, and sometimes do not work, which can leave witnesses and their families vulnerable to threats, especially in high-publicity trials. Accordingly, it is important to find out whether or not witness protection programs are available, as that may inform the decision to provide evidence.
- **Witnesses may be retraumatized by the experience of testifying or giving evidence.**  
Facing the perpetrator or reliving their experiences may cause some victims additional trauma. It is appropriate to inquire whether psychosocial services can be made available to witnesses.

### Note

Some courts, such as the ICC, may order protective measures, which may limit or prevent the victim from having to testify in front of the accused. This option may be particularly important and helpful for victims who are children.

- **Witnesses may be subject to aggressive questioning in court.**  
Victims and witnesses may face aggressive questioning in court, which may be extremely upsetting. If possible, having a meeting with a lawyer in advance may be helpful so that victims and witnesses understand which aspects of their testimony are relevant and why they may be asked certain questions.

- Witnesses may be required to spend time away from home and work. If testifying in court requires the witness to travel, the witness may have to take time out from work. Even when courts do pay a per diem and out-of-work allowance to witnesses, it does not always equal the actual amount that the witness loses in earnings.

#### Note

Witnesses at the ICC do not normally have legal representation, but they may receive administrative, logistical, or psychosocial support from the Victims and Witness Unit (VWU), which is a branch of the ICC Registry. The VWU may also provide protection to the witness and others who are endangered as a result of a witness's testimony.

## A note about the right of the defense to a fair trial

The concept of justice is premised on respect for the human rights of every individual including accused persons—no matter how serious the crime. If alleged perpetrators are not tried in independent, impartial, and competent courts and according to international standards of fairness, that may undermine justice for the victims because the process loses credibility and legitimacy both domestically and internationally.

**See:** UN Economic and Social Council, *Question of the Impunity of Perpetrators of Human Rights Violations (Civil and Political)*; *Final Report Prepared by Mr. Joinet Pursuant to Sub-Commission Decision 1996/119*, U.N. Doc. E/CN.4/Sub.2/1997/20 (June 26, 1997), para. 28, <https://undocs.org/en/E/CN.4/Sub.2/1997/20>.

To ensure credible criminal trials, the defendant's right to a fair trial must be upheld. The right to a fair trial is recognized in the Universal Declaration of Human Rights and has become a legally binding norm for all states and applies at all times, including during armed conflict. Fair trial rights must be guaranteed to all accused and apply throughout the entire process, from investigation, arrest, and detention to pretrial proceedings, trial, appeal, sentencing, and punishment. Fair trial rights differ between jurisdictions, but they fundamentally require that persons accused of a crime

- Be presumed innocent until proven guilty
- Be told as early as possible what the charges are against them
- Have sufficient time to prepare their defense
- Receive legal aid or funding for a lawyer if they cannot afford one and if legal representation is necessary for justice to be served
- Be tried without undue delay
- Be present at their trial
- Have access to all relevant information
- Have the opportunity to put forward their side of the case at trial
- Be allowed to question the prosecution witnesses and to call their own witnesses
- Have an interpreter, if needed
- Not be compelled to testify against themselves or to confess guilt

#### Note

Upholding the fair trial rights of defendants is important to victims too. If these rights are not protected, the court may order a retrial, which may result in acquittal.

## Conclusions

LEGAL TOOLS, such as proceedings against perpetrators for different kinds of crimes and violations that occur during mass atrocities, can incrementally build toward a sense of justice and accountability for victims of mass atrocities. The specific role for individual victims and victim groups differs depending on the context and the kind of case, but in all cases, victim groups may be in a position to explain proceedings to broader victim communities. Not only can it brace communities for disappointing outcomes but it can also highlight moments of success in the justice process. Victims require assistance from a lawyer for all of those efforts.



**GENERATING SUPPORT  
FOR JUSTICE EFFORTS  
FROM KEY ACTORS**

**PART TWO**





## CHAPTER THREE

# BUILDING SUSTAINABLE VICTIM-CENTERED COALITIONS

**Forming a victim-centered coalition is one tool that can help to gradually build momentum for justice after mass atrocities.**

- Forming a coalition is not always easy, possible, or appropriate.
- Coalitions must have a clear decision-making process.
- Coalitions should strive for inclusivity when possible and appropriate.

CRIMES AGAINST HUMANITY, war crimes, torture, and gross violations of human rights characterized Hissène Habré's brutal eight-year dictatorship of Chad. When he was overthrown in 1990 and fled to Senegal, his victims began a decades-long pursuit of justice. Souleymane Guengueng, an accountant who had been unlawfully detained for more than two years, persuaded a group of former detainees to speak out about their experiences and to form a victims' association to pursue justice. After connecting with another victim group from the country's north, Guengueng and his colleagues gathered the stories of hundreds of victims in an effort to build pressure on the new Chadian government to deliver justice. Instead, Habré's collaborators were reappointed to public office and tried to silence his victims.

The Chadian Human Rights Association approached Human Rights Watch to help Guengueng and his colleagues. Together they formed an international justice coalition along with Chadian and Senegalese victim and human rights groups, the International Federation for Human Rights (FIDH), and Agir Ensemble pour les Droits de l'Homme. The International Committee for the Fair Trial of Hissène Habré ignited the interest of the international community and cemented the central role of victims in the justice process. Led by a steering committee, they took critical steps to pursue justice against Habré. They filed criminal cases against Habré in Senegal and then Belgium, initiated proceedings at the UN Committee on Torture to prevent Habré from fleeing justice, convinced the Belgium government to sue Senegal at the International Court of Justice, and maintained pressure until the Extraordinary African Chambers in Senegal ultimately convicted him. At the time of writing, victims are yet to receive reparations; their pursuit of justice continues. **See:** Reed Brody, "Victims Bring a Dictator to Justice: The Case of Hissène Habré," 2nd ed. (Berlin: *Brot Für die Welt*, June 2017), [https://www.brot-fuer-die-welt.de/fileadmin/mediapool/2\\_Downloads/Fachinformationen/Analyse/Analysis70-The\\_Habre\\_Case.pdf](https://www.brot-fuer-die-welt.de/fileadmin/mediapool/2_Downloads/Fachinformationen/Analyse/Analysis70-The_Habre_Case.pdf).

Photo: A participant gestures near a night vigil candle during a commemoration ceremony marking the 25th anniversary of the Rwandan genocide, at the Amahoro stadium in Kigali, Rwanda, April 7, 2019. REUTERS/Jean Bizimana



Forming a victim-centered coalition—such as the International Committee for the Fair Trial of Hissène Habré—is one of the important tools that this Handbook discusses for amplifying the demand for and advancing justice for mass atrocities. This chapter is intended for victim groups that are considering whether and, if so, how to form a victim-centered coalition with other victim groups. It discusses some of the benefits and challenges of working as a coalition and offers advice on how to build inclusive victim-centered coalitions.

This Handbook draws on researchers Leftwich and Hogg's definition of *coalition* to refer to groups or organizations working together to solve problems or to achieve shared goals that can be accomplished more easily collectively. Coalitions can organize themselves in many different ways, but they usually have

- Shared goals or a vision for the future
- Agreed approaches to decision making
- Diverse and inclusive membership

See: Adrian Leftwich and Steve Hogg, "The Case for Leadership and Primacy of Politics in Building Effective States, Institutions and Governance for Sustainable Growth and Social Development," Developmental Leadership Program, University of Birmingham, and La Trobe University (November 2007), para. 6.

The term *victim-centered coalition* refers to two or more victim groups that have decided to come together to pursue their common goals of justice. A victim-centered coalition may include victim groups that have diverse priorities; different geographic, social, or cultural backgrounds; and distinct perspectives on the causes and consequences of the conflict. However, they are all unified around a shared goal of justice.

#### Note

This chapter may be particularly useful to members of victim groups who have received less attention than larger or more visible victim groups. Illustrative is the experience of Romani victims in the aftermath of the Holocaust, as discussed in the [Introduction](#) to this Handbook.

## The benefits and challenges of forming a victim-centered coalition

COALITIONS CAN PROVIDE a platform for developing creative solutions to complex problems by bringing together people's different skills and expertise to decision-making and activities. Coalitions may also serve as a source of mutual support and solidarity. In some cases, they may even offer security to members by increasing the number of groups working on an issue and allowing people and groups to speak anonymously through the coalition. Coalitions can be powerful: They can conserve resources and provide more visibility, leverage, access, status, and innovative perspectives and tools. Local, regional, national, or transnational, coalitions can form to address one particular shared goal, after which they dissolve, or they can form to mobilize sustained action over a longer period of time. They can also vary

vastly in terms of structure, from formal organizations that have headquarters and staff to more informal and flexible affiliations that often rely on volunteers.

See: Nick Martlew, "Creative Coalitions: A Handbook for Change," Crisis Action, accessed November 10, 2020, <https://crisisaction.org/Handbook/contents/>.

In the context of advancing justice and accountability for mass atrocities, operating as a victim-centered coalition offers three specific benefits:

- **Diverse coalitions may be harder to ignore.**  
Because decision makers often lack incentives to deliver justice after mass atrocities, keeping justice on the agenda often falls to victims and affected communities. Victims may come from communities that have been marginalized and oppressed, however, which can make it difficult for their voices to be heard. Forming a victim group with others in the community and joining together with other groups that have experienced violations can make it harder for decision makers to ignore their voices.
- **Coalitions can coordinate shared goals.**  
After decision makers have decided to implement a justice process, they must determine what specific measures to adopt and how to implement them. To be effective, those measures should be informed by the desires of affected communities. However, decision makers do not always consult affected communities, and when they do, developing solutions that satisfy everyone's interests is not always possible. By forming victim-centered coalitions, victim groups can work privately to align their perspectives, priorities, and goals across different communities. That alignment can streamline the process and make it easier for decision makers to take steps in their favor.
- **Coalitions can pool resources and skills.**  
Each organization within a coalition has various comparative advantages and distinct abilities to lead on different components of a justice effort. By forming a coalition, organizations pool their resources and skills, which allows the whole coalition to join forces and benefit from the diverse abilities of each organization within the coalition.

See: Phil Rabinowitz, "Choosing Strategies to Promote Community Health and Development (Section 5: Coalition Building I: Starting a Coalition)," in *The Community Toolbox* (University of Kansas, n.d.), accessed November 10, 2020, <https://ctb.ku.edu/en/table-of-contents/assessment/promotion-strategies/start-a-coalition/main>.

Forming a victim-centered coalition with different victim groups is not always possible or appropriate, however. Victim groups may struggle to come together if they are physically far away from each other or if they speak different languages. Travel may be difficult, and they may not have secure or reliable ways of communicating. Funding and resources may help victim groups to overcome those practical challenges, but others, such as those discussed in the following list, may be harder to address.

- **Working as a coalition requires compromise.**  
Working as a coalition does not require coalition members to agree on everything, but it usually does require them to make compromises as they pursue their shared goals. Making compromises—particularly on issues that relate to justice, trauma, and recovery—can be difficult. In some cases, it results in decisions that not all coalition members support.
- **Working as a coalition may be risky.**  
In some contexts, groups or coalitions must register with local or national officials, a requirement that may be risky for groups or coalitions that want to hold their government to account. Victim groups that are considering forming a coalition may already have thought through those risks when they formed their victim group, but reassessing them is important when forming a coalition.
- **Historical differences and tensions between victim groups can make coming together difficult.**  
Victim-centered coalitions aim to bring together different communities so that they can share their experiences and perspectives. In some mass atrocity situations, different communities may have previously been in conflict with one another, may never have worked together, or may have irreconcilably different views. Working together in those circumstances—even if the victim groups have shared or similar goals for justice and accountability—may simply not be possible.

Forming a victim-centered coalition usually offers opportunities and presents challenges to victim groups. Factors such as the victim group's goals, approaches, and activities—as well as the make-up of the victim community—should all inform the decision to form a coalition. For victim groups that are unable to form a coalition, the other chapters in this Handbook offer tools for advancing and amplifying the demand for justice for mass atrocities.

**See:** Adrian Leftwich and Steve Hogg, “The Case for Leadership and Primacy of Politics in Building Effective States, Institutions and Governance for Sustainable Growth and Social Development,” Developmental Leadership Program, University of Birmingham, and La Trobe University (November 2007).

## Tips for working as a victim-centered coalition for justice

THIS SECTION OFFERS three tips for victim groups that have formed or that are planning to form a victim-centered coalition. The aim of this advice is to promote sustainable and resilient coalitions that can endure the setbacks that arise over the long term as the groups pursue their shared justice goals.

### Note

This section does not discuss funding and resources that victim-centered coalitions often need to engage in such work because that topic is addressed separately, in [Chapter 8](#).

### Note

Although this Handbook focuses on building coalitions that are sustainable over the long term, coalitions that form for specific reasons for short periods of time can also be powerful.

## Gain momentum and build a strong foundation gradually

Some victim groups and coalitions begin as informal associations for sharing information and providing support. This is a good starting point for victim coalitions that want to engage more strategically on justice and accountability. Building momentum gradually—rather than rushing into big and complex projects—can help ensure that the coalition sustains itself over the long term.

Victim-centered coalitions should first focus on laying the foundations for inclusive and representative coalitions that have the trust and confidence of their broader communities and that share a common vision. To achieve that goal, they should

- Provide opportunities for coalition members to get to know one another informally
- Offer benefits for joining the coalition, such as access to information or decision makers or workshops on necessary skills and knowledge
- Plan for and celebrate successes to build confidence among the coalition members
- Distribute credit for success fairly among coalition members
- Develop a network of partners, such as faith-based institutions and referral services, that can work alongside and support the coalition

## Develop a consultative approach to making decisions

Coalitions do not have to agree on everything to succeed. In fact, one of the main benefits of working as a coalition is that everyone brings diverse perspectives, approaches, and expertise. That said, coalitions have to agree on a few basic commitments, and they must be built on relationships of mutual trust. Developing clear and effective decision-making processes is an important part of that foundation. When developing a decision-making process, coalitions should do the following:

- **Consult regularly with coalition members and broader affected communities.**  
The strength of a coalition rests on the degree of commitment that its members and their communities feel to the coalition and their shared goal. To build that shared commitment, coalition members need genuine opportunities to ask questions, raise concerns, and offer ideas. They also need to understand the decisions that the coalition makes and consider whether those decisions reflect their views. That does not mean that all coalition members must participate in every decision; that may be impossible, particularly in very large coalitions. Coalitions should regularly consult and engage their members throughout decision-making processes, however.

- **Develop different processes for different kinds of decisions.**  
Coalitions have to make many kinds of decisions, and the same decision-making process may not always be appropriate for all of them. Decisions that affect the entire coalition—such as decisions about long-term goals or that may affect the coalition’s safety or reputation—may require that all coalition members understand and have an opportunity to vote on decisions. Conversely, some decisions may primarily affect a smaller subset of the coalition, such as a particular group of victims or a group with expertise on a specific issue. In such cases, the appropriate step may be to establish a committee or a working group within the coalition to focus on decisions relating to that topic.
- **Explain the decision-making process to coalition members.**  
Coalition members need to understand how decisions are made. They need to know who is making decisions, what information they are relying on, and how they debate and evaluate that information. That knowledge is important for a couple of reasons. First, coalition members who understand the decision-making process may have more confidence in the decisions made or at least understand what factors may have influenced decisions with which they disagree. Second, having that knowledge can help coalition members decide how and when to intervene in decision-making processes if they have major concerns.
- **Ensure inclusive geographic participation and representation.**  
Some coalitions have members throughout the country; in such cases, the tendency may be for all decision making to take place only with those organizations based in larger urban population centers. That means that rural coalition members may be excluded from important decisions. If possible, the coalition should develop ways of including all relevant coalition members in decisions—no matter where they are located.
- **Be open to adjusting the decision-making process.**  
As circumstances change, the decision-making process may have to change too. As the coalition grows to include more diverse stakeholders, as its decisions become riskier or more complex, and as the coalition’s activities and goals change or expand, old decision-making processes may no longer work. Coalitions should be open to adjusting their decision-making process as needed, and reviewing their decision-making processes on a regular basis may be helpful.

**Tip**

In addition to developing a consultative approach to decision making, coalitions may also appoint spokespeople who are authorized to speak on behalf of the coalition to public audiences or to political and diplomatic actors. Having designated spokespeople allows the coalition to speak with one voice, which can make their message about the need for justice clearer and stronger.

**Consider the advantages and disadvantages of establishing a formal coalition structure**

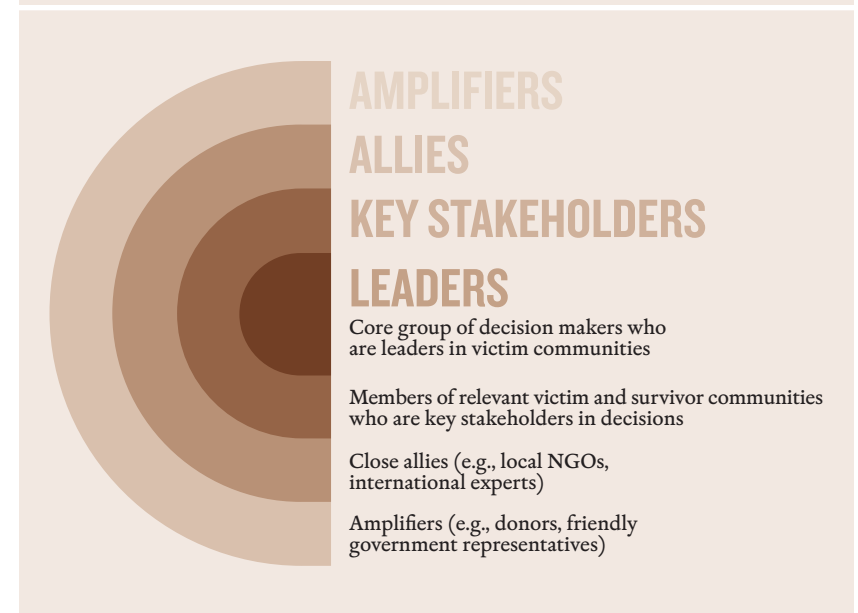
Some coalitions may decide to establish a clear structure or decision-making hierarchy. Having a formal structure may make decision making and interacting with third parties, such as donors and government representatives, easier. That type of structure is not possible or appropriate in every case, nor is it always

necessary; many successful coalitions have no formal structure. In some cases, too much structure may cause coalition members to lose sight of their shared goals; they may be distracted by vying for leadership positions instead.

Countless options exist for coalitions that are interested in establishing a formal structure or hierarchy, but two possible approaches are illustrated in figures 3.1 and 3.2. As noted previously, regardless of the approach, it is critical that coalitions consult their members and key stakeholders, that those parties feel heard, and that they understand how and why decisions are made.

**Figure 3.1 Possible Coalition Structure**

A small committee consults and receives support from affected communities, external actors, and experts to advance a common goal



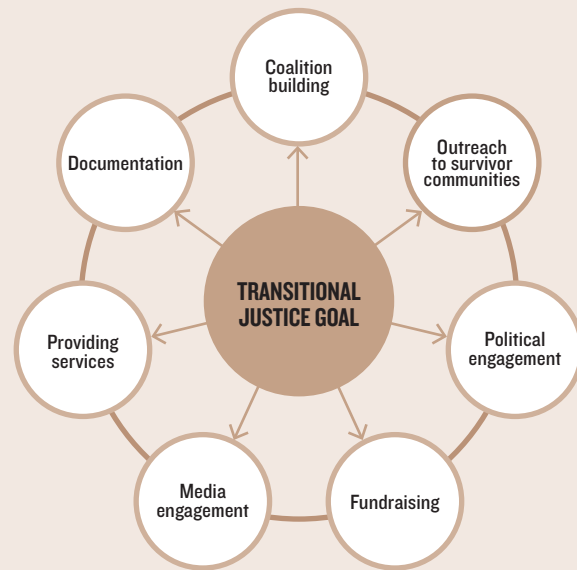
**AMPLIFIERS**  
**ALLIES**  
**KEY STAKEHOLDERS**  
**LEADERS**

Core group of decision makers who are leaders in victim communities  
Members of relevant victim and survivor communities who are key stakeholders in decisions  
Close allies (e.g., local NGOs, international experts)  
Amplifiers (e.g., donors, friendly government representatives)

Key decision makers who have the trust and support of a broader group of victims form a small committee to make decisions together. To maintain their community’s trust and support, those key decision makers regularly consult with and seek input from the broader group of victims and survivors. External allies (such as local nongovernmental organization [NGO] representatives) and amplifiers (such as friendly government representatives) may influence some of those decisions but are principally involved to serve and support the goals of the core coalition members.

**Figure 3.2 Possible Coalition Structure**

Various teams use their different expertise and skills to advance a common goal



Different organizations or individuals work on narrower objectives or activities that all relate to and support the ultimate justice goal. Those groups operate with substantial autonomy and send representatives to regular meetings to share information about their work. Working groups that collaborate closely on specific activities also meet regularly to coordinate their work.

## Decide how inclusive or exclusive the coalition should be

Coalitions have to decide how inclusive or exclusive the coalition should be. Exclusive coalitions include only people from certain groups, such as women, indigenous persons, and people who have experienced specific violations, among other criteria. Exclusive coalitions can provide a valuable platform for group members to be heard and may help the coalition remain focused on specific issues. On the other hand, inclusive victim-centered coalitions that are not limited to people from specific subcommunities can play a vital role in advancing justice. By representing broader constituencies of affected communities, inclusive coalitions can amplify voices that would otherwise not be heard. This rests on a few assumptions:

- **Inclusive coalitions may be harder to ignore.**  
By including as many individuals and communities who have suffered in the conflict and who want to effect social change—regardless of the kind of harm they experienced; the identity of their perpetrator; or the social, cultural, religious, and ethnic groups to which they belong—coalitions may have a stronger voice. Their demands may be harder to dismiss or ignore.

- **Inclusive coalitions may be able to advocate for outcomes that satisfy more people.**  
By working together across different communities, victim-centered coalitions may be able to amplify the voices of their broader constituencies even if they are not all actively involved in the coalition. When justice processes eventually unfold, those broader constituencies may then see their perspectives reflected in the outcomes.
- **Inclusive coalitions may build bridges between social groups.**  
Building diverse coalitions may serve a secondary function in post-conflict or mass atrocity settings. By bringing together individuals and communities who have not historically worked together or who may even have been in conflict with one another, coalitions can perform an important peace-building function. Tackling complex problems collaboratively to achieve long-term goals may build bridges between social groups.

Within a representative coalition, there may still be space and even a need for separation between different communities: coalitions may establish smaller working groups to focus on particular issues or violations. Those smaller groups may coordinate closely with or amplify the work of the other groups within the coalition. As long as they are all working toward the same goal of justice, they are still a coalition.

### Tip

Victim-centered coalitions demanding justice for mass atrocities may consider including victims of crimes, violations, abuses, and injustices that do not necessarily qualify as “mass atrocities” but that are nevertheless serious and demand redress. Such violations may include land grabbing, violence against women, and inadequate legal protections in small communities, among others. Including a broader spectrum of victims in a victim-centered coalition can help to build solidarity, cohesion, and buy-in for justice across communities.

### Include people and groups whose voices are not always heard

Victim coalitions should strive to include people and groups whose voices are not always heard in decision making at the local and national level. People from those communities may have been targeted or affected in specific or disproportionate ways by the violence, and their voices are critical for effective justice processes. Those people and groups may include the following

- Women, who often make up a slight majority of the country’s population but a large majority of the victim community
- People with physical or intellectual disabilities
- People who identify as lesbian, gay, bisexual, transgender, or intersex
- Children, who should have a dedicated adult representative in the coalition
- First Nations and indigenous people
- People who live in rural areas
- People who have not previously participated actively in civil society
- People who belong to other communities that experience social stigma or discrimination or who belong to any other less visible subcommunities, such as members of particular tribal or ethnic groups
- People experiencing extreme poverty
- Displaced persons
- People who have been unable to access education, who may be illiterate



The coalition may have to seek out representatives from those communities actively if decision-making processes have historically excluded them. Coalitions may also have to avoid formal registration processes, which can be a particular challenge for certain victims and may prevent them from participating in a coalition. By finding ways to include representatives from those communities, victim coalitions may avoid mirroring or replicating exclusionary decision-making structures.

#### Note

Hierarchies may form within victim groups and coalitions on the basis of members' varying levels of previous experience working with NGOs. Cultural factors, such as the differing sizes of tribal groups, can also cause hierarchies to form.

**Example:** Victims from rural and urban areas may have very different goals for justice measures and may not automatically think of one another's needs. For example, victims of sexual and gender-based violence who are in rural areas may not have the same access to medical assistance as victims based in urban centers. Failing to create space for victims from rural communities to participate in victim coalitions and to share their views may result in uneven justice measures.

#### Involve outsiders and experts

Outsiders who were not affected by the conflict can play an invaluable role in amplifying and supporting the work of victim-centered coalitions. Coalitions may involve them as the coalition is forming or at a later stage to serve in an expert or advisory role to perform the following tasks:

- Share lessons from other contexts to develop creative solutions
- Provide legal expertise for gathering evidence and developing cases
- Help to communicate to different audiences the urgency of the need to end impunity
- Ensure that victims' voices directly inform high-level decision-making processes about justice and accountability
- Advise on best practices to keep the coalition safe
- Provide sustainable funding and resources
- Inspire the coalition to persevere despite setbacks

Regardless of who is involved, victim-centered coalitions should expect outsiders and experts to keep victims' aspirations at the forefront and to remain open and transparent in all interactions.

#### Work with local civil society organizations

Trusted local civil society organizations can be invaluable resources for victim-centered coalitions if they have relevant knowledge, skills, and connections to advance the coalition's work. For example, they may

- Have expertise on local and domestic decision-making processes and know who to contact to take a specific action item forward
- Be familiar with legislation or agreements that are relevant to justice and accountability

- Be connected with service providers and humanitarian actors who can offer assistance and support to individual victims
- Have close ties with other affected communities whose perspective may be valuable to the victim-centered coalition

#### Include or consult religious leaders and representatives of faith-based institutions

Victim-centered coalitions may consider including or consulting trusted religious leaders and representatives of faith-based institutions. They may be able to

- Offer support to the coalition
- Help the coalition to reach consensus
- Build trust among broader affected communities
- Garner support from government officials

In some cases, however, including religious leaders may replicate patriarchal or elite power structures.

## Conclusions

FORMING A VICTIM-CENTERED COALITION is one tool available to victim groups that want to pursue justice for mass atrocities. Although it is not always easy, appropriate, or possible, working together across affected communities around a common goal of justice can enable victim groups to make their voices heard in the justice process and to maintain pressure on decision makers. The next chapters in this section discuss other ways that victim groups can work to garner support for their justice effort.

## CHAPTER FOUR

# GATHERING AND SHARING INFORMATION

**Victim groups can gather and share information with others to garner support for justice efforts.**

- Gathering evidence about specific crimes is a skill that requires specialized training and oversight.
- Other forms of information that are not evidence, such as general background information, can be very valuable.
- Gathering and sharing information carries risks that victim groups must assess and mitigate.

VICTIM GROUPS CAN OFTEN provide authorities with information to advance justice without needing to gather more formal forms of evidence, such as signed testimonials. In fact, attempts to gather formal evidence may do more harm than good because such efforts are highly technical and often require substantial expertise in order to be useful in formal proceedings. Moreover, officials typically conduct their own investigations before initiating proceedings, making evidence gathered by other groups unnecessary and potentially even damaging to cases, especially if it conflicts with the evidence gathered by authorities. Indeed, unsigned descriptions of incidents may be of equal or even greater value to authorities who are trying to assemble a case than signed, eyewitness testimony because the accounts can help officials identify priority incidents and gain a more complete understanding of the situation. For these reasons, this Handbook does not provide advice to victim groups on gathering evidence. However, this chapter and **Appendix II** contain additional resources on this topic for victim groups to consult.

### Note

Victim groups should never attempt to gather testimonial evidence without adequate training and supervision. Victim groups may find the Institute for International Criminal Investigations (IICI)'s training modules and other materials to be a helpful resource to supplement other training. **See:** for example, their *Training Materials Accompanying the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict*, <https://iici.global/publications/>.

This section focuses on information (excluding evidence about specific crimes and perpetrators) that may be useful to the following authorities and other actors:

- Police investigators in the relevant jurisdiction
- Public prosecutors engaged in criminal investigations
- United Nations (UN) fact-finding and documentation bodies with an accountability mandate (such as those established for Syria, Iraq, and Burma/Myanmar)

Photo: Photographs of people killed in the Rwandan genocide hang in the Kigali Genocide Memorial Museum. *Laura Elizabeth Pobl for the US Holocaust Memorial Museum*

- The International Criminal Court (ICC)'s Office of the Prosecutor, which can receive information from anyone under Article 15 of the Rome Statute (also known as an Article 15 Communication)
- Intermediary organizations (such as Crime Stoppers or Bellingcat) that may collect information anonymously
- Immigration authorities in countries to which perpetrators have fled
- Strategic litigation groups, such as the **European Center for Constitutional and Human Rights** and the **Center for Justice and Accountability**

## Gathering information as a victim-centered coalition

FOR VICTIM GROUPS working as part of a victim-centered coalition, the gathering and sharing of information presents both challenges and opportunities. Gathering material as a coalition is a challenge requiring substantial coordination. It is important that victim-centered coalitions know who is gathering what information, what protocols they are following, and where and how the information is stored—both physically and electronically. Systems for storing data may become more complicated and vulnerable to security threats if they are used by many people or organizations. Moreover, deciding what information to share with authorities and when to share it can be complicated by the need to consider multiple perspectives.

Gathering and sharing information as a coalition also presents opportunities. Coalitions that have a clear strategy for gathering information can streamline the work of individual victim groups if they are each assigned specific kinds of material to gather. Not only does this allow different groups to become experts on specific issues, but it may also benefit the broader coalition by providing all members with access to additional information about the conflict and its impact. Moreover, diverse and representative coalitions may have access to more varied data sources that can prove to be very valuable to decision makers.

## Background information about the conflict

VICTIM GROUPS MAY BE able to obtain background information about a conflict or situation that is valuable to the authorities and other actors described at the beginning of this chapter.

Following are examples of background information that may be helpful for victim groups to share with these actors:

- **Information about relevant decision-making processes**  
Information about which leaders have authority to make decisions—and how they make these decisions—can be valuable to investigators, particularly those from outside the community. Such information could help identify those responsible for certain crimes or violations, using international principles of command responsibility. Information about leadership structures at the local, regional, and national levels and about command structures in armed groups and government forces can be particularly valuable as linkage evidence—using the chain of command to connect individual perpetrators to specific criminal conduct.

