

INTERNATIONAL CENTER  
FOR TRANSITIONAL JUSTICE

**ICTJ** | Justice  
Truth  
Dignity

DAWLATY

دولتی

# OUR FUTURE, OUR JUSTICE YOUNG PEOPLE TAKING ACTION

DECEMBER 2019





## ABOUT THE ORGANIZATIONS

ICTJ

ICTJ | Justice  
Truth  
Dignity

The International Center for Transitional Justice (ICTJ) works across society and borders to challenge the causes and address the consequences of massive human rights violations. We affirm victims' dignity, fight impunity, and promote responsive institutions in societies emerging from repressive rule or armed conflict as well as in established democracies where historical injustices or systemic abuse remain unresolved. ICTJ envisions a world where societies break the cycle of massive human rights violations and lay the foundations for peace, justice, and inclusion. For more information, visit [www.ictj.org](http://www.ictj.org)

DAWLATY

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Dawlaty was founded by Syrian activists as a platform to develop and share content on democratic transition and has collected, archived and shared tactics of the nonviolent movement, as well as testimonies of those affected by the Syrian conflict, with a focus on marginalized groups including young women and men. Dawlaty works through its civic engagement and oral history programs to advocate at the local and international level for an inclusive justice for all Syrians.

For more information, visit [www.dawlaty.org](http://www.dawlaty.org)



## **ABOUT THE GUIDE**

This guide was written by Sibley Hawkins, Nousha Kabawat, and Elena Naughton of ICTJ and Mahmoud Bastati of Dawlaty.

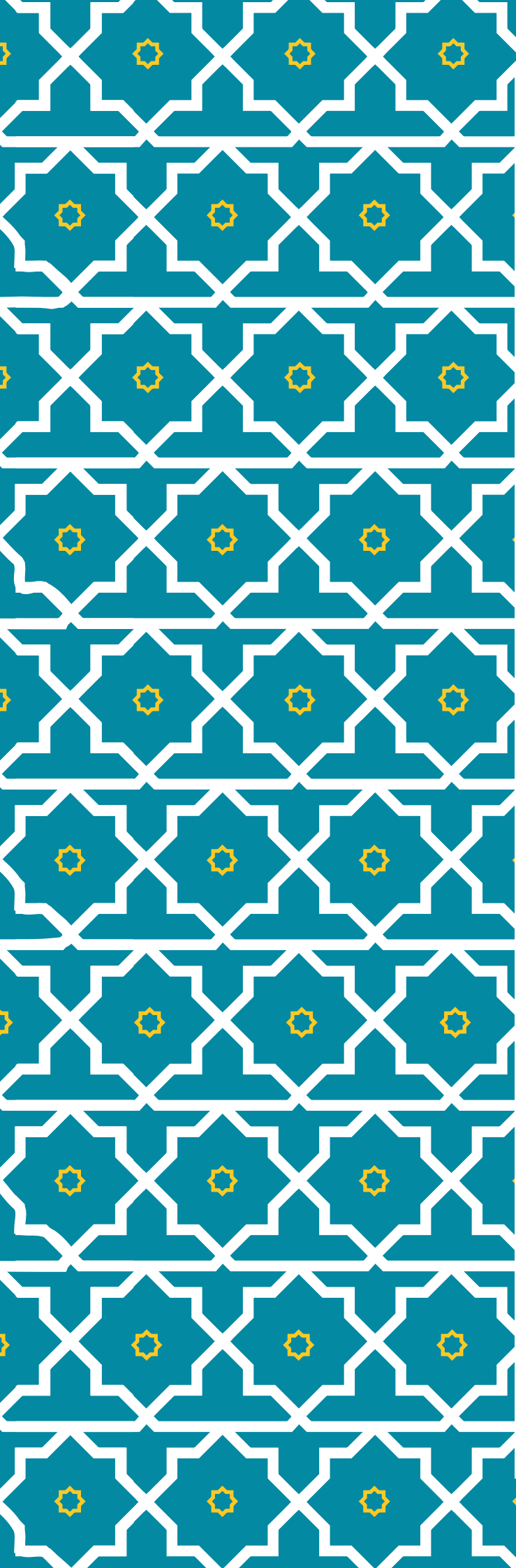
The content and structure of the guide were informed by a three-day workshop held in December 2018 with staff from Dawlaty and ICTJ, as well as several representatives from Syrian civil society. The workshop was conceptualized and led by Ahmad Saleh of Dawlaty and Sibley Hawkins and Nousha Kabawat of ICTJ.

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## What Is the Guide and Who Should Use It?

This guide is designed to engage young people who are interested in or are working on transitional justice issues in their communities. Written and formatted primarily as a training tool, it offers content, tips, and strategies for trainers like you who are interested in working with Syrian youth to pursue truth, accountability, acknowledgment, reform, redress, and justice. Though the guide was designed with trainers in mind, it can also serve as a resource for anyone hoping to understand transitional justice and develop ideas about what is needed to advance their strategies to address the wrongs of the past. While some of the exercises and activities set forth here require resources and are best used in groups, the content, ideas, case studies, and discussions will be useful to anyone with an interest in justice.



This guide is intended to be both informative and, given the realities on the ground in Syria, thought provoking. Justice is understood broadly to include much more than criminal accountability. As such, this guide provides basic information about transitional justice and related principles. It also poses questions and includes material intended to provoke discussions among Syrians about what transitional justice means for them and what strategies can be used to pursue the objectives and priorities identified by young people for young people.

*This guide can serve as an outline or as a complement to another training. A few tips for trainers:*

**1** Before getting started, it is recommended that you become familiar with all the content and activities in the guide, so that you can decide what information may be relevant for your intended audience.

**2** Some familiarity with workshop facilitation is helpful, as is a general understanding of transitional justice and related concepts. Ideally, you should be able to present and engage with topics critically rather than simply informatively, so that you can provoke the same kind of critical reflection and discussion among participants.

**3** An understanding of the Syrian conflict is also important. As facilitator, you should have knowledge of the evolution and development of the conflict to be able to critically guide participants in their own thinking about how to pursue transitional justice goals in Syria in ways that are both realistic and relevant.

**4** That said, while this guide has been designed with the Syrian context in mind, the information, discussion questions, exercises, and activities are adaptable to contexts well beyond Syria. In such cases, familiarity with that context is still important so that the material may be modified accordingly.



## Using the Workbook

This workbook has five chapters and several subtopics. Chapters can be thought of as individual training units. In each one, you will find several components. First, each chapter presents two to four learning objectives describing what information participants should ideally come away with after completing each chapter. Next, you will find information about the topic at hand. This information can form the basis of what you will ultimately present to participants. However, learning about transitional justice should be an interactive and participatory process. To that end, throughout the text, and sometimes at the end of sections or chapters, you will also find several elements: case studies that can be used to provoke discussion and inspire ideas in the Syrian context, activities designed to actively involve participants and get them thinking about the concepts of transitional justice in different ways, and questions meant to facilitate reflection and discussion.

Estimated times are provided for each activity, although you should feel free to use whatever amount of time feels appropriate for the given audience.

Near the end of the guide, you will also find a final activity that is broader in scope and takes more time than the other activities. This activity will give participants the opportunity to apply and reflect on the knowledge they have gathered throughout the workshop. It will be up to you as the trainer to decide whether to introduce this activity at the beginning of the training, giving participants more time to work on their parts throughout their time together, or save it for the end to conduct all at once. Finally, a list of resources is included at the back of the guide for anyone—trainer, reader, or participant—wishing to know more about certain topics within the field of transitional justice.



### Activity

## Rethinking the Rules

### A Lesson About Non-Discrimination



30 minutes

This activity has two purposes: first, to develop a set of ground rules to guide the rest of the training; and second, to illustrate a deeper point about transitional justice, non-discrimination and setting the basis for an inclusive and equitable society.



### Objectives

- Develop a set of ground rules for the training
- Help participants understand that everyone should have the opportunity to contribute
- Illustrate the importance of the process of setting new rules and norms for society that are representative, inclusive, equitable, and just



### Materials Needed

- Poster board, white board, large paper, or other writing material
- Markers

## Activity

*Do not tell participants that this is an exercise.* Begin by presenting a set of ground rules that creates an inherent system of discrimination. This may require some knowledge of the group in advance. For instance, are there youth who like or dislike a specific type of music? Are there coffee drinkers and non-coffee drinkers? Try to be sure that the defining characteristic is relatively neutral and something participants will not be embarrassed to disclose. Another option is to assign participants to one of two neutral categories, such as colors (for example, assign half of the participants to the blue group and half to the orange group, being sensitive to any potential meaning associated with those colors).

Assign participants to the two groups at the start of the workshop and tell them that this will be part of their “identity” for the rest of the training (*although it will really only be for this activity*).

Decide before the training which group will be in the privileged “in group” (for example, the orange group) and which will be the more discriminated against “out group” (blue group). Before the training session, write the rules on a whiteboard, large piece of paper, or chalkboard.

Using the “color discrimination scheme,” an example of a set of rules intended to discriminate against the blue group and privilege the orange group could be:

### ● Sample Ground Rules for Training

- **Be respectful** of the opinions of others.
- When two or more participants wish to speak, **members of the orange group always speak first.**
- **Be on time.** Those in the blue group who are late will lose one break time.
- **No phone usage during sessions.** Participants in the orange group who do not use their phones will be given an extra 30 minutes for lunch.
- **Speak one at a time.** If a member of the blue group interrupts someone who is speaking, they will lose one break privilege.
- **Take breaks only at allotted times.** Members of the orange group will be given four breaks per day and members of the blue group will be given two (unless their privileges were lost).

