

# VICTIMS AND TRANSITIONAL JUSTICE

Participation  
Mobilisation  
Resistance



## Detailed programme & abstract catalogue

Ghent University  
March 13-15, 2024

Saint Peter's Abbey, Ghent (BE)  
Online

Justice  
Visions



**With deep gratitude to our team & partners**

**International Advisory Board and Ethics Advisor**

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**Justice Visions Research Group**

Tine Destrooper, Brigitte Herremans, Elke Evrard, Cira Pallí-Asperó, Iuliia Anosova, Gretel Mejia Bonifazi, Sofie Verclyte, Sarah Kerremans, Christian 'Cito' Cirhigiri, Marit de Haan

**Operations**

Anna Bollaert, Martine Dewulf, Tiny Vandoorne, Peter Van Damme, Ghent University AV department and students, and volunteers

# Welcome

Dear delegates,

It is with great pleasure that we welcome you to the international conference

*Victims & Transitional Justice: Participation. Mobilisation. Resistance.*

In the past two decades a concern with 'victim participation' has come to dominate transitional justice scholarship and practice. Participation, it has been argued, can be both a locus and driver of transformative change. In an ideal scenario, participation in formal transitional justice mechanisms may offer opportunities to people who have experienced violence to subvert injustices. Innovative participation schemes have therefore been developed in various countries and settings. And a rich body of literature has emerged that on the one hand addresses questions of participatory modalities, and, on the other, formulates a rich critique of current participation discourse(s).

It has, however, become widely accepted that, in order to understand what meaningful participation could look like, we need to look beyond the formal institutions of transitional justice. People who have experienced violence often engage in various informal spaces and processes that exist before, after and around these formal participation opportunities. Jointly, these spaces and processes form a participation eco-system that shapes how victims experience the TJ process.

In this conference, we focus on how victims navigate these eco-systems in their struggle for accountability, truth, repair, non-recurrence, memorialization, redress, and disruption of a harmful status quo. The conference will bring together scholars and practitioners working on topics related to these justice-seeking trajectories of conflict-affected individuals and groups, from the Global South and North, from a range of disciplines, and adopting a range of methods or practices in their work.

Together we will reflect on the most important evolutions in the field. We will build and expand on the extant (academic and practical) knowledge-base to theorize participation in formal and informal spaces as pathways of change. In doing so, we hope to plant the seeds for re-imagining the future of 'victim participation'. We look forward to meeting you at the conference,

The Justice Visions team





**Tine Destrooper** is an Associate Professor at the Faculty of Law and Criminology of Ghent University and Principal Investigator of the ERC-funded Justice Visions project. She was previously director of the Center for Human Rights and Global Justice in New York, and director of the Flemish Peace Institute in Belgium. Her publications and lectures have highlighted the often unforeseen consequences of international interventions for local (groups of) rights-holders.



**Elke Evrard** is a postdoctoral research fellow at the Human Rights Centre of Ghent University, and part of the Justice Visions project. Her work focuses on the nexus of expressive justice theories, victim participation, outreach, and discursive memory making in post-conflict justice processes, with a particular interest in interdisciplinary and mixed method approaches.



**Brigitte Herremans** is a postdoctoral research fellow at the Human Rights Centre of Ghent University. She is part of the inter-institutional iBOF project "Future-proofing human rights: Developing thicker forms of accountability". She examines the relation between arts and accountability in the Syrian and Palestinian contexts. In her doctoral research project, Brigitte investigated the potential of artistic practices to 'open up' the justice imagination in the Syrian context.

## Meet the conveners

## Conference streams

The conference structure revolves around five distinct thematic and linguistic streams, each representing different facets in studying and understanding victims' justice-seeking trajectories.

### STREAM 1 • Institutional innovation and impact

While proposing an eco-systemic approach to participation, formal TJ mechanisms continue to have a decisive importance in many TJ processes and for many victims. This stream explores which innovations are happening or should be encouraged on the side of institutional actors, and what the micro-, meso-, and macro effects thereof are.

### STREAM 2 • Participation as lived experience

In order to understand what meaningful participation could look like, we simultaneously need to look at victims' broader trajectories of actions, involving formal and informal spaces, and multiple phases and forms of engagement. This thematic stream examines expectations, experiences, epistemologies and ambitions along these trajectories, and how lived experiences and (non)-scripted spaces interact.

### STREAM 3 • Knowledge approaches

As TJ discourses and tools travelled to new contexts, and as the voice of critical scholars became more prominent, this has resulted in a necessary deconstruction of taken-for-granted dimensions of TJ, from its ontological and epistemological roots to its predominant (legal) approaches. This stream will explore how we can reconstruct the practice of TJ on the basis of these new knowledge approaches.

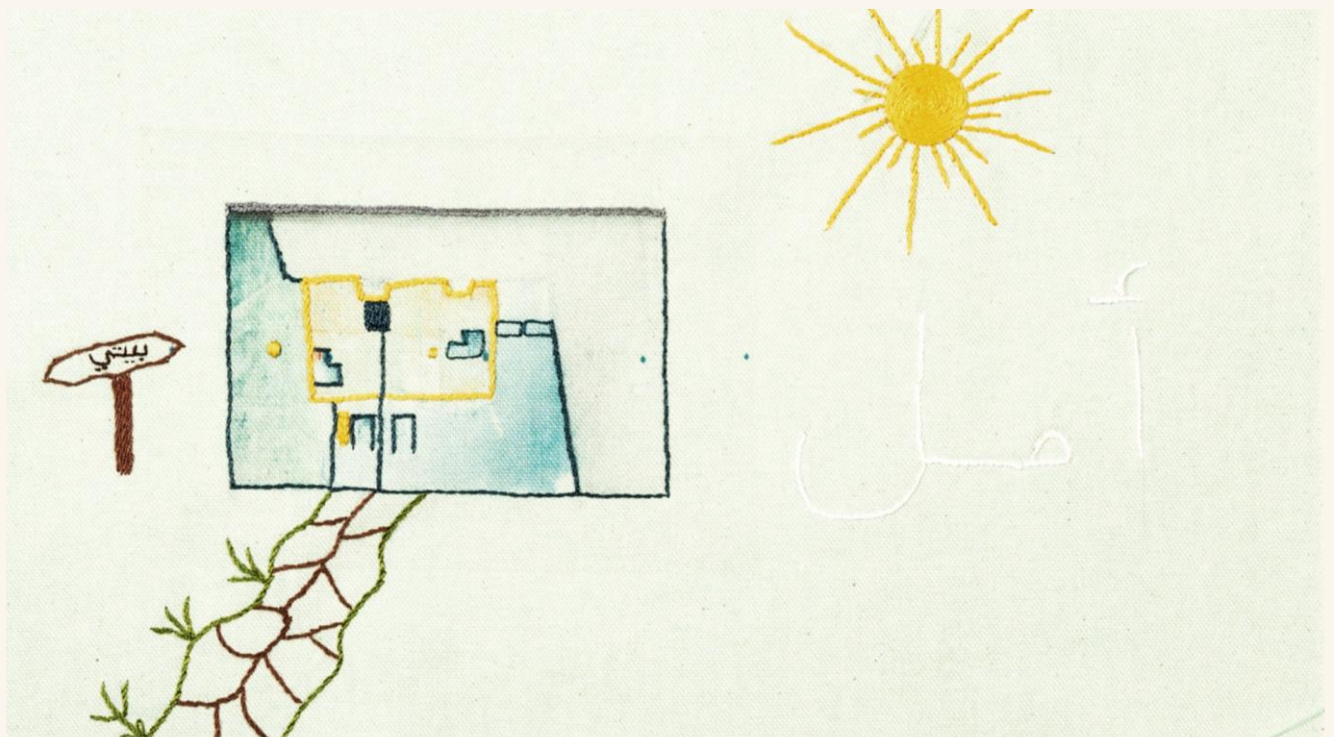
### STREAM 4 • Beyond participation

When approaching participation in an eco-systemic manner and as a trajectory, the very concept potentially comes to mean something completely different from how it has typically been approached in academic and practitioner debates. This thematic stream looks beyond participation in formal and paradigmatic transitional justice mechanisms at other dynamics that have a potentially more radical, disruptive or innovative potential.

### STREAM 5 • Spanish-speaking stream

We will also host a Spanish-spoken stream which includes research contributions on Colombia, Chile, Spain and other regions, and on multiple topics including memory, the search for the missing, collective action and gendered perspectives.

# PRACTICAL INFO



# Timetable

CET	Wednesday 13 March	Thursday 14 March	Friday 15 March	
8:30-9:00		Registration	Registration	
9:00-10:00		<a href="#">Justice Visions plenary</a>	<a href="#">Justice Visions plenary</a>	
10:00-10:30		Coffee break	Coffee break	
10:30-12:00		<a href="#">Parallel sessions A</a>	<a href="#">Parallel sessions D</a>	
12:00-13:00		Lunch	Lunch	
13:00-14:30	Registration	<a href="#">Parallel sessions B</a>	<a href="#">Parallel sessions E</a>	
14:30-15:00		Coffee break	Coffee break	
15:00-16:30		<a href="#">Exposition 'Migrating Heritage' &amp; Multimedia exhibit</a>	<a href="#">Parallel sessions C</a>	<a href="#">Parallel sessions F</a>
16:30-17:00		Coffee break	Coffee break	
17:00-18:00	<a href="#">Conference kick-off &amp; Keynote lecture</a>	<a href="#">Practitioner roundtable</a>	<a href="#">Closing remarks</a>	
18:00-18:30				
18:30-19:00				
19:00-20:00	Welcome reception			
20:00-20:30				
20:30-21:30		<a href="#">Concert &amp; talk back</a>		

**Saturday 16 March** 10:00-12:30 Decolonial walk in Ghent





## Venue

Conference activities will take place in the beautiful historical [Sint-Pieters Abbey](#) in the city centre of Ghent, located at Sint-Pietersplein 9, 9000 Ghent. Detailed arrival instructions are provided on the conference website. The registration desk for in-person delegates to collect their badge is located close to the entrance.

In Sint-Pieters Abbey, activities will mainly take place in the following rooms:

- A. Chapter Room
- B. Lady's Mantle
- C. Calefactory
- D. Lavender
- E. Rosemary
- F. Lounge Between Heaven and Earth



The concert and talkback on Thursday evening will take place in movie theatre '[Plateau](#)', at Paddenhoek 3. The decolonial walk on Saturday morning will start from the entrance of library '[De Krook](#)', at Miriam Makebaplein 1. These locations can be easily reached by foot, or using public transport, as described on the website.



## Online

In an effort to be more inclusive and accessible to a global audience, we will livestream plenary sessions and offer an online program. Delegates presenting online can use the meeting links shared with them via email and via the website to gain access to their sessions, and other online sessions they wish to attend.

An overview of the hybrid and online panels and roundtables can be found on the [website](#). The format for each activity is also indicated in the programme, and a filter can be used on the website to view activities that are accessible online.

The following in-person sessions will be livestreamed:

- Conference Kick-off & Keynote Session (Wednesday)
- Justice Visions Plenaries (Thursday and Friday)
- Closing Remarks (Friday)

For non-presenting delegates, online participation is free of charge but registration is required to access the meeting links on the conference website. We have also allocated conference rooms for on-site delegates who wish to attend online panels of interest, as indicated in the programme. *Please note that due to high demand, we have also opened hybrid panels to online audiences.*

## Sustainability notice

For those attending the Ghent-based event in person, we strongly encourage you to use public transport for your travel whenever possible. We ensure local, sustainable, and vegan/vegetarian catering throughout the event. We will not print the conference brochure, and will limit single-use materials.



# PROGRAMME CONTENT





## Gerardo Salinas

Gerardo Salinas was born in Argentina, where he studied literature at the University of Buenos Aires. He later worked as an editor and editor in chief on various projects and publications. He published *- 7* (2010, poems and essays) and *El Cañón de Vladivostok* (2012, novel) for Editorial Clase Turista. Currently he works as a city dramaturge at KVS, the Royal Flemish Theatre in Brussels.

Gerardo is an active participant in the struggle for justice and lawsuits against the former junta during the military dictatorship (1976-1983). When he was three years old, his father and uncle were kidnapped, tortured, and murdered.

For forty years, Gerardo has been searching for the truth about their fate. As a playwright at KVS, he transforms that quest into art. This year, he presents an installation at the MAS museum in Antwerp featuring stories about the Argentinian dictatorship.



## Rosalina Tuyuc Velásquez

Rosalina Tuyuc Velásquez is a Guatemalan Mayan human rights activist and politician. During Guatemala's protracted civil conflict, both her father and husband were abducted, tortured, and presumed murdered. In response, in 1988, together with other affected women, she founded the National Association of Guatemalan Widows (CONAVIGUA), now a leading human rights organization in Guatemala.

Rosalina served as a Congressional deputy from the national list of the New Guatemala Democratic Front in 1995, also holding the position of Vice President of Congress. She became one of the first Mayan women to win a seat in Congress.

She was awarded the French Ordre national de la Légion d'honneur in 1994 for her humanitarian activities. In 2004, she was appointed to chair the Guatemalan National Reparations Commission. She received the Niwano Peace Prize from the Niwano Peace Foundation of Japan in 2012 for her dedication to peace and activism.



## Julissa Mantilla Falcón

Julissa Mantilla Falcón is a Professor at the Law School and Human Rights Master of the Pontificia Universidad Católica of Peru. She was a commissioner of the Inter-American Commission on Human Rights (IACHR, 2020-2023), where she was also the rapporteur for women's rights, migrants, the elderly and issues of memory, truth and justice. She was the President of the IACHR in 2022.

Julissa was an International Advisor on Gender and Transitional Justice for UN Women in Colombia (2008-2015), and a member of the Criminal Policy Commission created by the Ministry of Justice and Human Rights of Colombia. She was selected as an Amicus Curiae Foreign Jurist before the Tribunal for Peace of the Special Jurisdiction for Peace in Colombia.

Previously, she was the Gender Officer of the Truth and Reconciliation Commission of Peru (2001-2003), in charge of the investigation of sexual violence cases during the armed conflict. Moreover, she was part of international missions in Colombia (peace process, UN Women 2017) and El Salvador (International Bar Association, IBAHRI, 2017).



**Luke  
Moffett**

Professor Luke Moffett is chair of Human Rights and International Humanitarian Law at Queen's University Belfast. He is author of two monographs, *Justice for Victims before the International Criminal Court* (Routledge 2014) and *Reparations and War* (2023).

He is co-editor with Dr. Lawther of the Elgar Research Handbook of Transitional Justice. He has worked with a number of victim groups and human rights NGOs around the world on victims' rights and redress.

His research expertise includes the role of reparations in addressing past violations, the role of law in adjudicating on armed conflict and the construction of victims' rights in domestic and international processes.



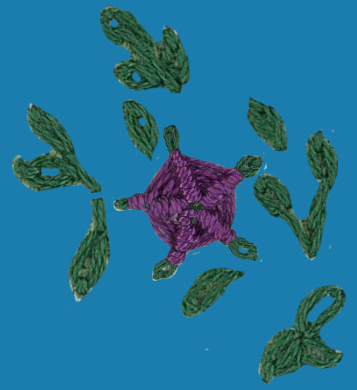
**Sofie  
Verclyte**

Sofie Verclyte is a designer-researcher at the HOGENT School of Arts and the Human Rights Centre of Ghent University. By building on insights from the field of design- and legal anthropology, she explores artistic practices as a narrative in the context of conflict and displacement, particularly the unique role of embroidery practices as a means of storytelling in the domain of justice.




**Migrating  
Heritage**

The exhibition 'Migrating Heritage' stems from Sofie's artistic research project. It features individual embroidered stories by Syrian women artisans who were forcibly displaced to Shatila, Lebanon, as well as co-created embroidered collages. Furthermore, it includes photographs of documentary photographer Aaron Lapeirre that visualise the (making)context.



## Wednesday 13 March

13:00 – 16:30 EXPOSITION 'Migrating Heritage' & JUSTICE VISIONS MULTIMEDIA EXHIBIT

 *In-person, Lounge Between Heaven and Earth*

Sofie Verclyte, Researcher at KASK & Conservatorium (school of arts HOGENT) and the Human Rights Centre at Ghent University & members of the Justice Visions team

17:00 – 19:00 CONFERENCE KICK-OFF AND KEYNOTE LECTURE

 *In-person & streamed online, Chapter Room*

Welcome by Dr. Michel Tison, Dean of the Faculty of Law and Criminology of Ghent University  
Project & conference highlights by Dr. Tine Destrooper, Professor Transitional Justice at the Human Rights Centre of Ghent University and Principal Investigator of the Justice Visions project

KEYNOTE LECTURE 'When Victims Fight for Justice: A Conversation between Arts, Activism, Academia and Institutions'

Gerardo Salinas, Argentinian theatre maker, city dramaturge at Royal Flemish Theatre  
Rosalina Tuyuc Velásquez, Mayan human rights activist and co-founder of the National Association of Guatemalan Widows (CONAVIGUA)

Dr. Luke Moffett, Professor at Queen's University Belfast, School of Law

Dr. Julissa Mantilla, Professor at the Catholic university of Peru, former President of the Inter-American Commission on Human Rights, former Rapporteur on the Rights of Women and on Memory, Truth and Justice

19:00 – 20:30 WELCOME RECEPTION

 *In-person, East Corridor (outside Chapter Room)*





**Evelyne  
Schmid**

Evelyne Schmid is a Professor of Public International Law at the University of Lausanne. She was previously based at the Universität Basel, Bangor University, and at the Graduate Institute of International and Development Studies.

Professor Schmid's research interests include positive obligations in international law, economic and social rights, in particular during armed conflicts and their aftermath, and international law and domestic law-making, particularly in multi-level systems.

Professor Schmid was Vice-President of the European Society of International Law and also acted as the project coordinator for the International Criminal Court's Legal Tools Project at TRIAL International. She is the author of *Taking Economic, Social and Cultural Rights Seriously in International Criminal Law*, which received the Christiane-Rajewsky Award in 2016.



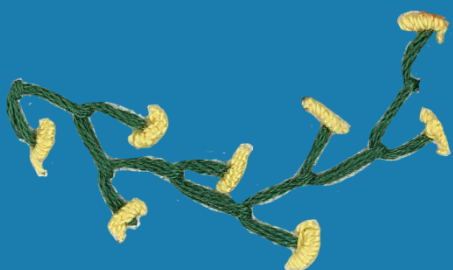
**Justice**

## Visions Team

Brigitte Herremans, Gretel Mejía Bonifazi, Elke Evrard & Christian 'Cito' Cirhigiri are part of the international team of PhD fellows who carried out research for the Justice Visions project, studying transitional justice processes in different contexts including Syria, Guatemala, Cambodia and the Democratic Republic of the Congo.

In addition to supporting the project's valorisation efforts, Brigitte, Gretel and Elke remain involved in various research projects at the Human Rights Centre of Ghent University, focussing on topics including accountability, memory and reparations.

Christian is currently Policy Officer for Digital Peacebuilding at Search for Common Ground, a non-governmental peacebuilding organisation based in Brussels, and leads a communication nonprofit that connects young peacebuilders worldwide through storytelling.



## Jeannette Rosentreter

Jeannette Rosentreter Zamora is a psychologist and lecturer in human rights, victimology and public policies at the Pontifical Catholic University of Valparaíso in Chile. She has worked at the Centre for Attention to Victims of Violent Crimes and in the National Institute of Human Rights of Chile. She was Head of a Program for Reparation and Comprehensive Care in Health and Human Rights in Chile. She is author of the book “The United Nations Istanbul Protocol and the investigation of torture during democracy in Chile” published in 2022.

## Anas Tello

Anas Tello is the Advocacy and Campaigns Manager with Women Now for Development. He holds a degree in architecture from the University of Damascus in 2013 and a master's degree in Socio-Anthropology of the City from the Lebanese University in 2021. Anas specializes in community organizing and he is a trainer on several topics, including community organizing, citizenship, transitional justice, and gender issues.

## Dominique Kambala

Dominique Kambala Nkongolo is former President of the Central Kasai Bar Association, member of the Conseil National de l'Ordre des Avocats de la RDC and Chairman of the Administrative and External Relations Commission. He is Rapporteur for the provincial Truth, Justice and Reconciliation Commission for Kasai Central, head of the Pedagogical University of Kananga and Managing Director of the Congolese Society for the Rule of Law.

## Ma. Lourdes Veneracion

Ma. Lourdes Veneracion is an Associate Professor at the Department of Political Science, Ateneo de Manila University. As a feminist political scientist, she teaches on gender and transitional justice, women's human rights, and women, peace and security. She is the Director of the Asia Pacific Center for the Responsibility to Protect-Philippine Office, and Vice President of the Philippine Political Science Association. She served as Consultant on the National Action Plan on Women, Peace and Security, as well as Senior Gender Adviser to the Transitional Justice and Reconciliation Commission for the Bangsamoro. She has served as consultant, senior/technical expert, and adviser to institutions such as UN Women, ASEAN Intergovernmental Commission on Human Rights, among many others.

## Hamza Ben Nasr

Hamza Ben Nasr is Transitional Justice Coordinator at the Tunis office of the international NGO Lawyers Without Borders. He is also a coordinator of the Tunisian Coalition for Transitional Justice, a network of civil society organisations working to promote and defend the principles of transitional justice in the country.



## Houcine Bouchiba

Houcine Bouchiba is a Tunisian human rights activist, transitional justice expert and former president of the Al-Karama victims' association. He was a victim of the Ben Ali regime and imprisoned twice for his activism. After the Tunisian revolution, he accompanied the transitional justice process from the very start and contributed throughout as a representative of the Tunisian Coalition for Transitional Justice. He has also collaborated on several projects and publications with the University of York and participated twice in the Periodic Universal Review.

## Mónica Mazariegos

Mónica Mazariegos Rodas is coordinator of the Department of Legal and Political Research of the Institute for Research in Socio-Humanistic Sciences, at the Rafael Landívar University of Guatemala, and Professor on Gender and Human Rights at the Faculty of Law. She is organising member of the Memory Truth Justice International Film Festival in Guatemala. She has a doctorate in Human Rights and Philosophy of Law and has carried out research stays at the Center for Social Studies of the University of Coimbra, the University of Vienna and the Max Planck Institute of Comparative Public Law and International Law in Heidelberg.