- **Information about local legal and judicial systems**  
For outside actors who are supporting efforts to develop and implement transitional justice processes in the affected country, information about local justice processes and evidentiary and procedural requirements for filing cases can help them evaluate the capacity of local or domestic courts and authorities to handle a case. It may also illuminate whether and how political actors might interfere with the process. Information about how local communities resolve disputes or make amends for wrongful acts can also be valuable. This kind of insight can inform recommendations about the most appropriate types of justice measures to apply.
- **General information about the situation**  
General background information about the situation—such as the areas and communities that have been particularly affected, legislation that may be relevant to the crime base (such as laws that target a specific group), and alliances and rifts between different armed groups and government forces or communities—can help outside actors understand the context of a situation and direct their activities accordingly. For example, information about political and legal factors and community dynamics may help these actors avoid triggering further violence.
- **Information about political and cultural sensitivities of victim communities**  
Victim groups are among the first to understand not only the violations that have occurred but also the harm caused to individuals, families, and communities. They also have a unique window into local political and cultural sensitivities. This information can help outside actors decide who should conduct documentation, how they should raise sensitive topics, what language to use, and how to manage expectations. Victim groups are also a source of information about preexisting political and social fractures that may need to be investigated by those documenting crimes.
- **Information about corruption and bribery**  
Documenting systemic, everyday corruption and bribery within local and domestic systems can be an extremely valuable effort for victim groups to undertake. Having information about the structures behind bribery and corruption can help international investigators identify command responsibility that might otherwise be difficult for them to understand.
- **Information about work that has already been done with victim communities**  
Communicating what work has already been done on specific incidents may help justice actors decide whether and how to proceed with further investigations. In particular, they might find the following information helpful:
  - Whether victims and witnesses have been fully informed about the case, are willing to participate, and know that they may be reinterviewed
  - Whether victims and witnesses have received psychosocial support and medical attention
  - What methodology was used in initial witness interviews

Victim groups may find most of that information (except about work that has been done with victim communities) in newspaper clippings, on social media posts, in statements issued by the government, or in other public sources. In some instances,



such information may be common knowledge among locals. To gather and share background, victim groups may write memos, send regular e-mail updates, set up private social media groups for sharing relevant information, or a combination of these. Gathering, cataloguing, and compiling publicly available information may carry a lower risk of retaliation to victim groups than gathering evidence about specific crimes.

## Facts and figures

**FACTS AND FIGURES** about a mass atrocity situation and its impact can be valuable to those who want to understand the scale of what has occurred, its impact on affected communities, and what victims want from justice processes. Moreover, an accurate record of the number of people affected by a mass atrocity can put pressure on authorities to investigate situations they might otherwise overlook. For affected communities, keeping a record of basic information about what happened during a conflict can be an important part of the healing process.

Some examples of facts and figures that victim groups may consider collecting are as follows:

- **Lists of missing or deceased persons**  
Victim groups may decide to record the number of people who have disappeared or been killed. They may keep a tally or even record victims' names if it is safe to do so. Keeping these records not only can help communities memorialize what has happened but also could help data experts estimate the total number of victims. For example, it may shed light on the nature of the violence by demonstrating that a particular group has been persecuted and that the violence is not random or perpetrated equally by all sides. Because governments and armed groups do not typically keep detailed records of their crimes, this information would otherwise be difficult for outsiders to learn.
- **Lists of place names**  
Victim groups may want to collect lists of important place names, including sites where mass atrocities occurred and locations of potential mass grave sites. This information can be particularly helpful to investigators unfamiliar with the region and thus unaware of places they should seek out.
- **Surveys of affected populations**  
Conducting surveys of affected populations—by asking multiple people a common set of questions—can shed light on the impact of the conflict and what people hope justice measures will achieve. This process may help victim groups develop a strategic direction and explain victims' interests to authorities. Authorities often claim they do not know the community's preferences for transitional justice; for this reason, they may hesitate to advocate for a particular justice activity. Sometimes this is a genuine concern; other times authorities may use it as a pretext for inaction. By reporting a community's preferences, victim

groups can remove authorities' ability to use ignorance of such preferences as justification for failing to act. More broadly, research into the thoughts and experiences of those affected may help to expose structural or systemic problems that impede justice and peace, thus helping to change the direction of national dialogue and encouraging decision makers to take action.

Victim groups may be able to record basic details about the conflict, but they should also work with data experts who can help them gather, store, and analyze this information. Attempts to analyze this kind of data without training and expertise can generate misleading or false conclusions and ultimately undermine the justice effort. Victim groups gathering data should consider working with professionals who can help them to

- Collect information in ways that avoid creating biases in results
- Develop questions that produce results that are statistically meaningful
- Understand the limitations of the methodology used to gather and analyze information so that they are aware of its scope and limitations
- Produce informative results from their data and analyze it in a policy-relevant manner

## Photographs and videos

**THE INCREASED AVAILABILITY** of cameras and recording devices has made it easier for eyewitnesses to photograph and record footage of significant events. Victim groups may decide to gather this kind of information to share privately with authorities, but they may also want to share it with public audiences or policy makers. In addition to the serious security concerns that gathering this kind of information can raise, victim groups should consider the following:

- When videos are uploaded to public platforms (such as YouTube), they are usually “cleaned” of their metadata; this makes it difficult to determine when and where the video was taken. Victim groups should consider using technologies or available applications (such as **EyeWitness**) that automatically store metadata, including information about the date, time, and place of the recording.
- When filming a dramatic event (such as an explosion), witnesses often tend to film the event itself and omit important information that contextualizes it. If possible and if security considerations permit, witnesses should try to film those who are targeted and those who are responsible. To do this, witnesses should pan the camera around the scene to show the direction of the attack, the control of territory, and key landmarks, among other features. This step can help determine criminal liability in the future.
- In places where many people are using cameras and other devices to record what is happening, it may be too difficult or require too much time for authorities to determine which recordings would be most useful to analyze.



**Example:** Civil society began documenting the massive, large-scale perpetration of mass atrocities in Syria when the civil war began there in 2011. The existence of urban centers with Internet connectivity, the widespread availability of mobile devices with cameras, and a civil society already using social media platforms means that justice advocates face the somewhat novel problem of having too much information to analyze. Experts estimate that the UN’s International, Impartial and Independent Mechanism (IIIM), which is mandated “to collect, consolidate, preserve and analyze evidence of [Syrian] atrocities,” will need to analyze up to ten million documents, including six million videos. The cost, time, and traumatic load of analyzing this volume of information is significant. Moreover, many of these videos and documents are duplicates. Benetech, a nonprofit organization, is developing software to allow groups to identify duplicate video files in their databases. The initiative will also create opportunities for civil society organizations to collaborate with one another by identifying videos that are on file with more than one group. This collaboration may also help actors identify the best evidence available of a particular incident (such as which version of a recording has been the most minimally altered). See: “Benetech Justice AI: Turning Conflict Data into Actionable Evidence,” Benetech, accessed November 10, 2020, [https://benetech.org/wp-content/uploads/2019/11/Benetech\\_JusticeAI\\_Overview\\_05\\_11\\_2020.pdf](https://benetech.org/wp-content/uploads/2019/11/Benetech_JusticeAI_Overview_05_11_2020.pdf).

## Satellite imagery

HUMAN RIGHTS and justice advocates have been using satellite imagery to document the need for justice since the early 1990s; use of such imagery has gained considerable traction and interest in recent years. *Satellite imagery* refers to images gathered from satellites operated by governments and businesses. They provide an aerial look at a particular part of the world at a specific point in time; such images can be viewed online through services such as Apple Maps or Google Maps.

### Tip

Some satellite companies will do such work pro bono; this can be a useful option for victim groups to pursue.

Satellite images taken before and after an event occurs are particularly valuable. These images can show significant changes on the ground—such as when large amounts of earth have been moved, villages have been destroyed, or structures have been demolished or built. These views are particularly helpful when foliage does not obstruct them. Forensic experts can cross-reference these images against other evidence—such as testimonial evidence from eyewitnesses, reports from meetings, and e-mails—to determine what caused the changes and if they relate to the commission of mass atrocity crimes.

Victim groups may be able to provide information—such as the location of villages that have been destroyed—to human rights organizations and justice advocates that use satellite imagery as part of their work. Such organizations or advocates can use this knowledge to identify specific satellite imagery to review when seeking evidence of crimes that may have occurred in situations where access or safety concerns limited people’s ability to take photographs on the ground.

**Example:** In September 2017, Human Rights Watch published satellite imagery of 214 villages in Burma/Myanmar that showed how they had been destroyed over the course of four months. The satellite images, which corroborated interviews that the organization had conducted with refugees, shone a spotlight on the situation. At the time of writing, several legal proceedings are using these images to examine the situation. See: “Burma: Satellite Imagery Shows Mass Destruction: 214 Villages Almost Totally Destroyed in Rakhine State,” Human Rights Watch, September 19, 2017, <https://www.hrw.org/news/2017/09/19/burma-satellite-imagery-shows-mass-destruction#>.

## Metadata

VICTIM GROUPS should record when, where, and how information documenting crimes or atrocities is gathered; this information is known as *metadata* and can help those who receive such documentation to evaluate its reliability and credibility. Even if victim groups do not intend to share their documentation with third parties, it is important to retain metadata about it in case such documentation is needed as evidence in the future. The following metadata is particularly useful; victim groups can include it in a short memorandum when gathering documentary information:

- Source of the information
- When and where the information was acquired
- Affirmation that those providing information were not coerced or coached
- Confirmation that no financial or other benefits were given as compensation to those providing information

### Tip

As noted, some technologies and applications (such as EyeWitness) will automatically record metadata that can authenticate the material collected.

### A note about chain of custody information

Information about where and how information is stored is sometimes called chain of custody information. Some courts require these details in order to admit evidence into court proceedings. Even if it is not required, preserving chain of custody information can help demonstrate the authenticity of information gathered. Groups that want to preserve chain of custody information should keep contemporaneous records that describe accurately and in detail

- Where and how the information has been stored
- Who has handled or reviewed the information
- When and why the information has been handled or moved

If groups are unable to preserve this information, they risk dramatically lowering its probative value and preventing it from being used in evidence. Such groups should leave the gathering of information to organizations that are able to ensure an unbroken chain of custody.

## Mitigating risks associated with gathering and sharing information

VICTIM GROUPS that gather and share information should take steps to protect it from being lost, leaked, stolen, or destroyed. Every measure to protect information comes with trade-offs, and victim groups need to assess their tolerance for risk depending on the context in which they are operating. Understanding this context can help them balance the advantages and disadvantages of using specific security measures. It is usually necessary for victim groups to work with an expert who understands these contextual factors as they develop a data management policy. Technologies used to protect information are constantly changing, and what is considered secure today may no longer be secure tomorrow. Because of this, victim groups should regularly revisit their data-management policies. For such policies to work, all who are involved in gathering and sharing information should understand the policies and how to apply them. Even with secure data management, victim groups should assume that mistakes will occur and that all communications may be surveilled.

Organizations that specialize in data management, such as **New Tactics in Human Rights**, **Cartara**, and **Videre Est Credere** (aka Videre), may be able to help victim groups develop a data management policy. A good data management policy should provide ways for victim groups to

- Secure all communications using up-to-date technologies, such as end-to-end encryption software, code names, and other such methods
- Securely store information such as paperwork, physical evidence, and digital data and devices
- Safely move and hide material, even in active conflict zones
- Carefully vet requests to access the information to ensure that confidential information is not leaked

An effective data management policy can help not only to keep the gathered information secure, but also to maintain the trust and confidence of affected communities.

## Conclusions

GATHERING AND SHARING information about the need for justice after mass atrocities can be a critical part of garnering the necessary support for a justice initiative. However, when it comes to gathering evidence about crimes, it can also be incredibly risky and challenging, and it can require substantial security protocols and expert guidance, training, and supervision. Victim groups should consider what kinds of information, other than evidence about specific crimes, they may be able to gather to provide impetus for official efforts toward justice and accountability.



Photo: Gwen Niebergall, sitting ankle deep in thousands of mimeographed pages, supervising the assembly of the transcripts for the Nuremberg tribunal. *D'Addario/US Army*



## CHAPTER FIVE

# ADVOCATING FOR JUSTICE WITH POLITICAL AND DIPLOMATIC ACTORS

**Governments and international organizations have to be persuaded, encouraged, or pressed to implement large-scale justice initiatives.**

- Different political and diplomatic actors work in different ways and can help achieve different kinds of justice.
- Victim groups should engage strategically and tailor their approach to different political and diplomatic actors.
- Competing priorities of decision makers and other roadblocks can prevent or slow the progress of large-scale justice initiatives, so victim groups should focus on building gradual pressure.

IN MARCH 2005, under significant pressure from civil society, the United Nations (UN) Security Council referred the situation in Sudan to the International Criminal Court (ICC) for alleged genocide, crimes against humanity, and war crimes committed in Darfur. Four years later, former Sudanese President al-Bashir became the first-ever sitting head of state to receive an arrest warrant from the ICC, but progress toward justice after that slowed. He remained in power for 10 years until a military coup in April 2019, after which he traveled numerous times to countries that ignored their responsibility under international law to arrest him, despite persistent pleas from civil society and some governments. Recent changes in the political dynamic in Sudan following the military coup have created an opening to pursue justice. Since al-Bashir was ousted from power, the transitional government has initiated corruption proceedings against him. In October 2020, the ICC sent a delegation to Sudan to discuss the possibility of trying al-Bashir in The Hague. See: “Q&A: Justice for Serious International Crimes Committed in Sudan,” Human Rights Watch, June 22, 2020, <https://www.hrw.org/news/2020/06/22/qa-justice-serious-international-crimes-committed-sudan>.

After mass atrocities have been committed, governments and international organizations have the responsibility and authority to implement large-scale justice initiatives, such as referring cases to the ICC and creating new ad hoc tribunals. The expense and complexity of those initiatives means that policy

Photo: March 2020, 9 Years of Atrocities in Syria: Civilians at Dire Risk, commemorative event on Capitol Hill. *US Holocaust Memorial Museum*



makers and decision makers usually have to be persuaded, encouraged, or pressed to implement them. Through strategic advocacy, victim groups and coalitions can build pressure on relevant actors gradually by identifying the following:

- Specific advocacy goals that have measurable outcomes, such as the changes or actions groups wish to promote
- The target audience—or the political actors with the power to implement or prevent this goal who are the focus of the kind of advocacy discussed in this chapter
- The secondary audience—or groups indirectly related to the target audience that are the focus of the kind of advocacy discussed in **Chapter 6**
- Strategies to engage audiences based on their level of commitment to and interest in the outcomes

#### Note

**Chapter 6** focuses on how victim groups can use strategic communications to generate public support for justice and build pressure on decision makers indirectly.

This chapter aims to help victim groups and coalitions to do the following:

- Develop clear and strategic policy requests.
- Tailor those requests to different decision makers and actors.
- Build pressure on decision makers and actors to take action.

#### Engaging with political and diplomatic actors as a victim-centered coalition

One overarching challenge that victim groups operating as a victim-centered coalition may face when engaging with political and diplomatic actors is the need to unify around a set of specific policy requests. That requires the coalition to prioritize certain issues and advocate for discrete interventions at the expense of others, at least in the short term. Reaching consensus for those strategic decisions as a coalition can be difficult, particularly if members of the coalition or their communities feel that their positions or interests have been compromised. However, failing to resolve disagreements internally before approaching decision makers can encourage inaction. As discussed in previous chapters, coalitions should develop a collective decision-making process and appoint spokespeople who are authorized to speak on behalf of the coalition.

For coalitions that are able to work through those difficulties, operating as a coalition can make their advocacy with decision makers very effective. Decision makers usually cannot take steps that advance the competing objectives of many different groups, nor do decision makers always have the time needed to understand the different perspectives of all stakeholders. Working together as a coalition may help groups identify policy solutions to satisfy a broader community of victims. Communicating those solutions in unison may give decision makers confidence in the decision to advance justice and to take the specific steps needed to do so.

#### Working with International Nongovernmental Organizations (INGOs)

International organizations that specialize in advocacy with decision makers and policy makers—such as **Human Rights Watch**, **Amnesty International**, and **Crisis Action**—can be valuable sources of strategic information about decision makers and their priorities. Those groups may also partner with victim groups to advance a particular policy intervention. INGOs can be incredibly powerful allies for victim groups and other local organizations. To capture their attention, victim groups must be seen as credible and reliable partners; therefore, victim groups must not overstate or misstate evidence, and they must adhere to rigorous information collection protocols.

Partnering with INGOs can sometimes create problems. Conflicts of interest occasionally arise, or the INGO may take charge of the situation in the service of a set of its own goals and priorities without taking the views of victim groups adequately into account.

#### Planning for the unexpected

In 2020, the COVID-19 pandemic seized the globe, prompting political and diplomatic actors worldwide to dramatically realign their strategic priorities. As world leaders and international organizations clambered to respond to the unfolding crisis, they deprioritized important issues—such as transitional justice—for pressing public health concerns. By making in-person meetings and travel impossible, the response to the pandemic increased the difficulty civil society had in elevating justice priorities among decision makers. In some cases, leaders used the pandemic to justify inaction on important social issues, whereas some used it to impose repressive laws and policies. Victim groups that want to influence policy and decision makers need to plan for unexpected events, such as pandemics, terrorist attacks, and natural disasters, which not only distract attention away from important issues but can also create an excuse for inaction and repressive tactics.

## Developing clear and strategic policy requests

**TO PERSUADE DECISION MAKERS** to take action to advance justice, victim groups must have a clear, shared understanding of their needs and priorities, and they must have identified the action that they want decision makers to take. Asking decision makers for “justice” usually does not give them enough information to move forward. Wherever possible, victim groups should articulate policy requests that are specific, so that policy makers understand what they are being asked to do, and that have measurable outcomes, so that the victim group knows when the policy request has been fulfilled.

Victim groups should also consider crafting requests that are realistic or at least possible in light of the current situation and what has been done to advance justice so far. Making “realistic” requests may help build pressure incrementally to increase public demand for justice and make it harder for decision makers to ignore the need for justice. Here are some examples of smaller-scale, intermediate, and larger-scale interventions that victim groups may request:



- Smaller-scale interventions include having senior officials speak publicly about the need for the country in question to undertake a genuine transitional justice process.
- Intermediate interventions include passing a UN resolution condemning named perpetrators, imposing travel bans and asset freezes on specific perpetrators, and establishing a fact-finding mission.
- Larger-scale (and exceedingly rare) initiatives include establishing a hybrid court or official body to gather evidence, making a determination that genocide or crimes against humanity have occurred, or referring a situation to the ICC.

#### Note

One benefit of forming a victim-centered coalition for justice is that it allows groups to push for different goals in a coordinated way. For example, a core group within the coalition may push for more realistic advocacy objectives, while another group may push for more ambitious goals to increase pressure on decision makers to take action.

This chapter explores some of those specific requests, including imposing sanctions and restrictive measures, establishing new courts and tribunals to prosecute mass atrocities, and referring cases to the ICC. Here are some details about a few other examples:

- **Conducting analysis and documentation**  
Victim groups may push for individual governments to analyze and document the situation. That action can help to establish a baseline of credible facts, which international actors may use to make determinations and decisions about the situation.
- **Creating an investigative mechanism**  
In cases in which no court is available to prosecute mass atrocity crimes, victim groups may advocate to create an investigative mechanism to gather and preserve evidence of crimes until a viable avenue becomes available. The UN General Assembly, Human Rights Council, and Security Council have all been involved in establishing mechanisms to investigate crimes committed in Syria, Burma/Myanmar, and Iraq, respectively.
- **Exposing and eradicating corruption**  
Anticorruption initiatives can undermine perpetrators who still enjoy positions of power and influence. Exposing the ways in which leaders have used their positions of power for personal benefit may diminish public support for perpetrators and facilitate arresting and prosecuting high-level perpetrators for mass atrocity crimes.

Victim groups should develop a written summary of their overarching requests and goals in a short document of about two pages that does the following:

- Identifies one or two specific and immediate actions that decision makers can take
- Explains how those actions would lead to longer-term objectives
- Provides evidence from a credible source to support claims
- Anticipates and responds to possible counterarguments
- Proposes a contingency plan that can be pursued if the original request cannot be fulfilled

- Cites past precedent of instances in which similar action has been taken in an analogous situation

#### Note

Finding past precedent may require victim groups to conduct research into states that have provided diplomatic, logistical, and financial support for justice outcomes for other countries in the past. Although it requires some research, it can be a particularly persuasive way to encourage decision makers to take action.

## Identifying actors who can implement relevant measures

VICTIM GROUPS that want to pursue specific goals need to identify decision makers with the authority to implement those measures. This section discusses several justice-related policy requests and identifies relevant decision makers who may be able to implement them, including imposing sanctions and restrictive measures against perpetrators, establishing new courts to prosecute mass atrocity crimes, and referring cases to the ICC.

### Sanctions and restrictive measures

Sanctions and restrictive measures are policy tools that aim to protect fundamental interests—such as human rights, the rule of law, peace, and security—by discouraging or making it difficult for specific individuals, entities, or governments to continue their activities. Those tools include the following:

- Travel bans to prevent individuals from entering or leaving countries or regions
- Asset freezing to prevent individuals or entities from accessing or using their funds
- Economic sanctions to restrict or prohibit trade, investment, and other commercial activity with individuals, entities, or countries
- Arms embargoes to prevent or restrict trade or use of arms, such as weaponry, ammunition, protective attire, and military vehicles
- Diplomatic sanctions to interrupt relations with a specific country

The UN, regional bodies, and individual countries can impose sanctions, and they may coordinate sanctions regimes to increase pressure on targets. Establishing sanctions regimes—whether unilateral, bilateral, or multilateral—requires support from senior policy makers, including assistant secretaries of state and treasury officials. Those actors must be convinced that imposing sanctions will have few negative consequences for innocent people, such as civilians, and will be likely to reduce violence. The following bodies have been particularly active in imposing sanctions:

- The **UN Security Council (UNSC)** can adopt sanctions with the support of all five permanent representatives (China, France, Great Britain, Russia, and the United States) and nine additional members. It typically creates a special committee or monitoring group to oversee the sanctions. The UNSC lacks a robust power to enforce sanctions; it falls to individual banks and national systems to ultimately enforce the any sanctions.

- The **European Union (EU)** can adopt “restrictive measures” through its Common Foreign and Security Policy, but it requires the support of all members of the EU’s representative body, the Council of the EU.
- **Individual governments**, including the United States and the United Kingdom, can adopt sanctions. For example, the United States can issue sanctions through the executive branch—typically by Executive Order of the President—or through Congress. The US Department of Treasury through the Office of Foreign Assets Control typically administers sanctions involving the blocking of property, but other government departments—such as the departments of State, Homeland Security, Justice, and Commerce—may also be involved. Other countries may have similar processes.

**Note**

Smaller countries tend not to impose sanctions unilaterally, so approaching larger countries for sanctions and restrictive measures, such as the United States or the United Kingdom, is usually more fruitful.

Decision makers may oppose sanctions because they can be difficult to enforce and may complicate humanitarian efforts in conflict zones. Others may be reluctant to impose sanctions or may oppose multilateral sanctions if they perceive those actions as disrupting bilateral relations and economic interests with the country. Victim groups may explain why sanctions are appropriate and necessary and share “local” knowledge with authorities—such as the location of perpetrators’ assets—to help authorities to enforce these measures. Victim groups can also gather bio-identifiers needed to impose sanctions, such as birthdates, places of birth, and aliases, among other details.

**Magnitsky legislation:** The Global Magnitsky Human Rights Accountability Act of 2016 permits US authorities to issue sanctions against foreign government officials suspected of human rights abuses, to freeze their assets, and to prevent them from entering the United States. A number of other countries and regional bodies—including the European Union, the United Kingdom, Canada, Estonia, Gibraltar, Jersey, Kosovo, Lithuania, and Latvia—have adopted similar legislation. At the time of this writing, the governments of Australia, Moldova, and Ukraine were considering similar legislation.

### Establishing new courts to prosecute mass atrocity crimes

The international community has created a number of specialized courts and tribunals to try perpetrators of mass atrocities in specific contexts. The following decision-making bodies and actors have been responsible for or heavily involved in establishing those kinds of courts, which are sometimes referred to as ad hoc tribunals, special courts, or hybrid courts:

- The **UN Security Council** has the authority to create new bodies and courts. It used that power in the early 1990s to create two ad hoc international criminal tribunals for crimes committed in the former Yugoslavia and Rwanda. The UNSC has not used that power since then.

- The **UN General Assembly** does not have express authority to create international criminal tribunals, but it has played an important role in supporting efforts to establish courts in specific cases, particularly when the UNSC has been unable to reach consensus. It has also entered into agreements with states to create hybrid tribunals (that have domestic and international elements), often brokered by the UN secretary-general.

**Note**

In 1950, the UN General Assembly adopted the **Uniting for Peace Resolution**. It requires the General Assembly to consider situations and make recommendations to its members to restore international peace and security when the Security Council has failed to exercise its primary responsibility to act in such situations. See: UN General Assembly Resolution 377(V) A, **Uniting for Peace** (November 3, 1950).

- **UN peacekeeping operations** may be authorized or required to assist with justice efforts, including in proceedings at national courts, hybrid courts, and the ICC.

**Note**

The African Union (AU) Peace and Security Council may have authority to establish ad hoc tribunals unilaterally as subsidiary organs of the AU, but it has not yet invoked that power.

Those courts and tribunals tend to work best when officials from the affected country are involved or support the initiative. The support of the affected country can make it easier for investigators to access relevant information, allow trials to take place closer to affected communities, improve the legitimacy of the proceedings among domestic populations, and provide capacity building for domestic officials to investigate and prosecute serious crimes in the future. If the security situation allows, victim groups may be able to build pressure on decision makers inside the affected country to support those initiatives.

### Referring cases to the ICC

The ICC was created as a court of last resort to prosecute cases of genocide, crimes against humanity, war crimes, and the crime of aggression. Victim groups may want to pursue justice through the ICC. Although anyone, including victim groups, can provide the ICC’s prosecutor with information about crimes that fall within the Court’s jurisdiction, only the following specific decision makers can refer situations to the court:

- **States Parties to the Rome Statute** (in other words, countries that have accepted the Court’s jurisdiction by signing and ratifying the Rome Statute) can ask the ICC prosecutor to investigate situations that have occurred within their own territory or that of another state party.
- The **UN Security Council** can refer a situation involving a country that is a member of the United Nations—whether or not the country in question has accepted the Court’s jurisdiction—to the ICC for investigation and prosecution. To date, the UNSC has used that referral power on two occasions.

- The ICC prosecutor can decide to consider situations that took place on the territory of a state party or that were perpetrated by a national of a state party on his or her own initiative (*proprio motu*). This is referred to as a preliminary examination. The Pre-Trial Chamber may then authorize the prosecutor to proceed with a full investigation.

Even when the bodies just mentioned refer a situation to the ICC, the referral must still undergo many additional procedural hurdles before defendants are tried. Like every criminal trial process, those proceedings can take many years and may ultimately result in acquittal. Ultimately, the ICC adjudicates very few incidents in which mass atrocities may have occurred. Victim groups considering including the ICC in their justice strategy should bear those limitations in mind and consider identifying additional venues that may be able to adjudicate their case. Chapter 2 discusses those and other issues in more detail.

## Tailoring policy requests to specific decision makers and actors

ONCE A VICTIM GROUP has identified its main policy requests, it should then tailor the requests to specific decision makers. Understanding what different actors can do and how they make decisions can enable victim groups to make more convincing appeals to the decision makers who can implement relevant measures discussed in the previous section.

### Identifying decision makers and actors with power and influence

Victim groups should develop a power map of decision makers at the domestic, regional, and international levels and should identify their varying degrees of influence over and support of specific issues and how they can help victim groups identify the most relevant decision makers and actors for their situation. The power map may include the following:

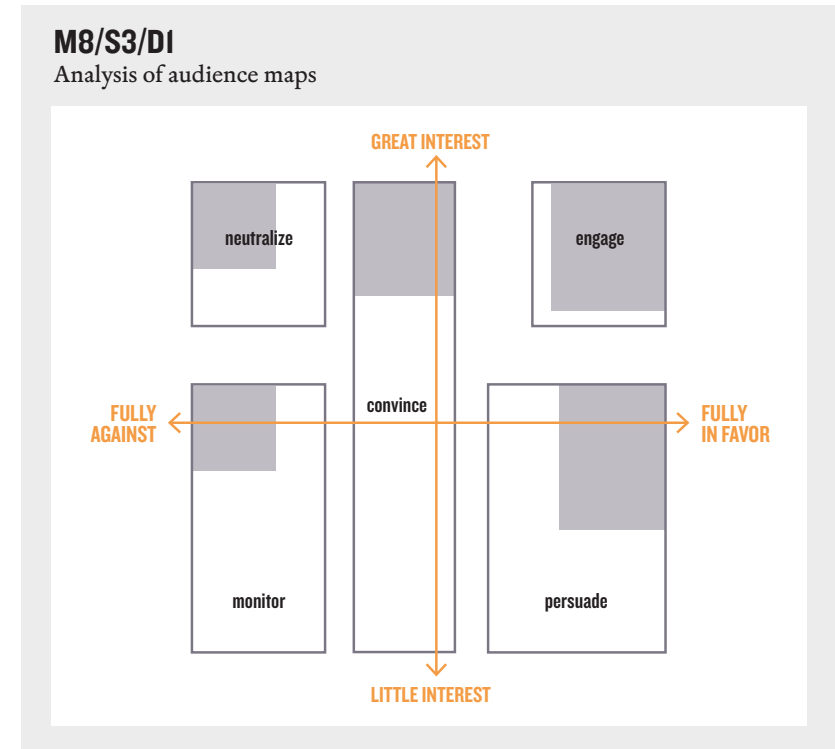
- Authorities from their country who have power to implement transitional justice processes, such as the minister of justice and other senior decision makers
- Regional power brokers with influence over senior decision makers in their country
- Foreign governments, regional bodies, and international organizations that have supported transitional justice institutions or local actors in similar cases
- Multilateral decision-making bodies that can implement transitional justice measures—such as the UN Human Rights Council, General Assembly, and Security Council—and governments that have influence over those decisions

#### Note

The above-mentioned entities are examples of actors that can advance justice initiatives. Identifying actors who may oppose or prevent the justice initiative from occurring is equally important. Knowing who those actors are and developing a strategy to work with or despite them are critical.

## Analyzing the target and secondary audiences

Once victim groups have made a power map, they should analyze the different positions of their target and secondary audiences in relation to specific justice goals, as depicted in the diagram extracted below.



Victim groups can determine which “box” the different members of their target audience fall into on the basis of their level of support for and interest in specific advocacy goals that advance their justice effort. As discussed earlier, specific advocacy goals include imposing sanctions and restrictive measures, creating a new court to prosecute mass atrocities, and referring a situation to the ICC. As the *Handbook for Advocacy Planning* explains, victim groups should focus primarily on actors who fall into the shaded portions of the boxes in the diagram above and should strive to do the following:

- **Convince** those who moderately support and are very interested in the specific advocacy goal by “increase[ing] their knowledge on the issue or problem and show[ing] them that the [advocacy goal] is the appropriate response”
- **Persuade** those who support but are moderately interested in specific advocacy goal by “show[ing] them that [the] cause is supported by the population sectors whose opinions they value”

- **Neutralize** those who oppose and are very interested in the specific advocacy goal by “counteract[ing] their influence” without resorting to “unethical practices or victimizing” them
- **Monitor** those who oppose and are disinterested in the specific advocacy goal, particularly to determine when their “interest with regard to preventing” the goal increases, so that victim groups can seek to neutralize them
- **Engage** those who are interested in and support the specific advocacy goal by “includ[ing] them in the project to promote [the] initiative”

**See:** The International Planned Parenthood Federation Western Hemisphere Region, *Handbook for Advocacy Planning* (New York: IPPFWHR, 2010), 108–109, 114, <https://www.ippfwhr.org/resource/Handbook-for-advocacy-planning/>.