**Before presenting the rules**, ask participants to organize themselves into their groups. Then, present the rules to the groups and give participants a minute or two to read through them. Now ask a few questions, giving the in-group (orange participants, in this example) the first chance to speak. Let the out-group speak only once everyone in the in-group has spoken. Questions could include:

- Do these rules seem fair?
- How do these rules make you feel?
- Would you have liked the process of setting the rules to have been done differently? If so, how?

Now start with a blank board or sheet, and tell the group that, this time, they will write a new set of ground rules together. Solicit inputs from everyone on an equal basis to create the rules that you will actually use throughout the training. **Be sure to tell participants that their group identity will no longer affect their participation!**



## Discussion

One way to think about transitional justice is as a process to collectively reformulate and redesign the “rules” of society, so that they are just, equitable, inclusive, nondiscriminatory, and respectful of rights, rather than repressive, discriminatory, nontransparent, and intended to entrench certain systems of power and privilege. Typically, periods of repressive rule and violent conflict were enabled or fueled by repressive and discriminatory rules. Transitional justice aims to disrupt these rules, creating more equitable and inclusive norms or standards for a society that are inherently better and also the result of a collaborative, participatory, and fully representative process.



# CHAPTER 1

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## WHY TRANSITIONAL JUSTICE?

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## Learning Objectives

- Raise awareness about the importance of engaging youth in transitional justice processes
- Encourage participants to think about how they are currently advancing issues of importance to them in their communities, the roles they play, and how they may engage in the future
- Identify the challenges young people face when organizing, creating strategies, and presenting proposals in their communities

## Transitional Justice: The Basics

The term *transitional justice* was first used in the 1980s. Like many catchall terms, it tells you everything and nothing at the same time. Although its two component words—*transitional* and *justice*—are each important to understanding the term, both are enigmatic. We all feel like we know what they mean but can still find it difficult to articulate the concepts concretely.

The word *transitional* is active. It connotes movement and change or an evolution. In a political context, a transition is defined as a “major political transformation, such as regime change from authoritarian or repressive rule to democratic or electoral rule or a transition from conflict to peace or stability.”<sup>1</sup> In some instances, like in Syria, it can refer to an ongoing process that is still underway.

*Justice*, on the other hand, refers to a system of laws and a principle or ideal. Often when we speak about justice, we mention words like fairness, impartiality, due process, legality, equity, and nondiscrimination. Justice is something we all want and expect for ourselves. Justice is a vision of what can and should be.

*The question is  
how do we get there?*

Transitional justice can help us get to justice. It is a framework of principles and approaches for achieving justice in societies scarred by past human rights abuses. It engages political, social, cultural, and economic processes in societies to bring about change.

To understand what this means, it helps to first consider the genesis of the concept. Originally, transitional justice was applied in situations where societies were transitioning (or moving away) from authoritarian rule to democracy, including in South Africa and

<sup>1</sup> Dinah L. Shelton, ed., *Encyclopedia of Genocide and Crimes Against Humanity* (New York: Macmillan Reference USA, 2005).

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some Latin American and Eastern European countries. Over time, it has been applied to situations where societies are emerging from war and sometimes to contexts where hostilities are still underway. What these contexts have in common is that in all of them, terrible violence and atrocities occurred—or are occurring. This includes, for example, mass killing, enforced disappearance, torture, rape, massive displacement, forced recruitment of children, and myriad other crimes.

In a transitional justice response, people come together to address the legacies of horrendous acts and develop a range of responses. These sometimes include amendments to the legal and constitutional frameworks that govern a society; and official (led by government) and unofficial (led by civil society) processes for determining the truth about what happened and why, and for addressing the harms that resulted. They include judicial and nonjudicial processes, including international and national criminal courts for holding perpetrators accountable, truth commissions, and entities for determining the fate of those who were detained or forcibly disappeared. They also include initiatives for providing benefits to victims (legally known as reparations), which include such things as cash payments, pensions, and access to health care, and acknowledging and memorializing the victims and the abuses they suffered. Measures are also undertaken to reform the state and social institutions that allowed atrocities to occur.

These responses, whether implemented alone or in combination, help societies transition from conflict to sustainable peace, from a legacy of mass human rights abuses to respect for human rights, and from a culture of impunity to one in which citizens are treated with dignity. It is not easy to implement them, however. These processes take years. One common challenge is how to structure or sequence the steps. Another is maintaining the initial momentum and optimism while pushing for processes that may take a long time to come to life.

Transitional justice is not one thing or one process, nor is it a group of four or five so-called pillars. Instead, transitional justice is more like a map and network of roads that can bring you closer to where you want to go. There is no one route. Instead, different societies take different routes, depending on the nature of the atrocities that occurred and the particularities of that society, including its culture, geography, history, legal and constitutional structures, and religious and economic makeup.



Transitional justice is not a book of rules for getting to a place of perfect coexistence and equality. Rather, it is defined and motivated by certain essential goals and fundamental principles that come out of international law and that explain why it is essential to make the journey and what is to be achieved. It encourages society to ask hard questions about what happened in the past and what should happen in the future to right the wrongs that were committed and create a society built on trust, fairness, and equality before the law.

## **THOSE GOALS INCLUDE THE FOLLOWING**



- Gathering information to build a shared understanding of the factors that enabled conflict so as to prevent it from happening again in the future
- Knowing the truth about the past and addressing the causes of conflict and repression
- Fighting impunity and seeking accountability
- Facilitating inclusive peace processes
- Remediating the harms victims suffered
- Establishing respect for the rule of law and building trust in institutions
- Increasing access to justice for those who suffered abuses, with special attention to young people, women, and other vulnerable groups

Transitional justice is a framework by which societies identify and work toward these goals. The process is never an easy one, particularly in contexts of ongoing conflict or where the prospect of justice is highly unlikely in the short term, as is the case now in Syria.

In every instance, a significant amount of creative thinking and problem solving is required to determine how to move forward to advance which goals and when. As experiences in contexts around the world have shown, inclusive and transparent processes that allow for meaningful participation by those who were and will continue to be affected are essential.

Transitional justice provides a means for those interactions to happen and encourages those involved to face and consider the essential questions for finding the best path forward:

*What is the truth about what happened? Who is responsible for the crimes that occurred? What led to or caused these events and violations to happen? What can and should be done to protect, recognize, and restore the rights of victims and to ensure human rights abuses are prevented in the future? What can be done to instill trust in the institutions of government that committed crimes? And how can society meaningfully address the harms that victims suffered?*



## Why Is It Important for Young People to Get Involved?

Around the world, transitional justice processes have been made more meaningful by the active and informed engagement of young people. In countries like Tunisia, Syria, and South Africa, young people were often the ones who helped precipitate change by leading social movements and protests. They are often among those most sensitive to shifts in social and cultural trends, and they have a clear interest in policy issues that will affect the future.

As the next generation of leaders, professionals, parents, neighbors, community members, voters, and role models, their voices must be included in the political debates that are at the center of the transitional justice agenda. Young people are political actors in the same way as adults, but often with different interests, fields of influence and power, and visions for society. They are an important part of the national conversation. They should have the right to play a proactive role in supporting truth and justice in their communities and country.

This is particularly true in situations where a transition away from conflict or dictatorship is underway. In Syria, most young people have been gravely affected by war, poverty, displacement, exploitation, and the horrific abuses perpetrated by repressive regimes and warring parties. Many have been subjected to or witnessed human rights violations or have friends or family members who suffered such abuse. They know firsthand what it means to live in a society torn apart by conflict. In fact, some young Syrians have grown up knowing nothing but conflict and violence.



Most cope with symptoms of trauma, grief, and loss—for example, depression, anxiety, recurrent nightmares, and low self-esteem—or suffer alongside loved ones who have been incapacitated or debilitated by the crimes perpetrated against them. Some young people who engaged in combat are facing the physical and emotional consequences of participating in violence. Some have themselves committed violations of human rights.

Therefore, much is at stake for them and for Syrian society. Many of them are eager to do something that can help to improve not only their own lives, but also the lives of their friends, family, and communities. In fact, many Syrian youth are already actively supporting their communities through initiatives such as working with young children or delivering aid to vulnerable families. As Nadia Murad, a young Yazidi victim-turned-activist emphasized when accepting the 2018 Nobel Peace Prize, “I do not seek more sympathy; I want to translate those feelings into actions on the ground.”<sup>2</sup>

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<sup>2</sup> Nadia Murad, Nobel Peace Prize lecture, delivered on December 2018 in Oslo, Norway, 10.

## Definition

### Who Are Considered **YOUTH**?



As of July 2017, there were approximately 1.2 billion young people worldwide, a number predicted to continue to grow over the next 10 years.<sup>3</sup> Despite the frequency with which the word youth is used, it remains a nebulous term, in part because it means different things in different places and in different contexts. The United Nations, for instance, defines youth as persons between the ages of 15 and 24, whereas the drafters of the African Youth Charter defined it more broadly to refer to those between the ages of 15 and 35. In addition, countries and cultures vary in terms of how they view notions of childhood and define the age of majority, that is, when minors assume legal responsibility for their persons, actions, and decisions.

For the purposes of youth engagement in transitional justice, however, specific age categories are not always helpful. Flexibility is preferred. For many young people living in societies recovering from conflict or repression, calendar years may be largely irrelevant. Children may be old beyond their years because they were subjected to “adult experiences” and were forced to take on adult responsibilities. Or they may have been deprived of basic education, working full-time instead of going to school. Some may have fallen behind their peers academically and may be self-conscious about it. It is also possible that individuals may not have a birth certificate or have lost any documentation of their age in the fighting.