## Khuochsopheaktra Tim

Khuochsopheaktra Tim is Programme Officer at the Raoul Wallenberg Institute, Cambodia Office, where she focusses on statelessness, indigenous communities, and transitional justice projects. Previously a Local Peace Expert with the GIZ-Civil Peace Service program at Tuol Sleng Genocide Museum, her work engages with building research capacity and educating Cambodian youth about the Democratic Kampuchea regime. She co-authored multiple research papers, including 'Duty Not to Forget' the Past? Perceptions of Young Cambodians on the Memorialization of the Khmer Rouge Regime (2019) and the Life Stories of S-21 Prisoners (2021), available on the Khmer Rouge History Learning App.



**Hugo  
van der Merwe**

Hugo van der Merwe is Head of National Advocacy and Technical Support for the Global Survivors Fund. Before joining GSF, he worked at the Centre for the Study of Violence and Reconciliation in South Africa as Manager of the Transitional Justice Programme and Director of Research. He was also the founding Editor-in-Chief of the International Journal of Transitional Justice from 2007-2022.

He has been involved in research, advocacy and intervention projects in South Africa and across the African continent, through collaborations with African and international CSOs, academic partners and the African Union. His work and publications cover issues like reparations, conflict-related sexual violence, truth commissions, prosecutions, amnesties, ex-combatant reintegration, community reconciliation and corporate accountability.





**Shalan  
Alhamwy**

Shalan Alhamwy is a versatile musician with roots in Syria and Belgium, excelling as a violinist, composer, teacher, and photographer. With classical training and a diverse musical background in Western, Arabic, and Turkish music, Shalan effortlessly blends these styles in his musical performances and compositions.

He has been commissioned by world-renowned orchestras, including the WDR Radio Orchestra and Kammersymphonie Berlin, and has written music for ensembles, films, and TV shows. He performs with Damast Duo, Olla vogala, and the Expat Philharmonic Orchestra and is artistic director of Jiraan Ensemble and Picea Orientalis.



**Jonas  
Malfliet**

Jonas Malfliet is a Belgian musician and composer who plays a wide range of musical styles on accordion and piano. Since leaving his law practice behind, he has toured Europe, China, Congo, and South-Africa with world music bands such as Les Poissons Voyageurs and Les Busiciens.

With violinist Shalan Alhamwy he formed Damast Duo, he is band leader of the Brazilian party band Euforó, he is part of the Syrian-Turkish-Belgian world music orchestra Jiraan, and is resident pianist on Radio 2's satiric programme "De Rechtvaardige Rechters". He is also involved in theatre productions as a multi-instrumentalist and actor.



**Paul  
Gready**

Paul Gready is Professor of Applied Human Rights and Director of the Centre for Applied Human Rights at the University of York. Paul currently serves as the UNESCO Chair in Protection of Human Rights Defenders and Expansion of Political Space, and leads the collaborative and interdisciplinary research project 'Can the Arts Save Human Rights: Human Rights Truth-Claims in a Post Truth Era.'

Prior to coming to York, Paul worked at the University of London. He helped to establish the Journal of Human Rights Practice, where he is still a co-editor. He has published widely on transitional and transformative justice. Before entering the academy he worked for Amnesty International (on East and Southern Africa, and India), and for a number of other international and national human rights organisations.



**Damast Duo**

Shalan and Jonas together form Damast Duo. In 2018 the duo recorded their first album Safar, a musical journey between Syria and Belgium, and in 2020 they recorded Birds of Passage.

## Thursday 14 March

9:00 – 10:00    PLENARY SESSION 'Looking Back: Challenges, Opportunities & Disruption in TJ Research'


 *In-person & streamed online, Chapter Room*

Conversation with Justice Visions researchers Dr. Brigitte Herremans, Dr. Elke Evrard, Gretel Mejía Bonifazi & Christian 'Cito' Cirhigiri

Moderated by Dr. Evelyne Schmid, Professor of International Law, University of Lausanne (UNIL),  
International Advisory Board Member of Justice Visions

10:30 – 12:00    PARALLEL SESSIONS A

### Stream 1 • Panel: TJ through the Lens of International Criminal Justice

 *Hybrid, Chapter Room*

Catalyzing Victim-oriented Justice Nationally and in The Hague Through an Inclusive Complementarity Division: A Design Proposal

*Dr. Miracle Chinwenmeri Uche*

To what Extent Judicial Mediation Answers the Dilemmas of International Criminal Legal System

*Judge Mostafa Mohamed Helmy Ahmed Elsherif*

Victim Participation at a Crossroad: A Promising Avenue Forward or Not?


*Dr. Rudina Jasini (online)*

Sexual and Gender-based Violence Victims and International Criminal Tribunals: A Symbiotic Relationship?

*Dr. Marie Wilmet*

Chair: Dr. Brianne McGonigle Leyh

### Stream 2 • Panel: The Politics of Victimhood, Memory and Reparation

 *In-person, Lady's Mantle*

Reparations as Resistance

*Dr. Luke Moffett*

The Political Purpose of Victim Participation: Omens for Memorialisation 'From Above' in NI

*Micheál Hearty*

Victimhood, Agency and the Mobilisation of Empathy

*Dr. Cheryl Lawther*

Who are Franco's Victims? The Political Life of a Social and Legal Category

*Dr. Vincent Druliolle*

Chair: Gretel Mejía Bonifazi

**Stream 2 • Panel: Participation, Innovation and Contestation in Colombia**

 *In-person, Calefactory*

Activism of Afro-descendant Grassroots Organisations and its Impact on Colombian Transitional Justice

*Dr. Adelaida Ibarra*

Breaking the Mould? Social Movements and the "Ideal Victim" of Sexual and Gender-based Violence in Colombia's Transitional Justice

*Daniela Suárez Vargas*

Bridging the Gap: Transitional Justice, Victims, and Businesses and Human Rights in Colombia

*Marta Paricio Montesinos*

Weaving Ontologies: Intercultural and Interlegal Translators at the JEP


*Nina Bries Silva*

Living Participation in Transitional Justice Mechanisms: Enabling and Constraining Factors in the Special Jurisdiction for Peace Model (Colombia)

*Juliana Galindo Villarreal & Rebeca Huete Salazar*

Chair: Christian 'Cito' Cirhigiri

**Stream 4 • Roundtable: Experiences of Gambian Survivors in Domestic and Universal Jurisdiction Cases**

 *Online, Lavender*

Speakers:

*Fatoumatta Sandeng Darboe*

*Muhammed Sandeng*

*Isatou Jammeh*

Chair: Dr. Nina Burri

**Stream 5 • Panel: Justicia Transicional en América Latina: Experiencias de Victimización, Búsqueda y Memoria**

 *Hybrid, Rosemary*

¿Quién es una Víctima?: Geopolíticas Imperiales de Gobierno del Sufrimiento

*Alejandra del Rocio Bello Urrego*

Armar el Relato de Nuestro Pasado: La Experiencia del Proyecto Memorízate

*Nadia Gayoso de la Calle (online)*

Vínculos entre la Lucha contra la Desaparición Forzada y la Construcción de Paz


*Sabina Puig Cartes & Sílvia Plana Subirana*

Chair: Sarah Kerremans



13:00 – 14:30 PARALLEL SESSIONS B

**Stream 2 • Panel: The Distributional Outcomes Crafted by Transitional Architecture: Victim-Centered Spaces in Colombia's Transitional Processes, Debates and Institutions**

 *In-person, Chapter Room*

Transitional Justice and Racialized Victims' Participation: Understanding the Interaction between Ancestral Authorities of Indigenous and Afro-Colombian Communities and Transitional Judicial Authorities in Colombia

*Yuri Alexander Romaña-Rivas*

The Complementarity Paradigm: Tracing the Transitional Justice Blueprint in the Inter-American System of Human Rights

*Anamaría Muñoz Rincón*

Childhood Exposure to Wartime Practices: Shifting Perspectives on Criminal Responsibility and Complex Political Victims

*Laura Acosta-Zárate*

Victims of the Conflict, Conflicts over the Victims: Building Narratives and Opportunities of Participation Shaping the Definition of 'Victims'

*Juan Rivera-Rugeles*

Chair: Anamaría Muñoz Rincón / Discussant: Ricardo Medina-Rico

**Stream 2 • Panel: Unpacking Victim Mobilisation around Transitional Justice**

 *In-person, Lady's Mantle*

Long-term Victim Activism in a Context of Historical Injustice: The Case of Guatemala

*Dr. Eva Willems & Kim Baudewijns*

Classification and Compensation of Victims. How Conflicts Shape Reparations in Post-War Justice

*Dr. Thorsten Bonacker*

Navigating Non-Transition: Grassroots Victim Mobilization and the Pursuit of Transitional Justice in Turkey and Morocco

*Pia Falschebner & Dr. Nisan Alici*

Connecting Procedural Justice Concerns and Understandings of Victim Participation in Search Processes: Lessons Learnt from Colombia and El Salvador

*Dr. Briony Jones & Dr. Mina Rauschenbach*

Chair: Álvaro Okura

**Stream 3 • Panel: 'Aparadigmatic' TJ: Spotlight on Syria**


 *In-person, Lavender*

**Victim-centric Justice in the Syrian Context***Wladimir Santana Fernandes***Understanding a Local-Centred Approach in Syria***Roua Al Taweel***On Postcolonial Violence and the Post-Revolutionary Diasporic Agency: Syrian Justice Beyond the Koblenz Trials***Maria Hartmann & Dr. Mina Ibrahim*

Chair: Dr. Brigitte Herremans


**Stream 4 • Panel: Historical Abuse, Colonial Violence and Victims' Mobilisation for Justice** *Hybrid, Calefactory***Colonial Violence Heritages and the De-Voiced: Re-sculpting Participation***Dr. Benjamin Thorne & Dr. Vicky Kapogianni***Historical Abuse in Dutch Catholic Institutions: A Qualitative Study of Victim-survivors' Experiences with Redress Procedures***Naomi Ormskerk***Lavvos in Front of the Parliament: The Norwegian TRC and Conflict over Land and Water***Dr. Anne Margrethe Sønneland & Dr. Carola Lingaas (online)*

Chair: Dr. Cira Pallí-Asperó

  
15:00 – 16:30    PARALLEL SESSIONS C**Stream 1 • Panel: TJ in Consolidated Democracies: Insights from the US & Netherlands** *Hybrid, Lady's Mantle***Truth Processes and Victim Participation in the United States of America***Dr. Brianne McGonigle Leyh***Localizing and Globalizing Truth: U.S. Transitional Justice in Comparative Context***Dr. Adriana Rudling (online)***A Momentum for Historical Injustice? Comparing Land Mark Cases in Civil Court***Dr. Niké Wentholt***From Reparations to Repair in Civil Courts and the Public Debate? The Dutch Slavery and Colonial Past through a Transformative Justice Lens***Dr. Nicole Immler*

Chair: Dr. Tine Destrooper

**Stream 2 • Panel: Tracing Victim-Participant Trajectories in Latin America**

 *Hybrid, Lavender*

Despite the law: Strategies for Victim Engagement in Three Brazilian Truth Commissions

*Álvaro Okura*

Stories of pain and courage: Assuming responsibility for justice

*Dr. Anne Margrethe Sønneland (online)*

The Feminist Origins of the Right to Truth: Women as Merely Ancillary Subjects in Truth Commission in Latin America?


*Dr. Paula Cuellar Cuellar (online)*

The Legacies of Collective Action: Why Families of Disappeared Persons Mobilized in Mexico 2001-2014

*Laura López-Pérez*

Chair: Kim Baudewijns

**Stream 3 • Panel: Diversifying Epistemologies and Methodologies in, against, and beyond Transitional Justice**

 *Online, Chapter Room*

“Visible Mending” and Transitional Justice

*Dr. Matthew Evans*

Decentering and Decolonising the Field of Transitional Justice: Lessons from the Work of Colombia's Truth Commission

*Dr. Claire Wright*

Victim Mobilisation as Participation and Transformation in Transitional Justice: Families of the Missing in Nepal

*Dr. Simon Robins & Ram Kumar Bhandari*

The Transitional Justice Citizen: From Justice Receiver to Justice Seeker

*Dr. Briony Jones*

Understanding the Implications of Victimhood Identity in Turkey's Kurdish Conflict

*Dr. Nisan Alici*

Chair: Dr. Matthew Evans

**Stream 4 • Panel: Victim-Driven Justice: ‘Participation’ as Labour, Agency and Resistance**

 *Hybrid, Cafefactory*

Victim-driven Resistance. A New Framework

*Dr. Valeria Vegh Weis (online)*

#Workingforjustice: Victim Participation as Labour

*Dr. Leila Ullrich (online)*

Shifting Directional Translation of Transitional Justice Rhetoric: The Role of Civil Society in Facilitating Advocacy and Mobilisation of Grassroots Transitional Justice Practices in Liberia

*Kelsey Rhude*

Empowering Agency: Crafting Participatory Methodologies for People-Centered Justice

*Rebeca Huete Salazar & Juliana Galindo Villarreal*

Conceptualizing Mnemonic Resistance to Autocratization

*Simone Benazzo*

Chair: Dr. Arne Vandenberg

### Stream 5 • Panel: Experiencias de Justicia Transicional en Chile: Reflexiones y Desafíos

 *Hybrid, Rosemary*

Counting the Missing, Counting the Dead? Navegando Espacios Liminales en la Construcción Participativa de Mecanismos de Búsqueda de Personas Detenidas-Desaparecidas – El Caso de Chile

*Dr. Cath Collins (online)*

Participación de las Víctimas en Chile: Justicia, Verdad, Reparación y Memoria


*Dr. Pietro Sferrazza (online) & Francisco Bustos*

El Proceso de Justicia Transicional para las Mujeres Desaparecidas, Ejecutadas, Ex Presas Políticas en Chile

*Boris Hau (online)*

Chair: Dr. Marit de Haan

  
17:00 – 18:30 PLENARY PRACTITIONER ROUNDTABLE 'How Grassroots Innovations Travel'

 *In-person, Calefactory*

Dr. Ma. Lourdes Veneracion, Associate Professor at the Department of Political Science, Ateneo de Manila University, Philippines

Anas Tello, Syrian Human Rights Activist, Advocacy and Community Organizing Manager at Women Now for Development

Jeannette Rosentreter, Psychologist and Lecturer at Universidad Católica de Valparaíso, Chile

Houcine Bouchiba, Tunisian Human Rights Activist, Founder of the Al-Karama Association, Representative and former Secretary of the Tunisian Coalition for Transitional Justice

Hamza Ben Nasr, Transitional Justice Coordinator for Lawyers Without Borders, Coordinator at the Tunisian Coalition for Transitional Justice


Khuochsopheaktra Tim, Programme Officer at the Raoul Wallenberg Institute in Cambodia

Dr. Mónica Mazariegos, Professor and Coordinator of the legal and political research department, Universidad Rafael Landívar

Dominique Kambala Nkongolo, former President of the Central Kasai Bar Association, Rapporteur for the provincial Truth, Justice and Reconciliation Commission for Kasai Central

Moderated by Dr. Hugo van der Merwe, Senior Advocacy and Policy Officer at Global Survivors Fund & Ethics Advisor of Justice Visions

20:00 – 21:30 CONCERT & TALK BACK

 *In-person, movie theatre 'Plateau', Paddenhoek 3*

Concert by Damast Duo, with violinist Shalan Alhamwy and accordionist Jonas Malfliet

TALK BACK 'What Can the Arts Do for Transitional Justice?'

Shalan Alhamwy, musician and composer, performer with Damast Duo, Olla vogala and the Expat Philharmonic Orchestra, artistic director of Jiraan Ensemble and Picea Orientalis

Dr. Brigitte Herremans, Justice Visions researcher

Dr. Paul Gready, Professor of Applied Human Rights and Director of the Centre for Applied Human Rights at the University of York, coordinator of the project 'Can the Arts Save Human Rights?'







## Laurel Fletcher

Laurel E. Fletcher is Chancellor's Clinical Professor of Law at UC Berkeley, School of Law where she co-directs the International Human Rights Law Clinic. She practices and writes in the areas of human rights, humanitarian law, international criminal justice, and transitional justice. At the Clinic, she utilizes an interdisciplinary, problem-based approach to human rights research, advocacy, and policy.

She has represented victims in international forums, advocated on behalf of human rights groups before UN mechanisms and within domestic and foreign policy making settings, and studied the experiences of victims of systemic human rights violations in settings ranging from human trafficking to detention at Guantanamo Bay.

She served as co-Editor-in-Chief of the *International Journal of Transitional Justice* (2011-2015). Laurel was selected as a Herbert Smith Freehills Visitor to the Faculty of Law in the University of Cambridge for 2019.



## Tine Destrooper

Tine Destrooper is the director of Justice Visions and an associate professor at the Human Rights Centre of the Faculty of Law and Criminology of Ghent University. She is also the coordinator of a cross-institutional project on future-proofing human rights accountability, and works on various case studies regarding transitional justice in paradigmatic contexts.

She is currently a member of the Flemish Young Academy, a Board member of the Flemish Human Rights Institute, an advisory board member of the Hannah Arendt Institute, and the co-chair of the Human Rights Research Network of Ghent University. She is also a co-editor of the *Journal of Human Rights Practice*.

Previously, she held positions at various European and American institutions, including New York University, the European University Institute, Leiden University, Wissenschaftskolleg Berlin and the Universities of Antwerp and Leuven.



## Giselle Corradi

Giselle Corradi is the coordinator of the Interdisciplinary Research Consortium 'UGent Human Rights Research Network.' The consortium brings together Ghent University researchers across different faculties working on human rights in order to further interdisciplinary collaboration, increase excellent human rights research and advance the societal impact of this research in close collaboration with societal stakeholders.

Between 2008 and 2018, Giselle conducted legal anthropological research on human rights and legal pluralism within several research projects carried out at the Human Rights Centre, in various contexts in Latin America and sub-Saharan Africa. Her interests and expertise include indigenous and customary law, law and gender, and law and development.



**Louis  
Bickford**

Louis Bickford has worked on the collective memory of past episodes of violence, conflict, genocide, or crimes against humanity for over 20 years. As the Director of the “Memory, Monuments, and Museums” program at ICTJ, where he was a founding staff member and member of the leadership team, he worked on memory and accountability in countries like Bosnia, Cambodia, Canada, Ghana, Morocco, and Peru, among others.

He later worked at RFK Human Rights as a member of the Executive Leadership team, and as the director of the European Office. From 2012-2017, he managed the Global Human Rights program at the Ford Foundation. He has consulted on truth commissions, memory, memorials, sites, and museums, as well as philanthropic strategies in human rights more broadly.

He is currently the Founder and CEO of MEMRIA, a social enterprise which develops partnerships with organizations to collect, analyze, and circulate narrative accounts of past violence with the aim of strengthening human rights and collective memory, and is collaborating with the Truth Commission in Colombia on a community history-telling project. He is also an adjunct professor at Columbia University and New York University, where he teaches regular graduate seminars on human rights.



**Gretel Mejía  
Bonifazi**

Gretel Mejía Bonifazi is a PhD researcher at the Human Rights Centre of Ghent University. She is a Guatemalan lawyer specialized in human rights. She holds a law degree from San Carlos University (2015) and an MA in Human Rights from the University of Erlangen-Nuremberg (2017).

Before joining Justice Visions, she worked as a research assistant at the Max Planck Institute for Comparative Public Law and International Law in Heidelberg, focusing on human rights and corruption in Latin America.

Previously, she worked on a wide range of transitional justice, human rights and international criminal law issues at the Syrian Archive, the International Nuremberg Principles Academy, the European Center for Constitutional and Human Rights and the Nuremberg Human Rights Center.