**Note**

The *Handbook for Advocacy Planning* covers multiple other topics that are critical to developing an advocacy strategy, including advocacy planning, political mapping, defining and analyzing the problem, and identifying the advocacy expected result, among others.

### Understanding what different actors can do and how they make decisions

Before approaching a decision maker or decision-making body with specific requests, victim groups must understand what they can and cannot do and how they make decisions. Understanding who is involved in making decisions, the procedures they follow, and the factors that inform their decisions can make victim groups more effective advocates. When preparing for meetings with individual decision makers, victim groups should try to determine

- Whether the decision maker has the authority to make relevant decisions and, if not, whether the decision maker has professional relationships with others who have such authority
- Whether or not the decision maker is an expert on the context
- Whether the decision maker is passionate about justice issues
- What factors the decision maker may consider when making relevant decisions
- Other policy priorities that the decision maker may be balancing and the points of intersection with the specific request for justice
- What the national policy toward the situation in question is or has been
- What previous justice initiatives the state or individual has been involved in

**Note**

Different actors within a government have different powers and authorities, so understanding the roles and competencies of the specific decision makers is important. For example, officials who work in the country’s capital city are typically responsible for setting the policy agenda. Meanwhile, officials who represent the country at international organizations often do not have autonomous decision-making power, which means that they are usually only able to implement policies set by others. Nevertheless, trying to capture the attention of those officials is worthwhile because they can influence policy decisions at headquarters. Victim groups should research and understand what different decision makers can and cannot do.

#### Spotlight on UN decision-making processes

So many domestic, regional, and international decision makers and actors can influence transitional justice processes that explaining all of their decision-making processes here is impossible. **Table 5.1** identifies various UN decision-making bodies that may influence transitional justice. Worth noting is that similar decision-making structures exist at the European Union, African Union, and Organization for American States.

**Table 5.1 United Nations Decision-making Bodies**

	General Assembly (New York)	Security Council (New York)	Human Rights Council (UNHRC) (Geneva)	International Court of Justice (The Hague)
What issues do they consider?	Resolving international issues, such as development, peace and security, and international law	Maintaining international peace and security	Strengthening the promotion and protection of human rights and addressing and making recommendations on situations of human rights violations	Settling legal disputes between sovereign states submitted to it by countries and giving advisory opinions on legal questions referred to it by authorized UN organs and specialized agencies
Who is involved?	All 193 UN member states; the General Assembly has 6 committees that deal with different issues: (1) disarmament and international security; (2) economic and financial; (3) social, humanitarian, and cultural; (4) special political and decolonization; (5) administrative and budgetary; (6) legal	15 UN member states, including 5 permanent members (China, France, Great Britain, Russia, and the United States) and 10 nonpermanent members elected for 2-year terms	47 member states elected for 3-year terms	UN member states that can file cases; UN agencies that can request advisory opinions  15 judges elected for 9-year terms
When do they make decisions?	Year round	As needed	Every March, June, and September, and as needed in response to emergencies, with support from one-third of members	Permanently in session except during judicial vacations
How do they make decisions?	Vote with two-thirds majority for important issues (e.g., budget) or simple majority for other issues	Vote with 9 affirmative votes, including all 5 permanent members, except for procedural decisions, which do not require affirmative votes from all 5 permanent members	Adopt texts without a vote or with a vote with two-thirds majority	By majority
Are their decisions binding?	No, resolutions are not binding.	Resolutions made under Ch. VII of the UN Charter are binding, and all other decisions are not binding.	No, the texts that the UNHRC adopts are not binding.	Judgments in disputes between states are binding, whereas advisory opinions are usually not binding.



## Foreign governments that may be allies

Traditionally powerful countries with global influence are important allies to those advocating for transitional justice processes. Smaller countries can also be instrumental, however, particularly in international decision-making bodies, such as the UNHRC and the General Assembly, in which every country has an equal vote. When identifying governments that may be interested in supporting their transitional justice agenda, victim groups should consider countries that have one or more of the following characteristics:

- An embassy in their country
- Influence over their government, such as through trade interests
- A thematic focus on a relevant issue, such as sexual violence
- Experience with its own mass atrocities, conflict, or transitional justice processes
- Historic, linguistic, or religious ties with their own country
- Domestic communities whose interests have been affected by the situation
- A history of supporting justice efforts in analogous situations

## Being strategic about making requests

**MAKING REQUESTS** at strategic opportunities is an important part of political and diplomatic engagement. This section offers a few strategies that victim groups can use to make their engagement as effective as possible, including choosing strategic opportunities to engage and approach decision makers, arranging meetings between decision makers and compelling messengers, and planning in advance.

### Choosing strategic opportunities to engage and approach decision makers

Victim groups must choose strategic opportunities to engage and approach decision makers. They may contact the appropriate government office, such as the Ministry for Foreign Affairs or the Ministry of Justice. Big events and multilateral forums, such as the UN General Assembly High Level Week and the Assembly of States Parties to the Rome Statute, are also good opportunities to approach states and organize private meetings. Other opportunities for private engagement may arise when the relevant state is on the UN Security Council, at meetings of regional and subregional bodies (such as at meetings of the World Economic Forum in Davos and of the North Atlantic Treaty Organization), and at the Universal Periodic Review of the UNHRC or UN human rights treaty body reviews.

### Arranging meetings between decision makers and compelling messengers

Decision makers may ask victim groups to arrange meetings with victims so that they can hear directly about their experience of the conflict and their hopes for the future. Equally, individual victims may ask victim groups to provide a platform for them to express their views to decision makers. Those meetings can be valuable,

but victims must receive support before and after the meeting. As part of that support, victims must know the following:

- Who will be at the meeting and whether the meeting will be recorded
- The purpose of the meeting and how the information they share will be used
- The risks involved and any measures that can be taken to mitigate those risks
- Their right to decide not to participate in the meeting at any time
- Whether the interlocutor will prioritize the same issues and agree on tactics and objectives
- How to communicate their ideas and points effectively and any relevant cultural sensitivities that relate to communication

In some contexts, INGOs may be better placed than individual victims or victim groups to engage with decision makers. Some INGOs host regular meetings with senior decision makers. They may be willing to include victim groups in those meetings or introduce victim groups to relevant decision makers. Factors to consider when deciding whether and how to work with INGOs in an advocacy context include the following:

- Who has more credibility with the relevant decision maker.
- Who is less likely to face reprisals or security concerns.
- Who is more familiar with relevant geopolitical interests and decision-making processes.

### Planning in advance and choosing advantageous moments to engage

Decisions in large bureaucracies take significant time. Scheduling high-level trips, drafting and approving talking points, and debating important policy decisions often take weeks and sometimes months. Victim groups that want to meet with decision makers who are visiting their country, influence the talking points of high-level officials, or inform policy deliberations should plan to make their interventions well in advance so that their views can be considered and incorporated. In advance, victim groups should agree on the critical issues that they want to bring to the attention of decision makers and on how they want to present that information.

Significant events that ignite the interest of the international community can catalyze decision makers to take action. Victim groups that want to influence decision making should also be prepared to take advantage of key moments to cite relevant facts and figures that highlight the need for justice.

## Maintaining pressure on decision makers

**TAKING STEPS** to advance justice and accountability for mass atrocities takes time. Competing priorities may divert decision makers' attention from the need to pursue justice, and individuals who oppose justice efforts may create roadblocks to prevent justice from advancing. In such cases, victim groups may need to maintain pressure on decision makers so that the demand for justice is not forgotten or sidelined.

This section focuses on one of the many ways to maintain that kind of pressure using human rights mechanisms. Human rights law requires governments to protect and promote certain fundamental rights and freedoms. Regional and international human rights bodies are mandated to enforce and monitor governments' compliance with those obligations. They conduct that work primarily through two mechanisms:

- **Review and monitoring mechanisms**, which periodically report on states' compliance with human rights obligations
- **Complaint mechanisms**, which adjudicate cases brought against governments in which individual or group rights have been violated (discussed further in Chapter 2)

Those mechanisms offer important avenues for victim groups to expose shortfalls in the state's compliance with human rights and build pressure on decision makers to pursue justice for past abuses. This section focuses on review and monitoring mechanisms as a tool for highlighting human rights violations and the need for justice. In addition to advancing specific advocacy goals, engaging with review and monitoring mechanisms can offer victim groups a platform to do the following:

- Increase their profile and share their views with experts.
- Identify early-warning atrocity prevention indicators at the community level.
- Develop coordinated alliances with other organizations.
- Develop new relationships with their own government in a different context.
- Identify new sources of funding.
- Add pressure points on a state.

## Human rights review mechanisms

Regional and international bodies regularly review governments' compliance with the obligations that they voluntarily accept when they ratify human rights treaties. Those review processes produce nonbinding recommendations for the government on promoting and improving the human rights situation in the country. That process can sometimes build pressure on decision makers inside or outside the country to initiate justice processes. Some of the key UN human rights review mechanisms are as follows:

- **Human rights treaty bodies** (or United Nations treaty bodies) are committees of independent experts that monitor and review the steps that governments have taken to implement human rights treaties. They review reports submitted by governments and conduct other monitoring activities over a two- to five-year cycle. Although anyone may submit written information to them (including victim groups), only organizations with Economic and Social Council (ECOSOC) consultative status may attend and make oral submissions during sessions.
- **The Universal Periodic Review (UPR)** is a permanent reporting mechanism for governments to explain the steps that they have taken to improve and fulfill human rights. A working group of UNHRC member states oversees the four-year reporting cycle, which concludes with nonbinding recommendations

that are submitted to the UNHRC. NGOs (including victim groups) can host information sessions and make brief general comments before the outcome documents are adopted, but they must have ECOSOC consultative status to do so. That restriction means that many NGOs instead work behind the scenes with their governments on the UPR process by preparing national reports, contributing to stakeholder submissions, and pressuring the government to follow through on UPR recommendations.

### Note

Acquiring ECOSOC status is a lengthy process and can be difficult, particularly for organizations that conduct controversial work. Victim groups that want to formally participate may consider partnering with other ECOSOC-accredited organizations.

Victim groups can influence review processes by sharing information about the human rights situation in their country and making recommendations about the need for justice and accountability. They can do so by submitting shadow reports to treaty bodies, which are submissions that NGOs can make to present alternative information to that contained in the government's report. Victim groups can also participate informally—for example, by meeting with representatives conducting reviews on relevant issues when they are visiting their country.

Review mechanisms often have large volumes of material to read and analyze, so making written submissions that are clear and concise can help victim groups communicate their key points effectively. To do that, victim groups can consider the following suggestions:

- Include a short executive summary in English that highlights the most important issues.
- Structure the submission around specific articles of the relevant human rights treaty.
- Make specific recommendations and support those recommendations with facts.
- Submit reports in a coalition with other organizations.

## Independent monitoring of human rights

Regional and international bodies can create independent mechanisms to monitor specific human rights issues worldwide or in individual countries. Those independent monitoring mechanisms typically focus on gathering documentary and testimonial information to make a legal characterization of what has occurred, to identify those responsible, and to make recommendations about justice and accountability. Even if their recommendations do not directly lead to specific legal action, they may create a permanent record for future justice processes to draw upon.

Many independent monitoring mechanisms already exist, and victim groups should find out whether one has been created to focus on their country or an issue of concern to them. In such cases, victim groups may be able to provide those mechanisms with relevant information or witnesses and use their reports as part of

their advocacy on the need for justice. If no relevant mechanism exists yet, creating one can be a specific advocacy request from victim groups to bodies that have authority to create them, including the UN Office of the High Commissioner for Human Rights, the UNHRC, and the UN General Assembly.

## Conclusions

ENCOURAGING DECISION makers to take action to advance justice takes time. Victim groups that understand decision makers' priorities and authority and who can tailor clear and specific requests to those actors can be extremely powerful advocates for justice. Their voices can be so compelling that the message resonates with stakeholders despite their many competing priorities. That said, having one meaningful interaction with a decision maker is often not enough to achieve justice. Instead, gradually building pressure over years—sometimes decades—is usually necessary to prompt them to undertake large-scale justice initiatives. The next chapter discusses additional tools—specifically, advocating publicly for justice—that victim groups can use to build that pressure over the long term.



Photo: Guatemalan war refugees are welcomed as they get off the plane after landing in Santa Elena, Guatemala, April 1, 2007. Over 150 people returned home after more than two decades of living in poverty and exile in Bolivia. They were the last group of thousands displaced during the bloodiest years of a 36-year civil war to come back to Guatemala. *REUTERS/Daniel LeClair (GUATEMALA)*





## CHAPTER SIX

# ADVOCATING PUBLICLY FOR JUSTICE THROUGH STRATEGIC COMMUNICATIONS

**Advocating to public audiences can help victim groups to build support for their justice effort.**

- There are many different media and platforms through which victims can deliver their message, each with their own advantages and limitations.
- Speaking out publicly can present legal, security, and advocacy risks for victims.
- Victims should identify their advocacy goals, audience, and targets.

CAESAR IS THE CODE NAME of a former military policeman and forensic photographer who defected from Syria, taking with him over 55,000 meticulously labeled images of men, women, and children who had been executed by the Assad government. The photographs are graphic and devastating; they show unmistakable signs of torture and starvation. They have been displayed before the US Congress, the UK Parliament, and the European Parliament, at the UN headquarters, and at museums and universities around the world. Governmental bodies and nongovernmental organizations (NGOs) across the globe rigorously tested the photographs' veracity. The US Federal Bureau of Investigation (FBI) analyzed them, as did international war crimes prosecutors, forensic experts, and Human Rights Watch. All investigations came to the same conclusion: the photographs were accurate and unaltered, and they reflected the reality of life and death under the Assad government. The gathering, verification, and dissemination of those photographs—which in the United States are housed at the United States Holocaust Memorial Museum—enhanced political and diplomatic engagement on civilian harm in Syria among international actors such as the United States, Germany, France, and the United Nations. The photographs also established a base of evidence for current and future legal action. **See:** Josh Rogin, “Syrian Defector Who Documented Assad’s Atrocities Returning to Washington,” *Washington Post*, March 17, 2017, <https://www.washingtonpost.com/news/josh-rogin/wp/2017/03/17/syrian-defector-who-documented-assads-atrocities-returning-to-washington>.

Photo: 9 Years of Atrocities in Syria: Civilians at Dire Risk, commemorative event on Capitol Hill, March 11, 2020. *US Holocaust Memorial Museum*



A groundswell of public support can influence decision makers who are considering whether and, if so, how to take steps to advance justice for victims of mass atrocities. Building support for justice from affected communities, broader society, and the public worldwide is thus a critical part of the pursuit of justice. Developing and implementing a communications strategy is one tool that victim groups can use to advance their long-term goal of achieving justice. As discussed in **Chapter 5**, advocacy involves identifying the following:

- Specific advocacy goals that have measurable outcomes, such as the changes or actions groups wish to promote
- The target audience—or the political actors with the power to implement or prevent this goal who are the focus of the kind of private advocacy discussed in **Chapter 5**
- The secondary audience—or groups indirectly related to the target audience that are the focus of the kind of public advocacy discussed in this chapter
- Strategies to engage audiences based on their level of commitment to and interest in the outcomes

Building on the advice presented in **Chapter 5**, this chapter is intended to help victim groups develop and implement a strategic communications plan to advance their justice goals. If possible, victim groups should develop that plan through a participatory workshop, ideally with an experienced facilitator. They should expect to revise such a plan regularly as the situation changes. This chapter offers a starting point for those conversations, but a strategic communications plan should not be implemented without first conducting a risk assessment (as discussed in **Chapter 7**) and adjusting the plan's framing and messaging for the specific context to which it applies.

#### Communicating strategically as a victim-centered coalition

Developing and implementing a strategic communications plan as a coalition can be challenging because coalition members may have different priorities and perspectives that are difficult to condense into a unified message. This situation may alienate, disappoint, or frustrate some coalition members.

Operating as a coalition also presents opportunities, including the following:

- Diverse and representative coalitions that include victims with different backgrounds and perspectives may be able to speak more persuasively to wider audiences than victim groups that are perceived to represent a more limited perspective.
- Coalitions with a clear strategy for communications may streamline media and public outreach work for individual victim groups and reduce the burden on those groups to respond individually to every advocacy opportunity or moment of crisis.
- Coalitions allow victim groups to speak out as part of a larger body, which may offer some protection to individual victim groups.

#### Potential interactions between public outreach strategies and criminal proceedings

Victim groups wishing to take photographs and videos of conflict situations or to record victims and witnesses speaking about an event should be aware that such materials can later become evidence in legal proceedings. If images or videos contradict statements made by victims or witnesses, it could make it harder for the prosecution to make its case to the court. As noted in **Chapter 4**, victim groups collecting information about atrocities and conflict situations should record metadata about where and when it is gathered and use applications (such as **EyeWitness**) that automatically record metadata connected to photos and videos. It is also vital that all such information be stored in a safe location where it is unlikely to be stolen, lost, or tampered with.

#### Note

Speaking to public audiences may prevent a person from serving as a witness in legal proceedings, because they may (however inadvertently) make statements about their experiences that are inconsistent with evidence submitted in a trial.

## Developing messages for public audiences about the need for justice

**THIS SECTION OFFERS** general advice about messages that victim groups may develop to communicate the need for justice, particularly those aimed at the following audiences:

- People in the affected community
- Those who oppose justice efforts in the affected country
- People around the world

### Building a demand for justice from affected communities

Without clear and consistent messaging from affected communities that justice is necessary for society to heal, domestic actors and international decision makers may not invest the time and resources needed to deliver that justice. Building a demand for justice from affected communities is a long-term process that requires dialogue and consultation with broad constituencies affected by the conflict as well as their participation in the design and implementation of justice processes.

Victim groups that have a strong understanding of different justice options and the strengths and limitations of each can build this demand among broader groups of victims by

- **Listening to, considering, and responding to the concerns of affected communities** through open dialogue and consultation. For example, if individuals of a certain rank or affiliation are prosecuted and other perpetrators are not, this may create

the perception that justice processes are politically motivated. Discussing the limitations of criminal justice processes and how cases are prioritized may help to manage people's expectations and situate discrete justice initiatives within a broader set of activities necessary to achieve transitional justice.

- **Explaining the purpose and limitations of justice processes** so that affected communities understand what those processes can and cannot achieve. For example, most victims will never see their direct perpetrator held to account, will never receive individual compensation, and may never learn the fate of those who have gone missing. The value in many justice processes is their recognition of the harm inflicted on a group rather than these specific outcomes. **Chapters 1 and 2** provide more information about the purpose and limitations of different transitional justice processes. Victim groups may communicate this information to affected communities.

**Example:** In 2005, Skylight Pictures produced *State of Fear*, a documentary about the human impact of Peru's so-called war against terror. The filmmakers had different goals for different audiences, including informing international audiences about the dangers of the war and challenging a domestic culture of impunity in Peru. The film was originally released in Spanish and English, but because of the truth commission's finding that the majority of the conflict's victims were Quechua speakers, the filmmakers released a Quechua translation. They conducted screenings with Quechua communities and launched a website to serve as a hub for human rights activists, educators, and youth. The film screenings allowed Quechua-speaking audiences to engage with the truth commission's conclusions, gain the confidence to tell their stories for the first time, and ultimately become emboldened to seek reparations. **See:** "State of Fear," Skylight, accessed November 10, 2020, <https://skylight.is/films/state-of-fear/>.

## Combating dominant narratives in the affected country

Some societies emerging from mass atrocities, including the decision makers who are responsible for implementing justice processes, may be unfamiliar with what justice may entail. Others may resist the demand for justice. Even when a justice process is underway, powerful political interests may derail it, and parties who were adversaries during the conflict may unite against justice processes. These parties may focus on some of the common arguments against justice processes, such as the following:

- Justice focuses too much on the past at the expense of forgiveness and lasting peace.
- Western notions of justice are foreign from domestic views of justice, which may include community mediation, punishment based on religious or cultural practice as determined by tribal or religious leaders, or other features of local custom.
- Justice is not needed because no crimes occurred.

Engaging with audiences that do not understand or support justice processes can be difficult, but securing wide support for these processes is critical to their success. Victim groups—particularly those working as representative and inclusive

coalitions—can play a role in changing this narrative. This section offers advice to victim groups for approaching these difficult conversations with domestic audiences.

## Confronting a culture of denial

After mass atrocities have occurred, particularly those in which specific groups were targeted, a country's broader society may deny that the atrocities happened. This denial may stem from the same deep-seated biases and fears that allowed the atrocities to occur, but it may also be a symptom of shame and guilt. A dominant culture of denial makes it difficult for justice processes to proceed.

Confronting denial can be challenging. As the *Defusing Hate* guide by Rachel Brown (published by the United States Holocaust Memorial Museum) explains, challenging people's beliefs is not as simple as presenting them with new information that contradicts those beliefs. In fact, this approach may lead people to reject the new information and hold onto their current beliefs more strongly. Shining a spotlight on the experiences of victims in a way that humanizes them can make it harder for society to ignore the legacy of violence and may even build empathy between groups that each feel they have been most profoundly affected by the conflict.

**See:** Rachel Hilary Brown, *Defusing Hate: A Strategic Communication Guide to Counteract Dangerous Speech* (Washington, DC: United States Holocaust Memorial Museum, 2016), <https://www.ushmm.org/m/pdfs/20160229-Defusing-Hate-Guide.pdf>.

**Example:** In 1995, during the Bosnian War, Serbian forces massacred approximately 8,000 Muslim Bosniaks in and around the town of Srebrenica, in what is now known as the Srebrenica genocide. For years, many Serbs denied that the massacre had occurred. A decade later, the Humanitarian Law Center televised a video taken during the massacre. The video showed members of a Serbian paramilitary group laughing and joking while executing Bosnian prisoners. While many still deny that the massacre occurred, the video challenged this dominant narrative and led to the arrest and prosecution of the perpetrators involved. **See:** *The Scorpions: A Home Movie*, Humanitarian Law Center, October 4, 2007, <http://www.hlc-rdc.org/?p=14360&lang=de>.

## Building awareness of what is meant by justice

Some groups may resist justice efforts if they fear that their members will face punishment. In such cases, victim groups should consider explaining what justice measures can achieve by highlighting the following points:

- Criminal accountability processes cannot prosecute every perpetrator and will typically focus on senior commanders who held positions of authority, those who issued orders, those who bear the greatest responsibility for the crimes, or a combination.
- Justice processes can focus on individuals responsible for serious crimes, regardless of their ethnic, political, or religious background.
- International humanitarian law forbids an intentional or indiscriminate attack on combatants or fighters actively participating in hostilities if the individuals cannot, do not, or cease to participate in hostilities due to wounds, sickness, surrender, or capture. Belligerents who are engaged in active hostilities remain targets of lawful attack.

**Example:** The Global Justice and Research Project (GJRP), a victim-centered justice organization leading efforts to document crimes committed during Liberia’s civil war, began receiving threats as public attention on justice processes increased. The threats primarily came from former low-level combatants who were concerned that they would be prosecuted. GJRP began a public outreach campaign over local radio stations to increase awareness about the actual goals of transitional justice: namely, that the primary purpose of justice efforts is to hold those most responsible for violations to account. As a result of this campaign, threats against GJRP decreased and many former combatants began to support the group’s work; they too wanted to see senior commanders held responsible. **See:** “Who We Are,” Global Justice and Research Project, accessed November 10, 2020, <http://www.globaljustice-research.org/>.

## Creating interest in justice with audiences around the world

Raising worldwide awareness about the need for justice is important. However, attempting to reach people across the globe is an impossible task. Victim groups should consider identifying priority audiences that have leverage over relevant decision makers and should focus their advocacy and outreach efforts on those audiences. Such audiences include the following:

- Consumers and customers of businesses working with or financially supporting perpetrators of mass atrocity crimes
- Citizens in countries harboring perpetrators where they may be shielded from criminal justice processes
- Citizens in countries whose governments may have sway and influence over authorities in the relevant country (such as neighboring countries or countries that are traditionally powerful)
- Citizens in countries that have experienced similar events

When engaging with audiences around the world, it is important to remember that the situation may be unfamiliar to international observers. They may not know where the country is located, who its leaders are, or its specific regions, let alone the warring parties within or among those regions. Background information that contextualizes the conflict and the need for justice should be part of any attempt to engage these audiences.

**Example:** In 1998, Talisman Energy—Canada’s largest private oil and gas company—became involved in an oil exploration and development project in Sudan. The project financially supported the Sudanese government, which was later accused of mass atrocity crimes. A Canadian government inquiry implicated Talisman in the forced and permanent displacement of civilians for oil exploration and exploitation. This charge prompted criticism from Canadian and US officials, leaders of human rights organizations, and student groups whose protests against the company made national evening news in Canada. As a result, Talisman lost major investors and its share price plummeted. In 2001, the Presbyterian Church of Sudan and several Sudanese individuals filed a lawsuit against the company in a US federal court for aiding the crimes of the Sudanese government. Although the case and subsequent appeals were

ultimately dismissed, the economic and public relations impact of the campaign led the company to sell its holdings in Sudan, start making regular corporate responsibility reports, and fund medical assistance, shelter, clean water, and vocational training projects in Sudan. The company sold its holdings to another country’s government that did not exert pressure on the Sudanese government to improve the human rights situation. **See:** Kyle Bakx, “Oil, Politics and Human Rights: A Look Back at Talisman,” CBC, February 22, 2015, <https://www.cbc.ca/news/business/oil-politics-and-human-rights-a-look-back-at-talisman-1.2964715>.

## Reaching and influencing the intended audience

ONCE A GROUP has developed its messages for different audiences, it is necessary for them to identify ways to reach and influence those intended audiences. This involves the following steps, which are adapted from the *Defusing Hate* guide by Rachel Brown:

- 1 Choosing and using the right media for the intended audience
- 2 Selecting compelling messengers who are most likely to influence the intended audience
- 3 Developing persuasive content to communicate the message to the intended audience

**See:** Rachel Hilary Brown, *Defusing Hate: A Strategic Communication Guide to Counteract Dangerous Speech* (Washington, DC: United States Holocaust Memorial Museum, 2016), <https://www.ushmm.org/m/pdfs/20160229-Defusing-Hate-Guide.pdf>.

### Understanding the news cycle

Understanding how the news cycle operates is another critical part of strategic communications. In particular, victim groups should undertake the following efforts:

- Plan for significant anniversaries and other events that may increase attention to relevant issues and be prepared to respond to news developments that highlight the need for justice. Victim groups may be able to prepare the news media to cover these stories by providing information in advance (under an embargo to delay its presentation).
- Be aware and take advantage of opportunities to set the news agenda. The forum in which the news agenda is set varies, but often stories on the front page of major newspapers and discussions over social media (such as in closed Facebook groups) influence the issues that are discussed on morning radio programs; this in turn often influences the daily news cycle.

### Choosing and using the right media

Different audiences obtain access to information using different media. They may read newspapers, journals, or magazines in print or online; they may follow private and public social media channels; they may listen to radio stations or podcasts; and they may watch televised programming and news broadcasts, among others. To ensure that their messages reach their intended audiences, victim groups must

find out where and how those audiences obtain their information. The following questions, which are adapted from Rachel Brown's *Defusing Hate* guide, may help victim groups identify the most appropriate medium for a specific audience:

- How often do members of the audience engage with this medium? Where and when do they engage with it?
- What prompts the audience to engage with this medium?
- Is it a one-way medium or does it enable two-way conversation?
- How much does the audience trust this medium (compared with other media)?
- Do people share and discuss information they get through this medium with others? If so, how and how often?
- Which audience groups do not get their information through this medium? Why not?

**See:** Rachel Hilary Brown, *Defusing Hate: A Strategic Communication Guide to Counteract Dangerous Speech* (Washington, DC: United States Holocaust Memorial Museum, 2016), <https://www.ushmm.org/m/pdfs/20160229-Defusing-Hate-Guide.pdf>.

This section provides advice on the different media that victim groups may use to reach their intended audiences about the need for justice. It discusses the way that victim groups can work with journalists to publish information in traditional news media and use social media to publish information online themselves.

### Working with independent, credible journalists to publish information in traditional media

Trusted, well-trained journalists can be valuable allies to victim groups wishing to make their voices heard through traditional media platforms such as newspapers, radio, and television. Monitoring local and international news media outlets to identify journalists who cover relevant issues and are sensitive to victims' interests can help victim groups find those journalists who are most likely to be good partners. Trusted local and international partners may also be able to help identify trustworthy reporters with whom victim groups can work.

Once a victim group has identified a small group of trusted journalists, it can begin to develop relationships with them by providing regular, informal updates about the conflict situation. Having an up-to-date list of journalists to contact whenever events relating to the need for justice occur can help to ensure that important stories are covered.

Working with journalists can create difficulties for victim groups if the journalists' practices do not align with those of the victim group. Before cooperating with a journalist and particularly before introducing journalists to individual victims, victim groups should clarify their expectations about the process. Victim groups should not assume that the journalist has received training in trauma sensitivity or in how to conduct interviews with victims of a mass atrocity. It may be useful for victims to consider the following questions before deciding whether to speak to a journalist:

- How does the journalist expect to use the testimony?
- Where will the interview take place, who will attend, and will it be recorded?

- Will a support person be available?
- How will the journalist honor requests to keep the names and identities of sources private? Is the journalist allowed to use anonymous sources?
- What are the ethical guidelines the journalist is expected to follow?

The next chapter provides more information about informed consent. If the journalist does not follow proper ethical guidelines, the relationship should be terminated. If a serious breach of ethics occurs, it may be appropriate to report the journalist to their employer or a journalism ethics association.

#### Note

When working with journalists, it can be helpful to try to understand their motivations and the kinds of information they may need to do their job well. Where possible, victim groups should consider developing a two-way relationship in which journalists highlight the news stories that victim groups want to see prioritized and victim groups provide journalists with relevant information so that they can cover these stories in a compelling way.

### Using social media

Social media and messaging services are online platforms—such as Facebook, WhatsApp, Signal, Instagram, Twitter, YouTube, Weibo, Viber, and Snapchat—that allow users to share information and ideas with virtual communities and networks. Anyone with Internet access and computing hardware—such as a desktop, laptop, smartphone, or tablet—can use social media to share information with people around the world. Because of this, it is no longer strictly necessary for victim groups to work with journalists to share their story with a wide audience—though there are still many cases in which working with journalists is helpful and appropriate.

Messages shared on social media can be forwarded and shared with others to foster discussion and dialogue. In close-knit communities that actively use social media, messages can spread quickly online. This makes it easy for victim groups to attract the attention of potential allies to the need for justice and the experiences of victims. Victim groups can also use social media to support and celebrate the work of other victim groups. This acknowledgment can lend legitimacy and credence to the overall justice message and offer a sense of safety to those advocating for justice. As such, social media can be an enormously powerful tool for highlighting the need for justice and for communicating with affected communities.