## What Can **YOU** Do?

### Core Values and Principles for Engaging

**Above all, be safe.** Conditions where you are may not be conducive to certain types of activism. The most important thing to remember is not to undertake activities that will put you or others in harm’s way. Always think about what precautions are necessary to ensure the confidentiality, privacy, and safety of yourself and others (including when online, during meetings, when disseminating information, and so on). Many of the case studies included in this guide present compelling examples of how young people have worked together to create change. They are intended to inspire you and illustrate what can be done. But it is essential to think through and adapt the activities to what makes sense in your own context and in terms of the unique challenges you face.

<sup>3</sup> Office of the UN Secretary General’s Envoy on Youth, “UN Progress Report on the Implementation of the Work-Plan of the Office of the Secretary-General’s Envoy on Youth” (2017), 3.

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**Remember you have rights.** “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood [and sisterhood].” (Article 1, Universal Declaration of Human Rights)

**Equality and respect.** Participation must be meaningful. Policymakers and practitioners should not talk at young people, but instead talk with them and listen. Youth should be equal partners in the process, and it’s okay to express that openly. It’s also important to be respectful with your own peers. Young people are not a monolithic group, and disagreements will occur. Use debate as an opportunity to grow and strengthen your movement.

**Innovate and create.** Organizing is about working with and reaching out to a diverse set of your peers and members of your community to set common goals and develop shared methodologies.

**Do the right thing!** In all situations, act with integrity and ethics. Be honest, fair, and responsible.



The unfortunate truth is that young people often remain outside of the processes created to address the wrongs of the past and prevent them from happening again. Or sometimes when they are included, they are given only a narrow role.

In transitional justice processes, the key question is not whether young people should participate, but rather how they can do so. For example, what approaches or types of engagement will make the most of and amplify youth views and ensure that their unique perspectives are considered?

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In different contexts, different approaches have been taken. In Kenya, for instance, a movement of young socially conscious artists and activists are working together to encourage and help other young artists to use their art for positive change.<sup>4</sup> In Canada, students from aboriginal communities created a documentary that bears witness to the wrongs perpetrated against their parents, grandparents, and communities at the hands of the government.<sup>5</sup>

Experience shows that there is no single model of engagement. Rather, each individual or group needs to navigate the journey in the way that best suits their needs and realities. Some youth may not have been directly involved in the conflict or abuses; others may be completely unaware of the atrocities that occurred or may have heard stories that revealed only a small part of the truth. Whether they have been directly or indirectly impacted, young people should advocate for their rights and needs when policies and programs are being created and implemented. All may appreciate and benefit from learning alongside the wider population about the wrongs that occurred and what needs to be done to prevent such things from happening again.

What is important for youth about participating in transitional justice is the opportunity to be heard and to help shape the political and policy responses that acknowledge and address past wrongs. Their voices need to be heard and considered.

- In transitional justice processes, it is essential to **pay attention to young people's particular needs and to fashion effective strategies for including them** in discussions about how to address what happened, while at the same time protecting them as much as possible from the trauma sometimes caused by revisiting an abusive past.
- **Encourage agency and give young people the space needed to exercise ownership over or within the political process.** Youth engagement is about much more than looping youth into formal processes, especially by creating formulaic or essentially tokenistic mechanisms, like "Youth Councils" or "Youth Working Groups."
- It is also about **working together on methodologies**—what works for adults may be too formal, too untrustworthy, too bureaucratic for young people, who often have more cutting-edge, creative ideas for engagement and pushing for social change.

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4 PAWA 254 Art Rising!, website.

5 We'koqma'q Mi'kmaw School, Our Legacy Our Hope (2012).

- **Seeing youth as strategic partners is essential; bringing them into discussions should not be seen as a favor or a necessary way to “check a box.”** Youth represent a huge societal constituency with significant power, leverage, and important ideas. It is essential to tap into these networks to create mutual “buy in” and develop legitimate and meaningful plans for advancing the aims of transitional justice.
- It is also important to take into account the risks that peaceful social activism can pose in some places. In that regard, **the guiding principle should be to “do no harm.”** Youth efforts must be designed in a way that ensures participants are treated with respect and dignity and that no one feels pressured to do or share anything that makes them uncomfortable or unsafe.



## Case Study

### Côte d'Ivoire

Over the course of a few years, young people came together in Côte d'Ivoire to advance the country's process for addressing past periods of violence and to understand the role that young people and others played in them.

As part of that process, in 2011, the government established a national truth commission known as the Dialogue, Truth and Reconciliation Commission. The 11-member commission was set up to find out the truth about the human rights violations that occurred in Côte d'Ivoire from 1990–2011. These violations included enforced disappearance, murder, death in detention, political assassination, and torture. The commission was also mandated to hear from victims and propose ways to help heal the trauma they had suffered.

With the help of the International Center for Transitional Justice (ICTJ) and the United Nations International Children's Emergency Fund (UNICEF), young people mobilized to engage with the commission and also to hold their own dialogues to gather the views of their peers on their country's violent past. They used hip-hop, traditional music, poetry, and group dialogue. They also came up with the idea of creating a four-part radio report featuring “stories, testimonies, music, and debate about the conflict and its aftermath from the perspective of Ivorian children and youth.”<sup>6</sup> The broadcasts were about more than the past. They were also about young people's views and hopes for an improved future.

<sup>6</sup> Virginie Ladisch and Joanna Rice, “Cote d'Ivoire Youth Find Voice Through Storytelling,” ICTJ, October 27, 2016.

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*Actors we have been. Perpetrators, too, in the recent history of Côte d'Ivoire. But what type of actors will we be? What role do we want to play in the future of our beautiful nation, our beautiful country? What do we need to do to avoid the return of massive human rights violations and the unnecessary suffering of the population?*<sup>7</sup>

In addition to the radio reports, they decided to form their own official association, called Réseau Action Justice et Paix. That association held consultations with 125 children and youth in places around the country, at least 50 percent of whom were victims, and presented their recommendations to the truth commission and the government.



## Activity Coming Together as a Group



10-15 minutes

This is a lighthearted group activity designed to get participants thinking about what it means to work together as a group toward a common goal. It is designed to highlight the importance of good listening and communication skills. This activity works whether participants already know each other or not. If participants do not know each other, this activity may help them feel more comfortable with each other.

Later in the guide, we will discuss the power of organizing, strategizing, and consultations. This exercise shows the importance of paying attention to each other, communicating, sharing and passing along information, and working toward a common goal.



### Objectives

- Stress the importance of listening and communicating
- Create a sense of group unity
- Work toward a common goal



### Materials Needed

No particular materials are required, although it may be necessary to rearrange the chairs and tables in the room (or go outside) to create enough space for participants to form one large circle

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<sup>7</sup> Ibid.



## Activity

Tell participants this activity is called **"Pass the Clap."**

Ask them to stand side-by-side in a large circle. Tell them that they will be passing a clap around the circle, two at a time. Choose a starting point and direct one person to turn to face the person next to them and to try to clap with that person simultaneously. The second player then turns to face the person on their other side, and again they try to clap at exactly the same time. The key to passing the clap successfully is eye contact and watching each other's hands. Start the activity off slowly and then ask participants to pick up speed, reminding them that the goal is to clap at the same time.



If there is enough time, tell participants that the person in control of the clap can opt to reverse the direction of the clap by clapping with the player who passed the clap and then clapping again. This makes the game more complicated.



## Activity Harnessing My Power for Good



30 minutes

This activity is designed to be self-reflective. It encourages participants to look at how they currently interact with others in their communities and to identify the challenges they could face when doing so. The activity has the added benefit of giving you a better sense of participants' levels and types of engagement.



### Objectives

- Ask participants to describe and assess how they are currently engaging in debates of importance to them
- Identify and list the challenges, if any, that they face or will face when using their power to create positive change in their lives and in society
- Establish a reference point for discussions about how participants currently engage and how they might want to engage in the future



### Materials Needed

- Poster board, white board, or post-it or sticky notes
- Markers

**Step 1**

Ask the participants, “What would you like to do to support issues that are important to you?” Record their responses in a column on the whiteboard (for example, engaging on social media, attending meetings, creating artwork, calling or writing public officials, protesting, organizing groups). The goal is to create a list of activities or steps that participants are now doing to create change in their communities.