## Friday 15 March

9:00 – 10:00    PLENARY 'Looking Forward: From Critical Transitional Justice to New Justice Imaginaries'

 *In-person & streamed online, Chapter Room*

Conversation between Dr. Tine Destrooper and Dr. Laurel Fletcher, Clinical Professor of Law at UC Berkeley's School of Law, Director of the International Human Rights Law Clinic  
Moderated by Dr. Giselle Corradi, Coordinator of the Interdisciplinary Research Consortium 'UGent Human Rights Research Network'

10:30 – 12:00    PARALLEL SESSIONS D

### Stream 1 • Panel: Institutional Approaches, Gender and Gendered Violence in TJ

 *Hybrid, Rosemary*

Queering Childhood in Global Transitional Justice

*Dr. Caitlin Biddolph*

Women's Rights and Latin American Social Movements: An Analysis of the "Campo Algodonero" Case of the Inter-American Court of Human Rights

*Victor-Hugo García (online)*

Exploring Top-down Approaches to Enhancing Victims' Participation in Transitional Justice Processes at the Institutional Level in Ukraine (with a Special Focus on Conflict-related Sexual Violence)


*Dr. Iuliia Anosova*

An Exception within an Exception? Gender, Power Dynamics and Transitional Justice in Post-revolutionary Tunisia

*Carla Prado*

Chair: Dr. Maria Martín de Almagro

### Stream 2 • Panel: Breaking the Stereotype of the Weak Victim: Contribution of Victims to Human Rights Legislation and Beyond

 *In-person, Calefactory*

Lessons from Victims: The Role of Victims in Legal Evolution Within Domestic and International Law

*Dr. Beatrice Coscas Williams*

Turning Victimhood into Agency through the Power of Stories: How Survivors Make Sense of Human Trafficking Experiences

*Victoria Wozniak-Cole*

Political Genocide. A Legal Tale from Colombia


*Tatiana Fernandez-Maya*

Rethinking Domestic Courts in Transitional Justice Cases: Challenges and Opportunities for Justice, Agency, Participation and Recognition for Indigenous Women Victims of Conflict-related Sexual Violence in Guatemala

*Mariana Lara Palacios*

Chair: Dr. Stephan Parmentier

**Stream 2 • Roundtable: Victim-Defined Justice: Grassroots Activism, Resistance and Participation to Achieve Meaningful Change**

 *Hybrid, Chapter Room*

Speakers:

*Dr. Louis Monroy Santander (online)*

*Ahmad Helmi (online)*

*Dr. Christalla Yakinthou*

*Galuh Wandita (online)*

Chair: Dr. Habib Nassar

**Stream 3 • Panel: Pluralistic Perceptions of Truth and Justice: TJ in South East Asia**

 *Hybrid, Lavender*

The Office on Missing Persons, the UN Human Rights Council and the Women Next of Kin of the Disappeared in Postwar Sri Lanka

*Dr. Chulani Kodikara*

Transitional Justice, International Law, and Regional Particularism in Southeast Asia, with a Case Study in Cambodia and East Timor


*Fangyi Li (online)*

Marginalised and Neglected: Perspectives from Ethnic and Religious Minorities on Sri Lanka's Transitional Justice Process

*Dr. Farah Mihlar*

Chair: Dr. Ma. Lourdes Veneracion

**Stream 4 • Panel: Reconsidering TJ from Below: Music, Objects, Theatre, Memoir**

 *Hybrid, Lady's Mantle*

Singing Truth to Power: Transformative (Gender) Justice, Musical Spatialities and Creative Performance

*Dr. María Martín de Almagro*

Storying Participation: Memoirs, Victims & Aparadigmatic Transitional Justice

*Dr. Lauren Dempster & Dr. Kevin Hearty (online)*

'That's How the Light Gets In': Searching for Justice and Reconciling the Past in Jo Egan's The Crack in Everything

*Emily Moore*

Museum and the Narrative of Having Memory Rights: Art and Narrative from Museu da Maré in Rio de Janeiro


*Dr. Mariana Caldas (online)*

Chair: Dr. Giselle Corradi



13:00 – 14:30 PARALLEL SESSIONS E

**Stream 2 • Roundtable: Surviving Memory in Postwar El Salvador: Participatory Research and Co-Creation with Civil War Survivors**

 *In-person, Chapter Room*

Speakers:

*Dr. Ir. Arch Harold Fallon*

*Thomas Montulet*


*Evelia Macal*

*Dr. Adriana Alas*

*Fernando Chacón Serrano*

Chair: Dr. Amanda Grzyb

**Stream 3 • Panel: Reconceptualising Victim Mobilisation, Justice and (non-)Transition in the MENA Region**

 *Hybrid, Calefactory*

Bottom-Up Transformative Justice: An Alternative to the Liberal Peace Paradigm in the Question of Palestine

*Tamara Tamimi (online)*

Victims' Agency and Relational Autonomy in Transitional Justice: Saturday Mothers' Experience

*Dr. Günes Dasli*

Too Ordinary to Be Truths? Gender, Social Death, and the Biopolitics of Speech, in the Tunisian Truth and Dignity Commission


*Dr. Sélïma Kebâïli*

Tunisia's Experience of Transitional Justice

*Houcine Bouchiba*

Chair: Dr. Brigitte Herremans

**Stream 3 • Roundtable: Whose Victims, Whose Voice? Knowledge Production, Epistemic Inequality and Methodological (Power) Shifts in Transitional Justice**

 *Hybrid, Lady's Mantle*

Speakers:

*Gabriela Zamora Castellares (online)*

*Dr. Sanne Weber*


*Dr. Mijke de Waardt*

*Dr. Sandra Milena Rios Oyola*

*Dr. Selbi Durdiyeva (online)*

Chair: Dr. Eva Willems

**Stream 4 • Panel: The Possibilities of the Arts for Imagining Justice in Non-Transition**

 *Hybrid, Lavender*

A Rights-Based Approach to Victims' Participation in Aparadigmatic Contexts

*Dr. Huma Saeed*

Art as Evidence and Evidence as Art: Thinking About Creative Approaches in Syrian Human Rights Trials

*Dr. Adélie Chevée (online)*

The Perilous Art of Justice in South Sudan: Examining the Paradox of Artistic Invisibility in Transitional Justice in Times of Fragile Peace

*Dr. Sayra van den Berg*

Prison Abolition and the International Criminal Court (ICC)

*Charlotte Carney*

Chair: Sofie Verclyte

**Stream 5 • Panel: Memorias y Contra-memorias: Aportes para una Participación Inclusiva**

 *In-person, Rosemary*

Víctimas de Violencia del Estado y Políticas Públicas de Reconocimiento y Reparación

*Dr. Laura Pego Otero*

La Producción de Contra-memorias en el País Vasco desde una Epistemología Feminista: El Caso de las Mujeres Víctimas de Tortura

*Malena Rocío Maceira*

Castigo, Perdón, y Respeto a las Víctimas

*Fernando Braccini*

Chair: Dr. Laura Pego Otero

15:00 – 16:30 PARALLEL SESSIONS F

**Stream 1 • Panel: Institutions, Discourse and the (De-)Construction of Victimhood and Justice in Transition**

 *Hybrid, Calefactory*

Formal Participation, de Facto Exclusion? Institutional Design and the Impact of TJ Standardization in Uganda

*Dr. Thomas Obel Hansen*

Victim Politics and State Representation as Participation in Transitional Justice

*Dr. Simon Robins (online) & Ram Kumar Bhandari*

War and Peace by Other Means: The Narrative Construction of Victimhood in Societies Transitioning from Conflict


*Alejandro Posada-Téllez*

Analysing Participatory Spaces in Post-Conflict Societies: Case Studies of Reparation and Reconstruction Programmes

*Dr. Justina Pinkeviciute*

Chair: Dr. Elke Evrard

**Stream 3 • Panel: Beyond Consultation: Towards more Meaningful Participation in Transitional Justice**

 *Online, Rosemary*

Measuring Up: A Dialogical Model for Assuring a Reparative Process

*Dr. Lisa Laplante*

Paradox of Justice: From Transitional to Everyday Justice

*Dr. Pamina Firchow*

Chair: Dr. Lisa Laplante

### Stream 3 • Roundtable: Transitional Justice Databases as Political Ecologies of Mnemonic Participation

🍃 *Hybrid, Lady's Mantle*

Speakers:

*Aghniadi (online)*

*Natasha Todi (online)*

*Dr. Sophia Milosevic Bijleveld*

*Roula Baghdadi (online)*

Chair: Benedict 'Bono' Salazar Olgado

### Stream 5 • Roundtable: Género, Justicia Transicional y Violencia Sexual: La Importancia de la Participación de las Víctimas en los Casos de Violaciones de Derechos Humanos

🍃 *Hybrid, Chapter Room*

Speakers:

*Dr. Julissa Mantilla Falcón*

*Gloria Cano Legua (online)*

*Liliam Karina Dianderas Solís (online)*

*Diana Carolina Portal Farfán (online)*

Chair: Dr. Julissa Mantilla

17:00 – 18:00 CLOSING REMARKS

🍃 *In-person & streamed online, Chapter Room*

Conversation with Dr. Louis Bickford, Adjunct Professor, Institute for the Study of Human Rights, Columbia University, and founder/CEO of Memria.Org

Moderated by Gretel Mejia Bonifazi, Justice Visions researcher





## Saturday 16 March

10:00 – 12:30    DECOLONIAL WALK IN GHENT CITY

🍃 *In-person, start from the entrance of library 'De Krook', at Miriam Makebaplein 1*

Guided by Labo vzw, a movement for critical citizenship that empowers those who are working towards a more solidarity-based, inclusive, and sustainable society for tomorrow





**CONTACT**

## Contact information

Please address all conference related questions to [justicevisions@ugent.be](mailto:justicevisions@ugent.be)

More information will be shared via email, and through regular updates on the Justice Visions [website](#).

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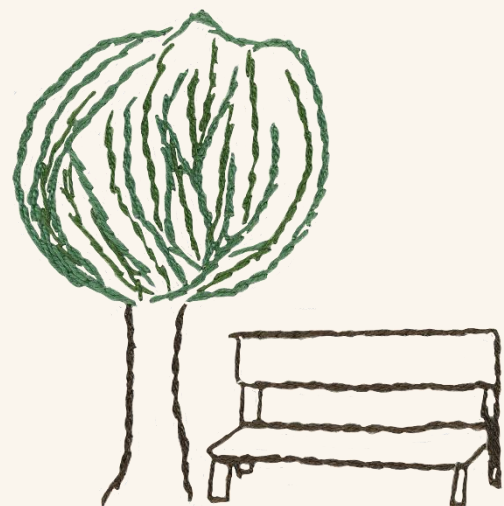
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# ABSTRACTS





# Abstracts

## STREAM 1 · Institutional innovation and impact

### **Catalyzing Victim-oriented Justice Nationally and in The Hague Through an Inclusive Complementarity Division: A Design Proposal**

*Dr. Miracle Chinwenmeri Uche, Lecturer, University of Westminster Law School*

International criminal proceedings conducted domestically or abroad fall within transitional justice (TJ) mechanisms necessary for addressing harms of victims of core international crimes. These and other 'less' formal TJ mechanisms have often been the subject of debate in relation to the International Criminal Court's (ICC) principle of complementarity. This principle is key to the ICC's existence and sustainability due to states' desire to protect their sovereignty, yet it impacts how justice for victims is shaped and delivered, and which victims may participate. Interpreting and applying complementarity is a multifaceted process and involves several stakeholders including, ICC organs, states, the accused, and victims. Each stakeholder has its own unique interests in the process and in complementarity decisions. For example, states, and the ICC may want to exercise their respective jurisdictions for various reasons, victims may desire to participate, the accused as well as victims and may want justice to be served in The Hague or in domestic jurisdictions. Managing these diverse and sometimes conflicting interests in complementarity can be complex. Thus, this article examines how victims' interests can be adequately accommodated in the complementarity regime and process to aid the ICC in the fight against impunity and in achieving victim-oriented justice in The Hague and fostering the same in domestic jurisdictions. It therefore proposes a design strategy for the creation of a neutral and independent ICC complementarity division.

### **To what Extent Judicial Mediation Answers the Dilemmas of International Criminal Legal System**

*Mostafa Mohamed Helmy Ahmed Elsherif, Judge*

This is an in-progress PhD research; it proposes creating mediation and negotiation room at the ICC (International Criminal Court). This proposal works to turn this idea into a feasible and applicable legal mechanism and incorporate mediation in the legal architecture of the ICC. This statement shall pose two main areas of questioning; what are the benefits of this incorporation? And how it could be feasible and practical?

In the first regard, this mechanism meets a need and shortage at the international criminal system It enables victims to get a vital role and to be involved in designating the way of enforcing justice after huge atrocities crimes. It also paves the way for a sustainable peace process, that is not rigidly captivated by political compromises or procedural legal constrains.

How could victims participate and how they are represented? How mediation become a part of the legal process in the ICC, while the court suffers from the lack of enforcement and lack of executive power? How perpetrators at such grave crimes of Rome Statute may accept being a part of settlement in front of judicial system, and set a scheme of accountability and reconciliation with their victims? And the most critical point, what judicial mediation could fulfil the vacuums that politics can't manage on many occasions? A focal part of this research is to draw a legislative and practical proposal that answers these questions.

## **Sexual and Gender-based Violence Victims and International Criminal Tribunals: A Symbiotic Relationship?**

*Dr. Marie Wilmet, Research Fellow at Centre Thucydide, University Paris-Panthéon-Assas*

International and hybrid criminal courts have historically experienced difficulties in the investigation, prosecution, and adjudication of sexual and gender-based violence ('SGBV') crimes. Moreover, studies conducted with SGBV victims who testified before the early international tribunals – in which the role of the victim was limited to that of a witness – found that they felt traumatised and silenced as a result of their trial experience. As such, one may question the adequateness of formal transitional mechanisms as sites of gender justice.

This paper proposes to investigate whether the inclusion of participatory rights within the procedural laws of international and hybrid criminal courts can alter the interaction between SGBV victims and such courts. The research draws from an empirical case study of the participation of victims of forced marriage in the Extraordinary Chambers in the Courts of Cambodia's Case 002/02. It is based on nine months of fieldwork combining archival research, participatory observation, and 77 qualitative interviews conducted with legal professionals as well as with victims of forced marriage who participated as civil parties in Case 002/02. Analysing the civil parties' effective exercise of procedural rights, their informal modes of engagement alongside court proceedings, and their ability to challenge the ECCC's initially limited attention to SGBV crimes committed under the Khmer Rouge, this paper seeks to explore the nature of the relationship between the Court and SGBV victims to determine whether it can be qualified as symbiotic.

## **Victim Participation At A Crossroad: A Promising Avenue Forward Or Not?**

*Dr. Rudina Jasini, ESCR Fellow of Law and Senior Lecturer, University of Oxford, Defence Counsel in the Thaci et Al Case, Kosovo Specialist Chambers in The Hague*

In a landscape of changing philosophy and practice in international criminal trials, the innovative approach endorsed by the ICC, the ECCC, and other international criminal tribunals, by including victims of alleged crimes as participants in legal proceedings, rather than as mere witnesses, have revealed potential strengths and weaknesses as well as the possibilities for future directions in international criminal justice. This paper seeks to offer a critical examination of the scope and parameters of victim participation as a legal mechanism, first whether the expansive role granted to victims of mass atrocities by having greater procedural rights and substantive remedies enhances the prospect of a more inclusive justice system, and, second, the potential shortcomings of civil party participation with regard to the functionality of court proceedings and the defendant's right to a fair and expeditious trial. Notwithstanding victims' grand aspiration to have their voices heard and the potential value that their participation could bring, such a development in international criminal justice demands however, as the ECCC and the ICC trials have demonstrated, careful examination of whether or not victim participation beyond that of the victim as a witness, is always in the best interests of victims or justice. It appears that the comfortable liberal discourse on the participation of victims has often obscured the need to critically interrogate how it is being practiced.

## **Localizing and Globalizing Truth: U.S. Transitional Justice in Comparative Context**

*Dr. Adriana Rudling, Global Research Institute at William & Mary*

Mainstream transitional justice (TJ) scholarship has elided the United States (U.S.) in theory and analysis. This is despite U.S. influence in global TJ practice and in world politics more generally. One reason the country is excluded in research is because it is a non-traditional case; generally, when scholars think of likely candidates for TJ, they think of countries exiting authoritarianism, armed conflict, and other defined periods of violence and repression. Neglecting, even avoiding, non-paradigmatic cases is problematic, however: recent work

indicates that TJ in non-transitional contexts is on the rise, amid demands for truth and justice from historically marginalized groups. Taking national truth commissions as an example, non-transitional cases accounted for more than half of global cases in the first two decades of the twenty-first century. Non-transitional countries like the U.S. have also witnessed the growth of subnational truth commissions. Building on nascent efforts to “case” non-transitional TJ settings, this chapter discusses the past, present and future of TJ practice in the U.S, including what lessons the country has given the world, what lessons it has gleaned from the world, and what the U.S. and global cases may yet learn from each other. We write with the belief and conviction that survivors and victims of human rights violations and their families deserve to have their experiences acknowledged and their governments held to account – regardless of where they come from, the political regime they live under, or how neatly their local context fits within existing scholarly paradigms.

### **Truth Processes and Victim Participation in the United States of America**

*Dr. Brianne McGonigle Leyh, Associate Professor with the Netherlands Institute of Human Rights (SIM) and Montaigne Centre on Rule of Law and Administration of Justice at Utrecht University's School of Law*

The notion of truth, truth-telling, and truth-seeking is a powerful one within transitional justice. In many ways, there is an unwavering belief that truth-telling and truth-seeking should inherently be part of any justice pursuit. Over the past few decades, across the United States of America, truth-seeking processes, such as the creation of truth commissions or truth commission-like processes, have proliferated. They have been created at the federal, state and local levels to deal with a wide range of violent and discriminatory contexts. This paper explores American truth commissions and how they have approached victim participation. It will focus on three truth-seeking processes, one at the federal level, one at the state level, and one at the local level. Across the differing levels, geographies, and contexts of harm, the paper will highlight efforts around inclusivity and explore developments around institutional understandings of participation. Drawing from scholarship and practice from the broader transitional justice field, the paper will highlight how current and future truth processes can better conceptualize and implement victim participation in order to have deeper engagement and impact with affected communities.

### **A Momentum for Historical Injustice? Comparing Land Mark Cases in Civil Court**

*Dr. Niké Wentholt, Post-doctoral Researcher, University of Humanistic Studies*

Recent years have seen an increase in civil litigation for historical injustice cases, especially in the Netherlands. Dutch military atrocities in Rawagede, Indonesia; Shell's pollution and violations in the Niger Delta, Nigeria; failure to prevent genocide in Srebrenica, Bosnia: all these cases have been addressed in Dutch civil court. While these 'triumphs' are thus being celebrated in practice, scholarship has difficulties theoretically understanding the 'match' between tort and historical injustice cases. Legal studies often get stuck in tort's technicalities to acknowledge its potential; sociology on the other hand is distracted by the alleged formality of law. To overcome these narrow understandings of both tort and historical injustice, this paper uses an two-step socio-legal interdisciplinary approach, combining empirics from the four cases (gathered through the lens of lived experiences) with theory. It first sets up a conceptual framework of norms, relations, and power in law, building on socio-legal and transitional justice scholarship. Secondly, the paper studies the compatibility of tort and historical injustice through a synthesis of two compatible theories from separate disciplines: respectively civil recourse theory of tort and transformative justice. These two theories share two conceptual axes: agency and process; and participation and inclusion. Civil recourse theory and transformative justice together show how tort can challenge lawyers and judges to seek rapprochement to survivors' and victims' lived realities of harm. The paper will thus argue that from a socio-legal lens, despite clear hurdles and difficulties, tort can be a surprisingly rich platform to address historical injustice.

## **From Reparations to Repair in Civil Courts and the Public Debate? The Dutch Slavery and Colonial Past through a Transformative Justice Lens**

*Dr. Nicole Immler, Professor Historical Memory and Transformative Justice, University of Humanistic Studies, Utrecht*

Reparations for colonial wrongs have gained renewed attention. The land mark “Rawagede court case” will provide an introductory example of the challenges of the legal framework for reparations of colonial mass violence. Then I will turn to ‘the legacy of the slavery past in the Netherlands,’ and show how conceptions of reparation have changed in the last two decades. Making use of the lens of Lisa Laplante’s “continuum justice model” (2013) I will argue that we see a shift from a narrow to a wider notion of justice. Current reparation claims in Afro-Caribbean and Surinamese communities are less about a specific product (such as an apology or reparations) but rather about a social process of relation building (such as addressing structural injustices). At the same time, these communities mobilize legal avenues in their broader search for justice. Despite their clear awareness of the limitations of the legal sphere, these platforms help them to voice their claims and enforce a societal conversation on the desired repair of social relations.

This notion of ‘social repair’ challenges and extends our current understanding of what justice for historical wrongs is about. But—as is argued—it might at the same time also make reparations more acceptable to larger parts of Dutch society as it avoids the narrow ‘blame-and-guilt’ framework associated with reparations in politics and the media. Reflecting on both cases I will finally discuss what the theoretical framework of Transformative Justice – which we use of in our project Dialogics of Justice – has on offer for the reparation debate regarding historical injustice.

## **An Exception within an Exception? Gender, Power Dynamics and Transitional Justice in Post-Revolutionary Tunisia**

*Carla Prado, PhD candidate in International Politics and Conflict Resolution, University of Coimbra, Portugal*

Ever since the 2010-2011 revolution, Tunisia has been - at least until recently - considered an exceptional case among its peers for being the only country in the region who has gone through a process of truth-seeking associated with transitional justice measures to deal with an authoritarian political legacy (Benedizione and Scotti, 2015). However, among the vast literature on the subject, one topic is still comparatively quite understudied: the political construction of victim identities and the impact they have on the process as a whole.

In order to contribute to this topic, this paper and presentation will follow three main lines of research. We will start by a brief literature review of the subject, following Jacoby’s (2015: 513) distinction from “victimisation” (the harm suffered) and “victimhood” (collective identities formed after the fact in order to seek redress); secondly, by looking into the specifics of gender and its impact on our perceptions of victimhood (Schwöbel-Patel, 2016); and third, by delving deeper into the specific context of the Tunisian case regarding victim participation within its Truth and Dignity Commission (2014-2019) based both on secondary sources and also on interviews conducted online during our fieldwork in 2020-2021. Our aim is, therefore, to see if there was any sort of innovative measures within what was called the Tunisian exception or, on the other hand, if it was limited to reproduce global formulas of gender dynamics and perceptions in similar situations.

## **Exploring Top-Down Approaches to Enhancing Victims' Participation in Transitional Justice Processes at the Institutional Level in Ukraine (with a Special Focus on Conflict-related Sexual Violence)**

*Dr. Iuliia Anosova, postdoctoral fellow, Human Rights Center, Faculty of Law and Criminology, Ghent University*

Even though the armed conflict at the territory of Ukraine takes place for more than 9 years already and the ongoing full-scale war for 1,5 years, it is still not very common to discuss the issues of transitional justice in relation to the country. Nevertheless, there have been quite significant developments in this area, mostly promoted by the international actors interested in upholding more or less stable functioning of the social institutions in conditions of war. The paper is aimed at discussing such developments, with a particular focus on top-down modes of engagement of CRSV victims' participation in the formal mechanisms of transitional justice, such as criminal justice and reparations. The choice to focus on formal mechanisms of transitional justice and the top-down approaches is made for several reasons. First, because currently they are prevailing due to relevant novelty of the very idea of transitional justice for Ukraine and also due to the barriers posed by the ongoing war to development of the informal and bottom-up practices of transitional justice. Secondly, because of the positionality of the author, both as a researcher with the background in public international law and a lawyer in Ukrainian civil society, which helps her to better navigate legal and political scene of the respective area. As a result of the exploration, the author will draw conclusions about how well the applied practices are adjusted to Ukrainian context, how efficient they are so far and how beneficial to the victims and communities they are aimed at.