Using social media and messaging services also carries risks and challenges. For example, once content is shared online, the owner of that information loses control of it. When preparing content to share on social media, victim groups should expect it to reach unintended audiences, including perpetrators. In addition, extreme care is needed if victims or other sensitive groups are featured on social media. Children and others who cannot provide informed consent should not be included in social media posts. The same care is needed for messaging services, even those that may seem more private, like WhatsApp and Signal.



Social media can be an excellent platform for highlighting the work, accomplishments, and voices of other victim groups. However, victim groups need to carefully consider whether and how to share content uploaded by others through social media or other channels. **WITNESS**, a nonprofit focused on using video and technology to protect and defend human rights, has developed ethical guidelines for organizations deciding whether to share content, including consideration of

- Whether those depicted provided their consent
- Who the original intended audience of the video was
- Whether the safety and dignity of those depicted would be affected by sharing the video
- Whether the video may have been manipulated

**See:** “Using Videos in Human Rights Reporting and Advocacy,” WITNESS, accessed November 10, 2020, [https://www.witness.org/portfolio\\_page/ethical-guidelines-for-using-videos-in-human-rights-reporting-and-advocacy/](https://www.witness.org/portfolio_page/ethical-guidelines-for-using-videos-in-human-rights-reporting-and-advocacy/).

## Developing persuasive content to deliver the message

Different forms of content can persuade, move, and affect different audiences in distinct ways. This section discusses which types of content may be used by victim groups to best communicate to different audiences. Victim groups may be able to prepare some forms of content on their own, but for other content they may require help from organizations with relevant expertise or access to more sophisticated technologies.

### Three considerations for victim groups developing content

Following are considerations for victim groups developing content:

- **Obtain informed consent.**

It is necessary to obtain informed consent before a person is interviewed, photographed, recorded, or filmed. Although this is sometimes not possible in the chaos of conflict settings, any person who is recognizable in content must provide their informed consent before it is shared with others. Informed consent requires that the person giving their consent understands how the content will be used and what risks are involved. Extreme care must be taken when considering whether to use images of children, who cannot consent to the use of their image. As mentioned below, cartoons and drawings may be an effective alternative. **Chapter 7** provides more information about informed consent.

- **Consider when and how to use graphic or disturbing content.**

Graphic or disturbing content has become a feature of contemporary war reporting, but it can sometimes threaten the subject’s safety and dignity. When considering whether to share such content, victim groups should consider whether the material advances a specific advocacy objective. There are countless ways to tell a compelling and persuasive story related to mass atrocities and the need for justice that do not require the use of graphic images. Victim groups may consider using images of homes, villages, or cultural sites that have been destroyed by the conflict; people’s hands, feet, clothes, or the backs of their

heads; objects that people have used to help them feel safe or protected (such as children’s toys or items of religious significance); and refugee and displaced person camps—particularly to show living conditions. To the extent that graphic or disturbing content does feature in the advocacy strategy, victim groups should consider ways to warn viewers in advance.

- **Request permission from others if seeking to use their material.**

Victim groups may want to prepare and gather their own content. As noted, to use content that someone else has taken, prepared, or gathered, it is usually necessary to request their permission.

### Radio and podcasts

Using radio programs to spotlight the need for justice can be a powerful tool, especially for reaching affected people and those in other local communities who may not have access to the Internet or who prefer to listen rather than read.

#### Radio programming

- Offers an entertaining and interesting platform through which to communicate information
- Can be conducted in local languages
- Can spark conversations within communities
- Is relatively cheap to produce
- Is free to its listeners
- Can provide a valuable platform through which to debate opponents and discuss key issues
- Can help set the agenda for the news cycle

**Example:** The use of child soldiers featured prominently in the decades-long civil war between the Ugandan People’s Defence Force and the Lord’s Resistance Army (LRA). The conflict left Ugandan society divided and traumatized. In an effort to rebuild society and encourage child soldiers to return to their communities, a number of local “peace radio” programs were begun. For example, the 102 Mega FM radio station featured a weekly segment called *dwog cen paco*—Luo for “come back home”—in which child soldiers told their stories, from their capture by the LRA to their return home. Child soldiers could listen because the airwaves were strong enough to reach them in the bush. Through the program, they learned that the government would grant them amnesty and that they could return home without being killed. **See:** “Dwog Cen Paco (Come Back Home): The Radio Program That Could Have Influenced Dominic Ongwen’s Surrender,” International Justice Monitor, modified April 20, 2018, <https://www.ijmonitor.org/2018/04/dwog-cen-paco-come-back-home-the-radio-program-that-could-have-influenced-dominic-ongwens-surrender/>.

#### Note

Using the radio to amplify the message about the need for justice is often straightforward. Victim groups that wish to use the radio should approach a local broadcaster and ask for airtime to talk about the need for justice. They may also seek to use the radio to conduct a debate with an opponent. The radio broadcaster may require victim groups to pay a small fee or for generator time.

Podcasts, which are digital audio files that users can download and listen to, are another audio medium that can amplify the need for justice, particularly to international audiences. Podcasts require users to have access to the Internet.

### Photographs

Photographs are a simple, memorable, and compelling way to communicate information; they can make an abstract idea or distant event feel more real and immediate. Photographs are a great tool for generating action; however, using photographs carries the responsibility to ensure they depict situations accurately. Because photographs can easily be viewed out of context, when sharing them it is necessary to identify where and when the photos were taken and to describe what is happening in them. This is particularly important for international audiences; features that may seem obvious to locals—such as the location of a significant cultural site or the significance of a particular kind of clothing—may be misunderstood by outsiders.

### Cartoons and drawings

Cartoons and drawings can be a powerful tool to explain the need for justice. It has been a particularly prominent and successful feature of outreach strategies to build support for justice in affected communities. Drawings have also featured in efforts to attract attention to atrocities from the international community, particularly where restricted access has prevented journalists and advocates from gathering footage or images of the actual conflict.

**Example:** During the first year of the Syrian conflict, Human Rights Watch launched a campaign to highlight the torture, arbitrary arrest, and enforced disappearances of the perceived opponents of the Assad government. While they had access to satellite images showing where underground prisons were located, they lacked photographs or footage of the torture that survivors had reported. Human Rights Watch hired an artist to illustrate the torture using specific information that detainees provided. The report received wide coverage because the drawings and visualizations helped the public understand the experience of detainees in Syria. **See:** *Torture Archipelago—Arbitrary Arrests, Torture and Enforced Disappearances in Syria's Underground Prisons since March 2011* (New York: Human Rights Watch, 2012), 15.

### Video, documentary, and raw footage

Video can be a powerful advocacy tool for many audiences, from the public to policy makers. Victim groups may be able to record their own footage, or they may need to work with experts with access to more sophisticated recording and editing technologies. When deciding whether and how to use different kinds of video, victim groups should consider the following advantages and disadvantages of each and determine how the footage may support or detract from their long-term objectives:

- **Raw footage** of incidents requires few resources, can be uploaded and shared quickly, and may be compiled to provide evidence of events or to show systematic patterns; however, it can also be easily manipulated.

- **Short, edited videos** of two to three minutes can be shared on social media, quickly grab viewers' attention, and communicate a very clear message; however, these may not be able to tell a nuanced story.
- **Longer documentary films**, which may be 30 minutes to over an hour long, can be a powerful tool for engaging the public and may tell a more nuanced story than raw footage or short videos; however, these usually require considerable funding, equipment, and expertise.

## Selecting compelling messengers

Another important aspect of developing a communications strategy is to identify messengers who can influence the intended audience. People with the following qualities are often good candidates to serve as messengers:

- They are trusted by the target audience.
- They understand all sides of the conflict.
- They can sum up complex issues in a way that resonates with others.
- They understand and are comfortable with the risks associated with speaking publicly.

This section offers advice on three types of messengers that victim groups may find effective: individual victims in affected communities; members of affected communities who live outside the country; and international partners. Although not discussed here, faith leaders, eminent figures, community leaders, and celebrities may also amplify the need for justice.

### Individual victims

Individuals within victim groups may opt to serve as public messengers for justice. For these individuals, serving as a justice messenger can be a heavy burden. Speaking out about experiences of pain and trauma can be empowering and liberating for some people, but it can also trigger the same stress reactions that occurred during the original traumatizing event. This is sometimes called *retraumatization*. This stress may be heightened when people must tell their story repeatedly to public audiences. It is therefore important that victim groups do not pressure victims—even if they have particularly compelling stories to share—to step into advocacy roles.

Victim groups can take the following steps to support individual victims who are stepping into an advocacy role:

- Provide opportunities for the victim to speak in friendly, low-stakes environments before speaking publicly.
- Remember that it is up to the individual to decide whether to speak out and what they want to say, even if they have done so previously.
- Work with journalists who recognize signs of retraumatization and will stop an interview if it occurs.
- Provide access to psychosocial support before and after an interview and consider having a counselor present during interviews.
- Develop a cohort of victims who are empowered and supported to tell their stories so that the entire burden does not fall on any one person.

### Members of affected communities who live outside the affected country

Members of affected communities who live outside the affected country, including the diaspora or people living in exile, may be good candidates to serve as public messengers for justice. They can often speak more freely than those inside the country if freedom of expression there is limited. However, these populations often face different challenges from those inside the country. Victim groups should consider the following challenges when determining whether and how those outside the affected country could serve as public messengers for justice:

- Their memories of their home country may be frozen in the particular traumatic moment that prompted them to leave.
- They may continue to struggle with their decision to leave the affected country or feel conflicted with respect to the family and friends who are still there.
- They may suffer secondary trauma from having seen the mass atrocities take place while they were outside the country.
- They may have left before the violence began or have grown up outside the country and are not always well placed to discuss events on the ground, what drives the violence, or the views of those who either grew up in the country or were present for the more recent violence.

### International partners

Forming partnerships with international allies, such as international NGOs (or INGOs) that work on justice or related issues can help to amplify the message about the need for justice to broader audiences. The governments of countries targeted for justice actions may dismiss or ignore statements made by INGOs. However, in many other cases such organizations can serve as a public face of a campaign, particularly when local groups cannot be as outspoken because of security concerns. For these kinds of partnerships, victim groups do not usually need significant resources, though having secure Internet access can make them much easier to maintain.

## Conclusions

A STRATEGY TO BUILD public support through strategic communications and public outreach, from both within and outside the affected country, can be a valuable tool for victim groups. Although speaking out publicly about the need for justice carries many risks that should be assessed and reassessed as the situation evolves, there are many different ways for victim groups to conduct this work, including in partnership with others. **Chapter 7** discusses some of the common risks that may arise when victim groups pursue justice and offers strategies for overcoming those risks.



Photo: A displaced Yezidi man shows the bullet that was pulled from his leg. He was shot by Islamic State fighters but was lucky enough to survive and escape. *Mackenzie Knowles-Coursin for the US Holocaust Memorial Museum*



**CONFRONTING THE  
PRACTICAL CHALLENGES  
OF PURSUING JUSTICE  
FOR MASS ATROCITIES**

**PART THREE**





CHAPTER SEVEN

# ANTICIPATING AND MITIGATING THE RISKS AND CHALLENGES OF PURSUING JUSTICE

All of the measures described in this Handbook carry risks for victim groups.

- Individuals advocating for justice incur personal risks to both their safety and mental health.
- Attempts to advance justice may also carry legal and advocacy risks that may undermine the justice effort.
- Victim groups can take steps to mitigate and respond to these risks.

ALL WORK RELATED to pursuing justice for mass atrocities carries risks for the people involved and for the justice strategy itself. It is critical that victim groups take the following actions to mitigate these risks:

- 1 Identify worst-case scenarios that could arise.
- 2 Take steps to decrease the risk that those scenarios will occur.
- 3 Consider whether the objectives being sought outweigh the potential risks.
- 4 Repeat this process as the situation evolves.

This chapter provides basic advice about some of the common risks that victim groups may encounter when pursuing justice. However, victim groups usually need to work with security experts to develop a tailored risk-management plan. In addition, many great guides are available for organizations developing risk-management plans, including guides on online security such as **Frontline Defenders' toolbox** (<https://www.frontlinedefenders.org/en/digital-security-resources>) and **Tactical Tech's Holistic Security Guide** (<https://holistic-security.tacticaltech.org/downloads>).

**Managing security risks as a victim-centered coalition**  
Victim groups that are working as victim-centered coalitions may need to make special considerations for their security. Working as a coalition requires substantial coordination not only on the substance of the work but also on the protocols that they follow. Moreover, systems for conducting work, such as storing information, may become more complicated and vulnerable to security threats as more people and organizations use them, which makes developing a clear risk-management strategy all the more important for victim coalitions.

Photo: Wall in Guatemala City covered with political graffiti. Bert de Ruiter / Alamy Stock Photo

## Personal security risks

Victim group members who engage in any of the strategies discussed in this Handbook to advance justice may face serious personal risks. Depending on the context, victim group members and their families may face reprisals, threats, attacks, and imprisonment, among other possibilities. Those risks may be particularly heightened for victim group members—as opposed to other civil society actors—if they belong to a group or community that has already been targeted for violence.

Victim groups can take the following steps to help mitigate those risks:

- Work only with trusted journalists and ask them not to report specific names or other identifying information and instead to use pseudonyms and blurred faces.
- Work with trusted international nongovernmental organizations (INGOs), which may be able to speak more freely about the situation than local actors could.
- Develop a network of trusted spokespeople with a public platform who can shine a spotlight on a situation if a victim or victim group is targeted.
- Plan properly when conducting sensitive work, including developing an exit plan, wearing protective gear, carrying a tailored first aid kit, and notifying trusted colleagues and locally based international actors (if appropriate) about the mission.

**Example:** *The Coordinadora Nacional de Derechos Humanos* (CNDDHH) (<http://derechoshumanos.pe/>), a coalition of roughly 80 civil society organizations from Peru, was established to pursue justice for victims of crimes during Fujimori's dictatorship. The security situation was particularly challenging because both state and terrorist organizations regularly disappeared human rights defenders. The CNDDHH adopted basic principles to protect its members, including avoiding being alone or traveling to unsafe locations. The coalition developed a warning system to predict events that may have led to an attack on a human rights defender, and it created a working group to focus on the question of security. The CNDDHH had allies in important sectors, including the Inter-American System, European organizations, and local journalists, doctors, civil servants, and other officials they could call upon if necessary.

## Deciding when to give informed consent

Before sharing information with others, victims and witnesses should have the opportunity to provide informed consent. People can give consent for information to be shared with or without their personal details, but in communities with a small number of surviving victims, individuals may be identifiable even if they do not share personal details. Whenever the information will be used for new purposes, even if the victim or witness has already consented to other uses of his or her information, the victim or witness must have the opportunity to provide consent again.

To grant informed consent, victims and witnesses need to consider the following factors:

- The purpose and content of information being collected
- Whether the information will be shared and, if so, how and to whom

- The risks and benefits of providing information
- Whether and, if so, how they can revoke or amend their consent in the future (including contact information that the interviewees can use to revoke their consent)
- The identity, organizational affiliation, and contact information of the interviewer
- The limitations on any assistance that the interviewer can provide to the interviewee
- Whether the interviewer and interviewee will have the opportunity to speak again in the future

### Note

Consent must be provided freely by an adult. Children who have not reached the age of majority cannot give informed consent.

## Retraumatization and secondary trauma

As noted in **Chapter 6**, victim group members who serve as public messengers for justice may find that the experience of speaking out about their experiences is empowering. Others may find that it triggers the same stress reactions that occurred during the original traumatizing event. That reaction is called *retraumatization*, and it is often heightened when people have to tell their story repeatedly to public audiences.

Victim groups can take the following steps to try to reduce the risk of retraumatizing victim group members who serve as public advocates:

- Provide opportunities for the victim to speak in friendly, low-stakes environments before speaking publicly.
- Remember that it is up to the individual to decide whether to speak out and what they want to say, even if they have done so previously.
- Work with journalists and others who recognize signs of and know how to respond to retraumatization.
- Provide access to psychosocial support before and after the outreach activity and consider having a counselor or other support person present during interviews.
- Develop a cohort of victims who are empowered and supported to tell their stories so that the entire burden does not fall on any one person.

People can also be vicariously or secondarily traumatized when exposed indirectly to a traumatic event through another person's firsthand account or narrative of that event. Anyone can experience vicarious or secondary trauma, but victim group members who themselves have experienced traumatic events may be particularly vulnerable. Victim group members should receive training on how to deal with trauma and how to promote the well-being of others and themselves. The risks of retraumatization and vicarious or secondary trauma mean that victim groups must identify and establish formal and informal pathways for accessing professional assistance, including through health care professionals, victim networks, family members, and community leaders.



## Risks associated with the justice initiative

In addition to the personal risks that those who participate in justice work assume, there are also risks to the justice initiative itself. Perhaps most prominently, efforts to advance and push for justice run a significant risk of being unsuccessful. As discussed in this section, legal risks and advocacy risks also may arise while victim groups are engaged in efforts to amplify the need for justice and accountability.

### Note

**Chapter 4** discusses risks associated with gathering and sharing information.

### Legal risks

Although speaking out publicly about the need for justice can help build the political will needed to advance justice, it can also undermine future legal proceedings. Victim groups must think strategically about whether to use their voices publicly or to reserve them for future court cases or truth commissions. For example, victim groups that have provided evidence to authorities about a specific case or perpetrator may decide to keep that evidence private until an investigation has been launched or the alleged perpetrator has been arrested. Releasing the information too early could undermine the investigation. To respond to some of those challenges, victim groups may consider developing two separate streams of work: one that focuses on private information gathering and one that focuses on media and public outreach.

### Advocacy risks

When pressing for justice, victim groups may inadvertently undermine their advocacy effort. When victim groups share information publicly, other people may reuse it for purposes that are counterproductive. Victim groups can do little to prevent that from happening; they should assume that any information shared publicly will be used for other, unhelpful purposes. That assumption should inform decisions about what information to share, how to share it, and with whom to share it. Regardless of their approach, victim groups should always strive to do the following:

- Be honest, accurate, and credible because any information made public can be scrutinized, questioned, and even dismissed.
- Deliver clear and consistent messages to simplify complex issues.
- Respond thoughtfully to opposing narratives, using them as an opportunity to repeat the victim group's overarching message about the need for justice.

## Conclusions

Victim groups can take steps to plan for and mitigate risks that may arise during the course of their justice work. However, those protection measures are imperfect and may even present their own risks. Victim groups should develop a risk mitigation plan tailored to their situation, ideally with the support of an expert.



Photo: Defendants on trial for war crimes committed during the war at Dora-Mittelbau. United States Holocaust Memorial Museum, courtesy of National Archives and Records Administration, College Park



## CHAPTER EIGHT

# SECURING FUNDING AND SUPPORT FOR VICTIM GROUPS TO LEAD JUSTICE PROJECTS

**Almost all of the tools referenced in the Handbook require funds or additional support.**

- There are many ways to get funding for justice projects, each with different processes, standards, and requirements.
- Securing funding can be a long and complicated process, but victim groups can take steps to prepare and position themselves.
- After securing funding and support, it is important for victim groups to maintain good relationships with donors and supporters.

ALMOST ALL OF THE TOOLS described in this Handbook require funding, personnel, expertise, equipment, and other assets. This chapter aims to demystify the process of securing funding and support for victim groups. It is a process that does not always work well for victim groups. Deeply ingrained dynamics mean that donors have more power than the local organizations that they fund—an arrangement that can make it hard for local organizations to assert their own needs. The purpose of this chapter is not to affirm or justify the system as it currently operates but rather to help victim groups navigate the system despite its flaws. That said, members of the donor community—particularly private donors—are actively considering how to improve the system for grant recipients. Victim groups should feel empowered to assert their interests rather than compelled to contort themselves to the donor landscape.

In her report *Radical Flexibility: Strategic Funding for the Age of Local Activism* for Peace Direct, Dr. Riva Kantowitz made the following recommendations to local organizations:

“ **TAKE THE POWER**—exercise agency and seek ways of disrupting the current power dynamic between donors and local organizations.

**BE HONEST** with funders about the organization’s needs, the realities of implementing any required assessment frameworks, and the accomplishments their support can (and cannot) achieve. Learn to say no to donors and negotiate for better terms.

Photo: Rwandans sitting in the stands hold candles as part of a candlelit vigil during a memorial service held at Amahoro stadium in the capital Kigali, Rwanda. Rwanda is commemorating the 25th anniversary of when the country descended into an orgy of violence in which some 800,000 Tutsis and moderate Hutus were massacred by the majority Hutu population over a 100-day period in what was the worst genocide in recent history. *Ben Curtis/AP/Shutterstock*



**DIVERSIFY FUNDING**—look where possible for community-led and other financing solutions, rather than relying on Western donor-funded grants as a first step.

**SEEK OUT, LEARN FROM, AND AMPLIFY** the approaches of local organizations... that have managed to avoid restrictive grant funding while sustaining their work.

**EXPLORE COLLABORATIONS** with other local actors aimed at designing and catalyzing new funding approaches—such as outcome funds to support an organization's objectives or providing seed funding for a community foundation—and bring these ideas to funders. ”

See: Riva Kantowitz, *Radical Flexibility: Strategic Funding in the Age of Local Activism* (London: Peace Direct, February 19, 2020), 8, <https://www.peacedirect.org/us/publications/radicalflexibility/>.

### Advantages and disadvantages of funding victim-centered coalitions

For victim-centered coalitions, fundraising presents opportunities and challenges. On the one hand, working together as a coalition conserves resources and can provide more visibility, leverage, access, status, and innovative perspectives and tools. Moreover, donors may find funding coalitions logistically easier than funding individual victim groups. On the other hand, grants can be administratively difficult to manage, particularly when a number of organizations are working together in a coalition. Victim groups need to assess those benefits and trade-offs when considering whether to form a coalition.

## Identifying the kinds of support needed

**BEFORE APPROACHING** potential donors and partners for assistance, victim groups need to determine the kinds of support they need on the basis of their activities and priorities. Victim groups that want to conduct a specific project or activity may need to find a donor to fund their work. They may also need to secure funding for administrative support to assist with implementing those activities. Victim groups may also need training or expert assistance on a specific issue and may look for organizations that can lend their expertise, opportunities to attend workshops or training, or staff to join their organizations. Depending on what the victim group wants to achieve, it may need multiple kinds of support at the same time.

### Overview of funding mechanisms

Victim groups can access funding through many different mechanisms. This section provides an overview of the main ways that donors provide funding to the kinds of justice work that victim groups do. Some funding mechanisms involve a blend of the categories mentioned here.

### Advance and reimbursement grants

Donors generally provide one of two types of grants: advance grants and reimbursement grants.

- With advance grants, the donor provides funding directly to the recipient organization before it conducts its activities. The recipient organization then accounts for agreed-on expenses incurred to show that the funds were spent according to the agreement.
- With reimbursement grants, the donor reimburses (or pays back) the recipient organization for agreed expenses after they have been incurred. The recipient organization usually needs to provide receipts for expenses it has incurred.

#### Note

For victim groups and other local organizations, reimbursement grants can be very difficult to implement, particularly if the group needs funding to conduct its activities. Victim groups should think carefully about whether they have the capacity to implement a project before accepting a reimbursement grant.

### Bidding and tendering processes

While some donors accept grant proposals from organizations at any time, many donors open funding opportunities at discrete times for services, activities, or projects—what is sometimes called a bidding, or tendering, process. Strict rules usually govern the process, including the time during which the donor must make a decision, what information the donor may share with bidders, and the factors that can inform their decision. When donors have a very specific idea about the kind of service or project they want fulfilled, they may issue a Request for Proposals, Offers, or Quotations. When donors are still deciding whether they want to fund a project and the kind of project they want to fund, they may issue an Expression or Registration of Interest or a Request for Information.

Some donors host workshops and Q&A periods for organizations that have responded to a funding opportunity. Such platforms can be an opportunity for victim groups to ask relevant questions, to receive input and support on their proposal, and to share additional background about their organization and goals with potential funders. Victim groups should ask potential donors whether these or similar opportunities will be available and should consider participating in them if possible.

### Subgrants

A *subgrant* refers to a form of funding in which one organization receives a grant from a donor and distributes it to other organizations through one or several smaller subgrants. These are sometimes called *pass-through* grants. In some cases, going through a formal tendering process may be necessary to apply for the subgrant, but in others, the lead organization may be able to redistribute subgrants directly. Subgrants can be a good funding option for organizations that

- Lack the logistical or financial resources to apply for a larger grant
- Lack connections with larger donors and governments
- Are already connected with a larger organization that can receive the primary grant

Over time, victim groups that receive funds that way may become better equipped to apply for larger grants themselves. However, receiving funding through subgrants may have drawbacks. For example, it may create or amplify tension or competition among and between small and larger victim groups, especially if the smaller group has little or no control over the distribution of the funds. It can also be administratively burdensome for the larger organization that is responsible for distributing the subgrants.

### Funds reallocated from other programs

In addition to offering grants and regular calls for proposals, some United Nations agencies (such as the UN Development Programme; [UNDP]) work with donors to reallocate certain budget line items every year. Those reallocated funds may support projects run by local groups that fit within the agency's budget lines. For example, UNDP field offices support local transitional justice efforts by providing small-scale grants and technical assistance and by covering travel expenses for advocates (including members of victim groups) to participate in transitional justice process workshops.

### Pooled funds

For larger-scale efforts, governments and multilateral organizations may come together, often through another organization, to support justice initiatives. This approach aims to reduce the administrative burden on donors for overseeing programs and to decrease the risk of duplication and overlap of efforts. Although individual victim groups may not be able to apply for pooled funds directly, they may be able to obtain grants for their work through these programs.

### Matching grants

Victim groups may consider approaching a potential donor for a *matching* or *challenge grant*, in which the potential donor matches another donor's investment in a project. These grants may be a good option for small organizations that do not have well-established relationships with governments because such grants may make the government more comfortable with a project if it is receiving investments from elsewhere.

## Determining how much funding is needed

To determine how much funding is needed for a specific project, activity, or organization, victim groups must develop a detailed budget with specific line items for all expected expenses and overhead costs. Victim groups usually need to work with or hire individuals who understand finances and who have experience preparing budgets. For organizations that receive grants, an accountability process is usually in place to ensure that the money received was spent according to the budget line items. Again, support from financial and administrative staff is important, particularly for victim groups that have not previously managed projects.

#### Note

Donors—such as governments, multilateral organizations, and large private foundations—tend to make large-scale grants of more than a million dollars because the amount of paperwork and oversight involved in making both large- and small-scale grants is equivalent. Donors prefer to streamline their funding into fewer large-scale projects rather than many small-scale projects. That said,

some donors distribute small-scale grants to fund local civil society initiatives. Those funds may be managed directly by the local embassy or desk officer responsible for the relevant country or region. These kinds of grants may be more flexible to the needs of the specific victim group.

## Other kinds of nonfinancial support

As mentioned, victim groups may need other kinds of nonfinancial support, such as training, capacity building, and lending of well-trained staff from organizations with relevant expertise. That kind of assistance often is established through some kind of partnership with like-minded organizations, such as the following:

- Well-established organizations whose mandate is to provide support to victim groups
- Grassroots organizations that work on relevant issues in the country or region
- Domestic and foreign universities and law schools that run clinics for students to work directly with local organizations on long-term projects
- Governments and multilateral institutions that provide capacity building, skills training, and technical assistance to local groups
- Corporations and law firms with relevant technical expertise (such as in documentation or accounting) with pro bono programs to work with local groups

When developing partnerships with other organizations, victim groups may consider entering into a formal agreement. Having a written document that records mutual understanding about activities, confidentiality, and other shared expectations may help protect the organizations that are working together.

## Finding donors and organizations to provide support

SO MANY DIFFERENT DONORS may be interested in supporting victim groups that discussing each potential donor individually is not possible. Instead, this section provides general advice on how victim groups may identify and research potential donors.

### Identifying different donors

Many different kinds of organizations offer funding opportunities to local organizations for justice efforts after mass atrocities, and victim groups may be eligible for those funding opportunities. The following kinds of organizations are a good place to start:

- Major donor governments with embassies in the relevant country, such as the Swiss, UK, Dutch, and US governments
- United Nations agencies and departments, such as the UNDP, the Office for the High Commissioner for Human Rights (OHCHR), and UN Women
- Regional bodies, including the European Union, African Union, and Organization of American States

- Private donors, such as foundations and charities—for example, Open Society Foundations, Gates Foundation, Ford Foundation, and Carter Center

Different donors have their own priorities, standards, and working methods, and victim groups need to work out which donors are best suited to their specific context, activities, and goals. That said, most donors adhere to strict funding rules and procedures. Although private donors (such as foundations and charities) may have more flexibility than public donors (such as governments and international organizations), they are still usually bound by the charitable laws of the country in which they are registered. Developing relationships with locally based representatives from the kinds of organizations mentioned previously may help victim groups identify the donors they would like to work with.

## Researching potential donors

Understanding the institutional priorities and working practices of different donors can help victim groups identify potential donors for their projects. Reading donors' publicly available materials, such as their website and reports, and attending meetings that donors participate in or host are valuable sources of information about their interests and working practices. When gathering that information, paying attention to the following details is particularly useful:

- Organizations and activities they have previously supported and those that they do not or cannot support
- Their broad thematic and geographic priorities, such as counterterrorism, peace building, or transitional justice
- Basic details, such as the dates of their funding cycles, the typical size of their grants, their application processes and requirements, and their decision-making processes

After gathering that basic information, victim groups may approach potential donors for an initial, informational meeting. This meeting is an opportunity for the donor and victim group to get to know one another. Victim groups should be prepared to share their goals and activities and to ask the donor clarifying questions about thematic priorities and funding requirements based on their prior research. Unless the donor indicates otherwise, an initial informational meeting is not usually an appropriate forum for pitching an idea or requesting funding directly.

## Developing a proposal for funding or support

**THIS SECTION FOCUSES** on the process of developing a proposal for funding or support. It aims to help victim groups think through their strategic priorities and identify the ways they may align with those of the potential donors that the groups have identified and researched. It is worth noting that although aligning strategic priorities with a potential donor may make a victim group a more attractive grant recipient, such an alignment may prevent victim groups from performing

their work in the way they want. As they think through the ways their goals may intersect with those of potential donors, victim groups must make sure that the alliance does not come at the expense of their core institutional goals.

## Aligning strategic priorities and interests

Major donors receive countless requests for funding, and they are usually unable to support all of them. That means they have to decide which projects and organizations align most closely with their strategic priorities for the funding program. Victim groups that are able to demonstrate how their project or activity supports the strategic priorities of the donor organization may set themselves apart from other organizations in the application process.

*See: Ahmed Mroueh, A Practical Guide for Civil Society Organizations in Lebanon towards Proposal Writing (Lebanon Support, 2018), 6–10, <https://civilsociety-centre.org/resource/practical-guide-civil-society-organisations-lebanon-towards-proposal-writing>.*

In some cases, the connection between the victim groups' priorities and those of the donor is obvious. The donor's stated funding priority may be to support local led justice and accountability efforts or victim groups pursuing transitional justice. The donor may have previously funded similar activities or similar organizations in the same or a neighboring country. In other cases, the connection may be less clear. For example, the donor may use different language to describe the same kinds of activities the victim group wants to undertake. Common synonyms for "justice and accountability" and "transitional justice" that donors may use include "addressing the legacies of conflict" and "dealing with the past."