**Step 2**

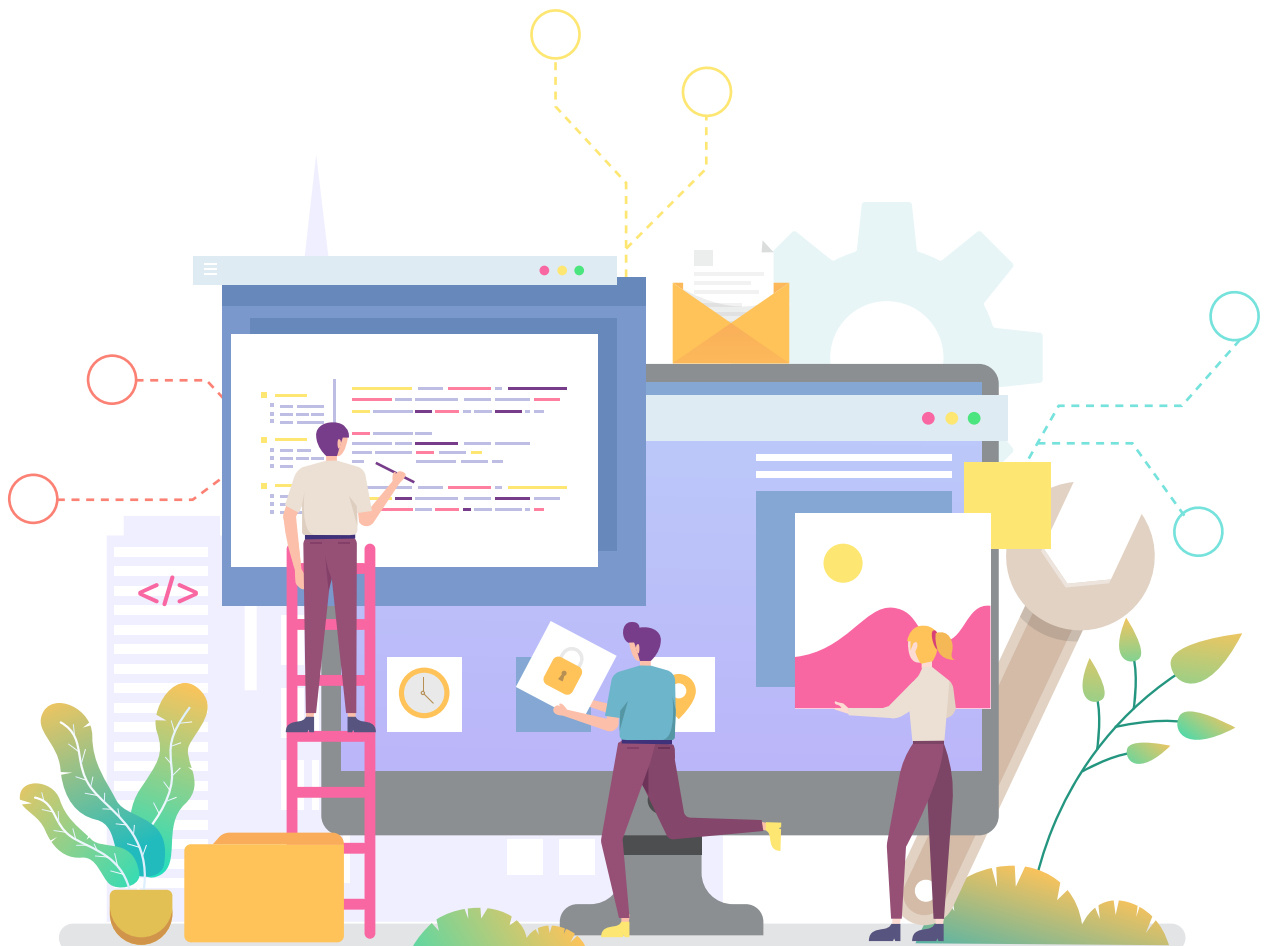
Ask, “What role are you playing? A supporting role in an organization? A leadership role? Volunteering? Part of an informal group? Working on your own?” Record each response and categorize them in one column on the whiteboard.

**Step 3**

Ask, “What challenges or obstacles are you facing when you try to support important issues?” List these on the whiteboard.

**Step 4**

Ask participants to identify any patterns in their responses (for example, most people play a supporting role) and discuss any similarities or patterns in the challenges they face.





# CHAPTER 2

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## YES, YOU HAVE RIGHTS... EVEN IN TIMES OF WAR

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## Learning Objectives

- Ensure everyone has a basic understanding of the conflict in Syria
- Participants gain a basic understanding of the international human rights law applicable to situations of conflict as well as the violations committed by the parties to the conflict
- Participants are able to articulate how the conflict has impacted their own life and work

## The Syrian Conflict

March 2011 is known across Syria, and the world, as the time when Syrians took to the streets, demanding to be heard as they called for reform. But this call for freedom quickly shifted into a violent conflict that has changed the country and the Syrian people forever. The Syrian conflict is now characterized as one of the worst humanitarian disasters of our time, with half the population displaced internally or abroad, more than half a million killed, and entire cities reduced to rubble. The Syrian people have suffered an array of physical injuries and psychological traumas as a result of the conflict. People have experienced the conflict in different ways. Some have been arrested and tortured, others have been forced to flee and leave their homes, some have had their property stolen or destroyed, and countless others have had to stay put and watch the landscape and future of Syria change completely before their eyes.

Throughout the conflict there have been some political efforts to bring a sense of stability back to the country. However, the fate of President Bashar Al-Assad and a transitional government have been the main sticking points in peace negotiations between the two main sides. There have been several international initiatives aimed at ending the war, the two principal diplomatic tracks being UN-sponsored talks in Geneva, Switzerland, and talks in Astana, Kazakhstan, facilitated by the Russian Federation and the Republic of Turkey (which back opposing sides in the conflict).

When thinking about how Syrians have been affected before and during the conflict and what that means for the future, it is important to understand the meaning of key human rights terms that are often used in post-conflict societies and how they apply in the Syrian context. Although it is not necessary for participants to memorize these terms and concepts, it will be

helpful if they understand them well enough to discuss them and identify the major violations that will need to be addressed to begin rebuilding the country, both physically and socially.



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## Human Rights and the Laws and Agreements That Protect Them

Human rights are rights intrinsic to all human beings. They apply no matter a person's race, sex, nationality, ethnicity, language, religion, or other status. Human rights can broadly be defined as the basic rights to which every human being is entitled.



**STOP AND DISCUSS** Ask participants to identify the rights and protections that they are aware of and should be entitled to as Syrians.

Both individuals and communities have rights. Individual rights include civil and political rights, such as the right to life and liberty, freedom from slavery and torture, and rights of political expression, assembly and association; and economic, social, and cultural rights, such as the right to work, the right to an adequate standard of living, and the right to free primary education. Communities of Indigenous peoples have particular rights, for instance, to “freely determine their political status and freely pursue their economic, social and cultural development” and not to be subjected to forced assimilation and the destruction of their culture.<sup>8</sup>

Governments have the primary responsibility to ensure that there are laws and services in place to enable, respect, and protect the enjoyment of individual and community rights. This may require refraining from action, for example, by not interfering with a person's right to express their opinion. Or it may require government action to fulfil certain rights, for example, passing and implementing legislation to help realize socio-economic rights.



**STOP AND DISCUSS** What rights need to be better protected and respected by the Syrian government?

## What Are the Sources of Human Rights?

Human rights are recognized and protected by a number of international legal instruments, including the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights; and the International Covenant on Economic, Social and Cultural Rights.

There are also many international treaties, conventions, agreements, and customary norms that establish what governments should do to promote and protect human rights and which acts are prohibited. These include the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance.

The constitution and laws of a country also establish the rights, rules, and duties that govern society and prohibit conduct in violation of those rights, as do various regional mechanisms, like the Arab Charter on Human Rights.

<sup>8</sup> UN General Assembly, United Nations Declaration on the Rights of Indigenous Peoples: Resolution adopted by the General Assembly (A/RES/61/295, October 2, 2007).

Some rights are absolute rights and can never be restricted (for example, freedom from slavery and servitude). Other rights are limited and can be restricted in certain circumstances, as in order to protect the rights of others (for example, restrictions can be placed on a person's liberty if they are convicted of a crime).

## Rights in Times of War and Peace

In times of conflict, human rights law is complemented by international humanitarian law (IHL), also known as the law of war. IHL specifically applies in situations of armed conflict, while human rights law applies at all times. In very limited circumstances, some human rights (like the right to association) may be suspended during periods of emergency. However, any limitations on rights imposed during times of public emergency must be based in law, follow procedures established under law, be strictly necessary, and not involve discrimination on the grounds of race, ethnicity, sex, language, religion, or membership in a social group.

Most rights, however, cannot be suspended even in a time of public emergency, like war. These rights are known as nonderogable rights. They include the right to life, freedom from torture, freedom from medical or scientific experimentation without consent, freedom from slavery, and the prohibition against the retroactive application of criminal laws.

IHL is based on the Geneva Conventions—a series of four treaties—and their additional protocols as well as a series of other instruments and general practice (also known as customary international law) that have developed over time and are applicable in times of armed conflict. The Geneva Conventions protect people who are not taking part in hostilities (including civilians and medical and religious personnel); civilian objects (including homes, schools, and medical facilities); and members of the armed forces who are wounded, sick, shipwrecked, or prisoners of war.

All country parties to the conflict (Syria, the Russian Federation, the Republic of Turkey, the United States of America, and the Islamic Republic of Iran) have ratified the Geneva Conventions (I-IV) and are therefore bound to comply with its rules.

In addition to formal written laws and conventions, human rights obligations also arise from established and consistent international practice, known as customary international humanitarian law. These practices are in principle binding on all states. Customary IHL is therefore complementary to IHL and can be used to fill in the gaps when, for example, a state is not a party to a particular treaty. Some examples include the taking of feasible precautions in the conduct of military operations to avoid the incidental loss of life and injury to civilians and civilian objects and the rule of non-refoulement, which imposes the obligation on all states to not return any refugee or asylum-seeker to a country or situation where there is a risk to life or risk of persecution.

All governments have obligations under both IHL and customary international law to protect human rights. Over time, it has also been established that non-state armed groups (whether rebel or pro-government) are also accountable to IHL and customary international law. This means in practice that all governments involved in the Syrian conflict, as well as non-state armed groups (opposition groups and pro-government forces), can be held accountable and prosecuted for their actions and omissions that constitute violations of human rights during a conflict.