## **Queering Childhood in Global Transitional Justice**

*Dr. Caitlin Biddolph, Postdoctoral Research Fellow, University of Sydney, Australia*

Children are intimately involved in war, peace, and transitional justice (TJ), as: victim-survivors and perpetrators of atrocity; peacebuilders; and people with experiences and stories that deserve to be heard. At the global level, the Youth, Peace and Security (YPS) agenda commits to including young people's voices in matters of international peace and security. The UN's TJ architecture, however, has yet to develop a child or youth-specific perspective, although children are present throughout its normative commitments as victims requiring protection. While the development of YPS has increasingly recognised youth as diverse and embodying intersecting identities, global TJ discourse constructs a universalised child subject that flattens the plurality of lives that children lead. In this paper, I take a queer approach to childhood and TJ. I analyse a corpus of UN TJ documents, scrutinising the assumption that children are straight, binary, and cis-gender, an assumption so normalised as to construct children as sexless. Queering allows me to challenge these cis-heteronormative discourses and argue that experiences of children with diverse sexual orientations, gender identities, and sex characteristics matter, including for TJ policy and practice. I also explore queer logics of the passive, vulnerable child victim and the dangerous, perverse child perpetrator in global TJ discourse. My analysis reveals the need to recognise and include queer children in TJ at all levels. It also exposes the limits of a global TJ that upholds the cis-heteronormative status quo and whether such an architecture can articulate queer visions of childhood.

## **Women's Rights and Latin American Social Movements: An Analysis of the "Campo Algodonero" Case of the Inter-American Court of Human Rights**

*Victor-Hugo García, Argentinian-Swedish PhD Candidate at the Ortega y Gasset University Research Institute (Instituto Universitario de Investigación Ortega y Gasset, Madrid, Spain).*

Gender-based violence in Mexico has been addressed from several points of view. Thus, the authors highlight both the context of change that took place in justice during the transition between the end of Partido

Revolucionario Institucional rule (1930-2000, henceforth PRI) and the victory of the Partido Acción Nacional (2000-2012, henceforth PAN), and the causes of the increase in such violence. In turn, one of the best-known victories in the struggle for women's rights took place with the Interamerican Court of Human Rights (henceforth IACHR) ruling in the "Campo Algodonero vs. México" case (2005). This paper focuses on the relatives of the three women victims of that case, and how, after failing before the judiciary individually, they proposed an institutional innovation by organizing themselves as a "social movement". The essay takes as its starting point Alcántara Sáez's research on Mexico's transition from the dominance of the PRI to that of the PAN. Likewise, the characteristics of the social movements described by Hellinger are analysed. Finally, the actions of NGOs and relatives of the victims of the case analysed and the IACHR's approach to equality are considered. The conclusion shows the potential of the social movements' work in the framework of transitional justice as a tool for women's safety and wellbeing, and how they make it possible to overcome the obstacles of a judiciary accustomed to working with individual complaints and inadequate procedures. Finally, the regional impact achieved through the IACHR ruling is exposed.

### **Analysing Participatory Spaces in Post-Conflict Societies: Case Studies of Reparation and Reconstruction Programmes**

*Dr. Justina Pinkeviciute, Postdoctoral Research Fellow, Centre for Trust, Peace and Social Relations, Coventry University*

The success of reparation and recovery plans following violent conflicts hinges significantly on the active participation of victims. However, in contexts where democratic processes are compromised by powerful economic interests, the inclusion of participatory mechanisms is often used to legitimise the existing power structures rather than promote transformative change. Such participatory spaces become susceptible to external manipulation. This paper delves into the complexities of victim participation in reparation and reconstruction programs in societies impacted by large-scale violence and destruction. Using Colombia and Ukraine as case studies, the study outlines an analytical framework to explore the dynamics of participation in formal and informal spaces of reparation and reconstruction efforts. Central to this framework is an exploration of how participation can be co-opted and the countermeasures taken by civil society to resist such encroachments. The paper underscores the imperative to critically assess and strengthen participatory spaces against undue external influences in (post)war recovery and transitional justice.

### **Formal Participation, de Facto Exclusion? Institutional Design and the Impact of TJ Standardization in Uganda**

*Dr. Thomas Obel Hansen, Maria Zambrano Distinguished Researcher, Carlos III University, Madrid  
Senior Lecturer in Law, Ulster University School of Law/ Transitional Justice Institute*

TJ standardization "took away the demand for justice from the people who are affected like me and made it a subject for people who have no idea on what happened to be the champion of the pursuit of justice (author's interview, Uganda, 2022). This paper seeks to understand how the international standardization of TJ has impacted processes in the country, focusing on involvement and participation of local stakeholders including victims. Exploring the institutional set up of TJ in the country and the processes surrounding it, the paper examines how notions of 'local consultation'; 'participation'; and 'victims-centered' have been 'imported' into the Ugandan context to be utilized in the context of justifying the approaches taken by stakeholders involved in the design of TJ in the country. Yet, the paper argues, such rhetoric may reflect as much a tick-the-box approach, driven by donors and international actors demands to TJ processes, as a genuine intention among decision-makers to give meaningful effect to such principles. The consequence may be, the paper argues, formal 'compliance' with ideas about civil society and victim participation, as endorsed by international standards and guidelines about TJ, but an outcome that has de facto failed to meet the expectations and

demands of local civil society and victims groups. The paper, which draws on extensive consultations with relevant stakeholders in Uganda conducted in 2022-23, pays particular attention to the process surrounding the adoption of Uganda's TJ Policy. The paper frames this empirical analysis within – and seeks to contribute to – TJ discourses concerning the emerging strand of literature about standardization in TJ; participation and exclusion; as well as 'TJ actors' discourse including regarding civil society and victims group.

### **Victim Politics and State Representation as Participation in Transitional Justice**

*Dr. Simon Robins, Centre for Applied Human rights, University of York*

*Ram Kumar Bhandari, Researcher at Center for Law and Transformative Change (CLTC)*

Transitional justice is here conceived as an intersecting set of social and political processes that unfold in multiple formal and informal spaces. While 'zero-sum' approaches to victim participation have understood it as something that can only happen at the expense of the dominance of the state, here processes are explored where victims have mobilised politically and either assumed roles within state structures or built effective alliances where those close to state power share their agenda.

Two case studies are investigated: First, that of Tunisia, where victims linked to Islamists – who constituted the bulk of victims of the dictatorship overthrown in the 2011 revolution – were represented among, and shared ideology with, the Islamist party that was a part of government. It is argued that this represents a particularly effective form of agency for victims, given that victims' perspectives and goals were shared by those with access to state power who could mould the transitional justice process. The second context is that of Nepal, where the post-conflict dispensation at the federal level was characterized by political parties instrumentalizing victims as constituencies to leverage for their own advantage.

However, an additional element of the peace agreement was the decentralization of power through the creation of provincial and municipal authorities. Such institutions allowed for the effective representation of both conflict victims and marginalized groups that had long been victims of structural violence at the hands of ethnic and caste elites. This has allowed victims to be elected as representatives of their people and see their historical victimhood as a foundation for a political agenda, representing a unique form of agency relevant for transitional justice implemented at a local level that can contest or complement a national process.

### **War and Peace by Other Means: The Narrative Construction of Victimhood in Societies Transitioning from Conflict**

*Alejandro Posada-Téllez, PhD candidate in International Relations, University of Oxford*

In societies transitioning from internal armed conflict, narratives of victimhood frequently become sites of intense political contestation between actors seeking to advance their accounts of past violence. Although the study of victims of wartime violence has become increasingly important across the social sciences over the last two decades, previous research has overlooked the implications of institutionalising particular victim narratives into the formal processes and mechanisms of transitional justice. The scholarship has consequently failed to gauge how officially sanctioned victimhood narratives may influence post-conflict orders and the kind of peace being built in transitional societies. In light of these disciplinary shortcomings, I ask: In what ways do state actors instrumentalise narratives of victimhood in societies transitioning from conflict; and what impact do these narratives have on post-settlement power relations and peacebuilding? To explore this question, I devise a framework of understanding grounded in critical theory. The framework surveys how the (re)production of victimhood narratives can shape modalities of truth and knowledge production, configure power relations, and structure peacebuilding processes in societies emerging from conflict. Using critical discourse analysis, I apply my framework to compare practices of victim representation in the mechanisms of

transitional justice established in Sri Lanka, Colombia, Sierra Leone, and the United Kingdom, revealing the ways in which state power operates in and through these practices to produce 'legitimate' victims. My conclusions point to the importance of official victimhood narratives in understanding the socio-political organisation of post-settlement orders and the peace being built in the aftermath of internal armed conflict.

## STREAM 2 · Participation as lived experience

### Reparations as Resistance

*Dr. Luke Moffett, Professor, School of Law, Queen's University Belfast*

The practice of reparations in transitional justice and human rights law has arisen not simply out of international legal norms, but the mobilisation and advocacy of victims and their allies to resist the impunity around the atrocities they suffered. Reparations often take years and decades for them to be realised, if at all. This paper explores the place of victims resisting the narratives of the State, coercive tactics and violence against them. It also reflects on the impact of resistance on victims. While there is an emerging literature on the benefit of social mobilisation in terms of building solidarity amongst victims and peer-peer support, this paper considers the long-term impact on victims' relationships and health in awaiting for reparations. This also has implications for the purported benefits of reparations in terms of trust, reconciliation and a sense of satisfaction. Drawing on interviews with over 100 victims, this paper develops three themes of thinking about victim participation and resistance in terms of: adversity and adversarial; struggle; and living with the past.

### The Political Purpose of Victim Participation: Omens for Memorialisation 'From Above' in NI

*Micheál Hearty, Transitional Justice Institute, Ulster University*

Victim redress provision 'from above' and 'from below' has had differing fortunes in the North of Ireland/Northern Ireland (NI). A combination of inadequacies in devised and implemented mechanisms, as well as a rejection and failure to implement proposed legacy mechanisms, has left victims feeling frustrated and dissatisfied at redress provision 'from above'. In contrast, actors operating 'from below' have undertaken projects with a victim participation element, including memorialisation, that have been successful in aiding victims to manage and alleviate their suffering. Proclaimed by NI Secretary Chris Heaton-Harris to 'deliver positive outcomes for as many of those directly affected by the Troubles as possible', the Northern Ireland Troubles (Legacy and Reconciliation) Bill (Legacy Bill) could be perceived as the British Government's attempt to change the fortunes of victim redress provision 'from above' in NI.

The Legacy Bill, however, has proven to be highly controversial and has faced universal disapproval from victim groups/campaigners and political parties in NI. The unifying issue has been the Legacy Bill's approach to prosecutions, especially the conditional impunity which would be available to perpetrators. This paper wishes to focus on an aspect of the Legacy Bill which is commonly overlooked due to the conditional impunity controversy- memorialisation. It will consider two questions: how have victims used their participation in memorialisation 'from below' in NI; could victim participation in memorialisation that stems from the Legacy Bill be impacted by its contentious conditional impunity aspect.



## **Victimhood, Agency and the Mobilisation of Empathy**

*Dr. Cheryl Lawther, School of Law, Queen's University Belfast*

Claiming to develop the agency of victims and survivors is frequently presented as central to the work of transitional justice interventions and victim and survivor groups. This foregrounding of agency is a direct response to how victims have historically been positioned as 'spectators' to justice interventions undertaken in their name and the (assumption) that conflict disempowers and strips individuals of their agency. Within this framing, agency and participation often appear as an exclusively positive attributes, something that enables one to 'do good'. Yet, scholars have cautioned against homogenizing and reifying victims' associations 'as pure, passive, or framed in exclusively positive or romanticized terms' (Krystalli and Schulz 2022: 12). Moreover, the moral economy of victimhood can compel individuals and group leaders to convey their suffering in a particular register in the attempt to make their losses 'matter' over and above the experience of other victims and survivors and in the quest to achieve resources, status and 'mobilise empathy' (Wilson and Brown 2008). What Jeffrey and Candea (2006) term 'victimhood work' may, in its most challenging manifestations, translate into the appropriation of victims' suffering, the disenfranchisement of survivors, the creation of 'transitional justice entrepreneurs' and a victim's 'industry'. Drawing on fieldwork with victims and survivors of the Northern Ireland conflict this paper critically interrogates the intersection between victimhood, agency and participation in victims' groups and how empathy is mobilised in transitional contexts.

## **Who are Franco's Victims? The Political Life of a Social and Legal Category**

*Dr. Vincent Druliolle, Assistant Professor, University of Deusto*

The paper analyzes the (re-)appropriations of the category of victim of Franco (víctima del franquismo) by various actors in contemporary Spain. After highlighting that it is a relatively recent category, the paper analyses how a growing number of actors have used it to define themselves and demand justice over the past two decades. It shows that Franco's victims are not just the victims of the repression of the dictatorship, but also those of other forms of violence and crimes. The paper argues that the use of the category is not just an attempt to accurately characterise the cause of the suffering of victims. The actors' self-definitions are largely determined by the existing range of categories to be recognized as victims in the first place, or what may be called the 'labeling opportunity structure'. One key reason why the label victims of Franco was adopted is that it is seen as a way of acquiring visibility and as an opportunity to obtain justice, which is one of the consequences of the investigation of Franco's crimes by an Argentinian court. Various self-defined victims of Franco are discussed. Finally, the conclusion reflects about some of the consequences of the spread of the category in contemporary Spain.

## **Activism of Afro-descendant Grassroots Organisations and its Impact on Colombian Transitional Justice**

*Dr. Adelaida Ibarra, Associate Lecturer, York Law School, University of York*

Civil society is not a passive actor in transitional justice settings. On the contrary, it plays a fundamental role in shaping the type of transitional justice model adopted and implemented in each context. Within the framework of transitions from armed conflict to peace characterised by corrupt or ineffective national justice systems, civil society organisations are one of the main change drivers. This paper analyses the impact that Afro-descendant grassroots organizations have had in transitional justice in Colombia. For that purpose, it takes as a case study the role played by the Process of Black Communities (PCN), a network of Afro organisations from the Pacific, Caribbean and central Colombia, which advocate for the rights of the victims of this ethnic group which was disproportionately affected by the armed conflict. This research gathers data from PCN archives, academic sources, media articles, NGO reports, court documents and open-source videos to broadly identify

patterns of action and strategies of incidence adopted by PCN over time. It documents how Afro-Colombian organisations mobilised to influence the peace agreements between the Colombian government and the FARC-EP guerrilla and its role in its implementation. Among the most significant achievements of the advocacy of Afro-descendant and other grassroots organisations is the inclusion in the Peace Agreement of the ethnic, gender and territorial approaches. This paper explains its advocacy from the beginning of the negotiations in 2012, how it achieved to be included at the end of the negotiations and its participation in the Especial Jurisdiction for Peace.

### **Breaking the Mould? Social Movements and the "Ideal Victim" of Sexual and Gender-based Violence in Colombia's Transitional Justice**

*Daniela Suárez Vargas, PhD candidate, School of Law, Queen's University Belfast*

Social movements have emerged as democratising actors of transitional justice, contributing to its bottom-up framing (Gready & Robins, 2017); they have challenged the universalistic narratives of victimhood prevailing in the legalism of transitional justice, often backed by humanitarian agencies, academia, NGOs, and international organisations (Madlingozi, 2010; Jones & Bernath, 2018). Social movements have placed in the spotlight the realities and needs of those who have experienced the conflict firsthand, but who do not usually fit into the traditional notions of legitimate victims (Rudling, 2019). In the case of Colombia, with the implementation of the 2016 Peace Agreement, there has been greater engagement of social movements with the new transitional justice mechanisms (Gomez Morales, 2018). Notably, they have placed the issue of sexual and gender-based violence at the centre of the agenda of the transitional process (Céspedes, 2018). Indigenous, Afro-descendant women, LGBTQ, and female ex-combatant movements have been instrumental in challenging the traditional narrative of the "ideal victim" of sexual and gender-based violence, which traditionally has been understood as the peaceful, civilian woman and girl who lacks agency (Zulver, 2022; Bueno-Hansen, 2018). This paper explores how these social movements are reshaping, resisting, or reinforcing the concept of the "ideal victim" of sexual and gender-based violence in the Colombian transitional justice. The paper highlights the political dimension of victimhood in Colombia, emphasizing that social movements wield it as a tool. They may use it to grant legitimacy to their claims or to disrupt peace processes they deem untrustworthy.

### **Bridging the Gap: Transitional Justice, Victims, and Businesses and Human Rights in Colombia**

*Marta Paricio Montesinos, Doctoral Student, Faculty of Law, and Helsinki Institute of Sustainability Science (Helsus), University of Helsinki*

Although the transitional model (SIVJRN) implemented in Colombia after the peace agreements between the State and the FARC guerrilla has been recognized as an example for the international community, a fundamental element is absent in the Colombian peace process: business actors. Although the Justice and Peace courts have exposed how national and foreign companies financed paramilitary groups during the conflict in exchange for security or to facilitate the provision of territories for their operation, the prosecution of these companies, as well as their criminal responsibility, has been insufficient. This dynamic of impunity is closely connected to the State's international obligations to protect human rights, including the prevention, investigation, and sanctioning of human rights violations perpetrated by companies. However, the Colombian State has been reluctant to investigate these violations. In fact, these cases entail significant security risks and workloads, which rely on the victims and civil organizations. Not only does the collection of information, through rigorous complaints, reports, and documents, fall to civil society, but the State initiates investigations only when victims resort to judicial and state reparation mechanisms. In that sense, this study argues and explores how victims of the conflict in Colombia do not behave as mere recipients of rights but are active

actors who play a fundamental role in the transition to peace searching for truth and responsibility of private actors.

### **Weaving Ontologies: Intercultural and Interlegal Translators at the JEP**

*Nina Bries Silva, PhD candidate at the European University Institute*

There is a tremendous need to have a diverse range of judges seated on the country's transitional justice tribunal with different mode of thinking , from different regions, with distinct experiences, profiles and challenges, but that are all thinking with la Colombia profunda, la Colombia mas excluida", declared judges Belkis Izquierdo during a public talk in March 2021. Belkis Izquierdo belongs to Arhuaco indigenous community of the Sierra Nevada and is as such one of the so-called ethnic judges of the Colombia Special Jurisdiction for Peace (JEP). The JEP was established in the wake of the 2016 Final Peace agreement as the Court dealing with cases related to the armed conflict. The Court has the particularity that eight of its eighteen judges belong to ethnic groups, also referred to as 'ethnic judges'. Having the knowledge of both legal systems, i.e., the dominant Western legal framework and the laws of their respective communities, those judges can navigate between worlds and act as 'intercultural translators' (Boaventura de Sousa Santos), knowledge brokers' (Sally Merry) or 'ontological diplomats' (Viveiros de Castro). Based on qualitative research conducted with Nasa indigenous' representatives of the victims, as well as with members of the JEP, this paper investigates the role played by those judges in facilitating the participation of indigenous groups within the transitional justice process and strengthening the epistemic dialogue.

### **Living Participation in Transitional Justice Mechanisms: Enabling and Constraining Factors in the Special Jurisdiction for Peace Model (Colombia)**

*Juliana Galindo Villarreal, Lawyer, Associate at Guernica 37 Centre*

*Rebeca Huete Salazar, Associate at Guernica 37 Centre*

Victim's participation in transitional justice mechanisms in Colombia has gained momentum over the past years with the implementation of the 2016 Final Peace Agreement between the government and the FARC-EP guerrilla. In particular, the establishment of the Special Jurisdiction for Peace (JEP by its Spanish Acronym), the justice component in charge of clarifying and punishing serious crimes committed during the armed conflict, has opened the possibility to hundreds of individual and collective victims to raise their voices and expectations due to the establishment of a legal framework that recognizes the victim's centrality and other guarantees and the implementation of formal and informal spaces for their participation. Despite these evolutions and innovations, the victim's participation before JEP remains a subject of negotiation and contestation. The instrumentalization of the victim's notion, the participation of some of them as a mere formalism, and the limitations related to the judicial procedure (terms and technicalities), are some of the main debates. This paper presents the enabling and constraining factors of the Special Jurisdiction for Peace victim's participation model that have been identified accompanying the communities and local organizations that were victimized during the internal armed conflict in their claims of justice before the JEP since 2017. The purpose is to bring empirical and analytical findings to contribute to the reflection of participation as lived experience.

## **Transitional Justice and Racialized Victims' Participation: Understanding the Interaction between Ancestral Authorities of Indigenous and Afro-Colombian Communities and Transitional Judicial Authorities in Colombia**

*Yuri Alexander Romaña-Rivas, Lawyer and PhD Candidate at McGill University, Faculty of Law*

The 2016 Peace Agreement between the Colombian Government and the former Guerilla of the *Revolutionary Armed Forces of Colombia – The People's Army* (FARC-EP) triggered a contemporary transitional justice (TJ) process in Colombia. This TJ process promised to put victims' rights at the center of its goals. This has been particularly important to victims of Indigenous and Afro-Colombian communities (racialized communities), disproportionately impacted by the Colombian armed conflict. Based on the intersectional and pluralistic approach to its implementation, this TJ process has invited innovative participation *and* interaction between these communities and transitional judicial authorities. Indeed, the current TJ process has fostered an environment for an extraordinarily and atypically fruitful encounter between Justices of Colombia's current transitional tribunal (the Special Jurisdiction for Peace) and traditional authorities of Black and Indigenous communities. The purpose is to coordinate actions to implement the Peace Agreement's provisions on justice for traditionally marginalized victims. Reflecting upon this unusual interaction, this presentation seeks to underscore how, albeit facing challenges, the creation of institutional spaces for participation of racialized communities *can* be done through transitional justice. Centering traditional and ancestral institutions as vehicles for participation challenges goes beyond the traditional participatory approach that encourages victims to individually go in front of truth institutions to share their stories. The presentation will examine how this particular form of *inclusion through participation* empowers racialized victims and communities to shape the ways in which TJ considers their justice agendas.

## **The Complementarity Paradigm: Tracing the Transitional Justice Blueprint in the Inter-American System of Human Rights**

*Anamaria Muñoz Rincón, PhD Candidate, Sciences Po, École de Droit*

The promotion of 'home-grown' approaches to transitional justice is a powerful trope animating the field, encouraging local ownership of transitional justice processes, and refusing 'one size fits all' formulas. I challenge this account by exploring how the obligations resulting from anti-impunity's advent yield *only one* particular institutional design that seems compatible with obligations under the American Convention on Human Rights. In this presentation, I develop this argument by exploring how the right to truth is enforced, showing that the interaction between regional obligations and truth *as a right* yields a specific transitional institutional blueprint. Drawing on the case of Colombia's Special Jurisdiction for Peace, I pay close attention to how this particular institutional design deals with victim's demands -foreclosing some spaces of participation and encouraging others- reflecting upon the myriad ways in which institutional infrastructures in transitions distribute shame, pride and access to justice.