In other cases, the connection between the donor's strategic interests and priorities may be even less obvious. The donor may never have supported this kind of work, and its stated institutional priorities may be quite different from those of the victim group. For example, some donors primarily focus on "human security," "countering violent extremism," "nation building," "development," or "poverty reduction" rather than "transitional justice." When approaching those kinds of donors, consider the following:

- The victim group may have to highlight important details about the conflict and the background to the group's work and strategy.
- The victim group may need to find thoughtful ways to tie its justice goals more closely into the donor's goals, particularly given that addressing the past is often a necessary foundation for other interventions.

### Note

The purpose of the advice in this chapter is not to encourage victim groups to change their strategic priorities to align better with donor interests; rather, victim groups should feel empowered to demand an equal partnership role with the donor in setting the agenda and to articulate their own needs.



### A note about sustainable development and justice

Many governments and other donors have set “development” or “sustainable development” as a core funding priority. In 2015, governments around the world committed to achieving 17 global goals for sustainable development at the UN General Assembly. Sustainable Development Goal 16 focuses on “access to justice for all” and “effective, accountable, and inclusive institutions at all levels.” Victim groups may consider citing this goal in grant applications to donors that prioritize development. However, donor priorities change, and although citing sustainable development goals may be helpful in a project proposal at the time of this writing, the same may not be true in the future.

See: United Nations, *Transforming Our World: The 2030 Agenda for Sustainable Development*, A/RES/70/1 (2015), Goal 16, <https://sdgs.un.org/publications/transforming-our-world-2030-agenda-sustainable-development-17981>.

## Developing a proposal

All donors have their own requirements for funding applications and discussing each possible requirement in this Handbook is not possible. This section provides an overview of some of the common elements that victim groups may consider including in their funding applications. Donors hold grant recipients accountable to the goals outlined in their proposals, so it is important to be as thoughtful and realistic as possible at the outset about the scope of the project, its activities, and what it aims to achieve.

### Project overview

Funding proposals usually begin with a brief overview of the project. That information should help the donor understand why the project is important and situate it alongside other related activities that are already taking place. Specific details to highlight include the following:

- The primary short-term outcomes and long-term goals of the project
- The gaps in ongoing work that the project aims to fill
- Any requests from other groups or individuals that the victim group has received for this kind of work
- The partners and actors that will be involved in implementing or advising the project

### Background or context

A proposal should also include information about the broader context of the project. For donors that have not previously worked on the relevant country or issue, a more detailed background may be necessary. For donors that have worked extensively on the country and issue, the background may be an opportunity to reiterate the gaps and respond to the problems that the project is trying to address. Depending on the needs and the context, this section may include the following details:

- An overview of key events, dates, crimes, and actors involved in the mass atrocity situation
- The scale of the mass atrocity situation, with reliable facts and figures about the number of people affected (if that information is available)

- The current political situation in the affected country, including whether any significant developments are expected
- A short analysis of efforts to advance justice that have taken place so far

### Results framework and theory of change

Many donors require applicants to include a results framework or a theory of change in their proposal. Developing that framework by reflecting on the ways in which the project aims to lead toward a long-term goal can be a valuable process. It may highlight weaknesses or gaps in the model that those working on the project need to consider as they do their work. It may also demonstrate just how unique and important the project is.

See: Anne Garbutt, “Monitoring and Evaluation: A Guide for Small and Diaspora NGOs” (The Peer Learning Programme for Small and Diaspora Organizations, INTRAC, Oxford, October 2013), <https://www.intrac.org/resources/monitoring-evaluation-guide-small-diaspora-ngos/>.

Devising an approach to measure the impact of a project can be difficult, particularly in the context of justice and accountability work. Isolating concrete results in fluid and complex situations of ongoing conflict and measuring key outputs, such as levels of victim engagement or political will for justice, can be difficult. Bearing those difficulties in mind, a funding proposal should clearly explain these points:

- The long-term goal of a project or initiative
- The characteristics of a situation in which that goal is achieved
- The short- and intermediate-term outcomes that the project will accomplish
- The specific project activities that will build up to the long-term goal

A funding proposal should also highlight the assumptions that underpinned that framework, the external factors that could influence the project’s success, and the resources that the victim group needs to carry it out.

#### Note

This can be an opportunity to highlight the ways in which the victim group’s theory of change intersects with the priorities and interests of potential donors.

### Details about project activities

In addition to setting out the long-term goal for the project, the funding proposal must include details about project activities to help the donor understand the project. The proposal should set out specific and discrete activities, whether they be research, training, mentorship, or advocacy opportunities. Other relevant details include this information:

- The staff who will lead, implement, and support the project
- Where project activities will occur
- Which people or populations the project aims to support
- When activities will occur

- The monitoring and evaluation (M&E) of project activities that will take place during implementation to ensure that the project is advancing toward achieving its objectives
- What principles or best practices staff will follow when conducting their work

### Risk-management strategy

Donors need to know that grant recipients have a plan to anticipate, respond to, and mitigate the risks and challenges that will arise during the project. That is particularly important for grants to organizations working on politically sensitive issues or with vulnerable populations, such as justice projects led by victim groups. When articulating a risk-management strategy for a donor, the following can be helpful:

- Organize different risks into broad categories.
- Explain each risk in a sentence or two.
- Classify the risks according to the likelihood that they will occur.
- Explain the seriousness of the impact of the risk if it does occur.
- Identify measures to mitigate or respond to those risks.

### Budget

The proposal should include a budget that identifies the project's expected expenses. As noted previously, this can be a technical exercise, and victim groups may need to work with individuals who have experience preparing budgets.

See: "Applying for Grants," Community Toolbox, accessed December 11, 2020, <https://ctb.ku.edu/en/applying-for-grants>.

## Maintaining relationships with donors after funding is received

**DONORS USUALLY REQUIRE** recipient organizations to sign a contract or agreement that identifies expenses that can or cannot be incurred, the time period during which the activities must be performed, and reporting requirements, among other matters. Victim groups should read those agreements carefully before signing. Asking the donor to clarify issues or negotiating specific terms of the contract with the donor is always appropriate if the victim group anticipates a problem.

After the contract is signed, it is important to invest time and resources in maintaining relationships with existing donors. That can help build a relationship of mutual trust between recipients and donors, which is critical—particularly if things go wrong in the project or the context in which the project is operating changes. That said, different donors have their own expectations about the kind of relationship they have with grant recipients: some donors require frequent updates, whereas others have a more “hands-off” approach. Regardless of the approach, keeping track of project successes, maintaining good financial records, and conducting effective overall management may help instill trust and confidence. In addition to meeting the agreed-upon reporting requirements, victim groups may consider the following measures:

- **Highlighting key successes and accomplishments to donors**  
In addition to updating the donor throughout the regular reporting cycle, victim groups should look for opportunities to highlight their key successes and accomplishments to the donor. Such updates are a good opportunity to foster a sense of cooperation and partnership with donors, and victim groups can provide those updates informally over the phone or via e-mail.
- **Keeping donors informed about challenges**  
Equally important is for victim groups to share major challenges and difficulties that they are encountering with the donor. Donors may be able to help the recipient think through solutions to difficult problems, and including them in this process can preempt unpleasant surprises later on.
- **Including the donor in events, if possible**  
Victim groups may consider inviting the donor to participate in project activities, especially in situations in which the donor does not have an office in-country. This can be a valuable way to ensure that the donor understands the project and the context.

## Conclusions

**VICTIM GROUPS** usually require funding and support to conduct their activities. However, the process of securing resources can be confusing and time consuming and does not always yield results. Major donors often favor well-structured, technical organizations that are based in capital cities and that have functioning accounting systems. Such preferences can sometimes make it difficult for local and grassroots groups to successfully compete. Moreover, maintaining the attention of the international donor community for the duration of what may be a decades-long justice effort can be difficult. Nevertheless, victim groups can take steps to position themselves well in this landscape so that they can sustain their fight for justice over the long term.

## APPENDIX I

# ORGANIZATIONS AND EXPERTS

This appendix provides a list of experts and organizations that work in this area and can provide further information. The Museum does not have a professional affiliation with these organizations, and their views do not necessarily reflect those of the Museum.

### Pursuing and using transitional justice measures

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#### Organization or expert (listed alphabetically)

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**PATRICK BURGESS** is an Australian barrister, international human rights expert, and president of Asia Justice and Rights, an organization working to strengthen human rights and alleviate entrenched impunity in the Asia-Pacific region.

Contact [pburgessajar@gmail.com](mailto:pburgessajar@gmail.com)

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**RUBEN CARRANZA** is a senior expert, programs, at the International Center for Transitional Justice, working with victims' communities and reparations policy makers in Africa, Asia, and the Middle East. He also provides advice on issues involving reparations and war crimes tribunals, including the Extraordinary Chambers in the Courts of Cambodia and the International Criminal Court (ICC).

Contact [RCarranza@ictj.org](mailto:RCarranza@ictj.org)

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**PABLO DE GREIFF** served as the first United Nations special rapporteur on the promotion of truth, justice, reparations, and guarantees of non-recurrence. He has published and lectured extensively on those subjects and has provided advice to governments, nongovernmental organizations (NGOs), and victims' organizations. Currently, he is senior fellow and director of the Transitional Justice program at the Center for Human Rights and Global Justice at New York University.

Contact [pdg4@nyu.edu](mailto:pdg4@nyu.edu)

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**EQUIPO ARGENTINO DE ANTROPOLOGÍA FORENSE (EAAF)** is a scientific, nongovernmental nonprofit institution that applies forensic science methodologies and techniques to the investigation, search, recovery, determination of cause of death, identification, and restitution of missing persons. One of the guiding principles of the EAAF is a deep respect for the opinions and concerns of the communities and families of the victims. The EAAF works with them during the exhumation, determination of cause of death, and identification phases and provides them with all the information available at each stage of work.

Contact [eaaf@eaaf.org](mailto:eaaf@eaaf.org) (Buenos Aires), [ny.office@eaaf.org](mailto:ny.office@eaaf.org) (New York)

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**EQUIPO PERUANO DE ANTROPOLOGÍA FORENSE (EPAF)** promotes transitional justice for cases involving crimes against humanity—especially forced disappearances and extrajudicial executions—by helping people find and identify missing family members and access justice.

Contact [epafperu@epafperu.org](mailto:epafperu@epafperu.org)

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**BHAVANI FONSEKA** is a constitutional and human rights lawyer in Sri Lanka and a senior researcher at the Centre for Policy Alternatives and is involved in national and international advocacy related to human rights, reconciliation, justice, and reforms.

Contact [bhavani@cpalanka.org](mailto:bhavani@cpalanka.org)

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**FORENSIC ANTHROPOLOGY FOUNDATION OF GUATEMALA (FAFG)** is a technical and scientific organization working to investigate, document, and raise awareness about past instances of human rights violations that occurred during the Guatemalan Civil War.

Contact <https://fafg.org/contact/?lang=en> (contact form)

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**CLAIRE GREENSTEIN** is an assistant professor at the University of Alabama at Birmingham in the Department of Political Science and Public Administration. Her research focuses on reparations for human rights abuses and transitional justice more generally.

Contact [cgreenst@uab.edu](mailto:cgreenst@uab.edu)

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**INTERNATIONAL CENTER FOR TRANSITIONAL JUSTICE (ICTJ)** is a nonprofit organization that works for justice in countries that have endured massive human rights abuses under repression and in conflict. The center works with victims, civil society groups, and national and international organizations to achieve that goal. ICTJ's [Truth and Memory](#) program works to incorporate and advance victims' rights into truth-seeking and memory initiatives around the world, providing advice to memorialization projects on victim consultation, memorial design, and commissioning through case-specific training.

Contact [info@ictj.org](mailto:info@ictj.org)

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**THE INTERNATIONAL COALITION OF SITES OF CONSCIENCE (ICSC)** supports historic sites, museums, and memorials worldwide to connect the past to the present. The coalition builds the capacities of its member organizations through grants, networking, training, and advocacy. The [Global Initiative for Justice, Truth and Reconciliation](#), a flagship program of ICSC, is a peer-learning consortium working specifically on community-based, victim-centered transitional justice efforts in countries in or emerging from conflict.

Contact [coalition@sitesofconscience.org](mailto:coalition@sitesofconscience.org)

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**THE INTERNATIONAL COMMISSION ON MISSING PERSONS (ICMP)** works in [40 countries](#) with governments, justice institutions, and NGOs to identify missing persons in the context of armed conflict and rights abuses.

Contact [icmp@icmp.int](mailto:icmp@icmp.int)

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**MARK KERSTEN** is a consultant at the [Wayamo Foundation](#), founder of the [Justice in Conflict](#) blog, and a researcher at the Muck School of Global Affairs and Public Policy at the University of Toronto. His research and work focuses on the politics and effects of interventions by the ICC.

Contact [mark.s.kersten@gmail.com](mailto:mark.s.kersten@gmail.com)

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CHRIS MAHONY is CEO and cofounder of [Peloria](#) and senior political economy specialist at the World Bank's Finance Competitiveness and Innovation Global Practice. He formerly worked in the World Bank's Independent Evaluation Group and Governance Global Practice and at the United Nations Development Programme, including as Transitional Justice Global Focal Point.

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LUKE MOFFETT is a senior lecturer in the School of Law at Queen's University Belfast. His research focuses on reparations and victims' rights in transitional contexts and before the ICC. He previously worked with a number of victims and victims' groups in Northern Ireland, Cambodia, and the Great Lakes Region of Africa.

Contact [l.moffett@qub.ac.uk](mailto:l.moffett@qub.ac.uk)

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[PARTNERS IN JUSTICE INTERNATIONAL \(PJI\)](#) strengthens justice processes for victims and survivors of grave crimes—such as crimes against humanity, war crimes, and genocide—primarily by providing practical support to serious crime prosecutors, victim representatives, and investigators working in post-conflict and post-dictatorship jurisdictions.

Contact For questions, requests, or miscellaneous queries:

[admin@partnersinjustice.org](mailto:admin@partnersinjustice.org)

Contact For assistance through PJI's training, horizontal mentoring, or intervention programs: [legal@partnersinjustice.org](mailto:legal@partnersinjustice.org)

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[PHYSICIANS FOR HUMAN RIGHTS \(PHR\)](#) provides independent forensic expertise to document and collect evidence of human rights violations.

Contact <https://secure.phr.org/secure/contact-us> (contact form)

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NAOMI ROHT-ARRIAZA is a lawyer and distinguished professor of law at the University of California (UC), Hastings. She is an expert in transitional justice and human rights, with a focus on Latin America.

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NELSON CAMILO SÁNCHEZ LEÓN is director of the Human Rights program and the International Human Rights Law Clinic at the University of Virginia. He has worked as a consultant and legal expert on various human rights issues and previously served with the Inter-American Commission on Human Rights and the Colombian Commission of Jurists.

Contact [csanchez@law.virginia.edu](mailto:csanchez@law.virginia.edu)

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[SIGRID RAUSING TRUST](#) offers support to organizations that it identifies for initial one-year periods that can be extended. Sigrid Rausing does not accept unsolicited applications for funding. The trust offers [core grants](#) for human rights and arts organizations and in the past has supported national and local memorialization efforts, including museums, arts centers, and documentation centers.

Contact [info@srtrust.org](mailto:info@srtrust.org)

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[SWISSPEACE](#) is a practice-oriented peace research institute. It analyzes the causes of violent conflicts and develops strategies for their peaceful transformation. Swisspeace aims to contribute to the improvement of conflict prevention and conflict transformation. The Dealing with the Past program of Swisspeace supports governmental and nongovernmental actors in the design, implementation, monitoring, and evaluation of Dealing with the Past (or transitional justice) activities. A focus lies on the use of archives in this field. The program provides a wide range of training opportunities on dealing with the past and contributes to the research-policy nexus at Swisspeace through its research projects, research events, conferences, publications, and teaching.

Contact [lisa.ott@swisspeace.ch](mailto:lisa.ott@swisspeace.ch) (Lisa Ott, head of Dealing with the Past program)

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The [UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION \(UNESCO\)](#) has a program that focuses on museums in countries in emergency situations (such as post-conflict settings), among others. UNESCO offers training, development of networks, awareness raising, and various advisory activities. The [Memory of the World \(MoW\)](#) project works specifically to preserve and make accessible important documents. Custodians of collections can seek inscription on the international, national, or regional [MoW register](#), which can increase the visibility of the collection and sometimes help to attract [project funding](#).

Contact [f.banda@unesco.org](mailto:f.banda@unesco.org) (Fackson Banda, chief of Documentary Heritage Unit, Memory of the World Programme secretariat)

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## Using law to access justice and accountability for mass atrocities

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### Organization or expert (listed alphabetically)

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BETSY APPLE is advocacy director and head of the Democracy and Rule of Law Division for the [Open Society Justice Initiative](#). She is also an adjunct professor at Columbia University's School of International and Public Affairs, where she teaches international human rights law. She was formerly the legal director of AIDS-Free World and EarthRights International and director of the crimes against humanity program at Human Rights First.

Contact [Betsy.apple@opensocietyfoundation.org](mailto:Betsy.apple@opensocietyfoundation.org)

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[AVOCATS SANS FRONTIÈRES \(ASF\) BELGIUM](#) works to inform people about their rights, to help civil society and lawyers provide them with better assistance, and to promote legislative reforms designed to increase respect for human rights.

Contact <https://www.asf.be/about-asf/contact-2/> (contact details)

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[AVOCATS SANS FRONTIÈRES \(ASF\) CANADA/LAWYERS WITHOUT BORDERS CANADA](#) works in focus countries to reinforce the work of local lawyers organizations or civil society organizations that are helping groups of victims in their quests for justice. ASF conducts strategic litigation, offers technical legal assistance, and creates structures that help organizations obtain access to international funding and collaborations.

Contact [info@asfcanada.ca](mailto:info@asfcanada.ca)

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ALMUDENA BERNABEU is an attorney, cofounder of the [Guernica Group](#), and codirector of [Guernica 37 International Justice Chambers](#). Previously, she directed the transitional justice program at the Center for Justice and Accountability and is credited with more than a dozen high-profile human rights cases.

Contact [almudenab@guernica37.com](mailto:almudenab@guernica37.com)

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The [CENTER FOR JUSTICE AND ACCOUNTABILITY \(CJA\)](#) represents victims of torture and other human rights abuses against individual perpetrators before US and Spanish courts.

Contact [center4justice@cja.org](mailto:center4justice@cja.org)

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[CIVITAS MAXIMA](#) coordinates a network of international lawyers and investigators who work for the interests of women, children, and men who have been victims of international crimes, particularly war crimes and crimes against humanity. The lawyers and investigators target only situations in which no legal action has been successful in bringing perpetrators to justice.

Contact [info@civitas-maxima.org](mailto:info@civitas-maxima.org)

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[EUROPEAN CENTER FOR CONSTITUTIONAL AND HUMAN RIGHTS \(ECCHR\)](#) initiates, develops, and supports high-impact, strategic human rights litigation to hold state and nonstate actors accountable for the violations of the rights of the most vulnerable.

Contact [info@ecchr.eu](mailto:info@ecchr.eu)

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JULIE GOFFIN is president of the [Victims' Committee at the International Criminal Court Bar Association \(ICCBA\)](#). She is an international criminal lawyer and a consultant and trainer on international criminal law and human rights law.

Contact [j.goffin@avocat.be](mailto:j.goffin@avocat.be)

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[GUERNICA 37](#) builds genuinely international legal teams with in-country partners to foster and exchange expertise among legal cultures, institutions, civil society groups, and victim communities.

Contact [clerks@guernica37.org](mailto:clerks@guernica37.org)

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FRANCOISE HAMPSON is an emeritus professor in the School of Law at the University of Essex, where she researches and teaches about armed conflict, international humanitarian law, and the European Convention of Human Rights. Previously, she was an independent expert member of the United Nations Sub-Commission on the Promotion and Protection of Human Rights.

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LESLIE HASKELL is an international lawyer with more than a decade of experience in human rights, rule of law, and accountability for serious international crimes. Her work has focused on helping victims and survivors of the most egregious crimes pursue justice before community-based, domestic, hybrid, and international criminal jurisdictions.

Contact [lhaskell@gmail.com](mailto:lhaskell@gmail.com)

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[LAWYERS WITHOUT BORDERS](#) works to build capacity and integrity in the world's justice sectors. The group engages with lawyers and judges dedicated to pro bono service and integrates them into initiatives.

Contact [query@lwob.org](mailto:query@lwob.org)

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[LEGAL ACTION WORLDWIDE](#) empowers individuals and communities that have suffered human rights violations and abuses to obtain justice and strengthens institutions to deliver justice to them. LAW takes a survivor-centered, gender-sensitive approach to creative legal strategies to improve access to justice and provide legal redress to the most vulnerable people in conflict-affected and fragile regions.

Contact <http://www.legalactionworldwide.org/contact-us/> (contact details)

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MAXINE MARCUS is founding director of [Partners in Justice International](#). She is an international criminal prosecutor and investigator with 24 years' field-based and courtroom-based experience in international criminal law, including the Special Court for Sierra Leone, the International Criminal Tribunal for the former Yugoslavia (ICTY), and several UN Commissions of Inquiry/Fact-Finding Missions.

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PAOLINA MASSIDDA is principal counsel of the Independent Office of Public Counsel for Victims (OPCV) at the ICC and the legal representative of victims in several ICC proceedings.

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FIONA MCKAY is senior managing legal officer on international justice for the [Open Society Justice Initiative](#). Previously, she was based at the ICC, heading the Victims Participation and Reparations Section.

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JACQUELINE MOUDEINA is a lawyer and human rights activist known for her work in bringing Chadian dictator Hissène Habré to justice for crimes against humanity.

Contact [jmoudeina@hotmail.com](mailto:jmoudeina@hotmail.com)

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[OPEN SOCIETY JUSTICE INITIATIVE \(OSJI\)](#) is an operational program of the Open Society Foundations that provides strategic human rights litigation and other legal work.

Contact <https://www.opensocietyfoundations.org/contact/28/program/open-society-justice-initiative> (contact form)

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PASCAL PARADIS is a founding member, executive director, secretary of the Board of Directors, and director-general of [Lawyers Without Borders Canada/Avocats Sans Frontières Canada](#). He has managed and participated in several international cooperation projects in the fields of justice and human rights, with a specific focus on the strategic litigation of emblematic human rights cases.

Contact [pascal.paradis@asfcanada.ca](mailto:pascal.paradis@asfcanada.ca)

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**PARTNERS IN JUSTICE INTERNATIONAL (PJI)** strengthens justice processes for victims and survivors of grave crimes—such as crimes against humanity, war crimes, and genocide—primarily by providing practical support to serious crime prosecutors, victim representatives, and investigators working in post-conflict and post-dictatorship jurisdictions.

Contact For questions, requests, or miscellaneous queries:  
[admin@partnersinjustice.org](mailto:admin@partnersinjustice.org)

Contact For assistance through PJI's training, horizontal mentoring, or intervention programs: [legal@partnersinjustice.org](mailto:legal@partnersinjustice.org)

**AMBASSADOR STEPHEN RAPP** is the former United States ambassador-at-large for war crimes issues in the Department of State's Office of Global Criminal Justice. Previously, he was chief of prosecutions at the International Criminal Tribunal for Rwanda and the chief prosecutor at the Special Court for Sierra Leone.

Contact [sjrapp49@gmail.com](mailto:sjrapp49@gmail.com)

**REDRESS** seeks justice and reparation for survivors of torture, combats impunity for governments and individuals who perpetrate it, and develops and promotes compliance with international standards.

Contact [info@redress.org](mailto:info@redress.org) (London)  
Contact [info.nederland@redress.org](mailto:info.nederland@redress.org) (The Hague)

**KATHLEEN ROBERTS** is founding codirector of [Partners in Justice International](#). She is an attorney with more than 16 years of field-based and courtroom-based experience in international human rights and international criminal law, including having represented victims and survivors of human rights violations and international atrocity crimes in national courts for more than 15 years.

Contact [kr Roberts@partnersinjustice.org](mailto:kr Roberts@partnersinjustice.org)

**TRIAL INTERNATIONAL** provides free legal assistance to victims of international crimes, litigates cases, develops local capacity, and pushes the human rights agenda forward.

Contact [info@trialinternational.org](mailto:info@trialinternational.org)

**LORRAINE SMITH VAN LIN** is a consultant on international law and human rights with experience in monitoring criminal trials and working to ensure effective and efficient justice sector processes. She previously worked as a legal advisor at REDRESS, specializing in victims' rights, international criminal law (ICL), and transitional justice.

Contact [smithvanlinconsultancy@gmail.com](mailto:smithvanlinconsultancy@gmail.com)

**VICTIM ADVOCATES INTERNATIONAL (VAI)** is a membership organization for victims of serious international crimes, including war crimes, crimes against humanity, and genocide. Through VAI membership, victims can act in solidarity with other victims across the world and gain access to resources to aid effective leadership of justice movements.

Contact [infor@victimadvocatesinternational.org](mailto:infor@victimadvocatesinternational.org)

**ALEX WHITING** is a professor of practice at Harvard Law School. Previously, he served as both investigations coordinator and prosecutions coordinator in the Office of the Prosecutor at the ICC.

Contact [awhiting@law.harvard.edu](mailto:awhiting@law.harvard.edu)

**WOMEN'S LINK WORLDWIDE** is an international nonprofit organization that uses the power of the law to promote social change that advances the human rights of women and girls, especially those facing multiple inequalities.

Contact [info@womenslinkworldwide.org](mailto:info@womenslinkworldwide.org)

## Building sustainable victim-centered coalitions

### Organization or expert (listed alphabetically)

**REED BRODY** is a human rights lawyer and is currently counsel and spokesperson for [Human Rights Watch](#), where he is currently working with victims of the former dictator of Gambia, Yahya Jammeh. Previously, Brody worked on the prosecutions of Chilean general Augusto Pinochet and former dictator of Chad, Hissène Habré.

Contact [reedbrody@gmail.com](mailto:reedbrody@gmail.com)

The **COALITION FOR THE INTERNATIONAL CRIMINAL COURT (CICC)** is a coalition of 2,500 civil society organizations that strives to promote universal access to justice for victims of atrocity crimes. The CICC has offices in The Hague and New York and is an excellent resource for victim groups seeking to engage with the ICC.

Contact [cicc@coalitionfortheicc.org](mailto:cicc@coalitionfortheicc.org) (New York)  
Contact [cicc-hague@coalitionfortheicc.org](mailto:cicc-hague@coalitionfortheicc.org) (The Hague)

**CARLA FERSTMAN** is a Canadian-qualified barrister and solicitor and a senior lecturer and director of impact in the School of Law at the University of Essex. She has published and worked extensively on public international law, international criminal law, and human rights and was previously director of REDRESS, pursuing justice on behalf of victims of torture and other international crimes.

Contact [cf16045@essex.ac.uk](mailto:cf16045@essex.ac.uk)

**NIKI FRENCKEN** is a human rights researcher and transitional justice consultant. She is currently South Sudan regional researcher at [Amnesty International](#). She has worked in East Africa, Bolivia, and the Netherlands for various institutions, including international NGOs and the United Nations Development Programme, on transitional justice, access to justice, rule of law, and human rights documentation.

Contact [niki.frencken@amnesty.org](mailto:niki.frencken@amnesty.org)

**RONALD GAMARRA** is a politician and lawyer who previously served as the executive secretary of the National Coordinator for Human Rights in Peru and represented the families of victims in the proceedings against former president Alberto Fujimori and his advisor.

Contact [ronaldgamarra2002@yahoo.es](mailto:ronaldgamarra2002@yahoo.es)

The [GLOBAL JUSTICE AND RESEARCH PROJECT](#) is an organization dedicated to the documentation of wartime atrocities in Liberia and to assisting victims in their pursuit of justice for those crimes.

Contact <http://www.globaljustice-research.org/contact> (contact form)

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JACQUELINE MOUDEINA is a lawyer and human rights activist, known for her work in bringing Chadian dictator Hissène Habré to justice for crimes against humanity.

Contact [jmoudeina@hotmail.com](mailto:jmoudeina@hotmail.com)

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The DR. DENIS MUKWEGE FOUNDATION advocates globally to end impunity, enhance accountability, and provide justice to survivors of conflict-related sexual violence. Building on the work of the Panzi Hospital in Democratic Republic of the Congo (DRC), the Mukwege Foundation works to promote access to this holistic model of care integrating psychosocial, legal, and socioeconomic support with medical care. Since 2017, the Mukwege Foundation has facilitated [SEMA](#), the Global Network of Victims and Survivors to End Wartime Sexual Violence. The SEMA network gathers victims and survivors of wartime sexual violence from more than 21 countries and six continents acting in solidarity, mobilizing collectively, and advocating for justice and change. In addition to its continuing support to SEMA, the Mukwege Foundation works to strengthen local and national survivor networks with capacity building and resources so that they may develop their own solutions and actions. It also connects local survivor networks with SEMA for mutual support, inspiration, global advocacy, education, and growth.

Contact [info@mukwegefoundation.org](mailto:info@mukwegefoundation.org)

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NANA-JO N'DOW is a human rights activist. She is the founder and executive director of [ANEKED](#) (African Network against Extrajudicial Killings and Enforced Disappearances), as well as one of the initiators of Jammeh2Justice, the campaign that seeks to bring former Gambia dictator Yahya Jammeh and his accomplices to justice. She is also a gender equality specialist and a storyteller.

Contact [nanajo.ndow@aneked.org](mailto:nanajo.ndow@aneked.org)

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ROZA QAIDI is a Yezidi activist. She has been involved in humanitarian aid and has worked to interview Yezidi survivors—particularly women and girls who were sexually enslaved by ISIS fighters—on behalf of a number of different organizations.

Contact [rosasaeed@hotmail.com](mailto:rosasaeed@hotmail.com)

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LÉA RÉUS is a feminist and human rights activist. She has worked as a researcher for [Amnesty International](#) and as a legal consultant on international law, gender, and sexual violence for the United Nations Development Programme and Office of the High Commissioner for Human Rights. Previously, she worked with the legal team that represented the victims in the Ixil-Maya genocide case in Guatemala.

Contact [Lea.derechoshumanos@gmail.com](mailto:Lea.derechoshumanos@gmail.com)

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DEBBIE STOTHARD is the coordinator of the [Alternative ASEAN Network on Burma](#) and previously served as secretary-general of the International Federation for Human Rights. She has been organizing for human rights in Burma for more than 30 years.

Contact [debstot2020@protonmail.com](mailto:debstot2020@protonmail.com)

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LORRAINE SMITH VAN LIN is a consultant on international law and human rights with experience in monitoring criminal trials and working to ensure effective and efficient justice sector processes. She previously worked as a legal advisor at REDRESS, specializing in victims' rights, ICL, and transitional justice.

Contact [smithvanlinconsultancy@gmail.com](mailto:smithvanlinconsultancy@gmail.com)

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The [VICTIMS' RIGHTS WORKING GROUP \(VRWG\)](#) is a network of more than 300 national and international civil society groups that provides a useful advocacy platform for increased victim participation in ICC processes, particularly for groups and organizations that would not otherwise have access to the ICC. Although the VRWG was created under the umbrella of the [Coalition for the International Criminal Court \(CICC\)](#), groups can join without being a CICC member. The mandate of the VRWG is to protect victims' rights through strategic lobbying and advocating with key stakeholders at the ICC.