## When Rights Are Violated

Despite the laws and the obligations in place to protect individuals, human rights and IHL violations often occur during conflict. Human rights violations are also a persistent feature of dictatorial regimes.

During the Syrian conflict and years of repression before it, different parties, including both state and nonstate actors and foreign governments and groups, have committed numerous human rights and IHL violations.

It is worth mentioning that parties outside of Syrian territory can also be guilty of these crimes. Multiple investigations have been, and can be in the future, launched into whether foreign countries or companies have been complicit in alleged crimes. This is relevant when, for example, funding is provided to a terrorist party or weapons and chemical substances are sold to a particular party.



Some of the most flagrant rights violations fall under two umbrellas:  
**war crimes** and **crimes against humanity**.

### War Crimes

are violations committed in times of war. They consist of grave breaches of the Geneva Conventions and serious violations of the laws and customs applicable in international and non-international armed conflicts. War crimes may consist of acts or omissions and include the killing, injuring, or torturing of protected persons under the Geneva Conventions; intentionally directing attacks against civilians or civilian objects; summary executions; destroying civilian property; the use of child soldiers; torture; and the deportation of people against their will.

### Crimes Against Humanity

are acts committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack. These acts include murder, extermination, enslavement, deportation or forcible transfer of a population, torture, rape, sexual slavery, enforced prostitution, forced pregnancy, persecution, enforced disappearance, and other intentional inhumane acts that cause suffering or serious injury. Crimes against humanity can occur during times of war or peace.

**STOP AND DISCUSS** Ask participants to identify and list any rights violations suffered by them and those they know. Select several violations defined below to discuss.

## Killings and Enforced Disappearance

Enforced disappearance occurs when people are secretly abducted or imprisoned without letting anyone know their whereabouts or condition. Over many years, the Syrian government is estimated to have subjected tens of thousands of civilians, aid workers, and peaceful activists to enforced disappearance as both a form of collective punishment and to spread fear among civilians. Armed opposition groups have also been responsible for the enforced disappearance of individuals in areas under their control, subjecting them to torture and other forms of mistreatment.



## Unlawful Detention and Torture

Numerous reports describe inhuman conditions in detention centers across Syria. Systematic deprivation of food, extrajudicial executions, and repeated torture are only some of the brutal conduct that detainees routinely face. Thousands of people have died in custody, many as a result of deprivation of medical care or torture leading to death. Those condemned to death are often convicted based on false confessions extracted under torture. The Commission of Inquiry on the Syrian Arab Republic found that the government, the Islamic State of Iraq and Syria (ISIS), Jabhat Al-Nusra, and anti-government armed groups, among others, are guilty of committing these types of war crimes. Arbitrary detention and torture were also a practice of the government before the uprising.



## Intentional and Indiscriminate Attacks on Civilians and Civilian Objects

The Syrian government, its allies, and armed opposition groups have continuously committed numerous serious violations of IHL by launching intentional and indiscriminate attacks on civilians and civilian objects. As provided in the Geneva Conventions, even in times of war, military commanders must distinguish between civilians and noncombatants. Civilians and others not taking part in hostilities must be protected. During the Syrian conflict, aerial bombardments, chemical attacks, and artillery shelling carried out by various parties have resulted in the unlawful killing of civilians and damaged many civilian objects, such as homes, schools, and medical facilities. Some of these attacks appear to have been carried out intentionally for the purpose of targeting civilians and civilian structures, which is strictly prohibited under international law.



## Widespread and Systematic Use of Barrel Bombs and Chemical Weapons

During the conflict, the Syrian government has made extensive use of barrel bombs, which disperse shrapnel, oil, or both over a wide area. Estimates indicate that approximately 70,000 barrel bombs have been dropped since July 2012, with most dropped on Damascus and its suburbs, although most major cities have also been targeted, including Aleppo, Daraa, Hama, Homs, and Idlib. In some of these attacks, chemical or incendiary substances were added to the bombs. According to recent reports, the Syrian government and its affiliated forces have launched more than 300 attacks using chemical weapons, such as the nerve agent sarin, chlorine, and mustard gas.<sup>9</sup> Barrel bombs and chemical weapons are by nature indiscriminate because they do not allow for a distinction between civilians and combatants. In addition, treaties prohibit the use of asphyxiating, poisonous, or other gases and incendiary and chemical weapons. The Syrian government is bound by the terms of the Convention Prohibiting Chemical Weapons, which it acceded in September 2013. Other parties to the conflict have also ratified weapons treaties prohibiting the use of certain weapons.

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<sup>9</sup> Tobias Schneider and Theresa Lütkefend, Global Public Policy Institute, "Nowhere to Hide: The Logic of Chemical Weapons Use in Syria" (2019).



## ⊘ Sieges and Denying Humanitarian Access

One of the government's strategies to get citizens and armed groups to surrender and to contain the spread of or to remove the opposition from strategic areas has been to impose sieges or military blockades. As part of this plan or policy, towns were systematically encircled, blockaded, bombarded, and eventually starved into submission. Sieges have been especially brutal on civilians. Many have died for want of medical aid and basic necessities, such as food, blankets, water, and humanitarian assistance. The continued denial of access to humanitarian relief for civilians can amount to a war crime and a crime against humanity.

## 🏠 Violations of Economic, Social, and Cultural Rights

During conflict, states must not neglect their obligation to uphold, protect, and fulfill the economic, social, and cultural rights of their citizens, including the rights to education, health care, and other essential services. Warring parties, for instance, are prohibited from using methods of warfare that starve civilians or disable basic infrastructure necessary to survival.<sup>10</sup> Under the Universal Declaration of Human Rights, for instance, "[e]veryone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services" and the right to education.

## 👨👩 Crimes Against Children

In times of war, children have special status, both as civilians and as persons who are particularly vulnerable. As such, special provisions must be made to ensure they are protected and are provided with care and aid. This includes the right to education and prohibitions on the recruitment of children and the use of children in conflict, whether in combat, support, or other roles.<sup>11</sup>

<sup>10</sup> UN Office of the High Commissioner for Human Rights, Protection of Economic, Social and Cultural Rights in Conflict (2015).

<sup>11</sup> UNICEF, "The Paris Principles: The Principles and Guidelines on Children Associated with Armed Forces or Armed Groups" (2007).





# CHAPTER 3

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## BEYOND THE BASICS

### WHAT YOU NEED TO KNOW ABOUT TRANSITIONAL JUSTICE

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## Learning Objectives

- Introduce the terms that are commonly used to describe transitional justice
- Encourage participants to articulate how they've been wronged and what it means to them to be repaired
- Start to define the issues participants want to take forward

## Introduction

In Chapter 1, we began to explore what transitional justice means and how it came to be. We came to the conclusion that transitional justice cannot be defined by one rigid and clear description. The idea of transitional justice varies from place to place and conflict to conflict. In fact, each society has to determine and design through an inclusive process the approach that best suits the particularities and nuances of that context. Earlier, ideas were introduced about what it means for a society to pursue common goals through transitional justice initiatives. This chapter will take those ideas a step further, looking more deeply at certain concepts traditionally associated with transitional justice. It will explore why they matter and how these concepts have translated into action on the ground in various places. Understanding these concepts more deeply can be a first step toward thinking through what concepts and approaches might be relevant for Syrians, especially Syrian youth, who are seeking truth and justice and want to contribute to sustainable peace and an inclusive society.

As you read about truth telling and truth seeking, reparative justice, acknowledgment, accountability, and reform, think about how these concepts apply (or do not apply) to your experience as a Syrian. Think, too, about how and why other Syrians might feel differently. If you think of other concepts or ideas that are important to you, write them down and discuss with your peers whether they could form part of a transitional justice agenda as well.

## Truth Seeking

### What Is Truth Seeking?

Anyone who has ever been in an argument with a friend or loved one knows that when a dispute arises, *truth* can quickly become subjective. People's perceptions are shaped by what they feel about the other person, their past and shared experiences, and ultimately, their own interests. In places where conflict or other forms of large-scale violence and repression have occurred, the challenges of understanding a society's truth are naturally much greater. Those who committed crimes will have a vested interest in hiding the truth, and those who are in power may prefer to prioritize other urgent societal needs over dealing with the past.





Nevertheless, while difficult, it is of utmost importance for a society trying to transition to sustainable peace and coexistence to begin to build a cohesive historical narrative, grounded in the truth about what happened, why it happened, and how the many disparate communities and individuals that make up society were affected. This is where truth seeking comes in.

Truth seeking is a process of unearthing, piecing together, and making public the sometimes competing narratives that come out of a period of violence or repression. For some, the most important component of truth seeking is uncovering the facts about what happened to their missing or disappeared loved one: Why were they targeted, where are they now, and who is responsible? For others, the process of truth seeking is important for the participatory role they get to play as truth tellers. When previously marginalized and silenced groups have a chance to tell their stories and have their concerns recorded in the annals of history, it can have intrinsic value. Others want to know why things happened the way they did, in part as a first step toward figuring out how to prevent the same forms of violence and repression from happening again.

When done well, truth seeking can help to validate the experiences of victims and others who were affected and help society to build an understanding of the facts about the past and provide answers to the question of why violations happened.