## **Childhood Exposure to Wartime Practices: Shifting Perspectives on Criminal Responsibility and Complex Political Victims**

*Laura Acosta Zarate, PhD student, University of Toronto*

This presentation reflects upon the powerful impact that exposure to wartime practices during childhood has on the understanding of a person's subsequent forms of criminal behavior and wrongdoing. The perspective on the criminal responsibility of former combatants recruited during their childhood to participate in hostilities has undergone a recent shift. These individuals now serve as paradigmatic examples of complex political victims, representing individuals who simultaneously bear the roles of victims and perpetrators. Drawing on legal and criminological insights and reflecting upon the Colombian transitional process, the presentation

examines how this intricate group of individuals interact with participatory spaces designed for victims traditionally understood as 'pure.' The presentation explores how understandings and meanings of wrongdoing are formed, contested, and negotiated in participatory spaces where complex political victims -such as former child combatants- are present, by engaging with particular cases of the Special Jurisdiction for Peace. Particularly, the presentation considers the interaction between participatory spaces and risk factors encountered during distinct developmental phases in shaping an individual's understanding of wrongdoing.

### **Victims of the Conflict, Conflicts over the Victims: Building Narratives and Opportunities of Participation Shaping the Definition of 'Victims'**

*Juan Rivera-Rugeles, SJD candidate at Harvard Law School*

The guarantee of victim's rights is one of the most powerful rationales of transitional justice. However, reasons of various kinds explain why this seemingly universal and all-encompassing mandate ends up being limited to a certain extent. Defining the notion of victim determines *who* will be granted the right to participate *in* and benefit *from* transitional justice mechanisms. This presentation illustrates three main debates around the notion of "victim" in Colombia by analyzing the 2011 Colombian Bill of Victims: a crucial law informing the operation of current transitional justice institutions. First, the discussion on whether the victims of harm committed by the Armed Forces (in contrast to those of illegal groups) should be recognized by the Bill. Second, a debate on whether members of illegal armed groups could be recognized as victims when suffering human rights violations themselves. Third, the debates mobilized by women's rights movements advancing the notion that conflict has a differentiated, heightened impact on women. The first debate asked whether the State could acknowledge its own wrongdoings; the second, whether wrongdoers could suffer wrongdoing; and the third, whether groups nonaligned with conflict could be the ones who suffered the most. They are all questions about how to understand the Colombian conflict, as well as about *who* can access post-conflict assistance: an important decision channelled *through* spaces of participation where organized groups of victims advocate to advance their justice claims.

### **Connecting Procedural Justice Concerns and Understandings of Victim Participation in Search Processes. Lessons Learnt from Colombia and El Salvador**

*Dr. Briony Jones, Reader of International Development, Politics and International Studies Department, University of Warwick*

*Dr. Mina Rauschenbach, Research Associate at KU Leuven and mediator*

Enforced disappearance (ED) leaves families of the forcibly disappeared, understood as direct victims of this violation by international law, in a state of ambiguous loss as they search for their loved ones and struggle to satisfy their right to truth and justice. While the international legal issues related to the search for victims of ED have received considerable attention, there has been limited research on the various stages that victims face in the search process, how this involvement in the search impacts their lives and what types of institutional and social responses are needed to guarantee effective and victim-oriented search processes.

Building on the UN Guiding Principles for the Search of Disappeared Persons, which ratifies the right to participation, this paper applies the concept of procedural justice to analyse what victim participation means for families searching for their loved ones and to understand how these families navigate their engagement as justice stakeholders. Taking a multi-disciplinary approach and using qualitative interviews undertaken with families and other actors involved in supporting search processes in Colombia and El Salvador, we enhance and expand the scholarship that acknowledges the importance of victim participation and victims as key justice stakeholders. Through the lens of informational and interactional procedural justice concerns, our findings

bring important insights on what meaningful participation of victims in the search for disappeared persons could look like. They reveal obstacles, resources, and opportunities, highlighting the complex and often cumbersome constraints around participation, while reinforcing the importance of seeing families as justice stakeholders.

### **Long-term Victim Activism in a Context of Historical Injustice: The Case of Guatemala**

*Dr. Eva Willems, Post-doctoral Researcher, History Department, Ghent University*

*Kim Baudewijns, MSc, Philipps-University Marburg*

The role of grassroots victim organizations in the Guatemalan TJ process can hardly be overestimated. From the very start of the peace process in 1994, victim groups were actively involved in lobby and negotiation processes with the government and their relentless activism marked the post-dictatorial 'resurrection of civil society' (Brett, 2008). Until today, despite being confronted with an extremely adverse political context throughout the last decades, organizations of widows, displaced persons and family members of the disappeared keep on pushing to put truth, justice and reparation on the agenda.

In this paper, we examine the temporal dimensions of victim groups' involvement in TJ. In the Guatemalan context, this temporal dimension is twofold. On the one hand, the long-term engagement of grassroots organizations raises the question about how their strategies, constituencies and demands have changed over time and will evolve in the future. On the other, emerging in a context of historical injustice and its continuities into the present, victims' demands for retributive justice in Guatemala have mostly gone hand in hand with activism for social and redistributive justice foregrounding the rights of (historically) marginalized groups such as women and indigenous peoples. We examine how these transformative demands and their temporalities coincide or collide with TJ and human rights discourses, policies and actors.

### **Navigating Non-Transition: Grassroots Victim Mobilization and the Pursuit of Transitional Justice in Turkey and Morocco**

*Pia Falschebner, Centre for Conflict Studies, Philipps-University Marburg*

*Dr. Nisan Alici, Queen's University Belfast*

This paper explores the specific implications of paradigmatic transitional justice contexts for victim mobilisation by bringing together two under-researched cases: Morocco and Turkey. In both countries, victim groups have emerged as active political actors amid violence and inadequate or non-existing transitional justice processes. Examining these cases reveals that structural conditions and dynamics in non-transitional settings profoundly impact victims' activism, shaping their transitional justice agendas and strategies. It also demonstrates that even in contexts characterized by impunity and limited political change, victim groups persistently advocate for justice, truth, and non-recurrence, linking their struggle to broader goals like democracy and peace and innovating and adapting their strategies to navigate a challenging terrain

Drawing on fieldwork conducted in Morocco with activists involved in the Coordination Committee of the Families of the Disappeared and of Victims of Enforced Disappearance in Morocco, and the Saturday Mothers/People in Turkey, this article provides insights into the complexities of transitional justice in diverse contexts, emphasizing the pivotal role of grassroots actors in advancing transitional justice, even under adverse conditions. It emphasizes the need to shift the focus away from the state as the primary subject of analysis and instead center on victims as strategic political agents. Victims' agency, needs, and aspirations should be prioritized to facilitate fundamental change, including community-driven transitional justice efforts.

## **Classification and Compensation of Victims. How Conflicts Shape Reparations in Post-War Justice**

*Dr. Thorsten Bonacker, Professor at University of Marburg, Center for Conflict Studies.*

Post-conflict societies grapple with the challenging task of addressing gross human rights violations. This paper delves into the factors influencing decisions concerning post-war justice, with a specific focus on administrative reparations programs. Its primary objective is to illuminate the significance of conflict type in shaping government's reparation policies. A central role, I argue, is played by dynamics of victim group mobilization. Through a comparative analysis of three distinct intrastate conflicts (Guatemala, Timor-Leste, Northern Ireland), the paper shows that the nature of the conflicts, i.e. their subject as well as their termination, strongly influences the decisions on reparation for certain victim groups. To examine the relationship between the nature of the conflict and governments' compensation decisions, the article applies the perspective of the sociology of classification. The paper thus contributes to the research on victim mobilization as well as to the agency of victims. It sheds light on how victim groups influence reparation policies and how the continuity of negative classifications of certain groups in the post-war context makes compensation for them unlikely.

## **Despite the Law: Strategies for Victim Engagement in Three Brazilian Truth Commissions**

*Álvaro Okura, sociology Ph.D. candidate at the State University of Londrina, Brazil*

The legislation that established the Brazilian National Truth Commission precluded individuals lacking the "conditions to act with impartiality" from serving on it. Consequently, this prevented victims of the atrocities from participating directly in the Commission's investigations, beyond the hearings as victims. Rather than framing it as political repression by the state against its own citizens, the law referred to the presence of a 'political conflict' that must not be replicated in the National Truth Commission. Nonetheless, in an unparalleled development, both direct and indirect victim organizations, professional associations and social movements set up nearly one hundred sub-commissions, mostly regionally based, with their own standards of legitimacy, investigations, procedures and reports, creating distinct but simultaneous human rights claims and discourses. Unlike the BTNC, the majority of these institutions were managed by ex-political prisoners, and rather than being impartial, they relied on affect, kinship and proximity to construct forms of situated and engaged knowledge about past violence. The purpose of this presentation is to investigate how this condition engendered a complex relationship between the BTNC and three of its regional counterparts: São Paulo, Pernambuco and Rio de Janeiro

## **Stories of Pain and Courage: Assuming Responsibility for Justice**

*Dr. Anne Margrethe Sønneland, Associate Professor, VID Specialized University*

Persons who have been affected by state violence during past authoritarian regimes play a core role in bringing those responsible to trial and in the development of mechanisms of transitional justice. The role of victims is not limited to participating in the spaces that might be assigned to them. Rather, victims both in Argentina and Peru have taken on responsibility for reaching justice in the aftermath of crimes against humanity. Based on interviews with more than 100 victims in Argentina and Peru as well as on following court trials and collective action related to demands for justice and memory, this paper will argue that victims assume responsibility for obtaining justice. They do so in two main ways: Through presenting demands for justice through demonstrations and other forms of collective action, and through the use of and participation in the legal system.

This paper will focus mainly on the ways in which victims take on responsibility for reaching justice through trials, addressing the ways in which victims have engaged with the legal system from the years of state violence and continue to do so after transitions to democracy, hence forming part of transitional justice.

### **The Feminist Origins of The Right to Truth: Women as Merely Ancillary Subjects in Truth Commission in Latin America?**

*Dr. Paula Cuellar Cuellar, CFD Postdoctoral Teaching Fellow, Bowdoin College*

Under the auspices of the National Security Doctrine, exercised during the Cold War (1947-1991), the governments in Latin America suppressed the individual and collective human rights of those who dared to challenge the existing status quo. As a result, the governmental authorities began perpetrating the crime of disappearances of persons. To learn the fate and the whereabouts of their loved ones, their relatives undertook a quest that is taking place even nowadays. This mission was primarily led by women and is still at this present time. Determined to find the fate and the whereabouts of their disappeared, most of these women entered the public sphere for the first time in their lives. Born and raised most of them with traditional gender roles, these women openly and defyingly confronted the governmental authorities, and strongly demanded answers from those who had abducted their loved ones and took them to a clandestine detention center. By being the first persons in Latin America demanding information about the location and the destiny of their disappeared, these large contingent of women gave birth to the right to truth and truth commissions. Yet, my paper reflects that the first truth commissions created in Latin America did not contemplate investigating violence executed against these women since it did not consider them as victims per se, but as mere ancillaries in the quest of truth for their relatives.

### **The Legacies of Collective Action: Why Families of Disappeared Persons Mobilized in Mexico 2001-2014**

*Laura López-Pérez, PhD Candidate in Political Science, University of Notre Dame*

Why do families of disappeared persons mobilize for justice in high-risk contexts and with almost null expectations of justice? In the criminal conflicts in Mexico, families of disappeared persons have organized into dozens of groups, called *colectivos*, to search for the disappeared and demand justice, even in states with relatively low levels of violence, and in some cases even before the start of the “War on Drugs”. I argue that past experiences of mobilization against state-led violence, namely the *comités* of families of forcefully disappeared persons and religious groups adherent to the Liberation Theology, set the basis for mobilization in the early years of the state-criminal conflicts.

These past experiences of mobilization helped create local human rights organizations and the bases for large-scale protest against violence in Mexico. I argue that these key actors facilitated processes of network building among families of disappeared persons, provided them with specialized knowledge on how to demand justice towards the state, and gave them a sense of safety amidst a high-risk context. To test my argument, I conduct an instrumental variable analysis of the effects of past mobilization on the creation of *colectivos*, and a nested analysis and using an original data set that documents the creation of 59 *colectivos* between 2001 and 2014. I provide what is, to my knowledge, the first systematic account of the formation of *colectivos* in Mexico from 2001 to 2014. Families of disappeared persons, for decades, have paved a difficult path towards mobilization justice.



## Turning Victimhood into Agency through the Power of Stories: How Survivors Make Sense of Human Trafficking Experiences

*Victoria Wozniak-Cole, PhD researcher, KU Leuven*

In the aftermath of human trafficking, survivors try to make sense of what has happened to them. In this article, we combine feminist standpoint theory with narrative victimology to argue for a term we coin "situated storytelling". We then ask ourselves how "situated storytelling" can contribute to the sense-making of survivors of human trafficking experiences. We will answer this question based on a narrative thematic analysis of five interviews with human trafficking survivors.

We will discuss our threefold findings (1) the embodied self: physical coping strategies during and after trafficking and physical reactions surrounding interactions with the authorities. (2) the narrative self: how survivors made sense of their experiences, how they look back at it, and the impact it had on them, including their views on justice and their job as experienced workers (3) the autonomous self: their relationship with their traffickers, family and community, and peers, and mental health professionals. Due to the impact of human trafficking on the survivors, survivors are oftentimes described as vulnerable by society. However, seeing themselves as vulnerable, may not be fruitful for their recovery process. This article will highlight how survivors individually can turn this perceived vulnerability into agency through the power of storytelling. This has the potential to restore their embodied, narrative, and autonomous selves. Until today the idea of the vulnerable, passive, and weak victim prevails, this article will try to counter this, which can influence practice, policy, and future research.

## Lessons from Victims: The Role of Victims in Legal Evolution Within Domestic and International Law

*Dr. Beatrice Coscas Williams, Lecturer in the Department of Criminology, Western Galilee College*

Victims in the criminal justice system are often perceived as a burden to justice, portrayed merely as passive individuals seeking help and recognition. Contrary to this perception, victims play a pivotal role in shaping both the law and the judicial framework. Our project addresses this paradox, emphasizing the contrast between the stereotype of victims as weak and burdensome and the reality of their integral role in the emergence and evolution of domestic and international law. We aim to recognize the invaluable participation of victims in legal evolution, focusing on their journeys and contributions to new fields of law, thereby improving various legal domains.

Our article explores the challenges victims face due to stereotypes, emphasizing the importance of acknowledging their significant contributions across different legal domains. This recognition extends beyond areas directly related to victims, such as victims' rights, to encompass broader fields like the rights of women, children, and other vulnerable populations. We will illustrate situations in which victims, drawing from their traumatic experiences, have contributed to legislative reforms not only in victims' rights but also in several other legal domains.

## Political Genocide. A Legal Tale from Colombia

*Tatiana Fernández-Maya, PhD Candidate at UNSW (Australia), International scholar at KU Leuven*

Once upon a time in Colombia there was a political party called Unión Patriótica (UP). The party was violently persecuted for years and almost exterminated. In a recent judgement of the Inter American Court of Human Rights, Colombia was declared responsible for the extermination of the UP, although victims of this group have always called it political genocide. In this presentation I will describe how the fight for legal justice in this case contributed to the inclusion of political groups within the definition of the crime of genocide in the Colombian

criminal code. Such inclusion, I argue, is not only the result of contextualising international law to domestic reality but also a product of victims' persistence in demanding recognition at different levels.

### **Rethinking Domestic Courts in Transitional Justice Cases: Challenges and Opportunities for Justice, Agency, Participation and Recognition for Indigenous Women Victims of Conflict-related Sexual Violence in Guatemala**

*Mariana Lara Palacios, PhD researcher at Leuven Institute of Criminology (LINC), KULeuven*

It does not come as a surprise that trust has been lost in domestic justice systems especially in post-conflict societies trying to come to terms with their past of serious human rights violations. A distrust well founded. It does not come as a surprise either that, for this reason, scholarly work has also had a tendency to shift its focus from the formal justice system to alternative ways of justice. However, when it comes to serious violations of human rights, justice is closely linked with accountability and prosecutions, which are important in this specific context to consolidate the rule of law, the pillar of democracy. Furthermore, when justice comes about through criminal prosecutions, it breaks the cycle of violence by eradicating impunity. In addition, the increased involvement of the victims in these processes starting even before a judicial procedure, allow victims to acquire a sense of justice, often necessary for the personal, psychological healing that allows for reconciliation, in addition to agency, participation and recognition. In this paper, I will analyze concrete cases where domestic courts have dared to shift from a purely punitive approach to a more transformative one, cases presenting opportunities but also obstacles, which will also be analyzed.

### **Roundtable - Victim-Defined Justice: Grassroots Activism, Resistance and Participation to Achieve Meaningful Change**

*Dr. Habib Nassar, Director of Policy and Research, Impunity Watch*

*Dr. Louis Monroy Santander, Researcher Bsocial Colombia*

*Ahmad Helmi, Co-Founder and Manager of Ta'afi Initiative, member of the Truth and Justice Charter*

*Dr. Christalla Yakinthou, Lecturer at the University of Birmingham*

*Galuh Wandita, Director of AJAR*

This panel is designed to center the lived expertise of rightsholders and victims of gross political violence and human rights abuses. Notably, these groups have often been largely excluded from meaningful roles in existing conflict/post-conflict justice and other political processes. The panel will be informed by a global study coordinated by Impunity Watch in partnership with the University of Birmingham, Asia Justice and Rights (AJAR) in Indonesia, BSocial Col in Colombia and the Université Libre des Pays Grands Lacs (ULPGL Goma). This study focuses on six countries—Colombia, Democratic Republic of the Congo, Guatemala, Indonesia, Syria, and Tunisia—where survivors have actively shaped, re-shaped, and created opportunities for the restitution of rights and resisting violence, impunity and re-victimization. By foregrounding these experiences, the panel aims to serve as a springboard for a broad and inclusive discussion on how 'local' and victim-survivor-driven initiatives can decrease power asymmetries in efforts to create space for disenfranchised victims and reform potentially unequal and unjust processes.

### **Roundtable - Surviving Memory in Postwar El Salvador: Participatory Research and Co-Creation with Civil War Survivors**

*Dr. Amanda Grzyb, Professor of Information and Media Studies, Western University, Canada*

*Dr. Ir. Arch Harold Fallon, Founder of AgwA, Professor at KU Leuven Faculty of Architecture*

*Thomas Montulet, Civil engineer architect, Collaborator at AgwA, Ph.D candidate at UCL-LOCI, Brussels campus*

*Evelia Macal, Architect, Urbanist, and Ceramicist*

*Dr. Adriana Alas, Post-doctoral Researcher, University of Western Ontario*

*Fernando Chacón Serrano, Lecturer and Researcher, Universidad Centroamericana José Simeón Cañas*

The Surviving Memory in Postwar El Salvador ([www.elsalvadormemory.org](http://www.elsalvadormemory.org)) collaborative research initiative is an international partnership of survivors, scholars, artists, lawyers, museums, architects, community organizers, municipal governments, civil society organizations and mental health professionals who are committed to documenting the history of the Salvadoran Civil War (1980-1992), supporting transitional justice and preventing future violence. Using decolonial and participatory methodologies, the team's goal is to engage in high-impact, community-driven research projects, oral histories, and accessible knowledge sharing activities that approach historical memory work holistically through the intersections of justice; art, music, and theatre; intergenerational education; documentation and testimonies; mental health and healing; commemoration; environmental reparation; and local economic reconstruction. In this Round Table discussion, Dr. Amanda Grzyb will provide an overview of the project, and then several members of our team will highlight examples of our participatory projects in El Salvador, emphasizing our survivor-led methodologies in formal and informal spaces; the relationships between grassroots organizations and international collaborators; and the role of art, architecture, documentation, and intergenerational and cross-sector dialogue in postwar recovery and justice.

### STREAM 3 · Knowledge approaches

#### **On Postcolonial Violence and the Post-Revolutionary Diasporic Agency: Syrian Justice Beyond the Koblenz Trials**

*Maria Hartmann, M.A., Center for Conflict Studies, University of Marburg*

*Dr. Mina Ibrahim, research associate at the Center of Conflict Studies*

With over half a million dead, over 13 million refugees, and hundreds of thousands of forcefully disappeared, the dimensions of destruction that the Syrian conflict has created in the last decade are enormous and exceptional. As dealing with the conflict has mostly become only possible from exile, this presentation adopts a postcolonial critical lens to scrutinise the recent trials against Syrian officials in the German city of Koblenz. It discusses facets of postcolonial violence that Syrian activists face as a result of concealing the visibility of their struggles not only inside but also beyond the courtroom. By tracing the continuities of violence to years before and since the 2011 revolution, it dialectically shows how the migrants have reclaimed space and voice by building up a post-revolutionary diasporic agency. We refer to the multiple spatial and temporal expansions and decentralisation of the praxis of European, specifically German, laws for crimes against humanity that our interlocutors shaped through their contribution and responses to the recently concluded Koblenz trials in specific. Based on interviews and participant observation with Syrian activists in and outside Germany between 2018 and 2023, the interlocutors' different positionalities and the authors' relationships with them have allowed for understanding of their everyday struggles beyond answering questions inside the courtroom in Koblenz or other cities in Europe and the U.S. In conclusion, the paper advocates for the conceptualization of a multidimensional justice, through which Syrians, along their various scattered realities, can in the future pursue demands for democracy, safety, human rights, and freedom.

#### **Understanding a Local-Centred Approach in Syria**

*Roua Al Taweel, PhD Researcher, Ulster University*

The Syrian civil society's active contestation to mainstream social, political and transitional paradigms has contributed to reevaluating the conceptualisation of civil society's role in transitional justice. That said, a significant portion of civil society that emerged as grassroots initiatives gradually underwent a process of

NGO-isation with the support of international organisations and donors. Such a process is noted to exert significant influence on transitional justice agenda setting in Syria, while also imposing various administrative and operational challenges. This can particularly hinder the efforts of feminist movement operating in conflict-affected context. An examination of these dynamics and their impact on shaping truth narratives and documentations efforts is crucial for a precise understanding of a local-centred approach in Syria.