Contact [info@redress.org](mailto:info@redress.org)

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ALAIN WERNER is a human rights lawyer, founder, and director of [Civitas Maxima](#), an international network of lawyers and investigators representing victims of mass crimes.

Contact [alain.werner@civitas-maxima.org](mailto:alain.werner@civitas-maxima.org)

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## Gathering and sharing information

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### Organization or expert (listed alphabetically)

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[ADALMAZ](#) helps victims of war crimes and their families identify perpetrators by uploading images that depict potential perpetrators and asking people to identify them as well as finding “linkage evidence.”

Contact <https://www.adalmaz.org/#contact> (contact form)

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[BENETECH](#) works with communities to identify needs and develop software to allow groups to identify duplicate video files in their database. They also create opportunities for civil society organizations to collaborate with one another by identifying videos that they both have on file.

Contact <https://benetech.org/about/contact/> (contact form)

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[THE COMMISSION FOR INTERNATIONAL JUSTICE AND ACCOUNTABILITY \(CIJA\)](#) is an international nongovernmental organization that focuses on criminal investigations in conflict, post-conflict, and other complex environments. CIJA works with other civil society organizations (CSOs) and governments to collect, process, and analyze evidence of crimes committed by those at all levels of command. CIJA also provides technical support to CSOs and governments seeking to address international crimes within their jurisdiction.

Contact [outreach@cijaonline.org](mailto:outreach@cijaonline.org)

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**DATAKIND** is a team of data scientists who provide technological support to social change organizations on a pro bono basis.

Contact [contact@datakind.org](mailto:contact@datakind.org) (general contact)

Contact [community@datakind.org](mailto:community@datakind.org) (support for community efforts)

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**FRONT LINE DEFENDERS** works to provide rapid and practical support for human rights defenders working nonviolently who are at risk.

Contact [info@frontlinedefenders.org](mailto:info@frontlinedefenders.org)

Contact [Emergency contact number: +353-1-210-0489](tel:+353-1-210-0489)

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The **HARVARD HUMANITARIAN INITIATIVE** helps to develop research questions and gather and analyze the data, which groups can then use in their planning, advocacy, and outreach.

Contact <https://hhi.harvard.edu/contact> (contact form)

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**HUMAN RIGHTS DATA ANALYSIS GROUP (HRDAG)** uses testimonies, surveys, records, and reports to analyze and share partners' data. HRDAG conducts statistical analyses to demonstrate that genocide against indigenous populations had occurred.

Contact [info@hrdag.org](mailto:info@hrdag.org)

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The UC Berkeley **HUMAN RIGHTS INVESTIGATIONS LAB** offers teams of students to analyze social media for evidence of human rights violations and sends verified sources to NGOs, news organizations, and legal partners.

Contact [hrc@berkeley.edu](mailto:hrc@berkeley.edu)

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**HURIDOCS** (Human Rights Information and Documentation Systems) partners with human rights defenders to design and implement technology-based information management strategies.

Contact [hello@huridocs.org](mailto:hello@huridocs.org)

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**INSTITUTE FOR INTERNATIONAL CRIMINAL INVESTIGATIONS** trains professionals in investigating international rights violations.

Contact [info@iici.global](mailto:info@iici.global)

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**PHUONG PHAM** is the director of evaluation and implementation science at the Harvard Humanitarian Initiative. She is also an assistant professor at Harvard Medical School and Harvard T.H. Chan School of Public Health. She has extensive experience designing and implementing epidemiologic and evaluation research, technology solutions, and educational programs in ongoing-conflict and post-conflict countries.

Contact [ppham@hsph.harvard.edu](mailto:ppham@hsph.harvard.edu)

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**ERIC STOVER** is an adjunct professor of law and faculty director of the Human Rights Center at the University of California at Berkeley. He is a pioneer in using empirical research methods to address emerging issues in human rights and international humanitarian law. Previously, he served as executive director of [Physicians for Human Rights](#) and director of the Science and Human Rights Program at the American Association for the Advancement of Science.

Contact [stovere@berkeley.edu](mailto:stovere@berkeley.edu)

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**THE ENGINE ROOM** strengthens the fight for social justice by supporting civil society to use technology and data in strategic, effective, and responsible ways. Organizations and individuals can reach out to The Engine Room for support (both pro bono and fee based) on tech and data projects, policies, internal practices, research, and more.

Contact <https://www.theengineroom.org/> (website)

Contact [hello@theengineroom.org](mailto:hello@theengineroom.org)

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**VIDERE** works directly with oppressed communities to equip networks of local activists and community leaders with the technology and training to safely capture compelling visual evidence of political violence, human rights violations, and systemic abuses. The group's capacity is funding dependent, but Videre is happy to have people reach out to ask for assistance.

Contact <https://skoll.org/about/contact-us/> (contact form)

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**WITNESS** partners with organizations on the ground to help document human rights abuses using video and technology to mobilize public opinion.

Contact <https://www.witness.org/get-involved/#contact> (contact form)

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## Advocating for justice with political and diplomatic actors

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### Organization or expert (listed alphabetically)

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**REZA AFSHAR** is the executive director of [Independent Diplomat](#). Previously, from 2001 to 2014, he was a diplomat for the United Kingdom serving in a range of crisis, conflict, and negotiating roles.

Contact [reza.afshar@independentdiplomat.org](mailto:reza.afshar@independentdiplomat.org)

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**MOHAMMAD AL ABDALLAH** is a former political prisoner and now executive director of the [Syria Justice and Accountability Centre](#).

Contact [malabdallah@syriaaccountability.org](mailto:malabdallah@syriaaccountability.org)

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**AMNESTY INTERNATIONAL** is a global movement of more than seven million people who take injustice personally. Amnesty International campaigns for a world in which human rights are enjoyed by all, including by mobilizing public opinion to generate pressure on governments where abuse takes place.

Contact <https://www.amnesty.org/en/about-us/contact/> (contact details)

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**ANNA CAVE** is the executive director of [Georgetown Law's Center on National Security and the Law](#). Previously, she was the founding director of the Ferencz International Justice Initiative and has served in a number of senior roles at the White House and the Department of State, where she helped develop and coordinate US policy on a range of issues, including national security, human rights, rule of law and international justice, conflict prevention and response, democratic governance, sanctions, military assistance, humanitarian assistance, and the role and mandates of large UN peacekeeping missions.

Contact [anna.cave@georgetown.edu](mailto:anna.cave@georgetown.edu)

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**CRISIS ACTION** works behind the scenes with global civil society to protect civilians from armed conflict. The organization focuses on a small number of conflict-related crises, currently in Syria and Yemen at the time of writing.

Contact <https://crisisaction.org/contact-us/?tztc=1>

**LIZ EVENSON** is associate director of the International Justice Program at [Human Rights Watch](#). Her research and advocacy center around the ICC, monitoring the court's institutional development and conducting advocacy toward court officials and its member countries.

Contact [evensoc@hrw.org](mailto:evensoc@hrw.org)

**NIKI FRENCKEN** is a human rights researcher and transitional justice consultant. She is currently South Sudan regional researcher for [Amnesty International](#). She has worked in East Africa, Bolivia, and the Netherlands for various institutions—including international NGOs and the United Nations Development Programme—on transitional justice, access to justice, rule of law, and human rights documentation.

Contact [niki.frencken@amnesty.org](mailto:niki.frencken@amnesty.org)

**HUMAN RIGHTS WATCH (HRW)** is an international NGO that conducts research and advocacy on human rights. It often puts public pressure on governments, policy makers, companies, and individual human rights abusers to denounce abuse and respect human rights.

Contact Victim groups can get in touch with the HRW researcher covering their specific country or region, either directly or via the press desk at [hrwpress@hrw.org](mailto:hrwpress@hrw.org).

**INDEPENDENT DIPLOMAT** is an NGO that gives advice and assistance on diplomatic strategy and techniques to governments and political groups.

Contact [info@independentdiplomat.org](mailto:info@independentdiplomat.org)

The **INTERNATIONAL SERVICE FOR HUMAN RIGHTS** works to support human rights defenders and strengthen human rights systems and leads and participates in coalitions for human rights change. The organization provides a range of tools and support, including access to research and analysis, tailored training and capacity-building services, legal advice and strategic litigation, and advocacy and networking support.

Contact [information@ishr.ch](mailto:information@ishr.ch) (Geneva)

Contact [ishr@ishrny.org](mailto:ishr@ishrny.org) (New York)

**ELISE KEPPLER** is an associate director of the International Justice Program at [Human Rights Watch](#). Her work focuses on advancing justice for genocide, war crimes, and crimes against humanity committed in Africa before domestic, hybrid, and international courts. She works closely with local human rights groups on accountability campaigns.

Contact [kepplee@hrw.org](mailto:kepplee@hrw.org)

**AMBASSADOR STEPHEN RAPP** is the former United States ambassador-at-large for war crimes issues in the Department of State's Office of Global Criminal Justice. Previously, he was chief of prosecutions at the International Criminal Tribunal for Rwanda and the chief prosecutor at the Special Court for Sierra Leone.

Contact [sjrapp49@gmail.com](mailto:sjrapp49@gmail.com)

**YASMIN SOOKA** is a human rights lawyer and the former executive director of the [Foundation for Human Rights](#) in South Africa, and currently she serves as the chair of the United Nations Commission on Human Rights in South Sudan. Previously, she was a member of the South African Truth and Reconciliation Commission, the Sierra Leone Truth and Reconciliation Commission, and the United Nations Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka.

Contact [yasmin.sooka@gmail.com](mailto:yasmin.sooka@gmail.com)

**MARLENE SPOERRI** is director, inclusive diplomacy and systems change at [Independent Diplomat](#), where she leads the work on Western Sahara and women's political participation.

Contact [marlene.spoerri@independentdiplomat.org](mailto:marlene.spoerri@independentdiplomat.org)

**BETH VAN SCHAACK** is the Leah Kaplan visiting professor in human rights at Stanford Law School. Previously, she served as deputy to the ambassador-at-large for war crimes issues in the Office of Global Criminal Justice of the US Department of State, where she advised the formulation of US foreign policy regarding the prevention of and accountability for mass atrocities.

Contact [bethvs@stanford.edu](mailto:bethvs@stanford.edu)

**MARIEKE WIERDA** is an expert in transitional justice, having worked for the International Criminal Tribunal for the Former Yugoslavia and subsequently for Sierra Leone, Uganda, Lebanon, and Afghanistan. She was previously director of the International Center for Transitional Justice and has advised for various UN panels and missions.

Contact [marieke.wierda@minbuza.nl](mailto:marieke.wierda@minbuza.nl)

### *Organizations and experts that can help victim groups engage with the ICC*

The **COALITION FOR THE INTERNATIONAL CRIMINAL COURT (CICC)** is a coalition of 2,500 civil society organizations that strives to promote universal access to justice for victims of atrocity crimes. The CICC has offices in The Hague and New York and is an excellent resource for victim groups seeking to engage with the ICC.

Contact [cicc@coalitionfortheicc.org](mailto:cicc@coalitionfortheicc.org) (New York)

Contact [cicc-hague@coalitionfortheicc.org](mailto:cicc-hague@coalitionfortheicc.org) (The Hague)

**HUMAN RIGHTS WATCH (HRW)**'s [International Justice](#) program focuses specifically on advocacy surrounding cases before the ICC. HRW is working with leading African human rights groups in strategically important African cities to exchange information and strategies for group initiatives, such as letter-writing campaigns, press releases, and memorandums on Africa and the ICC.

Contact Victim groups can get in touch with the HRW researcher covering their specific country or region, either directly or via the press desk at [hrwpress@hrw.org](mailto:hrwpress@hrw.org).

The [VICTIMS' RIGHTS WORKING GROUP \(VRWG\)](#) is a network of more than 300 national and international civil society groups that provides a useful advocacy platform for increased victim participation in ICC processes, particularly for groups and organizations that would not otherwise have access to the ICC. Although the VRWG was created under the umbrella of the Coalition for the ICC (CICC), groups can join without being a CICC member. The mandate of the VRWG is to protect victims' rights through strategic lobbying and advocating with key stakeholders at the ICC.

Contact [info@redress.org](mailto:info@redress.org)

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## Advocating publicly for justice through strategic communications

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### Organization or expert (listed alphabetically)

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[AMNESTY INTERNATIONAL](#) is a global movement of more than seven million people who take injustice personally. Amnesty International campaigns for a world in which human rights are enjoyed by all, including by mobilizing public opinion to generate pressure on governments where abuse takes place.

Contact <https://www.amnesty.org/en/about-us/contact/>

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[PRUE CLARKE](#) is the cofounder and executive director of the nonprofit investigative newsroom [New Narratives](#). She is an award-winning journalist, professor, and media development innovator.

Contact [prue@newnarratives.org](mailto:prue@newnarratives.org)

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[THIERRY CRUVELLIER](#) is editor-in-chief of [justiceinfo.net](#) and has written for more than 20 years on international and transitional justice.

Contact [tcruvellier@yahoo.co.uk](mailto:tcruvellier@yahoo.co.uk)

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[EMMA DALY](#) is acting deputy executive director for media at [Human Rights Watch \(HRW\)](#), where she oversees all media communications from the organization.

Contact [dalye@hrw.org](mailto:dalye@hrw.org)

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[SAM GREGORY](#) is program director at [WITNESS](#), where he currently supervises work around innovation in eyewitness video for human rights, citizen media and trust, authenticity, and evidence.

Contact [sam@witness.org](mailto:sam@witness.org)

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[HUMAN RIGHTS WATCH](#) is an international NGO that conducts research and advocacy on human rights. The organization often puts public pressure on governments, policy makers, companies, and individual human rights abusers to denounce abuse and respect human rights.

Contact Victim groups can get in touch with the HRW researcher covering their specific country or region, either directly or via the press desk at [hrwpress@hrw.org](mailto:hrwpress@hrw.org).

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[NERMA JELACIC](#) is director of external relations at the [Commission for International Justice and Accountability \(CIJA\)](#). Previously, she was head of communications at the International Criminal Tribunal for the former Yugoslavia. Before that, she founded Balkan Investigative Reporting Network in Bosnia, an NGO dedicated to keeping a spotlight on war crimes and wider transitional justice issues.

Contact [nermajelacic@hotmail.com](mailto:nermajelacic@hotmail.com)

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[SHARON NAKANDHA](#) is a program officer at [Open Society Foundations](#).

Contact [sharon.nakandha@opensocietyfoundations.org](mailto:sharon.nakandha@opensocietyfoundations.org)

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[NEW NARRATIVES](#) is a nonprofit newsroom supporting news innovation and investigative journalism in Africa.

Contact [contact@newnarratives.org](mailto:contact@newnarratives.org)

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[SKYLIGHT](#) is a human rights media organization that creates varied content, including documentary films, to amplify the voices of constituencies calling for social justice.

Contact [info@skylight.is](mailto:info@skylight.is)

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[ANDREW STROEHLEIN](#) is European media director of [Human Rights Watch](#), where he oversees media outreach and strategy in Europe, Central Asia, and West Africa and advises on public policy via social media across the organization. As a journalist, he has written widely about conflict, as well as the role of the media in this area.

Contact [astro@hrw.org](mailto:astro@hrw.org)

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[WITNESS](#) partners with organizations on the ground to help document human rights abuses using video and technology to mobilize public opinion.

Contact <https://www.witness.org/get-involved/#contact> (contact form)

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## Anticipating and mitigating the risks and challenges of pursuing justice

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### Organization or expert (listed alphabetically)

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[CARTARA](#) initiates or supports secure documentation for social justice initiatives across the globe. The group works to empower individuals and organizations at risk from surveillance and security threats to understand how their technology works, build secure technological infrastructures, and collaborate with them to forensically collect and effectively analyze data to take action.

Contact <http://cartara.org/contact/> (contact form)

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[DEFENDEFENDERS](#) seeks to strengthen the work of human rights defenders (HRDs) throughout the East and Horn of Africa subregion by reducing their vulnerability to the risk of persecution and by enhancing their capacity to effectively defend human rights. They work in Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Somalia/Somaliland, South Sudan, Sudan, Tanzania, and Uganda.

Contact <https://defenddefenders.org/get-help/> (contact form)

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**FRONT LINE DEFENDERS** aims to protect human rights defenders at risk, people who work nonviolently, for any or all of the rights enshrined in the Universal Declaration of Human Rights.

Contact <https://www.frontlinedefenders.org/secure/comment.php?l=en> (contact form)

**TACTICAL TECH** is an international NGO that engages with citizens and civil society organizations to explore and mitigate the impacts of technology on society.

Contact <https://tacticaltech.org/contact> (contact form)

**VIDERE** works directly with oppressed communities to equip networks of local activists and community leaders with the technology and training to safely capture compelling visual evidence of political violence, human rights violations, and systemic abuses. The group's capacity is funding dependent, but Videre is happy to have people reach out to ask for assistance.

Contact <https://skoll.org/about/contact-us/> (contact form)

## Securing funding and support for victim groups to lead justice efforts

### Organization or expert (listed alphabetically)

**TRACEY GURD** is senior director, civil and political rights and advocacy, at the [American Jewish World Service](#), where she is responsible for leading a \$4.5 million grantmaking portfolio focused on democracy and justice in 11 countries in Asia, Mesoamerica, and Africa.

Contact [tgurd@ajws.org](mailto:tgurd@ajws.org)

**RIVA KANTOWITZ**'s work focuses on support to community-led efforts to promote inclusive development and human rights, prevent violence, and strengthen the effectiveness of donors and other international actors through partnerships and innovative approaches to funding. In addition to independently consulting with funders on these topics, she is a senior advisor at the [Dag Hammarskjöld Foundation](#) and holds an appointment at New York University's Center on Global Affairs.

Contact [riva@radicalflexibility.org](mailto:riva@radicalflexibility.org)

**AMRITA NARAYANAN** is fundraising and visibility officer at the Trust Fund for Victims at the ICC.

Contact [amrita.narayanan@icc-cpi.int](mailto:amrita.narayanan@icc-cpi.int)

### NGO partners

**AVOCATS SANS FRONTIÈRES (ASF) BELGIUM** works to inform people about their rights, help civil society and lawyers to provide them with better assistance, and promote legislative reforms designed to increase respect for human rights.

Contact <https://www.asf.be/about-asf/contact-2/> (contact details)

**CORDAID** offers thematic expertise on a range of sectors, including security and justice, program and grant management, and investment management.

Contact [info@cordaid.org](mailto:info@cordaid.org)

**IMPUNITY WATCH** works to analyze, advocate, and partner to help local communities seek accountability for gross human rights abuses and for systemic injustice.

Contact [info@impunitywatch.org](mailto:info@impunitywatch.org)

**INTERNATIONAL CENTER FOR TRANSITIONAL JUSTICE (ICTJ)** establishes partnerships with victim groups and offers expertise in areas such as international law, evidence collection, and government lobbying.

Contact [info@ictj.org](mailto:info@ictj.org)

**INTERNATIONAL JUSTICE MISSION (IJM)** provides resources to train law enforcement, social workers, and public prosecution to respond more effectively to human trafficking in countries such as Bolivia, Cambodia, India, and Uganda.

Contact <https://www.ijm.org/our-work/contact-us> (contact form)

**LAWYERS WITHOUT BORDERS** works to build capacity and integrity in the world's justice sectors. The organization engages with lawyers and judges dedicated to pro bono service and integrates them into initiatives.

Contact [query@lwob.org](mailto:query@lwob.org)

**LAWYERS WITHOUT BORDERS CANADA/AVOCATS SANS FRONTIÈRES (ASF) CANADA** works in focus countries to reinforce the work of local lawyers organizations or civil society organizations that are helping groups of victims in their quests for justice by conducting strategic litigation, offering technical legal assistance, and creating structures that help organizations obtain access to international funding and collaborations.

Contact [info@asfcanada.ca](mailto:info@asfcanada.ca)

**PEACE BRIGADES INTERNATIONAL** campaigns for the protection of human rights and supports threatened defenders of human rights in crisis areas.

Contact <https://www.peacebrigades.org/en/country-groups/> (contact details for local country group, first point of contact)

Contact <https://www.peacebrigades.org/en/contact-us> (international office contact form)

**PUBLIC INTERNATIONAL LAW & POLICY GROUP (PILPG)** provides free legal assistance to parties involved in transitional justice and war crimes prosecution.

Contact [www.pilpg.org](http://www.pilpg.org) (website)

Contact [info@pilpg.org](mailto:info@pilpg.org)

The **WAYAMO FOUNDATION** is an independent, nonprofit organization established to strengthen the rule of law, promote justice for international and transnational crimes, and foster transparency through judicial capacity building, mediation, and informed journalism. Wayamo does this by building the capacity of national

judicial systems; training judges, prosecutors, investigators, and journalists; advocating transparency and accountability, often in post-conflict settings; facilitating and supporting dialogue between civil society and government leaders; and creating networks of the highest-ranking investigators and prosecutors to combat international and transnational organized crimes.

Contact [info@wayamo.com](mailto:info@wayamo.com)

### *Law school clinics*

**BERKELEY LAW SCHOOL'S ACCOUNTABILITY AND TRANSITIONAL JUSTICE** program conducts advocacy and applied research to prevent and end mass atrocities, hold governments and their agents accountable for them, and assist societies rebuilding after mass violence.

Contact [clinicalprogram@law.berkeley.edu](mailto:clinicalprogram@law.berkeley.edu)

The **HARVARD LAW SCHOOL HUMAN RIGHTS CLINIC** partners with a number of local organizations. Relationships with new partners develop over time—first, by engaging with groups on smaller projects and then gradually moving to longer-term projects. Harvard Law School also offers [Human Rights Program Summer Fellowships](#) and [Chayes International Public Service Fellowships](#), which allow Harvard Law School students to spend time in the summer working with organizations on international issues or countries in transition.

Contact [hrp@law.harvard.edu](mailto:hrp@law.harvard.edu)

**YALE LAW SCHOOL'S LOWENSTEIN INTERNATIONAL HUMAN RIGHTS CLINIC** engages in a wide variety of human rights advocacy in collaboration with international and local human rights organizations. It welcomes proposals from potential project partners. Work includes amicus briefs and other involvement in litigation, internationally and domestically; human rights investigation, reporting, and advocacy; research and analysis to advise human rights advocates; and drafting of human rights—promoting treaties and legislation.

Contact [schell.law@yale.edu](mailto:schell.law@yale.edu)

**YALE LAW SCHOOL'S SCHELL CENTER FOR INTERNATIONAL HUMAN RIGHTS** offers summer and one-year postgraduate fellowships to students at the law school who wish to do human rights advocacy abroad or in the United States. The center acts as a liaison between the law school and the human rights community and sponsors a wide range of human rights speakers and other events.

Contact [schell.law@yale.edu](mailto:schell.law@yale.edu)

### *Pro bono partnerships with corporate law firms*

**COHEN MILSTEIN** has represented, pro bono, Holocaust survivors suing the Swiss banks that collaborated with the Nazi regime during World War II.

Contact <https://www.cohenmilstein.com/contact> (contact form)

**COVINGTON AND BURLING** provides legal support to [GoodWeave](#), an organization focused on ending child labor in South Asia, and has also worked with Egyptian refugees facing religious persecution and post-conflict governance in the Middle East.

Contact <https://www.cov.com/en/contact-us> (contact form)

**WHITE & CASE** works on cases involving the murder of sexual minorities in El Salvador and recently cooperated with the human rights organization Asistencia Legal para la Diversidad Sexual de El Salvador to prepare a report on hate crime legislation in Latin America.

Contact <https://www.whitecase.com/global-citizenship/our-pro-bono-leaders> (contact details for partners who do pro bono work)

### *Government donors*

The **AUSTRALIAN DEPARTMENT OF FOREIGN AFFAIRS AND TRADE** and **DIRECT AID PROGRAM** provides grants of up to \$60,000 to local communities in eligible developing countries for a range of projects related to development (including human rights).

Contact <https://www.dfat.gov.au/about-us/our-locations/missions/Pages/our-embassies-and-consulates-overseas> (contact details of the Australian mission in your country)

The **AUSTRIAN DEVELOPMENT AGENCY** has a [range of funding options](#) for Austrian civil society in specific regions for development.

Contact [office@ada.gv.at](mailto:office@ada.gv.at)

**BELGIAN FEDERAL PUBLIC SERVICE FOREIGN AFFAIRS** offers [peacebuilding grants](#) for peacebuilding projects in ongoing, preconflict, and post-conflict situations to organizations including foreign NGOs and nonprofit associations.

Contact [Peacebuilding@diplobel.fed.be](mailto:Peacebuilding@diplobel.fed.be)

**CANADA'S PEACE AND STABILIZATION OPERATIONS PROGRAM** supports initiatives that prevent, reduce, or mitigate violent conflict and fragility in fragile and conflict-affected states by providing quick and flexible funding, largely in the form of grants and contributions. Potential recipients include, but are not limited to, Canadian international and local nongovernmental organizations, multilateral institutions (such as United Nations agencies), academic institutions, and foreign governments.

Contact [https://www.international.gc.ca/world-monde/issues\\_developpement-enjeux\\_developpement/response\\_conflict-reponse\\_conflicts/psop.aspx?lang=eng](https://www.international.gc.ca/world-monde/issues_developpement-enjeux_developpement/response_conflict-reponse_conflicts/psop.aspx?lang=eng) (website)

**GERMAN FEDERAL MINISTRY FOR ECONOMIC COOPERATION AND DEVELOPMENT (GIZ)'S CIVIL PEACE SERVICE (CPS)** is a global program for peacebuilding and the prevention of violence in crisis- and conflict-affected regions. The CPS advocates a world in which conflicts are settled without violence. Nine German peace and development organizations run the CPS with local partners. The CPS is funded by the German government.

Contact [suzanne.gentges@giz.de](mailto:suzanne.gentges@giz.de)



**SWEDISH INTERNATIONAL DEVELOPMENT COOPERATION AGENCY (SIDA)** is Sweden's government agency for development cooperation, aiming at improved living conditions for people living in poverty and oppression. SIDA collaborates with actors from civil society and universities as well as the public and private sector. The vision is to safeguard the rights of every individual and his or her opportunity to live a dignified life.

Contact [sida@sida.se](mailto:sida@sida.se)

#### UK FOREIGN, COMMONWEALTH AND DEVELOPMENT OFFICE

- **UK Aid Connect** provides grants of more than £1 million to consortiums for innovative programs aimed at poverty reduction (which can include building [civil society effectiveness](#) and [open societies](#)) in eligible countries.
- **UK Aid Direct** provides a variety of grants to civil society organizations registered in the United Kingdom and in eligible countries for programs aimed at achieving the Global [Goals for Sustainable Development](#).

Contact [UKAidConnect@dfid.gov.uk](mailto:UKAidConnect@dfid.gov.uk)

Contact <https://www.ukaiddirect.org/contact/> (contact form)

The **UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT (USAID)** offers foreign aid and development assistance through a variety of programs. Currently, it has missions in more than 100 countries around the world.

Contact <https://www.usaid.gov/contact-us> (contact form)

**UNITED STATES BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR** partners with NGOs and other organizations to promote democracy and human rights.

Contact <https://register.state.gov/contactus/contactusform> (contact form)

### *International and regional organizations*

#### UNITED NATIONS (UN)

Office of the United Nations High Commissioner for Human Rights

- The **Assisting Communities Together (ACT) Project** provides small grants to civil society organizations carrying out human rights education and training with local communities.
- The **UN Special Fund of the Optional Protocol to the Convention against Torture** provides funding to NGOs and national human rights institutions (and others) in countries where the Subcommittee on Prevention of Torture has made visit reports public to promote legislative, institutional, and policy change around torture prevention.
- The **UN Voluntary Fund for Victims of Torture** provides grants to NGOs to provide direct humanitarian service and assistance to victims of torture and their families.
- The **UN Voluntary Trust Fund on Contemporary Forms of Slavery** provides grants to organizations that provide direct and indirect assistance to victims of contemporary forms of slavery.

Contact [civilsociety@ohchr.org](mailto:civilsociety@ohchr.org)

The **UN DEMOCRACY FUND** provides funding to civil society organizations for two-year projects that advance and support democracy.

Contact [democracyfund@un.org](mailto:democracyfund@un.org)

The **UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP)** provides expert advice, training, and grants support to developing countries.

Contact <https://www.undp.org/content/undp/en/home/about-us/contact-us.html> (contact details)

The **UN PEACEBUILDING FUND** is the organization's financial instrument for sustaining peace in countries or situations at risk or affected by violent conflict.

Contact <https://www.un.org/en/contact-us/> (contact form)

The **UN TRUST FUND TO END VIOLENCE AGAINST WOMEN** awards grants to initiatives that demonstrate that violence against women and girls can be systematically addressed, reduced, and, with persistence, eliminated.

Contact [untf-evaw@unwomen.org](mailto:untf-evaw@unwomen.org)

#### EUROPEAN UNION

The **DIRECTORATE-GENERAL INTERNATIONAL PARTNERSHIPS** designs European international cooperation and development policy and delivers aid throughout the world. Funding is provided in the form of grants, contracts, and budget support to partner countries.

Contact [https://europa.eu/european-union/contact/write-to-us\\_en](https://europa.eu/european-union/contact/write-to-us_en) (contact form)

**EUROPEAN INSTRUMENT FOR DEMOCRACY AND HUMAN RIGHTS** supports civil society projects in the areas of human rights, fundamental freedoms, and democracy in non-EU countries.

Contact [europaaid-eidhr@ec.europa.eu](mailto:europaaid-eidhr@ec.europa.eu)

### *Private donors*

**AMERICAN JEWISH WORLD SERVICE (AJWS)** provides funding to grassroots organizations working on transitional justice issues in 19 countries in Africa, Asia, and Central America.

Contact [ajws@ajws.org](mailto:ajws@ajws.org)

The **BROMLEY TRUST**'s human rights provides grants of up to £20,000 to UK-registered charities that help people who have experienced torture, slavery, trafficking, or sexual violence; campaign against detention without trial or due process; or assist detainees in UK Immigration Removal Centres. The Trust also funds a small amount of strategic work to help protect human rights in the United Kingdom.

Contact [enquiries@thebromleytrust.org.uk](mailto:enquiries@thebromleytrust.org.uk)

The [COMMONWEALTH FOUNDATION](#) provides grants of up to £50,000 to support innovative projects in eligible countries that strengthen civic voices so that they are more effective in holding governance institutions to account, enhance policy processes, and shape public discourse.

Contact [foundation@commonwealth.int](mailto:foundation@commonwealth.int)

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[THE FUND FOR GLOBAL HUMAN RIGHTS](#) provides grants of \$5,000 to \$30,000 to frontline groups working on issues that include pursuing justice and accountability for war crimes.

Contact [info@globalhumanrights.org](mailto:info@globalhumanrights.org)

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[HUMANITY UNITED](#) supports US 501c3-registered charities and international equivalents for projects that provide potential solutions to complex problems that humanity is facing. It does not accept unsolicited requests for funds.