## What Is the Right to Truth?

Knowing the truth is more than just a common demand among victims and affected groups. The right of victims and family members to access information about what happened and to know the truth about who committed abuses against them (or their loved ones) and why is enshrined in various national judicial decisions and international documents. The right to truth “is linked to the [victims’] right to a remedy, including the right to an effective investigation, verification of facts, and public disclosure of the truth.”<sup>12</sup> It also relates to the right of victims and family members to commemorate and mourn human loss as well as societies’ right to freedom and information. A 2005 UN General Assembly Resolution calls on all member organizations to “endeavor to recognize the right of victims of gross violations of human rights, and their families, and society as a whole to know the truth to the fullest extent practicable.”<sup>13</sup> In addition to having the right to know the facts about a specific violation, societies also have the right to know the causes that led to abuses in general and the progress and results of any investigations.<sup>14</sup>

## Why Truth?

The goal of truth-seeking endeavors has been eloquently described as a way to “narrow the range of permissible lies” about the past as a country forges a path into the future.<sup>15</sup> Truth seeking is a means of recording facts, establishing patterns, and documenting the voices and experiences of all members of society, not just the victors, the privileged, or the elite.

<sup>12</sup> Eduardo González and Howard Varney (eds.), ICTJ, “Truth Seeking: Elements of Creating an Effective Truth Commission” (2013), 3.

<sup>13</sup> UN Human Rights Commission, Human Rights Resolution 9/11, Right to the Truth (A/HRC/RES/9/11, September 24, 2008).

<sup>14</sup> While this right is legally enforceable in relation to the most serious crimes provided for in international conventions, the right to truth is only beginning to be recognized and enforced by regional and international courts for other crimes.

<sup>15</sup> Michael Ignatieff, “Articles of Faith,” *Index on Censorship* 25, 5 (1996): 113.

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How does this apply to Syria? It is inevitable that, in a country characterized by 50 years of dictatorship followed by an extraordinarily violent and complex conflict, there are innumerable viewpoints, perceptions, and ideas about what happened and why and, for each one, countless tales of tragedy, resilience, trauma, activism, and everyday life that deserve to be heard. There will be different views about who is responsible for the conflict and violence, why conflict began, and even about which violations occurred or which merit the greatest attention. Truth-seeking endeavors aim to build a comprehensive narrative that incorporates these disparate voices while still uncovering truth and establishing objective facts. Truth-seeking efforts also aim to record those experiences that may otherwise be lost.

Truth seeking does not just have inherent or historical value. Documentation of violations, oral histories, stories of violence, recorded facts, and established patterns of violence and violations are also key to developing concrete measures to address the harms of the past. Often the findings of major truth-seeking efforts inform reparations policies, reform efforts, and other tangible means of supporting victims. In some cases, such as the Guatemalan Recovery of Historical Memory Project, truth seeking can happen in the midst of violence in an effort to influence future peace processes and bolster or complement any potential state-led processes.

## **How Can “Truth” Be Operationalized?**

Truth seeking can happen through a variety of means. Perhaps the most common conception of truth seeking are entities known as truth commissions. Truth commissions themselves can take many forms—some are led by the state, others by civil society; some focus on specific types of violations, like torture or enforced disappearance; others have a comprehensive mandate to look at all violations, patterns of inequality and violence, conduct such as corruption, and in some instances, even notions like marginalization. Truth commissions typically cover a specific (even if sometimes large) time period and take on responsibilities such as taking statements from victims, researching the historical causes of repression or violence, holding public hearings, and publishing findings and recommendations.

Truth seeking can also take the form of a commission of inquiry; efforts to locate, exhume, and rebury the bodies of the missing or forcibly disappeared; and even theater, art, photography, or other initiatives intended to communicate victims’ stories of the past and transmit their demands for the future. Memorialization, while considered a form of symbolic reparation, can also be considered a form of truth seeking, or perhaps truth telling, because of the messages that memorials can convey for decades to come. Permanent institutions such as museums or national archives are other means of disseminating truth. In a context like Syria, the massive documentation efforts undertaken by civil society to record the incidence of violations throughout the conflict are themselves a form of truth seeking.



## Case Study

### Colombia—“Memory for Life” A Colombian Women’s Truth and Memory Commission

Colombia experienced nearly five and a half decades of brutal internal conflict, which ended in 2016 with a comprehensive peace agreement. Conflict initially erupted in the mid-1960s when the left-wing guerrilla group known as the Revolutionary Armed Forces of Colombia (FARC) took up arms against the government over land and other issues of inequality. Soon after, other left-wing groups emerged, as did pro-government, right-wing paramilitary forces. The various actors inflicted untold violence on civilians over the course of nearly 60 years of fighting, including torture, widespread sexual violence, killing, massacre, enforced displacement, and enforced disappearance. In fact, at the end of 2017, Colombia still had the second highest number of internally displaced persons in the world (6.5 million) behind only Syria, with a reported 6.7 million.<sup>16</sup>

As is true in many conflicts, women were impacted in unique and often disproportionate ways by the violence and the harms that result from victimization, such as poverty, exploitation, further violence, physical abuse, emotional trauma, and so on. In 2009, several Colombian women’s rights organizations came together to discuss the possibility of an informal truth commission to be undertaken almost exclusively by women and about women. They sought

to document the ways in which women were being victimized in the context of the conflict, but also to link these incidents to broader social dynamics of inequality and violence that have long impacted Colombian women.

In 2010, one of the organizations, Ruta Pacífica para las Mujeres (Peaceful Route of Women), took the idea forward, creating the Colombian Women’s Truth and Reconciliation Commission. Its objectives were to reconstruct the memory of Colombian women during the armed conflict and to reflect and generate discussion about the effects of war on women’s lives.

Because the truth commission was being implemented at a time when violence was still ongoing and those who might choose to speak out were at high risk of reprisals, the commission took care to develop a methodology that would do no harm and not put women in undue danger. The commission determined that it would only operate in regions where Ruta Pacífica was already present in some capacity, in order to ensure easier and safer access to women victims (because Ruta Pacífica had pre-established relationships). It also meant that the commission would start with a working understanding of the complexities of each region.

<sup>16</sup> Internal Displacement Monitoring Centre, “Global Report on Internal Displacement 2018: Part 1, On the GRID” (2018), 48.

## Safety Measures

- Project maintained a very low profile
- Most participants were already connected in some way to the main organization
- Psychosocial assistance and support were provided to participants and researchers
- Local digital and physical copies of interviews were transferred to the national office, then destroyed
- Copies in the national office were encrypted and protected
- No identifying information about participants or researched was recorded anywhere

In total, the commission was able to take statements from 935 women in nine areas. It also gathered information about nine cases where groups of people were affected. All of this work was carried out with minimal detection or public awareness.

Participants told stories about serious violations, such as arbitrary execution, murder, massacre, torture, sexual violence, enforced displacement, forced child recruitment, illegal detention, and kidnapping. But the commission also probed deeper, shedding light on broader social phenomena, such as discrimination and violence against women and girls and women's lack of access to safe living conditions.

## Process

Contact made with victims or organizations

Explanation of project

Agreement to give testimony

Appointment, date, time, location set for interview

Interviews

Transcription and data entry

Transcriptions sent to main office, regional copies destroyed

Coding and analysis

Some of the main findings were that women harbored deep mistrust of the government, which had failed to protect them; many women feared coming forward to report violations; and interestingly, many women did not see themselves as victims at all (in some cases, this was because they considered violence against women a normal part of life; in others, they assumed that only their male relatives could be considered victims). The report highlighted the need to raise awareness of victims' rights and to call attention to the blurred lines between conflict-related violence and the everyday violence that women were experiencing simply for being women.<sup>17</sup>

Of note, nine years later, the country's state-mandated "official" truth commission has worked with Ruta Pacífica to replicate the participatory, victim-centered methodology it used in this initiative and to ensure that the findings from its report are incorporated into the new commission's work.

<sup>17</sup> Ruta Pacífica Para las Mujeres, "The Women's Truth: Victims of the Armed Conflict in Colombia Summary" (2017).

## Activity **Layers of Truth**

 approximately 45 minutes<sup>18</sup>

Truth often has layers and can depend on the perspective of the person sharing their version of the truth or story. In the aftermath of conflict, memories are shaped by a person's experiences and their various affiliations: political, social, geographical, religious, and so on. Conversely, the way we perceive others' versions of the truth may be influenced by these same factors. It can be important to peel back our own assumptions and look for different levels of truth. There is the truth we hear and see on the surface, filtered through our own knowledge and assumptions. Then there is the truth we see more deeply, as we ask questions, take stock of the assumptions we may have, and begin to see things in a different way.

### Objectives

- Encourage participants to understand the different levels involved in interpreting something unfamiliar to them
- Foster discussion about assumptions and how to ask questions to help unpack them
- Discuss how truth is both an important and a complicated concept for Syrians

### Materials Needed

- Several copies of the photo included below or a similar photo.



*Photo Credit Marta Martinez / ICTJ*

Project the above photo on a screen for participants to see or print out enough copies for all participants in advance. At the start, do not share any information about the photo with participants. First, lead participants through the following steps:

<sup>18</sup> Activity adapted from Facing History and Ourselves, Analyzing Images, Resource Library: Teaching Strategies.

### **Step 1**

Invite participants to examine the photo closely and make observations about what they see. These should be descriptive observations, such as the colors, shapes, positioning, number of items, and so on. Encourage participants not to inject any subjective views into their analysis (for instance, comments about the emotions of the man pictured or assumptions about the identities of the pictures behind him).

### **Step 2**

Give participants time to write down what they see or to talk about their observations with a partner. Then, ask them to share with the larger group, either individually or with their partner.