Initial analysis of my fieldwork reveals three dynamic dimensions within Syria's TJ landscape: the interplay between international and Syrian actors, the tensions between 'traditional' Syrian civil society and feminist organisations, and the dynamics among Syrian feminist and women-led stakeholders. Each of these dimensions presents a unique set of challenges and opportunities for transformative efforts in the pursuit of justice in Syria. Consequently, this paper advocates for a nuanced and critical examination of the concept of local participation, emphasising the need to move beyond a simplistic binary perspective. A meaningful local-centred approach should consider various factors, including, and not limited to, the imbalanced distribution of resources, both domestically and globally, and the way that impacts the inclusion of multiplicity of, sometimes oppositional, viewpoints and narratives of grievances.

### **Victim-centric Justice in the Syrian context**

*Wladimir Santana Fernandes, PhD Fellow, Roskilde University*

This paper explores the meaning of victim-centric approaches to justice among Syrian civil society organizations. Since 2016, there has been a trend in formation of Syrian victims' associations, and an emerging discourse of victim-centered approaches to justice from their Syrian and international partners. Indeed, under this banner, the UN General Assembly has recently approved the creation of an institution on missing persons in the Syrian conflict. While victim orientation and participation have been celebrated within the Syrian justice ecosystem, the meaning of victim-centrism and the role of victims is subject to contestations and civil society politics.

In this context, the victim-centric approach represents a frame to localize transitional justice by placing victims' needs and experiences at the center of justice and advocacy priorities. The victim-centric approach fuels Syrian and international NGOs efforts to engage with victims, providing them with platforms from which they can organize, contest transitional justice norm hierarchies, and advance their own demands. This approach also generates frictional encounters that highlight the dilemmas of justice in paradigmatic contexts such as Syria, and the unsettled nature of old debates within the field of transitional justice, such as truth versus justice and the question of timing. Ultimately, in the absence of an arbiter of these dilemmas, victims become key actors for the formation of alliances capable of advancing agendas and building concrete justice projects.

### **Understanding the Implications of Victimhood Identity in Turkey's Kurdish Conflict**

*Dr. Nisan Alici, Queen's University Belfast*

This paper looks into the issues surrounding the construction and complexities of victimhood in Turkey's Kurdish conflict, by primarily focusing on Kurds who have experienced state violence. Drawing on 24 in-depth interviews with individuals, who either have a victimisation experience or worked closely with victim groups, the paper focuses on the connotations of the term victim and analyse 1) how victims identify and make sense of their victimhood and 2) what various perceptions of victimhood the grassroots actors hold. Capturing the implications of victim status and connotations of victimhood may help design peacebuilding and transitional justice mechanisms in line with the demands and experiences of those who have been most affected by the conflict. Most of my interviews entail an understanding of victimhood that implies the vulnerabilities of victims automatically means stripping the victims from their agency. However, the dominant understanding that

emphasises the empowerment and resistance of the victims, risks ignoring some essential parts of the victimisation experience. Vulnerability and agency are not mutually exclusive; and difficult emotions such as pain, mourning, anger, and despair can coexist with agency, empowerment, and resistance. Instead of thinking in binaries, I propose a more complex, and multidimensional understanding of victimhood that leaves space for vulnerabilities as much as empowerment

### **The Transitional Justice Citizen: From Justice Receiver to Justice Seeker**

*Dr. Briony Jones, Reader of International Development, Politics and International Studies Department, University of Warwick*

The way in which transitional justice has developed as a field has led to a failure to take into account the articulation (and its impact) of varied political projects. The field is concerned primarily with certain crimes, individual experiences of these crimes, and is deeply embedded in discourses and practices of contemporary neoliberalism and globalisation. This has both epistemological and methodological implications, as voices are unheard, violations unseen, and practice blind spots produced. This paper is concerned with the particular blind spots of context and history and will trace the importance of framings of citizen agency and activism in the policy as well as the everyday unfolding of transitional justice processes. Drawing from work recently published in *The Transitional Justice Citizen: From Justice Receiver to Justice Seeker* (2023, Edward Elgar) and using examples from Bosnia-Herzegovina, Cote d'Ivoire and Tunisia, the paper makes the argument that the transitional justice citizen, while framed through policy as a passive receiver of justice, is in fact an active seeker of justice seeking to expand and contest the justice on offer and to remind transitional justice advocates of the wider political projects that underpin both violence and peace.

### **"Visible Mending" and Transitional Justice**

*Dr. Matthew Evans, Senior Lecturer in Law Politics and Sociology, University of Sussex and Visiting Researcher in Political Studies, University of the Witwatersrand*

This paper considers the notion of 'visible mending' in relation to transitional justice. As a practice in textile arts and crafts, 'visible mending' has a long history and has drawn recent attention in academic and popular discourse in relation to sustainable fashion movements and regarding its possible therapeutic effects. The paper uses the metaphor of 'visible mending' as a lens through which to view the (supposed) aims of transitional justice. It is argued that, in (post-conflict, post-authoritarian, post-atrocity) contexts where transitional justice tends to be applied, there is value added in considering the extent to which societal harms could and should be visibilised through, and in addition to, their repair. This recognises both the impossibility of straightforwardly undoing past harms and the imperative to address their impacts and legacies. The paper, further, links this to the growing literature on transformative justice as a critical approach within, or an alternative to, transitional justice, arguing that 'visible mending' offers a way in which to conceive the relationship between past injustice and a potential transformative future.

### **Decentering and Decolonising the Field of Transitional Justice: Lessons from the Work of Colombia's Truth Commission**

*Dr. Claire Wright, Research Fellow, Queen's University Belfast*

While Latin America has a shared history of colonial past, conflict, and experiences of Transitional Justice (TJ), there have been just a handful of studies focusing on how the region's indigenous peoples have experienced peacebuilding processes (see e.g. Rivera Rodríguez, 2019; Guerra Curvelo, 2017). The case of Colombia is significant, given the differentialised affectation of indigenous and other peoples by the armed conflict and

the acknowledgement of this victimhood by the Havana Peace Accord of 2016. As a result, an intercultural approach was mandated for the Colombian Truth Commission (CEV), created after a process of prior consultation with leaders of indigenous, afro-descendant, and Rom (or gypsy) peoples. The aim of this article is to analyse the way in which the CEV has attempted to decenter and decolonise its work in constructing memory and what lessons this experience could hold for scholars of Transitional Justice.

### **Victim Mobilisation as Participation and Transformation in Transitional Justice: Families of the Missing in Nepal**

*Ram Kumar Bhandari, Researcher at Center for Law and Transformative Change (CLTC)*

*Dr. Simon Robins, Centre for Applied Human rights, University of York*

This study reports on local and national mobilisation of families of the missing in Nepal, notably through the Network of Families of the Disappeared, Nepal (NEFAD). Processes are explored where victims have mobilised collectively at multiple levels to impact social institutions within which they are embedded as well as advocating for formal process, to address the range of impacts of having a missing relative. Dominated by poor, often indigenous women, victims' needs encompassed that for truth and justice, as well as basic economic essentials, an end to stigma in family and community, and broader demands for social and political inclusion for the communities from which they come. While their initial coming together was driven by a simple need for solidarity and peer support, this process was seen to be highly empowering, creating spaces where women could renegotiate what their victimhood – as families of the missing – meant, and providing a platform for those meanings to be challenged and transformed. The lens of ambiguous loss shows how participation, as a set of social processes, can address some of the impacts of having a missing relative, even where - as in Nepal – the state refuses to act.

Mobilisation has meant the creation of spaces for psychosocial support and broader empowerment that have provided a springboard for families to become visible and be represented in national transitional justice process, on their own terms. Victim participation in transitional justice is here understood as process that privileges the agency of victims, understanding them as social actors able to shape how they experience victimhood, embodying a critical victimology. Participation is inherently political because it is intimately concerned with power relations, not just a politics of the state but a politics in all the spaces with which victims' lives intersect.

### **The Office on Missing Persons, the UN Human Rights Council and the Women Next of Kin of the Disappeared in Postwar Sri Lanka**

*Dr. Chulani Kodikara, Research Fellow, The School of Law, Queen's University, Belfast*

Since the end of the civil war between Sri Lankan state and the Liberation Tigers of Tamil Eelam (LTTE) in May 2009, hundreds of Tamil women whose family members disappeared during the war have been waging a struggle for truth and justice. Following years of denial of disappearances, a successor government elected in 2015 inaugurated an internationally supported transitional justice programme, while co-sponsoring a resolution at the United Nations Human Rights Council, committing to establish four transitional justice mechanisms including an Office on Missing Persons (OMP). In keeping with the resolution, it also initiated a Consultation Task Force on Reconciliation Mechanisms (CTF) to consult victim-survivors on the design of these mechanisms. In this paper, I explore women's engagement with this consultative process and the OMP. I show that the next-of-kin of those who disappeared during the war engaged with the CTF in strikingly higher numbers than other persons affected by atrocities. Moreover, of all the mechanisms proposed, it was the OMP that resonated the most with war survivors. In the context of a long history of broken promises by the Sri Lankan state, one of the recurring demands made by the next of kin of the disappeared was for international

involvement at all levels of the OMP. Yet, when the OMP was eventually established, this demand was ignored. Since then, the women-next of kin of the disappeared are demanding for a purely international truth and justice mechanism from the 'international community.' But can international law and institutions fulfil their demand any more than the Sri Lankan state?

### **Transitional Justice, International Law, and Regional Particularism in Southeast Asia, with a Case Study in Cambodia and East Timor**

*Fangyi Li, PhD researcher, Edinburgh Law School*

Transitional justice has been extensively practiced in Southeast Asia in the 21st century to address its violent past. In contrast to a narrow, rights-based understanding of transitional justice associated with Western liberalism and legalism that dominates transitional justice responses at the international level, Southeast Asia has witnessed broader, and more pluralistic perceptions of justice shaped by local and cultural specificities. In East Timor, families of massacre victims' ideas of harm are attached not only to the event of loss itself, but also to a 'disruption in social and cosmological relations' which cannot be captured by a liberal, individualistic paradigm (Sakti 2013; also Robins 2015; Kent 2019). In Cambodia, Khmer Buddhist teachings object to dwelling on the past and deem the demands for rights as 'illusory attempts to aggrandize the self' (Harris 2005; also Pham et al. 2011; Bennett 2018; Kidron 2021).

This paper reviews culturally-grounded views and practices of transitional justice in Cambodia and East Timor which have been subject to intensive and extensive international involvement in their post-conflict transitions. It seeks to understand to what extent these local developments are manifestations of regional particularities in Southeast Asia, with particular focus on the concept of 'Asian values' put forward by Southeast Asian governments. Moreover, this paper aims to unpack what scope there is for concerns and priorities of those affected by violations to inform the liberal legalistic model of transitional justice, which, according to Mochizuki (2007), is the precise issue that requires further examination.

### **Marginalised and Neglected: Perspectives from Ethnic and Religious Minorities on Sri Lanka's Transitional Justice Process**

*Dr. Farah Mihar, Senior Lecturer in Human Rights, Centre for Emergency and Development (CENDEP), Oxford Brookes University*

Transitional justice in Sri Lanka emerged from victim demands for accountability for war-time atrocities, however they became sidelined by a top-down process. Particularly undermined were the ethnic and religious positioning and grievances of victims, which had been a structural cause of the country's three-decade conflict. Through empirical research conducted in Sri Lanka I will demonstrate how ethnicity and religion were intrinsically linked to victim and perpetrator identities and how this resulted in differential demands of transitional justice. Conflicting positions on justice, especially between the country's largest ethnic minority, Tamils and the smaller Muslim population led to competition for victimhood. I will also explore how the secular nature of the internationally shaped process undermined the identity of victims and more importantly the ethnic and religious bias of the state. Consequently, during the transitional justice process, majoritarian Buddhist extremism was strengthened resulting in violence targeting Muslims and creating new victim groups. I will conclude by arguing the need for transitional justice to better reckon with identity and minority status of victims.

## **Victims' Agency and Relational Autonomy in Transitional Justice: Saturday Mothers' Experience**

*Dr. Günes Dasli, lecturer, Center for Middle Eastern and North African Politics, Freie Universität Berlin*

Despite its popular usage, the concept of agency is mainly underdiscussed in transitional justice. Creating avenues for agency opens up possibilities for localizing transitional justice and emancipating it from the bonds of being state-centered and top down. This article seeks to do a theoretical debate of understanding the complexity of the concept of agency supported by the findings collected through in-depth interviews with activists in the Saturday Mothers, the victims' group in Turkey. To answer this question, it develops a holistic understanding for victims' practices and perceptions of justice by introducing "relational autonomy" to the field.

The assessment of the functions of participation in the Saturday Mothers by unpacking the forms of agency is summarized as follows: 1) creating a political family based on care, friendship, and solidarity, 2) mitigating isolation; and 3) complex relation with vulnerability and activism. Later, I analyze the ways in which they perform agency and how their imaginations and practices of justice interact. The political family which challenges the conventional notion of family, based on kinship, allows them to demand justice not only for themselves but for all victims regarded as the part of the 'big family.' Coping with loneliness opens a space to (re)believe justice and (re)motivate victims to demand justice. The collective experience transforms a helpless 'why' into a demanding why by the victims to seek the truth. The agency-centered approach innovatively provides a holistic lens to understand local agency, thus victims' needs.

## **Bottom-Up Transformative Justice: An Alternative to the Liberal Peace Paradigm in the Question of Palestine**

*Tamara Tamimi; PhD Student, Queen's University Belfast*

As part of the liberal peace paradigm, Western countries have framed "conflict resolution" in Palestine-Israel through the advancement of the two-state solution, based on a conceptualisation of military occupation. Apart from the failure of this approach and its lack of engagement with the wishes of the Palestinian people, several issues arise from the imposition of a two-state solution from the outside. First, it entrenches the fragmentation of Palestinians. Second, it does not capture Israeli settler colonial measures. Third, it excludes key Palestinian groups and events.

This paper forms part of my broader PhD research and advances the approach of bottom-up transformative justice, operationalised through centralising Palestinian voices at the heart of any political process and peace solutions. In this sense, bottom-up transformative justice would serve as a decolonial alternative to the liberal peace paradigm.

To this end, the paper argues to expand the conceptual framework on Palestine beyond military occupation to include settler colonialism, demonstrating its added value, including but not limited to opening up avenues for decolonial approaches. Thereafter, the paper moves to show how settler colonialism in the case of Palestine demonstrates a 'state of exception', which provides for bespoke solutions instead of reproducing the liberal peace paradigm in imposing solutions utilised in other settler colonial contexts. Last, the paper coins bottom-up transformative justice by presenting fieldwork findings on perceptions of justice, linking them to local justice mechanisms and their benefits, and feminist approaches of intersectionality and bringing voices 'from the margin to the centre'.



## Too Ordinary to be Truths? Gender, Social Death, and the Biopolitics of Speech, in the Tunisian Truth and Dignity Commission

*Dr. Sélima Kebaili, Senior Lecturer, University of Geneva, Institute for Gender Studies*

If, as legal scholar Martha Minow wrote, transitional justice aims “to replace violence with words and terror with fairness” (1999), the concern in this presentation is with the conditions necessary for violence to become intelligible in the context of truth commission hearings. The communication builds on four years of ethnography on female victims' participation in the Tunisian Truth and Dignity Commission (TDC – 2014-2018), tasked with investigating the violations committed by the prerevolutionary Tunisian regime. Many women recounted their experiences of testifying in front of the TDC as being traumatic and leading to a feeling of dispossession of their own stories. In this presentation, I make the case that these negative effects are less due to the victims' difficulty to speak but rather due to the experts' failure to recognize the forms of suffering expressed as forms of gendered violence. As I show, the transitional justice gender approach, built on a definition of political violence as events targeting the body that bears witness to it, marginalized the narratives of the female victims who focused their testimony on the social death generated by political violence. This communication presents a concrete example of the conflicting effects of the gender-based definition of violence and reveals how the transitional justice definition of violence, because it focuses on events rather than ordinary forms of violence, eludes the structural character of gender-based violence.

### Tunisia's Experience of Transitional Justice

*Houcine Bouchiba, Tunisian Human Rights Activist, Founder of the Al-Karama Association, Representative and former Secretary of the Tunisian Coalition for Transitional Justice*

Since the revolution of January 2011, Tunisia embarked on a journey of transitional justice, commencing in April 2012, and continuing to evolve to this day. This process has been characterized by active participation from civil society, marking a significant qualitative addition to transitional justice paradigms. Whilst emphasizing that transitional justice is not a one-size-fits-all solution and defies a standardized “toolbox”, this presentation will analyze Tunisia's experiences with transitional justice from a comparative perspective, recognizing the richness and depth inherent to Tunisia's journey - highlighting its benefits, inherent limitations, and the challenges encountered along the way. Key aspects to be discussed include the truth and accountability processes, the establishment of Specialized Criminal Chambers, and the crucial role played by victims. However, amidst the progress made, transitional justice also provokes reservations and criticisms. Questions arise concerning the necessity of political will, the true empowerment of victims, and the adequacy of reparations.

### Roundtable - Whose Victims, Whose Voice? Knowledge Production, Epistemic Inequality and Methodological (Power) Shifts in Transitional Justice

*Dr. Eva Willems, Post-doctoral Researcher, History Department, Ghent University*

*Gabriela Zamora Castellares, historiadora de la Universidad Nacional San Cristóbal de Huamanga, Perú*

*Dr. Sanne Weber, Assistant Professor Peace and Conflict Studies at Radboud University Nijmegen*

*Dr. Selbi Durdiyeva, Postdoctoral Researcher, Center for Conflict Studies, Philipps University Marburg*

*Dr. Mijke de Waardt, Researcher NSCR, Assistant Professor Criminology VU*

*Dr. Sandra Milena Rios Oyola, Assistant Professor of Sociology, University College Roosevelt (UU)*

The calls for more genuine victim participation in TJ processes are rooted in the critique that TJ entrepreneurs speak on behalf of victims instead of empowering them to use their own voice. This question of who gets to speak on whose behalf in TJ is essentially an epistemic one: existing power hierarchies and unequal relations between entrepreneurs and beneficiaries of TJ are reflected in how different types of knowledge that shape

the study and practices of TJ are measured. Victims are considered to (exclusively) produce 'experience-based' and 'alternative' knowledges situated on the local level, while TJ entrepreneurs are seen as the 'experts' and 'architects' of TJ's mechanisms and processes who move in or have access to international discourses, practices and spaces. This epistemic inequality does not only constitute an injustice in itself; it also leads to knowledge gaps and ineffective design and implementation of TJ policies, hereby running the risk of undermining the purposes of seeking truth, accountability and redress for victims.

This roundtable wants to reflect on current approaches to knowledge production in TJ and inspire new ones, in order to move towards methodological and epistemic (power) shifts in the field. It will do so by putting the following questions center-stage:

1. What is the current state of knowledge production in TJ? In which spaces is knowledge produced and by whom? Which actors have access to which spaces of knowledge production?
2. What are the blind spots and knowledge gaps generated by the existing epistemic inequalities in TJ?
3. How do we achieve more equal ownership over the process of knowledge production for all stakeholders involved in TJ processes?
4. Which methodological shifts stimulate a more inclusive practice of knowledge production in TJ?

### **Measuring Up: A Dialogical Model for Assuring a Reparative Process**

*Dr. Lisa Laplante, Professor of Law, New England Law | Boston*

International law obliges governments to assure adequate and effective reparations for human rights violations. To date, most evaluations of such programs focus on outcomes while overlooking the process of how the state engaged victims, or not, in the determination of what they needed to feel repaired. A consensus now points toward the need to better involve beneficiaries in reparations programs in the process of determining these outcomes, yet there remains a need to better understand how to assure meaningful and effective participation. In response, the authors present an expansive view of the right to participation that would oblige governments to assure the quality of this participation in all stages of reparation programming, including design, implementation, and evaluation. They argue that reparative processes are, in themselves, forms of reparation, which go toward citizen restitution. They offer preliminary guidelines on how to assure reparative processes, as well as their evaluation, through a dialogical model that helps reorient the view of "victims" to being active agents in determining not only appropriate reparations but also larger transformations. Reparative processes shift the focus of evaluation to look beyond outcomes and toward the quality of the design and implementation processes, which, if flawed, may ultimately undermine the overall impact of any reparation program.

### **Paradox of Justice: From Transitional to Everyday Justice**

*Dr. Pamina Firchow, Associate Professor, Heller School for Social Policy, Brandeis University*

Transitional justice lacks a coherent framework for articulating the relationship between distributive and corrective justice. Academic debates remain largely normative, focused on whether and how transitional justice should distinguish itself from the realm of the social, economic, and cultural. Where there is a bridge between legal logics and lived realities, it generally happens through victims' consultation, but these are often thinly designed processes, revolving around questions like "what do victims want" or failing to turn expectations into action. Taking inspiration from Sally Engle Merry's "paradox of measurement," in which measurements produce the realities they assess, we pose a "paradox of justice" in which victims' lived experiences are filtered and reproduced through the technology of consultation. While important, the question of "what do victims want" ultimately oversimplifies the complexities of how injustice is experienced. Drawing

on a unique dataset of everyday indicators of justice from Colombia, this article establishes a framework for articulating the experiential dimensions of post-conflict justice. Ultimately, this framework highlights that justice is a process—whether in the courtroom or in a village reckoning with a massacre—and that the kinds of relationships that justice institutions build with victims are of equal relevance to what these institutions ultimately deliver.

### Roundtable - Transitional Justice Databases as Political Ecologies of Mnemonic Participation

*Benedict 'Bono' Salazar Olgado, Documentalist, HURIDOCs*

*Natasha Todi, Program Manager, HURIDOCs*

*Aghniadi, Regional Communications Coordinator, Asia Justice and Rights (AJAR)*

*Dr. Sophia Milosevic Bijleveld, Head of Memorialisation and Victims Participation, Afghanistan Human Rights and Democracy Organization*

*Roula Baghdadi, Executive Director, Dawlaty*

In ongoing debates around transitional justice, ubiquitous infrastructures such as databases are largely critically ignored. This is despite the rise of bespoke human rights databases developed and deployed to support the pursuit of various transitional justice processes. We are seeing the datafication of transitional justice where violations are rendered calculable, actors are turned into data, and accountability decisions are founded on digital evidence. Given its epistemic and methodological impact, the transitional justice database must be seen then as source, subject, and object of engagement by not only studying the data it holds, but also understanding the mechanisms and conditions surrounding it.