Contact <https://humanityunited.org/contact/> (contact form)

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The [INTERNATIONAL COALITION OF SITES OF CONSCIENCE](#) offers a [Project Support Fund](#) for member organizations, a comprehensive grant package of capacity-building funds, and expert consultations in memorialization.

Contact [coalition@sitesofconscience.org](mailto:coalition@sitesofconscience.org)

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[KIOS](#) provides funding to local civil society organizations in eligible focus countries for human rights projects, including human rights documentation, public interest and strategic litigation, access to justice, protecting human rights defenders, and networking. Note: KIOS is a private Finnish foundation funded by the Ministry of Foreign Affairs of Finland.

Contact General: [kios@kios.fi](mailto:kios@kios.fi)

Contact Call for submissions inquiries and applications: [applications@kios.fi](mailto:applications@kios.fi)

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The [MACARTHUR FOUNDATION](#) typically does not receive unsolicited proposals. It has focus areas for grant-making (including criminal justice domestically in the United States and other cultural and social initiatives), but international criminal justice is not a grant-making priority (other than in Nigeria).

Contact [answers@macfound.org](mailto:answers@macfound.org) (headquarters, Chicago)

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[NATIONAL ENDOWMENT FOR DEMOCRACY \(NED\)](#) provides support to “local, independent organizations for nonpartisan programs” that seek to promote human rights and the rule of law in a range of contexts, including “newly established democracies, semi-authoritarian countries, highly repressive societies and countries undergoing democratic transitions.” Grants are typically for \$50,000 for a 12-month period.

Contact [Info@ned.org](mailto:Info@ned.org)

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The [OAK FOUNDATION](#) provides long-term, core support to partners working to promote and protect human rights.

Contact [info@oakfnd.ch](mailto:info@oakfnd.ch)

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The [OPEN SOCIETY FOUNDATIONS \(OSF\)](#) fund independent groups working for justice, democratic governance, and human rights, including those that focus on justice and accountability. Its network includes national and regional foundations, as well as programs with regional or global reach, and is active in more than 120 countries, including hubs in Europe and the United States. Each OSF entity’s engagement approach and priorities are guided by its geographic and thematic mandate. For more information, see <https://www.opensocietyfoundations.org/who-we-are/offices-foundations>.

Contact <https://www.opensocietyfoundations.org/contact> (contact form)

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The [SIGRID RAUSING TRUST](#) offers support to organizations that it identifies for initial one-year periods that can be extended. Sigrid Rausing does not accept unsolicited applications for funding. The trust offers [core grants](#) for human rights and arts organizations and has supported national and local memorialization efforts, including museums, arts centers, and documentation centers.

Contact [info@srtrust.org](mailto:info@srtrust.org)

Make the Sigrid Rausing Trust aware of your organization: [research@srtrust.org](mailto:research@srtrust.org)

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[TRUST AFRICA](#), through its [international criminal justice fund](#), has developed a program that supports local victim organizations in specific African countries to build the capacity to pursue justice and accountability for mass atrocities. Trust Africa does not accept unsolicited applications.

Contact [info@trustafrica.org](mailto:info@trustafrica.org)

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[ZIVIK FUNDING PROGRAMME AT THE INSTITUT FÜR AUSLANDSBEZIEHUNGEN \(IFA\)](#) supports civil society actors worldwide in preventing crises, transforming conflicts, and creating and stabilizing peaceful social and political systems. With IFA’s commitment, NGOs complement state actors by providing significant perspectives and activities. The zivik programme provides funding for international, national, or local NGO projects that are dealing with civil conflict resolution and peacebuilding efforts, which also includes measures in the context of transformation partnerships with countries in North Africa and the Middle East, as well as measures in the field of advancing and furthering democracy. The program provides advice and networking opportunities for civil society actors and supports them in project evaluation. IFA receives funding from the German Federal Foreign Office.

Contact [zivik@ifa.de](mailto:zivik@ifa.de)

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## APPENDIX II RESOURCES AND FURTHER READING

This list of resources and further reading may be useful for victim groups to supplement and expand on the advice in this Handbook. This list is not comprehensive; instead, it highlights a few key resources that may be particularly helpful.

### Introduction: Victim efforts to advance justice after the Holocaust

Resource	Explanation
Saathoff, Günter, Uta Gerlant, Friederike Mieth, and Norbert Wühler, eds. <i>The German Compensation Program for Forced Labor: Practice and Experiences</i> . Berlin: Foundation Remembrance, Responsibility and Future, 2017. <a href="https://www.stiftung-evz.de/fileadmin/user_upload/EVZ_Uploads/Publikationen/Englisch/EVZ_Compensation_Program_6_29.pdf">https://www.stiftung-evz.de/fileadmin/user_upload/EVZ_Uploads/Publikationen/Englisch/EVZ_Compensation_Program_6_29.pdf</a> .	This book describes the stages of practical implementation of the German compensation program for Nazi-era forced labor, written by authors directly involved in the process.
United States Holocaust Memorial Museum, Holocaust Encyclopedia, <a href="https://encyclopedia.ushmm.org/en">https://encyclopedia.ushmm.org/en</a> .	<p>This webpage is a searchable resource for articles relating to all aspects of Holocaust history. Particularly relevant articles include the following:</p> <ul style="list-style-type: none"> <li>• Introduction to the Holocaust (<a href="https://encyclopedia.ushmm.org/content/en/article/introduction-to-the-holocaust">https://encyclopedia.ushmm.org/content/en/article/introduction-to-the-holocaust</a>)</li> <li>• The Aftermath of the Holocaust: Effects on Survivors (<a href="https://encyclopedia.ushmm.org/content/en/article/the-aftermath-of-the-holocaust">https://encyclopedia.ushmm.org/content/en/article/the-aftermath-of-the-holocaust</a>)</li> <li>• Introduction to the Definition of Genocide (<a href="https://encyclopedia.ushmm.org/content/en/article/introduction-to-the-definition-of-genocide">https://encyclopedia.ushmm.org/content/en/article/introduction-to-the-definition-of-genocide</a>)</li> <li>• The Oneg Shabbat Archive (<a href="https://encyclopedia.ushmm.org/content/en/article/the-oneg-shabbat-archive">https://encyclopedia.ushmm.org/content/en/article/the-oneg-shabbat-archive</a>)</li> <li>• International Military Tribunal at Nuremberg (<a href="https://encyclopedia.ushmm.org/content/en/article/international-military-tribunal-at-nuremberg">https://encyclopedia.ushmm.org/content/en/article/international-military-tribunal-at-nuremberg</a>)</li> <li>• Postwar Trials (<a href="https://encyclopedia.ushmm.org/content/en/article/war-crimes-trials">https://encyclopedia.ushmm.org/content/en/article/war-crimes-trials</a>)</li> <li>• Genocide of European Roma (Gypsies), 1939–1945 (<a href="https://encyclopedia.ushmm.org/content/en/article/genocide-of-european-roma-gypsies-1939-1945">https://encyclopedia.ushmm.org/content/en/article/genocide-of-european-roma-gypsies-1939-1945</a>)</li> </ul>

## Pursuing and using transitional justice measures

Resource	Description
Allen, Tim, and Anna Macdonald. “Post-Conflict Traditional Justice: A Critical Overview.” JSRP Paper 3, Justice and Security Research Programme, London, 2013. <a href="http://eprints.lse.ac.uk/56357/1/JSRP_Paper3_Post-conflict_traditional_justice_Allen_Macdonald_2013.pdf">http://eprints.lse.ac.uk/56357/1/JSRP_Paper3_Post-conflict_traditional_justice_Allen_Macdonald_2013.pdf</a> .	This 30-page report may be relevant to victim groups considering using traditional, customary, informal, community-based, indigenous, and local justice initiatives in a post-conflict setting. A critical overview, the report acknowledges that this is a new area and that its effectiveness has not been evaluated in detail.
Duthie, Roger. “Justice Mosaics: How Context Shapes Transitional Justice in Fractured Societies.” Research report, International Center for Transitional Justice, New York, 2017. <a href="https://www.ictj.org/sites/default/files/ICTJ_Report_JusticeMosaics_2017.pdf">https://www.ictj.org/sites/default/files/ICTJ_Report_JusticeMosaics_2017.pdf</a> .	This 44-page report examines how contextual factors affect transitional justice efforts. Those factors include “the institutional context, the nature of conflict and violence, the political context, and underlying economic and social structural problems” (1). It may be useful to victim groups that want to understand how transitional justice measures could work in their situation.
IREX. “Advancing Transitional Justice in Conflict-Affected Contexts: A Case Study for Libya.” Washington, DC, n.d. <a href="https://www.irex.org/sites/default/files/pdf/advancing-transitional-justice-conflict-affected-contexts-libya.pdf">https://www.irex.org/sites/default/files/pdf/advancing-transitional-justice-conflict-affected-contexts-libya.pdf</a> .	Focusing on the Libyan experience, this 32-page case study discusses ways to advance transitional justice in conflict-affected areas. It may be interesting to victim groups from other contexts that would like to conduct “documentation of atrocities, awareness-raising and victim engagement efforts, recovery of stolen assets, institutional and judicial reform, and reporting on transitional justice developments” (2).
Office of the United Nations High Commissioner for Human Rights. “Rule-of-Law Tools for Post-conflict States: National Consultations on Transitional Justice.” United Nations, New York and Geneva, 2009. <a href="https://www.un.org/ruleoflaw/files/NationalConsultationsTJ_EN.pdf">https://www.un.org/ruleoflaw/files/NationalConsultationsTJ_EN.pdf</a> .	This 43-page UN report discusses what international actors can do to fulfill their obligation to conduct effective and meaningful consultations with victims and the public when developing transitional justice strategies. It may be useful to victim groups that want to understand the right to consultation and the ways that international actors might engage them on transitional justice issues.
Tsai, Jennifer, and Simon Robins. “Strengthening Participation in Local-Level and National Transitional Justice Processes: A Guide for Practitioners.” International Coalition of Sites of Conscience, New York, 2018. <a href="https://www.sitesofconscience.org/wp-content/uploads/2018/06/Strengthening-Participation-Toolkit-online.pdf">https://www.sitesofconscience.org/wp-content/uploads/2018/06/Strengthening-Participation-Toolkit-online.pdf</a> .	This 31-page guide explores what civil society organizations, activists, and practitioners can do to “foster victim and community participation” in national and local transitional justice processes (7). It is not directed at victim groups wanting to participate in transitional justice; instead, it considers what other actors can do to engage them.

## Reparations

Carranza, Ruben, Cristián Correa, and Elena Naughton. *Forms of Justice: A Guide to Designing Reparations Application Forms and Registration Processes for Victims of Human Rights Violations*. New York: International Center for Transitional Justice, 2017. [https://www.ictj.org/sites/default/files/ICTJ\\_Guide\\_ReparationsForms\\_2017\\_Full.pdf](https://www.ictj.org/sites/default/files/ICTJ_Guide_ReparationsForms_2017_Full.pdf).

This 98-page guide is written for those responsible for designing the forms that victims submit to access reparations and the process they follow to register for reparations. The guide highlights just how important these basic requirements can be for victims' ability to access justice. This guide may be useful to victim groups that are preparing for consultations with decision makers about designing reparations programs.

Gilmore, Sunneva, Julie Guillerot, and Clara Sandoval. "Beyond Silence and Stigma—Crafting a Gender-Sensitive Approach for Victims of Sexual Violence in Domestic Reparation Programmes." *Reparations, Responsibility and Victimhood in Transitional Societies* project, Belfast, 2020. [https://pureadmin.qub.ac.uk/ws/portalfiles/portal/200993915/QUB\\_SGBV\\_Report\\_English\\_Web.pdf](https://pureadmin.qub.ac.uk/ws/portalfiles/portal/200993915/QUB_SGBV_Report_English_Web.pdf).

This 38-page report explores what groups developing domestic reparations programs can do to design and craft a "gender-sensitive approach to reparations" for victims of sexual violence (7). It may be useful to victim groups in contexts in which conflict-related sexual violence has occurred and in which authorities are unrolling domestic reparations programs.

International Commission of Jurists. *The Right to a Remedy and Reparation for Gross Human Rights Violations: A Practitioners' Guide*. Geneva: International Commission of Jurists, 2018. <https://www.icj.org/wp-content/uploads/2018/11/Universal-Right-to-a-Remedy-Publications-Reports-Practitioners-Guides-2018-ENG.pdf>.

This 335-page practitioners' guide is for legal professionals, representatives of governments and international organizations, and nongovernmental organizations (NGOs). Looking at judicial decisions and practice on reparations, the guide covers topics from who is entitled to reparation to the content of the right to an effective remedy and investigation. It is a good resource for victim groups that want a detailed understanding of reparations.

International Federation for Human Rights (FIDH). *Nairobi Declaration on Women's and Girls' Right to a Remedy and Reparation*. 2007. [https://www.fidh.org/IMG/pdf/NAIROBI\\_DECLARATIONeng.pdf](https://www.fidh.org/IMG/pdf/NAIROBI_DECLARATIONeng.pdf).

The Nairobi Declaration focuses on women's and girls' right to a remedy and reparations and makes recommendations about the same to national, regional, and international bodies. It emphasizes the importance of fulfilling those rights to post-conflict recovery. Although not a legally binding document, it may be useful to victim groups that want to understand what the right to reparations and remedy entails.

United Nations General Assembly Resolution 60/147, *Basic Principles and Guidelines on the Right to a Remedy and Reparation for the Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, A/RES/60/147 (March 21, 2006), para. 8. <https://undocs.org/A/RES/60/147>.

This UN General Assembly Resolution codifies the rights of victims of serious human rights violations to a remedy and reparations. It may be useful for victim groups seeking to understand states' legal obligations to uphold international human rights and humanitarian law and to provide victims access to remedies, justice, and relevant information about violations and reparation mechanisms.

## Memorializing the past

International Committee of Memorial Museums for the Remembrance of Victims of Public Crimes. *International Memorial Museums Charter*. Paris, 2011. [http://icmemo.mini.icom.museum/wp-content/uploads/sites/17/2019/01/IC\\_MEMO\\_charter.pdf](http://icmemo.mini.icom.museum/wp-content/uploads/sites/17/2019/01/IC_MEMO_charter.pdf).

This charter draws on international human rights law to codify 10 general principles for commemoration in memorial museums. It may be useful to victim groups that are considering how to establish a memorial museum.

International Council of Museums. *ICOM Code of Ethics for Museums*. Paris, 2013. [http://icmemo.mini.icom.museum/wp-content/uploads/sites/17/2019/01/code\\_ethics2013\\_eng2.pdf](http://icmemo.mini.icom.museum/wp-content/uploads/sites/17/2019/01/code_ethics2013_eng2.pdf).

This 22-page code of ethics from the International Council of Museums (ICOM) sets "minimum standards of professional practice and performance for museums and their staff" (1). Although it is primarily directed at museums that belong to the ICOM, it may be useful to victim groups considering issues such as preservation of artifacts, evidence, memorialization, and community engagement.

Muddell, Kelli, and Sibley Hawkins. "Gender and Transitional Justice: A Training Module Series, Module 5: Memorialization." *International Center for Transitional Justice*, New York, 2018. [https://www.ictj.org/sites/default/files/5\\_Gender%20%26%20TJ%20-%20Memorialization%20-%20Speaker%20Notes.pdf](https://www.ictj.org/sites/default/files/5_Gender%20%26%20TJ%20-%20Memorialization%20-%20Speaker%20Notes.pdf).

Module 5 of this 66-page training module explores the importance of memorials for women. It stresses that memorials should reflect women's experiences and include them in decision making. It also highlights memorials' reparative potential. Victim groups may want to use the various presentation slides, speaker notes, discussion points, and suggested exercises in this module when considering the intersection between gender and transitional justice.

## Truth commissions

González, Eduardo. "Drafting a Truth Commission Mandate: A Practical Tool." *International Center for Transitional Justice*, New York, 2013. [https://www.ictj.org/sites/default/files/ICTJ-Report-DraftingMandate-Truth-Commission-2013\\_o.pdf](https://www.ictj.org/sites/default/files/ICTJ-Report-DraftingMandate-Truth-Commission-2013_o.pdf).

This 28-page report is a practical tool for "government officials, civil society activists, victims' organizations, and other stakeholders" involved in transitional justice processes (1). It provides advice on crafting legal mandates for truth commissions investigating human rights violations.

Mallinder, Louise, and Tom Hadden. *Belfast Guidelines on Amnesty and Accountability, with Explanatory Guidance*. Belfast: Transitional Justice Institute, 2013. <https://pure.qub.ac.uk/en/publications/the-belfast-guidelines-on-amnesty-and-accountability-with-explana>.

The 90-page *Belfast Guidelines on Amnesty and Accountability* provides assistance and explanation for the role of amnesties, accountability mechanisms, and prosecutions in states' obligation to protect human rights.



Public International Law & Policy Group. “Core Elements of Facilitating Women’s Participation in Truth and Reconciliation Commissions.” Legal memorandum, PILPG, Washington, DC, 2013. [https://syriaaccountability.org/wp-content/uploads/PILPG-Womens-Participation-in-Truth-Commissions-2013\\_EN.pdf](https://syriaaccountability.org/wp-content/uploads/PILPG-Womens-Participation-in-Truth-Commissions-2013_EN.pdf).

This 26-page memorandum is for governments and truth commissions supporting women who are planning to participate in transitional justice processes. It focuses particularly on truth and reconciliation commissions. It may be useful to victim groups engaged in consultations with the government or a truth commission on how to “ensure a gender perspective and balance in the commission’s work” (Executive Summary).

Office of the United Nations High Commissioner for Human Rights. “Rule-of-Law Tools for Post-conflict States: Truth Commissions.” United Nations, New York and Geneva, 2006. <https://www.ohchr.org/Documents/Publications/RuleoflawTruthCommissionsen.pdf>.

This 46-page UN report aims to guide “those setting up, advising or supporting a truth commission, as well as providing guidance to truth commissions themselves” (1). Summarizing lessons learned from more than 30 truth commissions, the report offers a set of best practice guidelines. Victim groups consulting with those establishing a truth commission may find this guide to be useful in prioritizing different considerations.

Ramírez-Barat, Clara. “Making an Impact: Guidelines on Designing and Implementing Outreach Programs for Transitional Justice.” International Center for Transitional Justice, New York, 2011. <https://www.ictj.org/sites/default/files/ICTJ-Global-Making-Impact-2011-English.pdf>.

This 45-page report offers best practices and strategies to practitioners for how to build public interest in, support for, and involvement with transitional justice proceedings. It may help victim groups determine how to amplify the work of the truth commission among affected communities.

### Measures of non-recurrence

de Greiff, Pablo. *Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence*, U.N. Doc. A/70/438 (October 21, 2015). <https://undocs.org/A/70/438>.

This report of the former UN special rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence focuses on the “preventive potential of measures associated with reform of the security sector” (2). Victim groups considering the role that such measures can play in preventing the recurrence of conflict may find it useful.

Mayer-Reich, Alexander. “Guarantees of Non-recurrence: An Approximation,” *Human Rights Quarterly* 39, no. 2 (May 2017): 416–48. <https://muse.jhu.edu/article/657336/pdf>.

This 34-page academic article explores a “more systematic understanding” of the concept of guarantees of non-recurrence by proposing “criteria for developing specific prevention strategies” (416–17). It may be useful to victim groups wanting to understand how the concept of guarantees of non-recurrence developed and specific measures that can be adopted to promote it. Victim groups considering the elements of effective prevention may also find it useful.

Roht-Arriaza, Naomi. “Measures of Non-repetition in Transitional Justice: The Missing Link?” Legal Studies Research Paper No. 160, University of California Hastings College of the Law, 2016. [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2746226](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2746226).

This 42-page academic article advocates for a more expansive and transformative approach to measures of non-recurrence than the traditional view, which confines it to vetting, security sector reform, and judicial reform. Drawing on experiences from the Philippines and Colombia, it considers other measures that focus on “the conditions likely to lead to renewed conflict” (Abstract).

## Using law to access justice and accountability for mass atrocities

Resource	Description
Center for Justice and Accountability. “Legal Glossary.” <a href="https://cja.org/legal-glossary/">https://cja.org/legal-glossary/</a> .	This glossary is a comprehensive and accessible guide to legal, court-related, and justice terms, with a focus on international law.
International Criminal Court. “Victims before the International Criminal Court: A Guide for the Participation of Victims in the Proceedings of the Court.” International Criminal Court, The Hague. Accessed April 14, 2020. <a href="https://www.icc-cpi.int/NR/rdonlyres/8FF91A2C-5274-4DCB-9CCE-37273C5E9AB4/282477/160910VPRSBookletEnglish.pdf">https://www.icc-cpi.int/NR/rdonlyres/8FF91A2C-5274-4DCB-9CCE-37273C5E9AB4/282477/160910VPRSBookletEnglish.pdf</a> .	This 33-page booklet is designed for victims wanting to apply to participate in proceedings before the International Criminal Court (ICC). It gives an explanation of what the ICC is, how it operates, the different roles that victims can play in ICC proceedings, and how to apply to participate.
O’Connor, Vivienne. “Practitioner’s Guide: Common Law and Civil Law Traditions.” International Network to Promote the Rule of Law, Washington, DC, 2012. <a href="https://www.fjc.gov/sites/default/files/2015/Common%20and%20Civil%20Law%20Traditions.pdf">https://www.fjc.gov/sites/default/files/2015/Common%20and%20Civil%20Law%20Traditions.pdf</a> .	This 35-page guide for practitioners provides an overview of common and civil legal traditions with a particular focus on their application in post-conflict countries. It may be useful to victim groups seeking to understand in broad terms how the legal system in their country may operate.
Open Society Justice Initiative. <i>Options for Justice: A Handbook for Designing Accountability Mechanisms for Grave Crimes</i> . New York: Open Society Foundations, 2018. <a href="https://www.justiceinitiative.org/uploads/89c53e2e-1454-45ef-b4dc-3ed668cdc188/options-for-justice-20180918.pdf">https://www.justiceinitiative.org/uploads/89c53e2e-1454-45ef-b4dc-3ed668cdc188/options-for-justice-20180918.pdf</a> .	The 670-page handbook for “those designing new mechanisms of criminal accountability for grave crimes” takes an in-depth look at 33 different justice mechanisms. It explores high-profile international courts; less formal domestic tribunals, such as the gacaca courts of Rwanda; and mechanisms with a broader mandate that includes corruption, as was established in Guatemala (18).

<p>Roht-Arriaza, Naomi. <i>The Pinochet Effect: Transitional Justice in the Age of Human Rights</i>. Philadelphia: University of Pennsylvania Press, 2006. <a href="https://www.upenn.edu/pennpress/book/14090.html">https://www.upenn.edu/pennpress/book/14090.html</a>.</p>	<p>This book details the arrest and extradition of General Augusto Pinochet, former dictator of Chile. The author discusses the ways in which many different countries outside the country where the atrocities occurred can help to bring perpetrators to justice. Victim groups exploring avenues for justice outside the affected country may be interested in this book.</p>
<p>United Nations Office on Genocide Prevention and the Responsibility to Protect. "Framework of Analysis for Atrocity Crimes: A Tool for Prevention." United Nations, New York, 2014. <a href="https://www.un.org/en/genocideprevention/documents/about-us/Doc.3_Framework%20of%20Analysis%20for%20Atrocity%20Crimes_EN.pdf">https://www.un.org/en/genocideprevention/documents/about-us/Doc.3_Framework%20of%20Analysis%20for%20Atrocity%20Crimes_EN.pdf</a>.</p>	<p>This 43-page UN briefing paper is intended for a diverse audience, encompassing domestic, regional, and international actors. It establishes a framework of analysis for identifying and assessing risk factors of atrocity crimes. It may be useful for victim groups seeking a more granular understanding of different atrocity crimes (which it defines as genocide, war crimes, crimes against humanity, and ethnic cleansing) and the factors that may lead to them.</p>
<p>United Nations Treaty Collection. "Glossary." Accessed April 14, 2020. <a href="https://treaties.un.org/pages/Overview.aspx?path=overview/glossary/page1_en.xml">https://treaties.un.org/pages/Overview.aspx?path=overview/glossary/page1_en.xml</a>.</p>	<p>This glossary provides a general guide to terms that are often used in international treaties, negotiations, and the United Nations system.</p>
<p>Varney, Howard, Katarzyna Zduńczyk, and Marie Gaudard. "The Role of Victims in Criminal Proceedings." International Center for Transitional Justice, New York, 2017. <a href="https://www.ictj.org/sites/default/files/ICTJ-Victims_in_Criminal_Proceedings-Final-EN.pdf">https://www.ictj.org/sites/default/files/ICTJ-Victims_in_Criminal_Proceedings-Final-EN.pdf</a>.</p>	<p>Drawing on the example of Tunisia's transitional justice law, this 15-page briefing discusses how victims of human rights violations can be involved in criminal proceedings. It may be useful to victim groups wanting to understand the role that they can play in domestic and international criminal justice processes, as well as descriptions of their rights in this process.</p>
<p>Overview of different legal options</p>	
<p>Human Rights Watch. "Basic Facts on Universal Jurisdiction." Human Rights Watch website, October 19, 2009. <a href="https://www.hrw.org/news/2009/10/19/basic-facts-universal-jurisdiction#">https://www.hrw.org/news/2009/10/19/basic-facts-universal-jurisdiction#</a>.</p>	<p>This webpage produced by Human Rights Watch explains the legal basis for and importance of universal jurisdiction. It also responds to critics' arguments that universal jurisdiction is being "abused."</p>
<p>International Committee of the Red Cross. <i>The Domestic Implementation of International Humanitarian Law: A Manual</i>. Geneva: International Committee of the Red Cross, 2015. <a href="https://www.icrc.org/en/doc/assets/files/publications/icrc-002-4028.pdf">https://www.icrc.org/en/doc/assets/files/publications/icrc-002-4028.pdf</a>.</p>	<p>This 140-page Red Cross manual (which also contains a 370-page annex) provides a comprehensive introduction to international humanitarian law, domestic implementation, and the conventions and protocols that regulate armed conflict.</p>
<p>International Justice Resource Center. <i>Advocacy before the African Human Rights System: A Manual for Attorneys and Advocates</i>, 2nd ed. San Francisco: International Justice Resource Center, 2017. <a href="http://www.ijrcenter.org/wp-content/uploads/2017/11/2.-African-Human-Rights-System-Manual.pdf">http://www.ijrcenter.org/wp-content/uploads/2017/11/2.-African-Human-Rights-System-Manual.pdf</a>.</p>	<p>This 180-page manual for attorneys and advocates introduces the African system of human rights protection and adjudication through the African Court on Human and People's Rights and the African Commission on Human and People's Rights. It may also be useful to victim groups in Africa evaluating their regional options for pursuing justice and accountability.</p>
<p>Peace and Justice Initiative. "How Does International Law Apply in a Domestic Legal System?" Peace and Justice Initiative website. Accessed November 9, 2020. <a href="https://www.peaceandjusticeinitiative.org/implementation-resources/dualist-and-monist">https://www.peaceandjusticeinitiative.org/implementation-resources/dualist-and-monist</a>.</p>	<p>This short webpage provides a basic overview of the monist and dualist systems, which are the two main approaches that countries follow to make international legal obligations binding domestically.</p>
<p>Seils, Paul. <i>Handbook on Complementarity: An Introduction to the Role of National Courts and the ICC in Prosecuting International Crimes</i>. New York: International Center for Transitional Justice, 2016. <a href="https://www.ictj.org/sites/default/files/ICTJ_Handbook_ICC_Complementarity_2016.pdf">https://www.ictj.org/sites/default/files/ICTJ_Handbook_ICC_Complementarity_2016.pdf</a>.</p>	<p>The 108-page ICTJ handbook for nonlegal specialists explains both "basic legal issues [and] the broader contextual matters connected to the complementarity." It offers readers "a basic understanding of the ICC, the concept of complementarity, how key cases have been decided, what the different stages of the admissibility process entail, what it means for national legal systems, and what it means for other national actors" (4).</p>
<p>Southern Africa Litigation Center. <i>Positive Reinforcement: Advocating for International Criminal Justice in Africa</i>. Johannesburg: Southern Africa Litigation Center, 2013. <a href="http://bibliobase.sermais.pt:8008/BiblioNET/Upload/PDF5/003764.pdf">http://bibliobase.sermais.pt:8008/BiblioNET/Upload/PDF5/003764.pdf</a>.</p>	<p>This 102-page report for African civil society organizations (CSOs) explains the role that CSOs can play in advancing international criminal law in Africa. Drawing on lessons learned from past experiences of CSOs, it provides recommendations to CSOs about their potential role in this field. It may be useful to victim groups in Africa wanting to understand the status of international law in Africa and the issues that they may focus on in their advocacy.</p>
<p>TRIAL International. <i>Evidentiary Challenges in Universal Jurisdiction Cases: Universal Jurisdiction Annual Review 2019</i>. Geneva: TRIAL International, 2019. <a href="https://trialinternational.org/wp-content/uploads/2019/03/Universal_Jurisdiction_Annual_Review2019.pdf">https://trialinternational.org/wp-content/uploads/2019/03/Universal_Jurisdiction_Annual_Review2019.pdf</a>.</p>	<p>This 86-page report investigates the practical applications of universal jurisdiction to bring perpetrators of international crimes to justice, focusing on the challenges of finding and presenting evidence for successful cases. It discusses the operation of universal jurisdiction in a number of countries, including Argentina, Austria, Belgium, Finland, France, Germany, Ghana, Italy, the Netherlands, Norway, Senegal, Spain, Sweden, Switzerland, the United Kingdom, and the United States.</p>

United States Department of State. “Transitional Justice Initiative: Criminal Prosecutions.” Washington, DC, 2016. <https://2009-2017.state.gov/documents/organization/257773.pdf>.

This four-page brief from the US State Department highlights the importance of criminal prosecutions for atrocity crimes, different types of justice forums, and considerations and challenges on a range of issues, including victim and witness protection and sexual violence investigations and prosecutions.

Ventura, Manuel, and Amelia Bleeker. “Universal Jurisdiction, African Perceptions of the International Criminal Court and the New AU Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights.” In *The International Criminal Court and Africa: One Decade On*, edited by Evelyn A. Ankumah. Cambridge/Antwerp/Portland: Intersentia, 2016. [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2735840](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2735840).

The 18-page chapter of a book on the ICC in Africa argues that African countries should use universal jurisdiction to prosecute atrocity crimes. It considers the obstacles that may prevent its use and strategies to overcome them.

### Initiating and participating in cases as individual victims or victim groups

Amnesty International. *Fair Trial Manual*, 2nd ed. London: Amnesty International, 2014. <https://www.amnesty.org/download/Documents/8000/pol300022014en.pdf>.

This 276-page Amnesty International manual is designed to help “anyone involved in examining how well a criminal trial or a justice system meets international standards” to assess the fairness of individual cases, trial procedures, and national criminal justice systems (xvi).

Avocats Sans Frontières. “Modes of Participation and Legal Representation.” Brussels, 2013. [https://asf.be/wp-content/uploads/2013/11/ASF\\_IJ\\_Modes-of-participation-and-legal-representation.pdf](https://asf.be/wp-content/uploads/2013/11/ASF_IJ_Modes-of-participation-and-legal-representation.pdf).