### **Step 3**

Now ask participants what pieces of information they would need in order to begin to analyze or interpret the photo more deeply. Invite them to form these into questions; for example, who are the people in the photographs? Are they alive? What do the man's clothes tell us about where this photo was taken? What do the stones mean? Again, ask participants either to write down their questions individually or share them in pairs. Then, ask them to share some of their questions with the larger group.

### **Step 4**

Ask participants to discuss their questions with others to try to answer them (coming up with the answers themselves). If the exercise is done individually, ask participants to form groups of three to discuss and try to answer their questions. If done in pairs, two pairs can work together.

### **Step 5**

Share your own perceptions and interpretation of the photo with participants and explain why you've come to these determinations. Invite them to ask questions or offer different interpretations. If they do, have them explain what led them to those interpretations or assumptions.

### **Step 6**

Tell participants a little bit about the photo and the site where it was taken. The photo shows a visitor laying items at the center of a memorial in Lima, Peru entitled El Ojo Que Lloro, or The Eye That Cries. The memorial is dedicated to victims of the country's armed conflict. The photos behind the visitor depict victims who were killed or disappeared, most of whom came from indigenous communities. There is a stone in the center of the memorial

that represents Pachamama, or Mother Earth. Water flows from the stone signifying “the tears of Mother Earth, crying over what her ‘children’ were capable of doing to each other. This piece is surrounded by a maze of over 32,000 additional stones that each represent the suffering of individual families affected by the conflict.”<sup>19</sup>

### Step 7

Now ask participants what they think the photographer’s intended message was and who they think the intended audience is. Also ask them who an unintended audience might be, that is, who else could learn or benefit from viewing this photo.

## Discussion

*End the activity with a discussion about the process. Some guiding questions might include:*

- What was difficult about this process? Which step was most challenging?
  - Was it hard in Step 1 to put aside your own perceptions or assumptions about what was going on in the photo to make clear observations?
  - What makes visual imagery or other possible forms of storytelling compelling?
- On the flipside, in the aftermath of conflict, how might people’s existing viewpoints shape their perceptions or interpretations of events, photos, stories, or other media? What are some ways to get around that and encourage people to think more objectively about the information they receive?



<sup>19</sup> Kelli Muddell and Sibley Hawkins, ICTJ, “Gender and Transitional Justice: A Training Module Series—Memorialization” (2018).

## Reparations and Acknowledgment

### What Are Reparations?

Reparations are benefits, services, or steps taken by institutions, individuals, or groups to make amends and acknowledge the harms that were caused to a person or group. There are a number of legal terms used to describe the measures that may be taken to acknowledge and repair such harms (for example, reparation, restitution, redress, compensation, rehabilitation). Different words may be used in different contexts and languages. For ease of reference, we use reparation here.

### Formal Categories of Reparation Under International Law

**Restitution** aims to make the victim whole. It may include the return of property and the restoration of citizenship rights and the reinstatement of jobs and benefits.

**Compensation** aims to make up for quantifiable harms, including physical and mental injury.

**Rehabilitation** includes medical and psychological care and legal and social services to address harms.

**Satisfaction** and **guarantees of non-repetition** cover broad categories of reparative measures, including official apologies, public disclosure of the truth, return of the remains of the dead and forcibly disappeared, and institutional reform.<sup>20</sup>

Reparations take many forms. Although many people associate reparations with payments of money, they do not necessarily need to take that form. What form they do take varies according to the circumstances, victims' needs, and the scope and form of the violations. Reparations may include:

public apologies	job or skills training	restoration of employment
access to education	medical care	affirmations of property rights
memorials	mourning ceremonies	recovery, identification, and reburial of remains
cash payments	psychological services	rebuilding of homes
verification of facts	pensions	

<sup>20</sup> For more information, see UN General Assembly, *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*: resolution adopted by the General Assembly (A/RES/60/147, March 21, 2006).



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## Why Reparations?

Reparations have both a moral and legal basis.

On a moral level, when someone violates another's rights, there is a responsibility to make amends. It is the necessary and right thing to do. Victims of human rights abuses often suffer from complex and assorted forms of harm, affecting all aspects of their lives and well-being. For instance, the harm caused by crimes such as torture, sexual violence, or the enforced disappearance or murder of a family member has a profound impact on a victim's life. The long-term consequences of violence and trauma, whether physical, psychological, or social, may affect victims, their families, and communities now and long into the future.

As a result, in the wake of human rights or IHL violations, societies are obligated as a matter of law to address the harms and suffering inflicted on the victims. The legal responsibility for providing a remedy or reparation for harms caused to another person rests with the person or persons who committed the violations and with the state failing to protect the victim (that is, "for acts or omissions which can be attributed to the State and constitute gross violations of international human rights law or serious violations of international humanitarian law.")<sup>21</sup>

In countries like Syria with large populations of victims, the state must take steps to respond to victims' needs. For instance, many countries have established national programs that provide reparation and other meaningful assistance to victims for the violations committed by those acting on behalf of the state and other perpetrators (including those who were a part of an opposition group).

## How Have Reparations Been Decided On and Dispensed?

Courts have ordered reparations at the end of a civil lawsuit or in some circumstances as part of a decision in a criminal case. More often, however, in contexts like Syria where there are massive numbers of victims, reparations programs are created by legislation (usually called administrative reparations). These administrative programs, which have operated in post-conflict societies and societies transitioning from authoritarian rule, can operate in parallel with prosecutorial and other transitional justice initiatives, such as truth commissions and memorialization projects.

In fact, ordering reparations is often in the mandate of a truth commission and make up part of its recommendations. Reparations also come about through the dedicated efforts of individuals, civil society organizations, activists, and government policymakers, sometimes after years of petitioning the government.

Depending on the form, reparations may be dispensed individually or collectively. Sometimes, they are part of a set of benefits that provide short-term or targeted relief on an urgent basis. In other instances, they may consist of a comprehensive package of mutually reinforcing measures (that may

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<sup>21</sup> Ibid., para. 8.

include health care, treatment for trauma, and remedial and other educational benefits), all reparative in nature and purpose.

No matter the means of delivery, at the most basic level, reparations are intended as a means of bringing justice to victims by acknowledging the violations that were committed against them and recognizing the harms they suffer.



## Case Study

### Peru

From 1980 to 2000, Peru went through a prolonged and bloody internal armed conflict that left approximately 69,280 people dead. Three principal actors were at the center of the violence: the rebel groups Sendero Luminoso (Shining Path) and Movimiento Revolucionario Tupac Amaru and the government of Peru, which embarked on a violent campaign of counter-terrorism. The conflict featured assassinations, enforced disappearances, kidnappings, massacres, and destruction, primarily affecting communities and peasant populations in the poorest areas of the country. In addition, the conflict caused the displacement of an estimated 430,000 persons.

In August 2003, Peru's Truth and Reconciliation Commission (CVR) issued a nine-volume final report, analyzing the causes and consequences of the conflict, detailing the wrongdoing committed, and offering recommendations for ways to prevent violence in the future.<sup>22</sup> The CVR recommended a comprehensive plan of reparations that was eventually passed into law in 2005. The Comprehensive Plan of Reparations (Integral de Reparaciones, or PIR), and its accompanying

regulatory regime, established a framework for the reparations program to acknowledge and repair victims of the violence.

The PIR consist of different programs that provided both individual and collective measures and symbolic and material benefits. They include health care within the public system for treating physical and mental ailments, health insurance and prevention programs, awareness-raising programs on the effects of violence, and programs for rebuilding community social support networks. Educational programs were created for those who had lost educational opportunities as a result of the conflict, including tuition grants, adult literacy programs, vocational training, student housing and meal stipends, and scholarships for university and technical studies. Collective reparations were also provided to families, peasant and indigenous communities, the displaced, and others affected by the conflict, in order to recover and rebuild destroyed infrastructure and expand basic services.

22 ICTJ, "Hatun Willakuy: Abbreviated Version of the Final Report of the Truth and Reconciliation Commission" (2014).



## Activity

# Learning About Symbolic Reparations and Memorization Initiatives



30 minutes

Memorials are a way of remembering and commemorating victims of human rights violations. They exist in many countries around the world, taking diverse forms. When memorials recognize victims and acknowledge the wrongdoing that occurred, they can be a form of symbolic reparation. Memorials can also be controversial and generate ill will and social division. Care, deliberation, and consultation are important when thinking about memorials. How can a memorial honor those who have been victimized without falling prey to bias and division?



## Objectives

- Encourage participants to start thinking about what they, their families, and friends might do in their communities to honor and benefit victims of human rights violations
- Encourage a willingness to think creatively and to seek out different opinions about how to honor the victims of conflict in Syria
- Highlight the importance of paying attention to how different viewers may perceive and react to a memorialization in different ways



## Materials Needed

- Photos of one or more memorials. Included here are photos and a description of the “Statue of Peace” in South Korea.
- You may want to consider using other memorials that might resonate more with participants, including those under consideration or construction.
- Additional photos of the “Statue of Peace” can be found online.



## Activity

Examine the images of the memorial below with participants and encourage a general discussion about the memorial’s attributes. Ask participants to offer theories about what it commemorates. Ask them to consider the location of the memorial, what message it conveys, how it makes them feel. Then explain the significance of the statute and the history behind it.

### “Statue of Peace”

During World War II, the government of Japan forcibly recruited as many as 200,000 women in the countries they conquered to serve as sexual slaves in brothels. The women came to be known as wartime “comfort women.” They came from countries in Southeast Asia, including China, Japan, Korea, the Philippines, and Taiwan. Many of the women were very young when they were abducted and were subjected to rape for years. Many died of sexually transmitted disease and mistreatment by the Japanese military. Some committed suicide. After the war, despite years of protests and demands for acknowledgment, the Japanese government refused to admit to its policy of recruiting and enslaving women during the war.

