

What role should victims play in transitional justice?

★ Mass atrocities and abuses leave significant scars on society, and transitional justice processes have been applied in countries where such events have occurred to identify the perpetrators and encourage reconciliation. What role should victims play in transitional justice? This question is at the heart of **Professor Tine Destrooper's** work in the Justice Visions project.

The transition from an authoritarian regime to a democratic state has often been driven by people on the ground who mobilised, formed groups and demonstrated on the streets. Public protests, for example, sparked the downfall of dictatorships in several Latin America, South-East Asian and Central European countries in the 1980s and 1990s. “The reason why there was a transition in the first place is often that people mobilised,” says Tine Destrooper, Professor of Transitional Justice at the University of Ghent’s Human Rights Centre. In these countries emerging from violent dictatorships, transitional justice processes have often been applied to deal with the abuses and atrocities committed under earlier regimes.

Yet, today, transitional justice is no longer the prerogative of post-authoritarian or post-conflict countries or countries experiencing ongoing conflict. “We’ve observed a shift whereby mechanisms of transitional justice are now increasingly also being used in countries we tend to call consolidated democracies, to deal with their violent histories of – settler – colonialism,” outlines Professor Destrooper.

A good example is the Truth and Reconciliation Commission which was set up in Canada in 2008 to examine the impact of the country’s residential schools system on indigenous peoples. Similar bodies have also been established in Australia and New Zealand, and most recently, Belgium. These bodies were set up to document and record evidence of past injustices, which



Photograph by Tessa Boeykens.

still affect contemporary society. “That’s particularly relevant if you look at the issue of racial injustice in some consolidated democracies,” says Professor Destrooper, who argues that transitional justice processes also have a wider communicative and expressive function. “They are not there just to identify and punish the perpetrators of abuses. They also send a message about what crimes society decides are deserving of punishment and which injustices we, as a society, deem unacceptable.”

Victim participation in transitional justice

As the Principal Investigator of the Justice Visions project, Professor Destrooper is now looking at the effects of victim participation in transitional justice, with case studies on Guatemala, Cambodia, the DRC and Tunisia, all dealing with past crimes and injustices. Over the last 10 years or so victim participation has become increasingly important in transitional justice, partly because victims know about the context, experienced the crimes that took place and can be agents of change, and partly

because they can help to foster grassroots support for justice processes. “If you want processes to be sustainable, then you have to make sure you have the support and buy-in of local communities,” outlines Professor Destrooper. These people are not just victims. “They are active people, who in some cases were victimized precisely because of their political activism.” In addition to playing a role in international justice processes, they are often active in their own forums, networks and support groups. “We want to look at how these various kinds of involvement can be complementary in supporting transitional justice,” continues Professor Destrooper.

To better understand victims’ priorities and strategies, deeper insights into the experiences of victims are required. This is a pre-requisite for arriving at better forms of victim participation in transitional justice. While the Covid-19 pandemic has disrupted some of the plans to conduct interviews with remote victim communities, Professor Destrooper and her team have already started to analyse how victims are represented in reports, and have been actively



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rethinking the way in which they normally conduct fieldwork. Previously this may have meant one researcher moving into a remote setting for a limited period of time and then coming back with research findings. “Instead we are looking for virtual and other ways to establish more permanent relations and networks with victim communities and their representatives,” underlines Destrooper, who will also be training local research assistants who are already on the ground, as part of the capacity-building objective of the project.

Sharing insights

A practitioner from Guatemala may have a lot to learn from a practitioner from Cambodia, and Professor Destrooper is keen to facilitate the exchange of knowledge and sharing of best practice. To this end, her team established the Justice Visions podcast. “We really wanted to provide an effective platform, particularly to practitioners from the global South, to share their insights. And we wanted to facilitate a conversation between victims, practitioners, scholars and policy-makers, to ensure that we

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While Professor Destrooper is a big believer in the existing international human rights architecture and the protections it offers, she also says care should be taken to ensure that international dynamics do not come to overshadow local efforts at justice-seeking. “Victims may have a very different understanding of justice. They may, for example, prioritize social and economic justice over criminal accountability for individual perpetrators,” she points out. “We need to prevent victims voices and priorities from being erased or rendered invisible from internationally-driven processes, while not throwing over board the actual accountability mechanisms available at that level. Sometimes this may require us to think creatively about what is and is not possible within the existing international architecture, like using universal jurisdiction when there is an international deadlock, as is the case in Syria today for example,” illustrates Destrooper. These creative ways of using international and domestic justice mechanisms may also be relevant to justice actors in other contexts.

don’t fall into the trap of only talking about victims and activists, and not to them, or not giving them a platform.” The current season of the podcast therefore zooms in on some remarkable justice seeking efforts of victims across the world and interprets those in light of what is happening at the international level.

A recent episode featured an interview with the Chilean anthropologist Loreto López, who was involved in recent protests that were ostensibly over transport costs but in reality were about problems yet to be resolved since the fall of the dictatorship. While Chile now has a democratically elected government, the same problems that were there before the fall of the dictatorship still beset the country. There’s still structural violence against indigenous groups, there’s still social inequality. “This shows that structural problems should also be addressed during transitional justice processes to ensure their sustainability,” argues Destrooper. It has been suggested that transitional justice mechanisms could be applied to push for social justice, which is also why, she argues, it is becoming increasingly popular in consolidated democracies dealing with vast injustices.

JUSTICE VISIONS

Righting Victim Participation in Transitional Justice

Project Objectives

How should societies come to terms with large-scale abuses or atrocities perpetrated under previous regimes? And what role should victims play in this process? The victims of abuses and atrocities understand the context in which they occurred and their participation can enhance local trust in transitional justice processes, yet this must be based on a deep understanding of their experiences and priorities. The Justice Visions project aims to examine how the participation of victims in transitional justice processes should be organised, and to look at the long-term effects of this participation.

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