This 46-page report provides guidance on victim participation and legal representation during ICC proceedings. It may be useful to victim groups that want to understand how they can get involved in cases before the ICC.

Coalition for the International Criminal Court. “How to File a Communication to the ICC-Prosecutor.” Accessed April 14, 2010. <http://coalitionfortheicc.org/how-file-communication-icc-prosecutor>.

This short guide provides brief instructions on sending information or evidence on potential ICC crimes to the Office of the Prosecutor.

International Criminal Court. “Understanding the International Criminal Court.” The Hague, n.d. <https://www.icc-cpi.int/iccdocs/PIDS/publications/UICCEng.pdf>.

This 49-page report provides basic information about the ICC, the Rome Statute, and their role in international criminal justice.

International Federation for Human Rights. “Enhancing Victims’ Rights before the ICC: A View from Situation Countries on Victims’ Rights at the International Criminal Court.” Paris, 2013. [https://www.fidh.org/IMG/pdf/fidh\\_victimrights\\_621a\\_nov2013\\_ld.pdf](https://www.fidh.org/IMG/pdf/fidh_victimrights_621a_nov2013_ld.pdf).

This 40-page report—which is the outcome of a series of discussions between civil society, ICC officials, state parties, and NGOs—addresses the state of victim rights at the ICC and how it may be enhanced. The report highlights practical applications of victim rights.

International Federation for Human Rights. “Five Myths about Victim Participation in ICC Proceedings.” Paris, 2014. <https://www.fidh.org/IMG/pdf/cpi649a.pdf>.

This 44-page report debunks five commonly held views about victim participation and its effect at the ICC in an attempt to support victims as they pursue justice.

International Justice Resource Center. “10 Essential Steps for First-Time Advocacy at the Human Rights Council.” San Francisco, 2012. <https://ijrcenter.org/wp-content/uploads/2012/08/10-Essential-Steps-for-First-Time-Advocacy-at-the-Human-Rights-Council.pdf>.

This six-page brief provides an introductory guide with actionable tips and advice for advocates who are beginning to engage with the Human Rights Council.

Lamony, Stephen. “What Are the Benefits and Difficulties of Victim Participation at the International Criminal Court (ICC)?” Humanity United website. May 4, 2015. <https://humanityunited.org/what-are-the-benefits-and-difficulties-of-victim-participation-at-the-international-criminal-court-icc/>.

This webpage offers a brief overview of some of the key benefits of victim participation at the ICC, such as the extent to which it affords an “experience” of justice to victims and helps the court reach the truth about past atrocities. It also outlines some of the key challenges and difficulties the court experiences when trying to engage victims meaningfully. Many of those challenges and difficulties are logistical and practical in nature.

Moffett, Luke. “Meaningful and Effective? Considering Victims’ Interests through Participation at the International Criminal Court.” *Criminal Law Forum* 26, no. 2 (June 2015): 255–89. <https://link.springer.com/article/10.1007/s10609-015-9256-1>.

This 34-page academic article considers the role that victims can play in proceedings at the ICC. It argues that “in order to ensure the Court is more responsive to victims understanding of justice it should give greater weight to their interests, which in turn is likely to improve their satisfaction with the ICC, as well as public confidence and legitimacy of the work of the Court” (Abstract). It may be useful to victim groups considering how they might engage in ICC proceedings.

## Building sustainable victim-centered coalitions

Resource	Description
Asia-Pacific Leadership and Policy Dialogue for Women’s and Children’s Health. “Building Advocacy Coalitions for Greater Action and Accountability.” World Health Organization, Geneva, 2012. <a href="https://www.who.int/pmnch/media/news/2012/advocacy_building_coalitions.pdf">https://www.who.int/pmnch/media/news/2012/advocacy_building_coalitions.pdf</a> .	This two-pager is a guide on building advocacy coalitions through identifying advocacy issues, developing broad networks, and establishing core principles. Although it is not tailored to coalitions of victims that form in the aftermath of mass atrocities, it may nevertheless be useful to victim groups that want to think through how to form and run an effective coalition.



Brody, Reed. "Victims Bring a Dictator to Justice: The Case of Hissène Habré." <i>Brot für die Welt</i> (June 2017). <a href="https://www.brot-fuer-die-welt.de/fileadmin/mediapool/2_Downloads/Fachinformationen/Analyse/Analysis70-The_Habre_Case.pdf">https://www.brot-fuer-die-welt.de/fileadmin/mediapool/2_Downloads/Fachinformationen/Analyse/Analysis70-The_Habre_Case.pdf</a> .	This 36-page article details the pursuit for justice that victims of Hissène Habré spearheaded in Chad by forming a victim-centered coalition. It may be useful to victim groups seeking to learn about and draw inspiration from an effective and powerful coalition that fought for justice for mass atrocities over the long term.
Cohen, Larry, Nancy Baer, and Pam Satterwhite. "Developing Effective Coalitions: An Eight Step Guide." In <i>Community Health Education and Promotion: A Guide to Program Design and Evaluation</i> , edited by Mary Ellen Wurzbach, 2nd ed., 144–61. Gaithersburg, MD: Aspen, 2002. <a href="https://www.preventioninstitute.org/sites/default/files/uploads/8steps_040511_WEB.pdf">https://www.preventioninstitute.org/sites/default/files/uploads/8steps_040511_WEB.pdf</a> .	This 32-page guide identifies eight steps for developing an effective coalition in the context of community health education and promotion. The steps include determining whether to form a coalition, recruiting the right people, devising a set of preliminary activities and objectives, convening the coalition, anticipating necessary resources, defining elements of a successful coalition structure and maintaining coalition vitality, and making improvements through evaluation. It may contain helpful insights for victim groups when forming a victim-centered coalition.
Martlew, Nick. "Creative Coalitions: A Handbook for Change." Crisis Action, New York, 2017. <a href="https://crisisaction.org/Handbook/contents/">https://crisisaction.org/Handbook/contents/</a> .	This Crisis Action handbook explains how collective action groups can build strategic coalitions and use creative tactics to protect civilians from armed conflict. Presented in an accessible and clear manner, it includes many real-life examples and helpful hints. Victim groups thinking through how their coalition might creatively push for change in the world may find this handbook helpful.
Moyes, Richard, and Thomas Nash. <i>Global Coalitions: An Introduction to Working in International Civil Society Partnerships</i> . London, UK: Action on Armed Violence, 2011. <a href="http://www.globalcoalitions.org/document/chapter-1">http://www.globalcoalitions.org/document/chapter-1</a> .	This eight-chapter online book is an excellent guide to forming global coalitions. It canvases topics including the challenges of forming a coalition, coalition structure and organization, and logistics, among others.
Pact Tanzania. "Building and Maintaining Networks and Coalitions." Advocacy Expert Series, United States Agency for International Development (USAID), Washington, DC, 2004. <a href="http://nsagm.weebly.com/uploads/1/2/0/3/12030125/advocacy-networks-and-coalitions_usaid_pact_tanzania.pdf">http://nsagm.weebly.com/uploads/1/2/0/3/12030125/advocacy-networks-and-coalitions_usaid_pact_tanzania.pdf</a>	Focusing on case studies from Tanzania, this 35-page USAID/Tanzania report for NGOs discusses the overlapping definitions of networks and coalitions. It focuses on "how to manage conflict" and explores how different structures can contribute to an advocacy goal or campaign (ii).

Rabinowitz, Phil. "Choosing Strategies to Promote Community Health and Development (Section 5: Coalition Building I: Starting a Coalition)." Community Tool Box website. Accessed November 10, 2020. <a href="https://ctb.ku.edu/en/table-of-contents/assessment/promotion-strategies/start-a-coalition/main">https://ctb.ku.edu/en/table-of-contents/assessment/promotion-strategies/start-a-coalition/main</a> .	This chapter of an online handbook answers some basic questions about forming a coalition, including the following: What is a coalition? Why start a coalition? When should you start a coalition? Who should be part of your coalition? and How do you start a community coalition? It includes a short PowerPoint presentation that highlights key takeaways from the chapter.
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## Gathering and sharing information

Resource	Description
Cambodian Center for Human Rights. "Community Watchdog Handbook: Guide for Community Based Activists on Documenting Human Rights Violations." Phnom Penh, 2011. <a href="https://cchrcambodia.org/admin/media/report/report/english/2012_10_03_Documentation_Handbook_ENG.pdf">https://cchrcambodia.org/admin/media/report/report/english/2012_10_03_Documentation_Handbook_ENG.pdf</a> .	This 54-page guidebook produced by the Cambodian Center for Human Rights explains human rights, the importance of documenting human rights violations, and how to document them. Part IV of the guidebook may be particularly interesting as it provides advice on identifying problems and gathering and sharing information when conducting human rights documentation.
D'Alessandra, Federica Sander Couch, Iliana Georgieva, Marieke De Hoon, Brianne Mcgonigle Leyh, and Jolien Quispel, eds. <i>Handbook on Civil Society Documentation of Serious Human Rights Violations: Principles and Best Practices</i> . Washington, DC: Public International Law & Policy Group, 2016. <a href="https://www.vu.nl/nl/Images/PILPG_Handbook_on_Civil_Society_Documentation_of_Serious_Human_Rights_Violations_Sept_2016_tcm289-785328.pdf">https://www.vu.nl/nl/Images/PILPG_Handbook_on_Civil_Society_Documentation_of_Serious_Human_Rights_Violations_Sept_2016_tcm289-785328.pdf</a> .	This 146-page practical handbook is for civil society actors who have not received professional training on how to conduct human rights documentation. It offers guidelines on collecting, preparing, documenting, and managing information. It also discusses the topics of security and confidentiality. It may be useful to victim groups that are interested in learning more about documentation of human rights violations.
Foreign and Commonwealth Office. "Training Materials: International Protocol on the Documentation and Investigation of Sexual Violence in Conflict." Gov.UK website, 2016. <a href="https://www.gov.uk/government/collections/international-protocol-on-the-documentation-and-investigation-of-sexual-violence-in-conflict-training-materials">https://www.gov.uk/government/collections/international-protocol-on-the-documentation-and-investigation-of-sexual-violence-in-conflict-training-materials</a> .	This online training manual, which is intended for "appropriately qualified and experienced trainers and designers and managers of trainings," provides guidance on implementing the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict (Introduction, ii).
Global Protection Cluster. "Media Guidelines for Reporting on Gender-Based Violence in Humanitarian Contexts." Geneva, 2013. <a href="https://reliefweb.int/sites/reliefweb.int/files/resources/GBV-Media-Guidelines-25July2013.pdf">https://reliefweb.int/sites/reliefweb.int/files/resources/GBV-Media-Guidelines-25July2013.pdf</a> .	This eight-page set of guidelines is for anyone "facilitating or engaging in media reporting" on gender-based violence (1). It aims to help them preserve the safety, confidentiality, and dignity of victims and their communities.



<p>International Bar Association and Raoul Wallenberg Institute of Human Rights and Humanitarian Law. "Guidelines on International Human Rights Fact-Finding Visits and Reports by Non-Governmental Organisations (The Lund-London Guidelines)." International Bar Association, London, 2015. <a href="https://www.ibanet.org/Fact-Finding_Guidelines.aspx">https://www.ibanet.org/Fact-Finding_Guidelines.aspx</a>.</p>	<p>This 14-page document is a step-by-step guide for NGOs to conduct their own fact-finding missions. If actors follow these guidelines, "the allegations, observations and conclusions in [the report] can be reasonably relied upon" (2). Among other issues, the document provides detailed guidance on working methods that NGOs should adopt when conducting this work.</p>	<p>Office of the United Nations High Commissioner for Human Rights. <i>Commissions of Inquiry and Fact-Finding Missions on International Human Rights and Humanitarian Law: Guidance and Practice</i>. New York and Geneva: United Nations, 2015. <a href="https://www.ohchr.org/Documents/Publications/CoI_Guidance_and_Practice.pdf">https://www.ohchr.org/Documents/Publications/CoI_Guidance_and_Practice.pdf</a>.</p>	<p>This 152-page document is for UN staff in relevant missions, commissions, and departments; governments; NGOs; national human rights institutions; and scholars. Victim groups may find Chapter IV particularly useful: it discusses gathering and assessing information and protecting victims and witnesses.</p>
<p>Liberty Asia. "Guidance Note on Use of Victims' Images." Hong Kong, 2016. <a href="https://cdns.freedomunited.org/wp-content/uploads/2017/03/20162906/Guidance-Note-on-Use-of-Victims-Images_final.compressed.pdf">https://cdns.freedomunited.org/wp-content/uploads/2017/03/20162906/Guidance-Note-on-Use-of-Victims-Images_final.compressed.pdf</a>.</p>	<p>This 25-page set of guidelines for NGOs provides advice on photographing and using images of victims. Annex 2 contains a quick review of all of the guidelines.</p>	<p>Office of the United Nations High Commissioner for Human Rights. <i>Human Rights Indicators: A Guide to Measurement and Implementation</i>. New York and Geneva: United Nations, 2012. <a href="https://www.ohchr.org/Documents/Publications/Human_rights_indicators_en.pdf">https://www.ohchr.org/Documents/Publications/Human_rights_indicators_en.pdf</a>.</p>	<p>This 188-page guidebook is for those documenting and monitoring their government's compliance with their human rights obligations. In addition to explaining what human rights are, the guidebook discusses how to identify and use specific indicators to evaluate human rights compliance. Pages 133 to 140 explain how to set up human rights monitoring systems.</p>
<p>Matheson, Kelly. <i>Video as Evidence: Field Guide</i>. New York: WITNESS, 2016. <a href="http://www.mediafire.com/download/xg9ccocoayjql5ow/VaE_FieldGuide_Compilation_20160329.pdf">http://www.mediafire.com/download/xg9ccocoayjql5ow/VaE_FieldGuide_Compilation_20160329.pdf</a>.</p>	<p>This 230-page guide is for "people working in the field who are or will potentially film human rights abusers" (6). It offers guidance on capturing, storing, and sharing video evidence and includes basic practices for each part of the filming and sharing process. The rest of the guide dives deeper into each of those processes, using field notes as examples throughout the handbook.</p>	<p>Public International Law &amp; Policy Group. <i>Human Rights Documentation Toolkit</i>. Accessed April 14, 2020. <a href="http://www.hrdtoolkit.org/">http://www.hrdtoolkit.org/</a>.</p>	<p>This website for human rights documenters is an interactive toolkit. It includes a list of experts and organizations that work on documentation, definitions of key terms, and a resource library that compiles guides and tools for documenters as well as examples of documentation work. It also maps documentation activities around the world.</p>
<p>Nystedt, Maria (ed.), Christian Axboe Nielsen, and Jann K. Kleffner. "A Handbook on Assisting International Criminal Investigations." Folke Bernadotte Academy and Swedish National Defence College, Stockholm, 2011. <a href="https://fba.se/contentassets/6f4962727ea34af594ofa8c448f3d30f/Handbook-on-assisting-international-criminal-investigations.pdf">https://fba.se/contentassets/6f4962727ea34af594ofa8c448f3d30f/Handbook-on-assisting-international-criminal-investigations.pdf</a>.</p>	<p>This 49-page handbook is designed for international staff working in conflict and post-conflict settings who have not received professional training in documenting human rights abuses. It provides basic guidance on how to document possible international crimes and the kinds of information that may be helpful to investigators. It also discusses some of the legal consequences that may follow from witnessing international crimes.</p>	<p>Ribeiro, Sara Ferro, and Danae van der Straten Ponthoz. <i>International Protocol on the Documentation and Investigation of Sexual Violence in Conflict: Best Practice on the Documentation of Sexual Violence as a Crime or Violation of International Law</i>, 2nd ed. London: Foreign and Commonwealth Office, 2017. <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/598335/International_Protocol_2017_2nd_Edition.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/598335/International_Protocol_2017_2nd_Edition.pdf</a>.</p>	<p>This 328-page protocol outlines best practice on documenting and investigating sexual violence as a war crime, crimes against humanity, acts of genocide, or other serious violation of international law. It touches on topics "from understanding the impact of [conflict-related sexual violence] and the different forms of accountability that can be pursued, to setting out techniques for interviewing witnesses and gathering and analysing information that could be critical to these accountability efforts" (11). It may be useful to victim groups wanting to learn more about the status of sexual violence under international law, how to prepare for a documentation exercise, how to gather information, and how to analyze that information.</p>
<p>Office of the United Nations High Commissioner for Human Rights. "Interviewing." In <i>Manual on Human Rights Monitoring</i>, chap. 11. New York and Geneva: United Nations, 2011. <a href="https://www.ohchr.org/Documents/Publications/Chapter11-MHRM.pdf">https://www.ohchr.org/Documents/Publications/Chapter11-MHRM.pdf</a>.</p>	<p>Chapter 11 of this manual focuses on planning and preparing for interviews, conducting interviews, and interviewing people who belong to specific groups, such as women, displaced persons, children, trauma survivors, persons with disabilities, indigenous peoples, rural populations, and lower income groups.</p>	<p>Search for Common Ground. "Human Rights Monitors' Guidebook: A Tool for Monitoring, Documenting and Reporting Human Rights Violations in Nigeria." Washington, DC, 2014. <a href="https://www.sfcg.org/wp-content/uploads/2014/12/HUMAN-RIGHTS-MONITORS%E2%80%99-GUIDE-BOOK_final_with-cover.pdf">https://www.sfcg.org/wp-content/uploads/2014/12/HUMAN-RIGHTS-MONITORS%E2%80%99-GUIDE-BOOK_final_with-cover.pdf</a>.</p>	<p>This 28-page guidebook is for CSOs, human rights defenders, and others. Focusing on the status of human rights in Nigeria, it provides concrete advice on monitoring, documenting, and reporting human rights violations. Victim groups may find chapters 5 to 7 on monitoring and documenting human rights violations particularly interesting.</p>
<p>Office of the United Nations High Commissioner for Human Rights. "Protection of Victims, Witnesses and Other Cooperating Persons." In <i>Manual on Human Rights Monitoring</i>, chap. 14. New York and Geneva: United Nations, 2011. <a href="https://www.ohchr.org/Documents/Publications/Chapter14-56pp.pdf">https://www.ohchr.org/Documents/Publications/Chapter14-56pp.pdf</a>.</p>	<p>Chapter 14 of this manual for human rights organizations focuses on promoting the safety and security of victims, witnesses, and others with whom they work. It provides a set of preventive measures that human rights organizations can take to protect their partners and offers guidance on how to respond to protection concerns, among other issues.</p>		

## Advocating for justice with political and diplomatic actors

Resource	Description
International Justice Resource Center. "Primer for Advocacy Opportunities with the United Nations Human Rights Council." San Francisco, 2012. <a href="https://ijrcenter.org/wp-content/uploads/2012/08/Primer-for-Advocacy-Opportunities-with-the-Human-Rights-Council.pdf">https://ijrcenter.org/wp-content/uploads/2012/08/Primer-for-Advocacy-Opportunities-with-the-Human-Rights-Council.pdf</a> .	This 15-page brief is a comprehensive guide to advocacy at UN human rights bodies, such as the Human Rights Council, Universal Periodic Review, and Special Procedures. It does not discuss treaty-based bodies. It may be useful to victim groups considering whether and how to engage with the UN human rights system as part of political and diplomatic engagement.
International Service for Human Rights. "Simple Guide to the UN Treaty Bodies." Geneva, 2010. <a href="http://www.ishr.ch/sites/default/files/article/files/ISHR%20Simple%20Guide%20to%20the%20UN%20Treaty%20Bodies.pdf">http://www.ishr.ch/sites/default/files/article/files/ISHR%20Simple%20Guide%20to%20the%20UN%20Treaty%20Bodies.pdf</a> .	This 35-page guide introduces UN treaty-based human rights bodies that monitor and encourage countries to implement their obligations under international human rights treaties. It may be useful to victim groups wanting to understand what these bodies do and how they can interact with them.
UN Women. "Identifying Target Audiences." UN Women website, 2012. <a href="https://www.endvawnow.org/en/articles/1204-identifying-target-audiences.html?next=1205">https://www.endvawnow.org/en/articles/1204-identifying-target-audiences.html?next=1205</a> .	This webpage discusses the difference between primary and secondary audiences for advocacy strategies in the specific context of protection of women's movements.
WorldCourts. International Case Law Database, ECOWAS Community Court of Justice. Accessed April 14, 2020. <a href="http://www.worldcourts.com/ecowascj/eng/index.htm">http://www.worldcourts.com/ecowascj/eng/index.htm</a> .	This is a database of ECOWAS Community Court decisions to provide further examples of how regional courts and bodies can influence justice and legal precedent among member states.

## Advocating publicly for justice through strategic communications

Resource	Description
Bales, Susan Nall. "Framing Public Issues," FrameWorks Institute, Washington, DC, 2005. <a href="https://www.frameworksinstitute.org/wp-content/uploads/2020/07/FramingPublicIssuesfinal.pdf">https://www.frameworksinstitute.org/wp-content/uploads/2020/07/FramingPublicIssuesfinal.pdf</a> .	This 60-page toolkit aims to help organizations make their vision and goals accessible to public audiences and to engage them in the same. It focuses on issues that affect children, families, poor people, and communities. It may be helpful to victim groups developing an outreach strategy.

Brown, Rachel Hilary. <i>Defusing Hate: A Strategic Communication Guide to Counteract Dangerous Speech</i> . Washington, DC: United States Holocaust Memorial Museum, 2016. <a href="https://www.ushmm.org/m/pdfs/20160229-Defusing-Hate-Guide.pdf">https://www.ushmm.org/m/pdfs/20160229-Defusing-Hate-Guide.pdf</a> .	This 166-page book is a highly practical resource for actors working to advance peace and prevent and counteract hateful or dangerous speech that incites violence. It may be helpful for victim groups thinking through how to engage with groups in their societies that do not support their justice initiative.
National Council for Voluntary Organisations. "Developing a Communications Strategy." NCVO Knowhow, 2019. <a href="https://knowhow.ncvo.org.uk/campaigns/communications/communications-strategy">https://knowhow.ncvo.org.uk/campaigns/communications/communications-strategy</a> .	This webpage, which includes exercises and downloadable resources, provides an overview of different forms of analysis for developing a communications strategy, including PEST (Political, Economic, Social, and Technical) analysis and SWOT (Strengths, Weaknesses, Opportunities, and Threats) analysis.
UN Women. "Identifying Target Audiences." UN Women website, 2012. <a href="https://www.endvawnow.org/en/articles/1204-identifying-target-audiences.html?next=1205">https://www.endvawnow.org/en/articles/1204-identifying-target-audiences.html?next=1205</a> .	This webpage discusses the difference between primary and secondary audiences for advocacy strategies in the specific context of protection of women's movements.
Van Korlaar, Craig. "Know Your Target Audience: 10 Questions to Ask." Top Nonprofits, 2012. <a href="https://topnonprofits.com/know-your-target-audience-questions/">https://topnonprofits.com/know-your-target-audience-questions/</a> .	This webpage presents 10 questions that organizations can ask to identify and understand their target audience.
WITNESS. "Ethical Guidelines: Using Videos in Human Rights Reporting and Advocacy." Accessed April 14, 2020. <a href="https://www.witness.org/portfolio_page/ethical-guidelines-for-using-videos-in-human-rights-reporting-and-advocacy/">https://www.witness.org/portfolio_page/ethical-guidelines-for-using-videos-in-human-rights-reporting-and-advocacy/</a> .	This website is primarily for those who use videos for reporting or documenting human rights. It may also be useful to anyone who consumes and distributes real-time footage of abuses and atrocities online. It is an interactive toolbox with guidelines for using videos to document human rights abuses and an ethical checklist that includes questions on intent, giving credit and context, and considering the safety and dignity of subjects.
WITNESS. "Video Advocacy Guide." Accessed April 14, 2020. <a href="https://library.witness.org/product/part-1-guide-video-advocacy">https://library.witness.org/product/part-1-guide-video-advocacy</a> .	This video series is an excellent resource for victim groups and others considering whether and how to use video as part of their communications and outreach.

## Anticipating and mitigating the risks and challenges of pursuing justice

Resource	Description
Frontline Defenders. “Tools for HRDs.” Frontline Defenders website. Accessed February 2, 2021. <a href="https://www.frontlinedefenders.org/en/tools-hrds">https://www.frontlinedefenders.org/en/tools-hrds</a> .	This online toolkit for human rights defenders covers a number of topics relevant to security risks associated with human rights work, including applying for protection grants, analyzing risks, maintaining digital security, and other resources for human rights defenders.
Kraemer, Talia, and Eliza Patten. “Establishing a Trauma-Informed Lawyer-Client Relationship (Part One)” <i>Child Law Practice</i> 33, no. 10 (October 2014): 197–202. <a href="http://www.lsc-sf.org/wp-content/uploads/2015/10/Article-Establishing-a-Trauma-Informed-Lawyer-Client-Relationship.pdf">http://www.lsc-sf.org/wp-content/uploads/2015/10/Article-Establishing-a-Trauma-Informed-Lawyer-Client-Relationship.pdf</a> .	This six-page article is geared toward lawyers but gives a clear set of guidelines on interviewing and working with victims of childhood trauma. This article discusses what to expect and how to respond to triggered and traumatized youth.
National Center on Domestic Violence, Trauma and Mental Health. “Trauma-Informed Legal Advocacy: Practice Scenarios Series.” Chicago, 2015. <a href="http://www.nationalcenterdvtraumamh.org/wp-content/uploads/2013/08/TILA-Traumatic_TriggersApr22.pdf">http://www.nationalcenterdvtraumamh.org/wp-content/uploads/2013/08/TILA-Traumatic_TriggersApr22.pdf</a> .	This four-page guide for lawyers and advocates guides readers through a two-step approach to working in a legal capacity with survivors of domestic violence. It involves asking the person what happened from his or her perspective and then assessing the strategies that can be used to support the person. Although the guide focuses specifically on victims of domestic violence, it may be relevant for victim groups that want to adopt a trauma-informed approach in their engagement with victims.
Tactical Technology Collective. “The Holistic Security Manual.” Tactical Tech, Berlin. Accessed February 2, 2021, <a href="https://holistic-security.tacticaltech.org">https://holistic-security.tacticaltech.org</a> .	This manual aims to assist individuals, groups, and organizations to create or enhance their security strategies. It brings together the various components of a security strategy, from digital security to psychosocial security and organizational security.

## Securing funding and support for victim groups to lead justice efforts

Resource	Description
“Applying for Grants.” <i>Community Tool Box</i> website. Accessed December 11, 2020. <a href="https://ctb.ku.edu/en/applying-for-grants">https://ctb.ku.edu/en/applying-for-grants</a> .	This online resource provides guidance to community organizations on how to apply for grants. It covers everything from the grant-writing process to building a proposal that responds to a potential donor’s priorities.

European Commission. “A Guide to EU Funding.” Publications Office of the European Union, Luxembourg, 2017. <https://op.europa.eu/en/publication-detail/-/publication/7d72330a-7020-11e7-b2f2-01aa75ed71a1/language-en/format-PDF/source-32807500>.

This 20-page guide is for individuals or organizations seeking funding from the European Union. It explains various programs and funding sources that are available.

Garbutt, Anne. “Monitoring and Evaluation: A Guide for Small and Diaspora NGOs.” Peer Learning Programme for Small and Diaspora Organisations, Oxford, 2013. <https://www.intrac.org/resources/monitoring-evaluation-guide-small-diaspora-ngos/>.

This short guide, intended for small and diaspora organizations, “clarifies what we mean by monitoring and evaluation and provides some guidance for how to do it well” (1). It may be useful to victim groups developing an evaluation strategy for a proposal or project.

Mroueh, Ahmed. “A Practical Guide for Civil Society Organisations in Lebanon towards Proposal Writing.” Lebanon Support, Mount Lebanon, Lebanon, 2018. <https://civilsociety-centre.org/resource/practical-guide-civil-society-organisations-lebanon-towards-proposal-writing>.

Written for Lebanese civil society organizations, this 37-page guide may be useful to civil society organizations from around the world. It not only explains the donor landscape but walks readers through the proposal-writing process.

Office for the High Commissioner for Human Rights. “Funds and Grants.” In *Working with the United Nations Human Rights Programme: A Handbook for Civil Society*. New York and Geneva: Office for the High Commissioner for Human Rights, 2008. HR/PUB/06/10/Rev.1. <https://www.ohchr.org/EN/AboutUs/CivilSociety/Documents/Handbook.en.pdf>.

Chapter 9 of this 206-page handbook provides advice on the funds and grants for civil society that the Office of the United Nations High Commissioner for Human Rights manages. In addition to providing an overview of what grants and funds are, it also discusses specific funding programs for which victim groups may be eligible.

Shapiro, Janet. “Writing a Funding Proposal Toolkit” CIVICUS: World Alliance for Citizen Participation, Johannesburg, South Africa, n.d. <https://www.civicus.org/documents/toolkits/Writing%20a%20funding%20proposal.pdf>.

This 40-page guide is for people with project ideas that require funding but who have little confidence or experience in fundraising. It discusses the planning and research phase, writing proposals, and post-submission follow-up.

Taylor, Madeleine, Peter Plastrik, Julia Coffman, and Anne Whatley. “Evaluating Networks for Social Change: A Casebook.” Part 2 of a Guide to Network Evaluation. Network Impact, Boston, MA, and Center for Evaluation Innovation, Washington, DC, 2014. [https://www.evaluationinnovation.org/wp-content/uploads/2014/07/%E2%80%8Ewww.networkimpact.org/wp-content/uploads/2014/07/NetworkEvalGuidePt2\\_Casebook\\_Rev.pdf](https://www.evaluationinnovation.org/wp-content/uploads/2014/07/%E2%80%8Ewww.networkimpact.org/wp-content/uploads/2014/07/NetworkEvalGuidePt2_Casebook_Rev.pdf).

Written for “funders, network practitioners, and network evaluators” (rather than civil society organizations), this 44-page casebook discusses different approaches that funders have taken to evaluate networks.

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A LIVING MEMORIAL TO THE HOLOCAUST, the United States Holocaust Memorial Museum inspires citizens and leaders worldwide to confront hatred, prevent genocide, and promote human dignity.

The SIMON-SKJODT CENTER FOR THE PREVENTION OF GENOCIDE OF THE UNITED STATES HOLOCAUST MEMORIAL MUSEUM strives to do for victims of genocide and related crimes against humanity today what was not done for the Jews of Europe. The Center is dedicated to stimulating timely global action to prevent and respond to genocide and related crimes against humanity. Our goal is to make the prevention of genocide a priority for leaders around the world through a multi-pronged program of research, education, and public outreach. We serve as a trusted resource and partner to a range of government officials and have focused in recent years on ISIS's crimes against the Yezidis and other minorities, the Syrian regime's crimes against its citizens, the Burmese military's crimes against that country's Rohingya minority and China's crimes against the Uyghurs, and atrocity crimes, including ethnically-targeted violence, committed in South Sudan. This Handbook was inspired by our partnership with Ben Ferencz, the sole surviving prosecutor for the Nuremberg Trials. It aims to respond to the enduring cries for justice from the victims and survivors we work with.

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