



United States Department of State
Transitional Justice Initiative

Preventing a Recurrence of Atrocities through Transitional Justice

History demonstrates that societies that do not address atrocities risk perpetuating cycles of violence and conflict. Credible transitional justice mechanisms can help countries address legitimate grievances that result from legacies of abuse in ways that enable society to move forward nonviolently.

In practice, transitional justice refers to a range of tools—judicial and non-judicial, formal and informal, retributive and restorative—that aim to support and strengthen peace, security, development, reconciliation, rule of law, and governance through carefully balancing sometimes competing imperatives, including the desire for truth, accountability, reparation, and other guarantees of non-recurrence. Together, these measures can help a society address past abuses and prevent a recurrence of atrocities in the future. Examples of common transitional justice measures and how these measures can contribute to atrocity prevention include:

- ***Criminal prosecutions:*** The investigation and prosecution of atrocity crimes can strengthen adherence to the rule of law, reinforce the unacceptability of the crimes committed, demonstrate that impunity will not be tolerated, and deter future atrocities by demonstrating to perpetrators that such actions will be subject to prosecution and potential punishment. Prosecutions can also help to restore the dignity of victims and their families by providing a public acknowledgement of the gravity of wrongs done, and reduce violent acts of revenge by redressing victims' grievances through non-violent means.
- ***Truth commissions:*** Truth commissions make recommendations to prevent the recurrence of atrocities by documenting and identifying patterns of past abuse and clarifying the root causes of conflict and abusive activities. Truth commissions also facilitate acknowledgement and awareness of historical abuses to guard against denials of what happened and to enable societies to learn from and avoid repeating the mistakes of the past. By providing an avenue for safe public discussion on past abuses, truth commissions can promote broader reconciliation through acknowledgement of wrongs committed against individuals and communities. This can provide closure for victims, even where, for a variety of legitimate reasons, it may not be possible to prosecute perpetrators.

- *Reparations*: The provision of reparation can more directly help address the needs of victims through restitution, rehabilitation for injuries suffered, compensation, recognition, and apology, making them less vulnerable to future atrocities. This also mitigates the perceived benefits of addressing these means through violent reprisals.
- *Institutional reforms*: Short and long-term efforts to reform public institutions—including but not limited to security and justice sectors—from unrepresentative instruments of repression and corruption into inclusive institutions dedicated to public service marked by transparency and integrity, helps alleviate the structural, cultural, and personal foundations that led to past atrocities so that they do not recur. Reforms may take the form of vetting and lustration, structural reform, civilian oversight, transformed constitutions or legal frameworks, and education and training.

Additional research is needed to better understand how and the extent to which transitional justice helps to prevent the recurrence of atrocities, but much of our transitional justice work is showing promising results:

- In Guatemala, a State Department program helped exhume and identify 97 victims buried in mass graves on the CREOMPAZ military base. The evidence was submitted to national prosecutors, and was used in the unprecedented arrest of 14 military officers for enforced disappearances, murder, and torture.
- In Colombia, U.S. diplomatic and programmatic support for transitional justice initiatives, including implementation of the justice and peace process for Colombia's paramilitaries and the 2011 Victims Law, helped create the conditions for peace negotiations between the Government and the FARC. The Government and the FARC have also reached a victims agreement that covers justice, truth, reparations, and guarantees of non-recurrence; which was developed in consultation with victims, NGOs, the international community, and academia.
- In South Sudan, the State Department funded a program that exposed civil society organizations to new methods for using documentation of human rights violations and abuses in memorialization initiatives.
- In Libya, the U.S. Government supported initial steps towards an inclusive transitional justice process through a series of awareness-raising workshops that brought together government officials, local leaders, and civil society representatives. The workshops provided a forum for participants to learn about measures for truth, accountability, and reparative justice that could be employed to address grievances and human rights violations and abuses.
- In Sri Lanka, the State Department is currently providing diplomatic, technical, and programmatic support to the government and civil society's transitional justice initiatives.
- In Sierra Leone, USAID supported the Special Court, the reintegration of ex-combatants, remedial education for youth, and medical and psycho-social services for survivors of the conflict and victims of torture.

WANT TO KNOW MORE?

If you have specific questions, please contact TJ_Help@state.gov or CSO's Atrocities Prevention team: [Annie Bird](mailto:Annie_Bird), BirdAR@state.gov