This panel then looks at the development and utilization of these databases as political ecologies of mnemonic participation. Specifically, we seek to highlight and discuss various methodologies that aim to center the role and participation of victims in data/base and memory work. We will hear from three initiatives across the globe: (1) AHRDO's art-based approaches granting dignity and recognition to victims and survivors, (2) Dawlaty's oral history project preserving the memory of social life and conflict by marginalized communities, and (3) AJAR's participatory and trauma-informed tools for documenting experiences of survivors. We will discuss how these initiatives and their epistemic and methodological assertions are supported, mediated, translated, and limited by data/digital infrastructures. This panel gives attention to the sociotechnical politics of transitional justice infrastructures vis-a-vis victim participation and how they shape the knowledge and practices of the field.

## STREAM 4 · Beyond participation

### Roundtable - Experiences of Gambian Survivors in Domestic and Universal Jurisdiction Cases

*Dr. Nina Burri, Attorney at law, RISE Attorneys at law, Zurich, Switzerland, lecturer at the University of St. Gallen*

*Fatoumatta Sandeng Darboe, founder and CEO of the Solo Sandeng Foundation*

*Muhammed Sandeng, Executive Secretary of the Solo Sandeng Foundation*

*Isatou Jammeh, Founder of The Victim's podcast, the first podcast on transitional justice in The Gambia*

Since the fall of the regime of Yahya Jammeh in late 2016, a transitional justice process has started in the Gambia. During months, the Truth and Reconciliation and Reparations Commission (TRRC), uncovered facts and memories of hundreds of victims and survivors. In parallel, several universal jurisdiction cases emerged. In Switzerland, the Office of the Attorney General arrested in early 2017 the former Minister of the Interior

Ousman Sonko and filed an indictment against him for alleged crimes against humanity in April 2023. His trial before the Swiss Federal Criminal Court will take place in January 2024. In Germany and in the US, former members of the Junglers (a death squad of the former president Yahya Jammeh) stand trial for alleged crimes against humanity. At the same time, in the Gambia itself, some few proceedings dealing with crimes committed during the rule of the former regime took place. This round table will highlight different perspectives of victim participation in these various layers and forms of the transitional justice processes: the TRRC, domestic criminal justice, universal jurisdiction cases, or in fora beyond the legal framework, namely podcasts and other outreach projects. While participation in high profile universal jurisdiction cases might often trigger a lot of interest in academic fora, it might be less satisfactory for the participating actors because their procedural rights are restricted by distance and language, and since information of the process is only slowly flowing back to the Gambia. Local domestic proceedings, on the other hand, face other severe limitations. The panel participants will share their first-hand rich experiences from directly participation in these processes.

### **Historical Abuse in Dutch Catholic institutions: A Qualitative Study of Victim-survivors' Experiences with Redress Procedures**

*Naomi Ormskerk, MSc. PhD candidate at the University of Humanistic Studies; the Netherlands*

Abuse of minors in Catholic institutions is a phenomenon of vast dimensions and universal scope. In the Netherlands, complaint and compensation schemes and mediation procedures were established to provide a procedure offering an alternative to criminal law and civil litigation and to meet the needs of victim-survivors (claimants). These procedures, which can be categorised as institutionalised procedures (initiated by the Church or State) and non-institutionalised procedures (initiated by claimants), incorporate a hybrid procedure where one can file a complaint and a claim for damages or a procedure based on dialogue combined with a financial claim resulting in a verdict without going to court. Nevertheless, few civil court cases were filed by claimants. Both the alternative procedures and the court cases are types of redress. This study seeks to analyse what claimants' experiences are with Dutch redress procedures and if they are a match with the goals of the proceedings, namely recognition and repair. Claimants' experiences were assessed through the theoretical lenses of procedural and restorative justice.

### **Lavvos in Front of the Parliament: The Norwegian TRC and Conflict over Land and Water**

*Dr. Carola Lingaas, Associate Professor, VID Specialized University*

*Dr. Anne Margrethe Sønneland, Associate Professor, VID Specialized University*

In June 2023, the Norwegian Truth and Reconciliation Commission published its report about the assimilation policies towards the Sámi, Kven and Skogfinn minority populations and the consequences of these policies. The TRC process was initiated by the Sámi indigenous people, and the Parliament decided that there was a need for a Truth and Reconciliation Commission in 2018.

While the majority population has had – and still has – little knowledge both about the assimilation policies and the TRC process, the TRC did rise expectations of a change in policies towards the Sámi in parts of the Sámi community.

A few months before the TRC published its report, the Norwegian Supreme Court came to the decision that the windmill park in Fosen, in central Norway, constituted a violation of the right to culture of the southern Sámi population. 500 days after this decision, Sámi youth and young environmentalists carried out demonstrations in the Department of Justice. 700 days after the decision, a young Sámi decided to occupy the square outside

of the Parliament, and raised his lavvo. He was later followed by young Sámi activists with the support of environmentalist groups.

The paper will discuss the ways in which the ongoing conflict related to land and water influences on the reconciliation process in the aftermath of the TRC.

### **Colonial Violence Heritages and The De-Voiced: Re-Sculpting Participation**

*Dr. Vicky Kapogianni, Lecturer in EU and International law, Reading Law School, University of Reading*

*Dr. Benjamin Thorne, Lecturer in Law, Kent Law School, University of Kent*

The broadness of transitional justice discourse has generated space for the inclusion of all facets of transitional justice practice, knowledge and institutional vehicles which have been endorsed through core human rights treaties and customary international law. Nonetheless, the reality for participation of colonial violence victims is often contentious, problematic and at worst exclusionary. Despite a common linear understanding of participation, issues of secrecy maintained during the inter-state negotiations (Namibia-Germany) where indigenous people and affected communities right to be part of the processes was banned, and hence de-voiced, urges the shift towards other dynamics that have a more radical, disruptive, or innovative potential and impact. Although extant facets, in principle, do provide a disciplined framework for potential 'communicative action'(Habermas)–where dialogues over competing claims can be ensued from, where power relationships can be symmetrical, and help mitigate the state-centric and top-down dominance– however, a non-linear participation gestures to more creative and victim-led radical re-imaginings such as art activism and cultural restitution as justice.

Push-back to the deliberately de-voiced is evident in transitional justice growing interest in restitution and the ways in which return of stolen cultural heritage can be a form of justice and victims' participation in bringing this to realisation (Kenya). Innovative and arts-based approaches calling for return has potential for victims to not only be given a voice, via their creative transitional justice entrepreneurship, but also relocate dialogue about the violence caused by colonial looting away from the global north and back to those communities where the violence occurred.

### **#Workingforjustice: Victim Participation as Labour**

*Dr. Leila Ullrich, Associate Professor of Criminology, University of Oxford*

What do victims actually do when they participate in transitional justice mechanisms? Express their views, contribute to the justice process, tell their stories or confront their trauma? These are common answers transitional justice scholars give. Yet, observing the International Criminal Court's victim engagement in Kenya and Uganda, I was more struck by how exhausting justice was for its participants; how much it looked like work, hard work, in fact, both for the Court's staff and for intermediaries and victims. Drawing on multi-sited ethnographic fieldwork in The Hague, Kenya and Uganda, including 134 interviews, this paper explores what happens if we conceptualize victim participation not as a democratic or legal form but as a labour form. Such a reconceptualization raises new questions: if victims work for international criminal justice, how is their labour valued and what is its product? Drawing on my forthcoming book, *The Blame Cascade: Justice for Victims at the International Criminal Court* (OUP, 2024), the paper shows how the drive to include victims as participants in international criminal justice also creates and disciplines them as highly gendered and racialized capitalist subjects who are supposed to 'stop crying', 'be peaceful', 'get married', 'work hard', 'repay debt' and accept their place at the bottom of the global division of labour.

## **Empowering Agency: Crafting Participatory Methodologies for People-Centered Justice**

*Rebeca Huete Salazar, Lawyer, Associate at Guernica 37 Centre*

*Juliana Galindo Villarreal, Associate at Guernica 37 Centre*

After a 50-year-long war, in 2016, the government of Colombia and the FARC-EP guerrillas signed a Peace Agreement, inaugurating a new transitional period. This new scenario raised questions on how to better engage communities who had experienced the violence, particularly since the new mechanisms were aiming to adopt ethnic and territorial approaches as guiding principles.

The paper's central argument is that victim's effective participation largely depend on the design and implementation of a participatory methodology that integrates their epistemologies and views of what is just, strengthening their sense of agency and promoting civic trust (understood from three levels: self-confidence to demand their rights, trust in their community, and trust in institutions). I will draw on Guernica 37 Centre's methodology and experience in Colombia, a nonprofit organization that has been working closely with ethnic and peasant communities since 2017 by supporting their quest for accountability before the Special Jurisdiction for Peace.

As part of this work, the team jointly designed the participation route with these communities, which began by investigating and documenting the atrocities committed in their territories: a process that embraced diverse perspectives and research methods, gaining a more nuanced understanding of complex offences and the differential impacts of the violence. As an illustration, the afrodescendant communities in northern Cauca requested the Cauca River to be recognized as a victim of the armed conflict: shedding light on the harm inflicted upon the river contributed to helping the magistrates comprehend how armed groups had utilized nature during the war.

## **Shifting Directional Translation of Transitional Justice Rhetoric: The Role of Civil Society in Facilitating Advocacy and Mobilisation of Grassroots Transitional Justice Practices in Liberia**

*Kelsey Rhude, PhD researcher, Irish Centre for Human Rights*

Despite growing efforts to challenge its top-down and state-centric implementational nature, issues of access and ownership remain ubiquitous in transitional justice praxis. Not only are the mechanisms of transitional justice frequently physically inaccessible, its language and rhetoric are often deeply unfamiliar and unrecognisable to many survivors/victims. Drawing on a five-month period of field research conducted in Liberia, this paper highlights the efforts of civil society organisations to overcome accessibility-related obstacles by facilitating development of everyday, community-driven transitional justice practices. The paper focuses on a specific case-study initiative, currently in the pilot stages of implementation, which aims to translate the Liberian Truth and Reconciliation Commission's (TRC) recommendations for reparations and memorialisation into accessible language. The project develops through distribution of an easy-to-read reparations handbook, radio programming, and community workshops. While the Liberian TRC report contains transformative potential, controversy surrounding its recommendations for accountability, and overall lack of widespread distribution of the report has overshadowed and stalled comprehensive implementation efforts. To address these shortcomings, civil society organisations are using advocacy as a tool to prompt implementation of the TRC's recommendations through mobilisation of grassroots actors. Conversely, this case study also demonstrates that the mobilisation of transitional justice rhetoric involves translation of complex mechanisms from the top-down. Therefore, this paper draws on empirical research conducted as part of a wider PhD study to demonstrate the need to reconceptualise the directional nature of transitional justice praxis, and necessity to build an alternative structure and language of transitional justice.

## **Victim-driven Resistance. A New Framework**

*Dr. Valeria Vegh Weis, LL.M., University of Konstanz*

To date, states and international organizations have been regarded as the reliable entities for addressing atrocities. However, these agencies are often perpetrators (or bystanders) that even deny their crimes. The contribution examines whether challenging atrocities becomes more feasible if organizations led by the victim-survivors themselves take a leading role, with, within or against state-based or international entities. This will be done based on a southern approach consisting of focusing on a case from the Global South (Argentina), which is considered a global reference in democratization processes, as a source of knowledge and with attention to the local epistemologies and the voices of the protagonists of the process under exploration. This contribution will seek to go beyond the state of the art (based on victim participation in state-driven processes as the highest level of conceived involvement in the transition) by assessing whether and how a victim-driven model, where victims' networks play a leading role, can be a more solid explanatory basis for the successful transition to democracy and peace.

## **Conceptualizing Mnemonic Resistance to Autocratization**

*Simone Benazzo, PhD student (Université Libre de Bruxelles - ULB)*

Authors interested in illiberal memory politics have extensively dissected autocrats' weaponization of collective memory. Nostalgia is believed to undermine democratization and foster populism, while several political actors that foster autocratization have been inclined to resort to memory politics to consolidate consensus. However, top-down tenacious resistance against state-sponsored memory policies has been observed. The few authors that have led the conceptual reflection upon these forms of grassroots campaigns revolving around memory, however, have not differentiated between liberal democracies, where "memory wars" can play out place overtly in public opinion, and autocratizing regimes, where spaces for expression are way more limited. This represents a structural gap, since it has been recognized that political elites in these countries have a distinct approach to the repression of alternative memories, which also shapes forms of grassroots resistance. Aiming to advance theoretical reflection on this yet understudied phenomenon, the present paper introduces the concept of 'mnemonic resistance to autocratization' (MRA), and illustrates three practices that civil society actors have implemented to perform MRA: direct linkage, namely drawing a clear-cut parallelism between authoritarian practices in the past and in the present; inclusionary disruption, i.e. actions that aim to unravel the homogenizing and exclusionary collective memory sponsored by political elites; and alternative dissonance, which is designed to present inspirational cases of resilience and resistance to foster emulation among citizens. While the three practices can coexist in the same initiative, they pursue different strategies in their attempt to mobilize memory to resist autocratization.

## **'That's How the Light Gets In': Searching for Justice and Reconciling the Past in Jo Egan's *The Crack in Everything***

*Emily Moore, PhD Student, Queen's University Belfast*

The marked absence of an overarching transitional justice mechanism in post-conflict Northern Ireland is continuing to negatively impact victims, survivors, and their families in pursuing justice for conflict-related and historical cases from the Troubles. The Legacy Bill backed by the British Government promises an end to prosecutions and justice for these people, and in this landscape of impunity, what options are available to recognise these experiences? This paper examines Jo Egan's 2018 play, *The Crack in Everything*, and its acute engagement with the experiences of six families whose children were killed during the Troubles, their fight for justice, and their ongoing experiences in the wake of impunity. The author argues that this play demonstrates

the efficacy of the arts in mobilising victims, survivors and their families in participating beyond legal and verbal justice, rejecting the inaction of the state and relevant bodies in these cases, and can bring recognition to those who have been forgotten and marginalised by the metanarrative of conflict. This play retrospectively offers a lens through which the opposition to the Legacy Bill may be understood, and the response to its presentation at Westminster in June 2022 highlights the important role theatre may play in victim participation. With the Legacy Bill lurking on the horizon, it may be that artistic and cultural practises may be the only way in which victims and survivors can participate in dealing with the past and pursuing justice.

### **Museum and the Narrative of Having Memory Rights: Art and Narrative from Museu da Maré in Rio de Janeiro**

*Dr. Mariana Caldas, Post-Doctoral Researcher, Humboldt Universität zu Berlin*

This paper aims to unravel the role cultural practices to enlarge political belonging within a violent cartography. This article takes the Museu da Maré, a museological space built by residents of the Complexo da Maré in Rio de Janeiro, as a paradigmatic example whilst formulating an alternative theoretical framework that observes the role of art as a political tool. The the museological site was built for making a unique space for telling the story of the community differently and, to do so, it was created by using simple objects donated by residents, from photos to old home objects. The site proposes to be a repository of the trajectories of those who live in the Maré's community. This article analyzes how Maré's artistic expressions disrupt a conventional set of meanings, turning visible narratives, subjects, and bodies - especially those living on society's margins, to expand a broader reflection to transitional processes that did not address the structural causes of violence in the social fabric. The paper argues that Maré's case is relevant to explore how the subject of injustice takes materiality to advance in an alternative grammar of their own experiences of violence and belonging. Judgement plays a role in enlarging our public imagination and turning visible hidden narratives of the marginalized subject, who, in public spaces, quests for belonging to the common. Thus, objects play a role in becoming a work of art for rethinking how violence permeates the cartography and for advancing in a grammar of rights and belonging.

### **Singing Truth to Power: Transformative (Gender) Justice, Musical Spatialities and Creative Performance**

*Dr. Maria Martin de Almagro, Professor, UGent*

Feminist security studies have demonstrated that transitional justice processes worldwide have largely fallen short in providing actual transformative justice for women and that many gendered war experiences remain largely unaccounted for. Through an activistacademic collaboration and mobilising feminist scholarship on war, embodiment, and emotions with literature on transitional justice and the arts, this article argues that women's collective artistic resistance can foster deeper, cultural and structural changes in transitional justice settings. By delving into the case of the women's music collective Enkelé in Colombia, the article examines the creative possibilities afforded by music and choreography to document and testify to an enduring culture of violence and their role in probing the effectiveness of post-peace agreement transitional justice. We contend that paying attention to musical performances is key because these can express new visions of justice that are not constrained by the limits of what is possible and feasible in formal TJ mechanisms and can offer corporeal connectivity (Clark, 2019) able to bring together communities fractured by war and armed conflict and to give visibility to knowledges and practices of memory and healing of marginalised communities.

### **Storying Participation: Memoirs, Victims & Aparadigmatic Transitional Justice**

*Dr. Lauren Dempster, School of Law, Queen's University Belfast*

*Dr. Kevin Hearty, Queen's University Belfast*



In this paper we explore the ways in which victims have participated in unofficial transitional justice efforts involving non-state armed groups, drawing on data gathered from a series of memoirs authored by those impacted by the Northern Ireland conflict. We will consider two ways in which victims can participate in what we argue to be 'quiet' transitional justice efforts (Dempster 2019), beyond formal or paradigmatic mechanisms.

First, we will examine the stories told within these memoirs about the ways in which victims have unofficially engaged with non-state armed groups in the pursuit of acknowledgement, truth, justice and apology. Second, we will consider how these memoirs themselves are a vehicle for participation in transitional justice, as spaces where victims have taken the lead in narrating their own experience in the way that they wish.

We argue that memoirs both are, and contain, evidence of victim-led transitional justice that takes place outside of, or in spite of, traditional or formal mechanisms. As such they can disrupt state- or elite-led transitional justice efforts, and bring to the fore narratives and experiences that may be overlooked in the processes of selection that are symptomatic of formal mechanisms such as truth commissions and trials.

### **A Rights-Based Approach to Victims' Participation in Aparadigmatic Contexts**

*Dr. Huma Saeed, Affiliated Senior Researcher, KU Leuven*

In situations of aparadigmatic transitions, where formal transitional justice mechanisms do not exist, or may only partially exist, an essential question that arises is whether to perceive "victims" as passive individuals or as active agents of change. Reflecting on my fieldwork in Kabul with war victims since 2008, I argue that a rights-based approach can play an important role in transitional justice discourse and practice in relation to victims. This approach emphasizes participation, accountability, nondiscrimination and empowerment. Above all, it accentuates the notion of local people's agency, where, 'in grammatical terms, it moves [people] from being the objects in somebody else's sentence to being the subject of their own free speech.' In particular, I would like to elaborate this argument through the methodologies used in the Theater of the Oppressed, an approach spearheaded by the Afghanistan Human Rights and Democracy Organization to engage, raise awareness and create participatory forums for war victims in Afghanistan from 2009 to August 2021.

### **Art as Evidence and Evidence as Art: Thinking About Creative Approaches in Syrian Human Rights Trials**

*Dr. Adélie Chevée, postdoctoral researcher, Mucem / Aix-Marseille Université (SoMuM, Mesopolhis)*

Art has become a crucial participation channel, both within and around transitional justice mechanisms. Studies have identified "what works" in creative approaches: their benefits and limits in the pursuit of peace and reconciliation (Cohen 2020; Fairey et Kerr 2020). However, the relationship between art and justice may be ambiguous. On the one hand, art moves participation beyond formal legal processes, revealing subaltern narratives that would otherwise be silenced. On the other hand, admitting art as evidence in criminal trials may further inequalities, for example when rap music is used to criminalize Afro-Americans (Kerr 2023). Using Syrian art as a case study, this paper shifts the focus from the impact of creative approaches (their social effects) to their content (what they materially consist of). As Syrian grassroots actors have mobilized the rhetoric and tools of transitional justice to further anti-authoritarian resistance (Herremans et Bellintani 2023), this paper explores how Syrian artists understand and work through the notion of "evidence" of crimes, whether as material object or as testimony. It comparatively analyzes artistic participation in three human rights trials: the al-Khatib trial in Germany, the Swedish criminal complaint on the Syrian government's use of chemical weapons, and preparation for the trial of a militia man in France. For each case, the paper explores artistic engagements in visual art and theatre, especially how artists have relied on criminal evidence to do art,

or used art to document crimes. It argues that creative approaches complemented subjectivity gaps while questioning the factual nature of evidence.

### **Prison Abolition and the International Criminal Court (ICC)**

*Charlotte Carney, PhD Candidate, University of Sydney*

Scholars increasingly question the efficiency of the current transitional justice framework in fostering redress and reconciliation. Within this corpus of literature, the International Criminal Court (ICC) is primarily of focus, being heralded for its expansive approach to international justice whilst simultaneously criticised for its practices. Specifically, the ICC faces criticisms from non-Western states, and post-colonial scholars, for its 'African focus.' As most of the ICC's cases are from African states, scholars argue that it is a tool for continued colonial control, rather than transitional justice. Scholars also argue that the court's victim approach, and use of detention, is ineffective in providing restorative redress. These critiques of the ICC, and broader questions posed to transitional justice, parallel arguments made in the prison abolition literature. Specifically, the prison abolition literature analyses punitive punishment through a victim centred lens, questioning the feasibility of providing effective redress under a system founded on structural racism. Considering these similarities, this paper explores how prison abolition literature can contribute to critical analyses of the current transitional justice framework. To do this, this paper will focus on the ICC and its use of detention, questioning if the use of detention in the international system fosters victim-centred reconciliation. Through this analysis, this paper does not seek to minimise the need for retributive justice for victims, but rather asks if the ICC's current framework is effective by considering the well-developed prison abolition literature.

### **The Perilous Art of Justice in South Sudan: Examining the Paradox of Artistic Invisibility in Transitional Justice in Times of Fragile Peace**

*Dr. Sayra van den Berg, post-doctoral research associate, University of York*

In South Sudan promises of transitional justice remain unfulfilled, peace remains fragile and levels of social repression are high. In the face of these limitations, artists and activists are turning to the arts as creative spaces to pursue reconciliation and resistance. This paper ethnographically explores the justice imaginations and desires embedded within artistic practices in South Sudan and highlights the opportunities and risks that accompany their recognition as part of the wider ecology of transitional justice.

At the level of opportunity this paper argues for expanding the gaze of transitional justice. In South Sudan artistic practices including music, murals and political cartoons bring embodied harm and hope into conversation in unique ways. This paper empirically examines how the arts are used as tools for resistance, accountability, reconciliation and transformation to communicate embodied harm and express justice hopes. Using a desire-centred research approach this paper argues for the dignifying potential of artistic practices as meaningful sites of transitional justice.

At the level of risk this paper explores the dangers of artistic expression in South Sudan. It grapples with the paradox of artistic invisibility in the wider transitional justice landscape in South Sudan, whereby the restrictive vocabulary of transitional justice obscures the contributions of artistic spaces but simultaneously shields them from tight government controls and censorship.

Anchored in dignity as decolonial research method this paper unpacks the opportunities and risks held within the arts in South Sudan as significant but vulnerable sites of transitional justice in need of both recognition and protection.

### **Amar el Relato de Nuestro Pasado: La Experiencia del Proyecto Memorízate**

*Nadia Gayoso de la Calle, responsable de memoria democrática y justicia transicional, Fundación Internacional Baltasar Garzón (FIBGAR)*

La memoria, quinto pilar autónomo y transversal en los procesos de justicia transicional, habilita la búsqueda de la verdad, justicia, y reparación. Hacer memoria desde las víctimas y sus familiares es clave para garantizar el derecho colectivo de las generaciones presentes y futuras a una democracia plena. A partir de dos exigencias fundamentales “comprender para no repetir y difundir para no olvidar”, FIBGAR promueve la construcción colectiva de la memoria de lo ocurrido durante la Guerra Civil y el Franquismo, a través de un proyecto colaborativo, plural y multi-generacional.

Desde 2016, Memorízate ([www.memorizate.org](http://www.memorizate.org)) promueve la recolección, investigación, sistematización y difusión del patrimonio colectivo de las historias individuales de las víctimas y sus familiares, así como de las personas que participaron y siguen participando en la búsqueda de la verdad, justicia, y reparación para rescatarlas del olvido y del silencio de la memoria privada y que se vuelvan patrimonio común.

Por ello, cuenta con una base de datos colaborativa abierta que incluye recursos compartidos que integran testimonios y experiencias vitales, que se difunden, además, a través de las redes sociales (Instagram, Twitter y YouTube) con el objetivo de fomentar el interés por la memoria democrática entre los jóvenes, facilitando el conocimiento de lo acontecido a través de la voz de sus protagonistas. Por último, fomenta su participación directa en la transmisión de la memoria democrática y en el diálogo con los protagonistas de la memoria, para que se conviertan en agentes de preservación y ampliación del patrimonio memorialista.

### **¿Quién es una Víctima?: Geopolíticas Imperiales de Gobierno del Sufrimiento**

*Alejandra del Rocio Bello Urrego, Profesora Asociada, Instituto de Estudios Regionales de la Universidad de Antioquia*

El presente artículo responde a la pregunta por cómo los marcos interpretativos del proceso de victimización desplegados en el informe final de la Comisión por el Esclarecimiento de la Verdad (CEV) en el capítulo de mujeres y población LGBTIQ+ de Colombia se relacionan con geopolíticas imperiales del cuerpo. Pregunta que se desarrolla a través de los siguientes interrogantes: ¿Cómo los marcos interpretativos del proceso de victimización desplegados en el informe de la CEV de Colombia producen centros y márgenes en el caso de las mujeres y la población LGBTIQ+? ¿Cómo se relacionan estos centros y márgenes con matrices de dominación de génesis colonial? ¿Cómo se relacionan estos marcos interpretativos con geopolíticas del cuerpo?. El argumento central que defiende es que los marcos interpretativos del proceso de victimización desplegados en el informe de la CEV producen centros y márgenes cuya configuración obedece a la imbricación y tensión entre intereses locales en torno a la memoria y globales ligados a las geopolíticas del cuerpo implicadas en los marcos internacionales de la justicia transicional. Este artículo presenta los resultados de una investigación teórica apoyada en un análisis empírico documental del informe final de la CEV. La principal repercusión teórica de este argumento es entender la justicia transicional como un modelo de administración de justicia en contextos de postconflicto que por el mismo movimiento de administrar la justicia establece una geopolítica imperial de los cuerpos a través del establecimiento de marcos globales de gobierno del sufrimiento.

## Vínculos entre la Lucha contra la Desaparición Forzada y la Construcción de Paz

*Sabina Puig Cartes, ICIP - Instituto Catalán Internacional para la Paz*

*Silvia Plana Subirana, ICIP - Instituto Catalán Internacional para Paz*

Las desapariciones forzadas constituyen un cúmulo de graves violaciones de derechos humanos con un enorme impacto, tanto en las personas directamente afectadas como en el ámbito comunitario y social. En algunos países, su práctica es tan extendida que se ha convertido en uno de los primeros escollos en las transiciones hacia la paz y la consolidación de condiciones de convivencia y reconciliación.

A pesar de que los Estados tienen la obligación legal de prevenir e investigar todos los casos de desaparición forzada, centenares de miles en todo el mundo se quedan sin resolver. En estos contextos, las familias de los y las desaparecidas asumen funciones de búsqueda, a menudo en condiciones de riesgo y precariedad.

Su afán de verdad, justicia, reparación y garantías de no-repetición ha sido detonador de grandes movilizaciones contra la violencia y ha contribuido a transformaciones clave para paz. No obstante, estas familias generalmente no reciben el reconocimiento y apoyo que tendrían que recibir como víctimas. Su agencia política tampoco es suficientemente reconocida, como tampoco su potencial para la transformación social.

Desde el ICIP, junto a mujeres buscadoras, buscamos poner en valor las aportaciones de estos colectivos y aportar conocimientos y herramientas que puedan reforzar su trabajo. ¿Qué componentes de la búsqueda pueden ser considerados como iniciativas de construcción de paz? ¿Por qué es importante para las "buscadoras" ser reconocidas como agentes de construcción de paz? ¿De qué manera(s) otros actores de construcción de paz podrían acompañar y apoyar a procesos de búsqueda?

## Counting the Missing, Counting the Dead? Navegando Espacios Liminales en la Construcción Participativa de Mecanismos de Búsqueda de Personas Detenidas-Desaparecidas – El Caso de Chile

*Dr. Cath Collins, Professor of Transitional Justice, Ulster University and Universidad Diego Portales*

Son cinco los países latinoamericanos que en años recientes han constituido mecanismos nuevos o especiales dedicados a la búsqueda de personas desaparecidas en contextos de violencia política reciente. Entre ellos se incluye Chile, uno de los contextos pos-autoritarios 'clásicos' de justicia transicional de más larga data. El paso del tiempo, además de crear desafíos técnicos para la búsqueda misma, ha generado la necesidad de prestar mayor atención a preceptos relativamente nuevos dentro del campo, tales como el deber de facilitar la participación activa de sobrevivientes, familiares y otros actores con legítimo interés. El esfuerzo de atender a dichos preceptos han significado, en el caso particular de Chile, enfrentar no solamente diversidades sino directamente contradicciones y contraposiciones entre las reivindicaciones y pareceres de diferentes grupos de familiares: familiares agrupados y no; urbanos o rurales; y familiares agrupados en torno a dos categorizaciones de 'víctima ausente' muy tempranamente arraigadas: la del 'detenido/a-desaparecido/a', por un lado, y del 'ejecutado/a político/a sin entrega de restos', por otro.

Este paper, a cargo de autores que han vivido el proceso referido desde dentro o muy de cerca, reflexionará sobre las insuficiencias y ambivalencias definicionales que el mismo proceso participativo ha revelado, en las categorizaciones de antaño en torno a la desaparición forzada en Chile: asimismo, considerará como el Estado, o un mecanismo oficial de búsqueda, puede o debe proceder frente a disyuntivas o fracturas epistémicas que surgen no solamente entre Estado y el mundo civil, sino dentro del mismo universo de actores empoderados, que ejercen participación.

## Participación de las Víctimas en Chile: Justicia, Verdad, Reparación y Memoria

*Dr. Pietro Sferazza, Doctor en Estudios Avanzados en Derechos Humanos (Universidad Carlos III, España), Académico del Centro de Derechos Humanos de la Universidad de Chile  
Francisco Bustos, Académico de la Facultad de Derecho de la Universidad de Chile e investigador del Observatorio de Justicia Transicional de la Universidad Diego Portales*

La exposición que proponemos tiene por objeto abordar la invocación del Derecho internacional por parte de la sociedad civil chilena como instrumento para enfrentar la impunidad en el marco de los procesos judiciales por los crímenes cometidos en dictadura cívico-militar de Augusto Pinochet.

El marco jurídico chileno ha imposibilitado una gestión política de la transición, de modo tal que la lucha contra la impunidad ha debido llevarse a cabo ante los tribunales. Las demandas de verdad, justicia y reparación planteadas por la sociedad civil motivaron la apertura de procesos judiciales tanto a nivel nacional como internacional. La detención de Pinochet (1998) impulsó los procesos judiciales, junto con la presentación masiva de querrelas penales entre 2009-2011.

Pero además de la persecución penal de los responsables, también se hará referencia al proceso de judicialización de las reparaciones, no sólo en cuanto a las compensaciones económicas, sino también en relación con las demandas de reparación simbólica y colectiva, por las que de algún modo, se ha suplido la ausencia de una legislación y una política pública integral sobre la memoria. Entre los ejemplos que se abordarán, puede mencionarse el litigio estratégico para lograr el retiro de homenajes a genocidios y la rectificación de noticias falsas publicadas por los periódicos durante la dictadura.

### **El Proceso de Justicia Transicional para las Mujeres Desaparecidas, Ejecutadas, Ex Presas Políticas en Chile**

*Boris Hau. Abogado. Candidato a Doctor en Derechos Humanos por la Universidad Carlos III de Madrid. Investigador del Observatorio de Justicia Transicional. Profesor del curso de Derechos Humanos en la Universidad Alberto Hurtado e investigador del Centro de Derechos Humanos de la Universidad Alberto Hurtado.*

Esta ponencia tratará de como en Chile se han implementado las políticas de Justicia Transicional, en relación con la verdad, la justicia, como las acciones de reparación, pero de forma particular se responderá de como se ha dado una respuesta a las mujeres, las detenidas desaparecidas, las ejecutadas políticas, ex presas políticas. Como ha sido el proceso de verdad, justicia, reparación para ellas.

El objetivo de esta ponencia será dar cuenta si estas políticas de Justicia Transnacional en Chile cumplen o no con la perspectiva de género exigida por el Relator para la Justicia Transicional, en relación con las políticas de reparación simbólica para las mujeres víctimas. como evaluar como ha sido el proceso de verdad como las exigencias de un proceso de justicia para las mujeres víctimas. El conocer sobre ellas es mantener presente una memoria particular que es la memoria de las mujeres víctimas de la represión. En recuerdo de ellas, las detenidas desaparecidas o ejecutadas políticas, ex presas políticas sobrevivientes, es que esta investigación se propone dar a conocer sus procesos de Justicia Transicional.

### **Víctimas de Violencia del Estado y Políticas Públicas de Reconocimiento y Reparación**

*Dr. Laura Pego Otero, Researcher at Instituto Vasco de Criminología de la Universidad del País Vasco (UPV-EHU), Grupo GICCAS IT1486-22*

Actualmente, la sociedad vasca está inmersa en un proceso de revisión del pasado, haciendo frente a las terribles consecuencias de la violencia de motivación política. Las dimensiones de la victimación producto en tantos años de violencia está todavía por determinar de forma completa, víctimas por largo tiempo olvidadas y, también, muchas de ellas negadas por parte del Estado. Las instituciones vascas en sus diferentes niveles

territoriales, impulsadas en gran medida por el reclamo social, están llevando a cabo numerosas iniciativas de apoyo y reconocimiento a las víctimas. Responder a las necesidades y derechos de estas personas –verdad, justicia y reparación– supone en la práctica hacer frente a importantes obstáculos, en ocasiones insalvables, si bien el esfuerzo realizado por colectivos y especialistas está permitiendo avanzar, recurriendo también a mecanismos de Justicia Transicional. En mi exposición relataré el proceso que se está llevando a cabo en Euskadi, las dificultades y avances. Explicaré algunas de las iniciativas legislativas más relevantes, las investigaciones científicas realizadas destinadas a conocer las dimensiones de las diferentes problemáticas victimales como la tortura, la labor que está realizando la Comisión de Valoración para el reconocimiento y reparación de las víctimas de autoría estatal y, también, otros mecanismos de verdad y reparación puestos en marcha. En definitiva, expondré la experiencia del proceso vasco de Justicia Transicional pospuesta.

### **Castigo, Perdón, y Respeto a las Víctimas**

*Fernando Braccacini, JSD (Yale University), PhD Researcher (KU Leuven)*

El objetivo de este trabajo es elucidar qué debemos a las víctimas. En particular, me pregunto qué respuesta al crimen es respetuosa de las víctimas como sujetos con dignidad que, como tales, poseen derechos. Al enterarnos de que un crimen ha sido cometido y que los derechos de una persona han sido violados, ¿qué debemos hacer? ¿debemos castigar y reprochar a quien cometió ese hecho? ¿o es el respeto a las víctimas compatible con respuestas alternativas al reproche y el castigo? Argumentaré que es posible adoptar respuestas alternativas al castigo y al reproche sin tratar de manera indigna a las víctimas si, y solo si, ello supone responsabilizar al criminal por lo que hizo. Esto supone expresar que él no debería haber hecho eso y que la víctima no debía ser tratada de esa manera. Comenzaré mi análisis adoptando la perspectiva de las víctimas en primera persona, y me focalizaré en el reproche y el perdón. Esto nos permitirá comprender mejor qué deben hacer los terceros ante un crimen. Según la posición defendida, respuestas alternativas al castigo como los juicios o comisiones de la verdad son moralmente permisibles en tanto tratan a las víctimas de respetuosamente.

### **La Producción de Contra-memorias en el País Vasco desde una Epistemología Feminista: el Caso de las Mujeres Víctimas de Tortura**

*Malena Rocío Maceira, Investigadora Doctoral del Instituto Vasco de Criminología (UPV/EHU), Grupo GICCAS IT 1486-22*

¿Cómo construyen memoria(s) las mujeres del País Vasco? Durante el proceso de transición a la democracia en el País Vasco se han registrado, hasta la actualidad, un gran número de personas que denuncian haber sufrido torturas por parte de las fuerzas de seguridad. Esta realidad ha sido cuestionada por una parte de la sociedad y es reflejado también en la baja cantidad de sentencias condenatorias de actos de tortura que existen (solo veinte al día de hoy). Siguiendo el análisis realizado por el Instituto Vasco de Criminología, la cantidad de denuncias de torturas verificadas no se condice con los procesos penales existentes ni mucho menos con las sentencias. En mi trabajo propongo desde el marco teórico ofrecido por el cruce entre los estudios de memoria colectiva y la epistemología feminista repensar cómo las mujeres construyen memorias alternativas a aquellas narrativas que propone la sociedad desde los diversos actores que producen memoria como lo es la justicia a través de las sentencias. ¿Quiénes son estas mujeres? ¿Cómo se observan y producen como víctimas? ¿Quiénes son sus victimarios y cómo se relacionan con el evento histórico cuestionado? ¿Cómo se produce el sujeto “mujer víctima de tortura institucional” en el proceso judicial? ¿Cómo (re)construyen la memoria colectiva estas mujeres víctimas? ¿A qué responde la construcción de una memoria alternativa por parte de las mujeres? ¿Cómo producen o participan activamente los jueces en la construcción de la memoria? Esta perspectiva me permitirá observar si existen, y de qué manera, relaciones de poder en las prácticas asociadas a la construcción

de memorias hegemónicas y contra-memorias y cómo son resistidas por las mujeres vascas. La incorporación de las narrativas que surjan desde la resistencia y la movilización permitirán a la transición que atraviesa la sociedad vasca llevar adelante un verdadero proceso inclusivo de pacificación.

### **Roundtable - Género, Justicia Transicional y Violencia Sexual: La Importancia de la Participación de las Víctimas en los Casos de Violaciones de Derechos Humanos**

*Dr. Julissa Mantilla Falcón, Abogada por la Pontificia Universidad Católica del Perú (PUCP). Docente del Departamento de Derecho de la PUCP. Ex Presidenta de la Comisión Interamericana de Derechos Humanos, donde fue Relatora en temas de Memoria, Verdad y Justicia, así como de los Derechos de las Mujeres. Fue la Encargada de la Línea de Género de la Comisión de la Verdad y Reconciliación del Perú (CVR) y Asesora en Género y Justicia Transicional para ONU Mujeres Colombia.*

El desarrollo de la justicia transicional dejó de lado las voces de las mujeres tanto como víctimas de violaciones de derechos humanos así como en su rol de luchadoras por la verdad y la justicia. El androcentrismo del Derecho se ha repetido en los procesos transicionales, por lo que es necesario conocer la evolución del tema, haciendo referencia a experiencias comparadas, fundamentalmente en el ámbito interamericano, resaltando además el aporte de un enfoque de género para la memoria, la verdad, la justicia y la reparación.

*Gloria Cano Legua, Abogada experta en litigio en casos de derechos humanos, Subdirectora de Aprodeh.*

Presentará la experiencia de las víctimas como pieza fundamental para la justicia y el desarrollo de las políticas públicas, teniendo como base el caso del conflicto armado peruano y las graves violaciones a derechos humanos cometidas por funcionarios estatales. Efectivamente, en ese contexto las víctimas iniciaron un proceso de organización, desde pequeños comités hasta asociaciones nacionales, en el entendimiento que solo organizados podía hacer frente al Estado que no solo no las escuchaba sino, que en el afán de disminuir su credibilidad emprendió una campaña de desprestigio, hostilización y hasta persecución judicial. Este fue el caso de doña Angelica Mendoza, fundadora histórica de la Asociación nacional de familiares de secuestrados, detenidos y desaparecidos del Perú (ANFASEP) fundado en 1983, así como la campaña permanente contra los familiares de los estudiantes desaparecidos en la Universidad La Cantuta que llevó al ex presidente Alberto Fujimori a una condena de 25 años. La lucha de las víctimas no buscaba solo obtener respuestas sobre los hechos sino también desarrollar garantías de no repetición que incluyeran cambios en los estamentos de justicia para lograr una investigación efectiva respetando la actoría de las víctimas más allá de lo que la normatividad penal permitía.

*Liliam Karina Dianderas Solís, Psicóloga clínica comunitaria, MA en Género y Construcción de la Paz, Conciliadora extrajudicial, perita para la valoración del daño psíquico.*

El impacto de la violencia intencional, es decir, aquella que se ejerce con el propósito de ocasionar daño, dolor y sufrimiento en el otro, es una experiencia que ataca directamente la confianza básica y hace que se rompa la posibilidad de confiar en el otro. En contextos de conflicto armado, como el vivido en el Perú entre 1980 y el 2000, en el que las mujeres tras haber perdido a los hombres de sus familiares - padres, esposos, hijos- enfrentaron búsquedas incansables en las que no sólo no hallaron respuesta efectivas, sino que fueron violentadas de diversas formas, sus cuerpos se convirtieron en un campo de batalla y la violación sexual se constituyó en un arma de guerra. En un escenario como este, el daño a la confianza trascenderá el vínculo con el otro y se transformará en una desconfianza hacia la institucionalidad de Estado.

En este escenario, surge la interrogante sobre cómo puede una víctima convertirse en sobreviviente, enfrascarse en procesos de justicia como la insistencia en la búsqueda de sus familiares, la exigencia de respuestas sobre sus familiares desaparecidos, el seguimiento de los procesos judiciales sobre las violaciones a sus derechos humanos, y las amenazas sus territorios. Desde las intervenciones basadas en el enfoque psicosocial podemos comprender la interacción entre el mundo interno de las víctimas, las relaciones con los otros y el contexto social. Tanto los profesionales como las víctimas colocaran el problema en las estructuras y relaciones sociales y no en la persona, dado que ella es concebida como un sujeto que posee recursos y por lo tanto cuenta con posibilidades de modificar las relaciones de poder para tener una participación transformadora y llevar a la acción propuestas de cambio.

*Diana Carolina Portal Farfán, Abogada por la Universidad Nacional Mayor de San Marcos, Perteneció al equipo jurídico de la Comisión de la Verdad y Reconciliación del Perú, Docente en la Maestría de Género y Desarrollo de la Universidad Nacional Mayor de San Marcos, Actualmente es Adjunta (e) para los Derechos de la Mujer en la Defensoría del Pueblo del Perú*

La experiencia del conflicto armado no internacional que vivió el Perú entre 1980 y el 2000 acrecentó la fractura social, la discriminación, la exclusión y la distancia entre el Estado y un sector numeroso e importante de nuestra ciudadanía en las regiones más pobres del país. El trabajo iniciado por la Comisión de la Verdad y Reconciliación (CVR) resaltó el impacto diferenciado de la violencia por razones de género en las vidas de las mujeres sobrevivientes, que se tradujo principalmente tanto en la violencia sexual que sufrieron, la responsabilidad del sostenimiento y protección de sus familias, como en la búsqueda de justicia y reparación de sus familiares y, en algunos casos, de ellas mismas.

Han transcurrido más de 20 años desde la entrega del informe final de la CVR; sin duda, esta fue una oportunidad importante para reconstruir y refundar el pacto social de una democracia peruana debilitada por la violencia, la crisis económica y la corrupción. Sin embargo, como expondremos, los procesos de justicia y reparación han sido lentos y dificultosos, por lo que aún se encuentra pendiente la integración y el reconocimiento de las mujeres víctimas como ciudadanas, con derechos y oportunidades para desarrollar sus proyectos de vida. A partir de dicha realidad, esta ponencia busco responder interrogantes como: (1) ¿cuáles han sido las respuestas del Estado frente a las mujeres que brindaron sus testimonios ante la CVR?, (2) ¿los procesos de justicia y reparación, a partir del caso Manta y Vilca, han permitido fortalecer la ciudadanía de las mujeres víctimas de violencia sexual?, y (3) ¿la reconciliación es posible luego de los procesos de memoria, verdad, justicia y reparación iniciados?





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