In response, in 2011, supporters of the women erected a statue of a young woman seated on a chair facing the Japanese embassy in Seoul, South Korea. It stood on the spot where protestors had gathered every Wednesday for almost two decades to demand an apology and reparations.

The statute bears an inscription highlighting the dual role that the memorial plays as a way of remembering the many victims of Japan's crimes and pressuring the Japanese government to meet its responsibilities to acknowledge the violations and pay reparations. The memorial includes many meaningful features designed to represent the suffering and isolation of victims who were forcibly taken from their homes as sex slaves:



- *Unevenly cut hair, showing the forcible nature of the women's removal from their homes.*
- *Clenched fists to show defiance in the face of adversity.*
- *A small bird on the young woman's shoulder, symbolizing freedom and peace. (In Asia, a small bird is seen by some as a spiritual medium, which, in this work of art, connects the victims to the memorial's visitors.)*



In 2015, the governments of Japan and South Korea signed an agreement relating to the victims in which Japan agreed to apologize and promised \$8.3 million to care for the women. An apology by Japan's Prime Minister Abe was read by the Japanese Foreign Minister in December 2015, saying: "Anew sincere apologies and remorse from the bottom of his heart to all those who suffered immeasurable pain and incurable physical and psychological wounds as 'comfort women.'"

However, as part of the agreement, the Japanese government also sought the statue's removal. That demand was rejected. Today, the statue remains across from the Japanese embassy, a continuing reminder of the suffering and immense resilience of the victims and their supporters.



## Activity Victims and the Universe of Harm



15 minutes

The concept of victim is defined broadly under international law to include individuals or groups who suffered harm as a result of human rights violations. Family members can also be considered victims. A person is considered a victim whether or not the wrongdoer is identified, caught, or prosecuted.

This activity, which can be done individually or in small groups, aims to encourage participants to consider the magnitude and reach of the harm caused by human rights violations on individuals and society.

You should anticipate that some participants may find it difficult to share. To mitigate the potential of causing participants undue distress, you might encourage participants to adopt roles and speak in the third person. Alternatively, you can ask participants to write down brief responses to be shared anonymously. You may also give participants the option to sit the activity out or leave at any time.



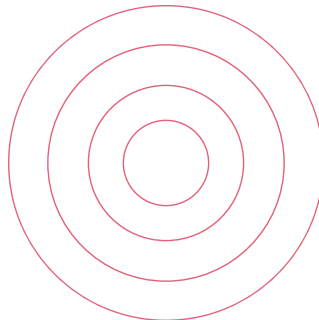
### Objectives

- Participants gain an understanding of the extent of the harms and consequences of human rights violations and why it is important for society to take steps to repair them.



### Materials Needed

- Blank sheets of paper



### Activity

Distribute the paper to participants and ask them to draw four concentric circles, as shown above, filling the page, and then number them, starting with the number one in the smallest circle. (Or, if possible, prepare and print out worksheets in advance.)

In the smallest circle, ask participants to write the word victim. The participants need not

identify an actual victim, although some may choose to think of someone they know. In the circle around it, ask participants to identify the individuals or groups who may also be affected by the harms caused to the victim. Participants should work from the center outward to identify first those people who are closest to victim and then those whom the victim is related to and associated with.

When participants are finished, ask them to list the individuals and groups they identified. Begin a discussion, encouraging participants to think expansively about the victim's extended family, schoolmates, neighbors, community members, and broader society. They should also discuss the possibility that trauma could be transferred across generations, that is, from parents to children and children to grandchildren.

Next, for each circle, ask participants to consider the different forms that harm may take, for example, friends dropping out of school, neighbors sacrificing to help each other, communities divided along sectarian or other lines, unhealed physical and emotional wounds, ongoing medical needs such as prosthetics, and so on.

Now encourage the group to think about situations where young activists or others who had never been involved in violence were forced to take up arms to protect their communities. Do the exercise again from this perspective. What are the ramifications? What harms have they suffered as a result? What harms have they caused to others?



### Activity

### Finding the Right Words Official Public Apologies



5-10 minutes

Official apologies are an important part of any transitional justice policy. As a form of symbolic reparation, “an apology is a formal, solemn and, in most cases, public acknowledgement that human rights violations were committed in the past, that they caused serious and often irreparable harm to victims, and that the state, group, or individual apologizing is accepting some or all of the responsibility for what happened.”<sup>23</sup>

Official apologies can be offered by individuals, agents of the government, groups in society, and countries following the end of a repressive regime or a period of conflict. They can be made immediately or years later. Whether written or spoken, the words used in an apology and how the apology is presented to victims are of crucial importance. This activity is designed to get participants thinking about what makes an apology meaningful and sensitive to the needs and interests of victims.

Ask participants to compare and discuss the language from two different apologies offered to victims of human rights abuses, one from Kenya and one from South Africa.

<sup>23</sup> Ruben Carranza, Cristián Correa, and Elena Naughton, ICTJ, “More Than Words: Apologies as a Form of Reparation” (2015), 1.

## Kenya

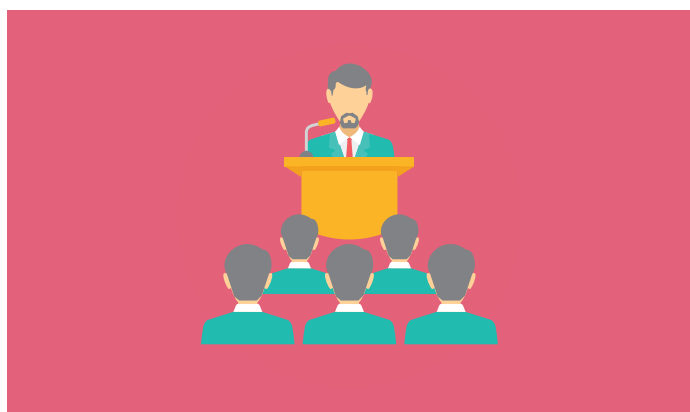
"The time has come to bring closure to this painful past. The time has come to allow ourselves the full benefit of a cohesive, unified and confident Kenya, as we claim our future. To move forward as one nation, I stand before you today on my own behalf, that of my government and all past governments, to offer the sincere apology of the Government of the Republic of Kenya to all our compatriots for all past wrongs. I seek your forgiveness, and may God give us the Grace to draw on the lessons of this history, to unite as a people and, together embrace our future as one people and one nation."

*Uhuru Kenyatta, Kenyan President, during his State of the Nation Address, March 2014*

## South Africa

"It was not our intention to deprive people of their rights and to cause misery, but eventually separate development and apartheid led to just that. Insofar as that occurred, we deeply regret it."

*F.W. de Klerk, President of South Africa, April 1993*



## Accountability

### What Is Accountability?

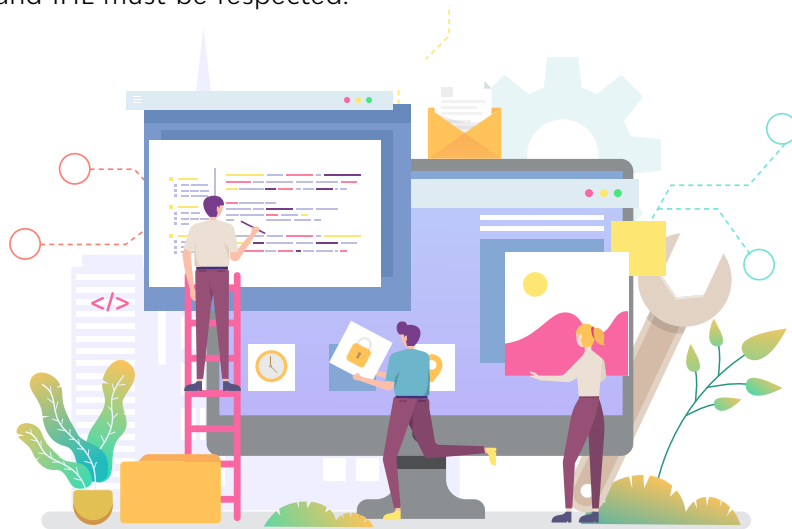
Accountability is a concept that many of us understand intuitively. It is a process of assigning responsibility for wrongs done and harm inflicted. When a government or private actor violates a person's rights or breaks the law, societies have a duty to hold the offender responsible and to ensure that the victim is acknowledged and provided with a measure of justice. International and national systems of law establish the rules and procedures for determining and assigning that responsibility.

In times of conflict—whether international or domestic—remember that there is a body of law referred to as international humanitarian law (IHL) that must be respected and that cannot be suspended. IHL governs how wars are conducted and aims to limit their effects.

In Chapter 2 we learned that, in times of war and peace, international human rights law protects the basic rights and freedoms to which all humans are entitled, including the right to life, liberty, health, and the freedom of thought and expression. Some human rights may be suspended in situations of emergency, although many, including the right to life and prohibitions against torture and slavery, must be respected in all circumstances.

When any of these rights are violated, it is essential for societies to investigate the crimes and acknowledge their effects and to provide justice to victims. There are many ways of achieving accountability. Criminal prosecutions are perhaps the primary way for societies to achieve accountability and victims often demand them. However, other components of a transitional justice process, such as a truth commission or reparations programs, can also be considered a form of accountability.

Whatever the accountability mechanism—whether judicial or nonjudicial, official or unofficial—the process of determining responsibility for violations should be governed by a system of laws and procedures that are fair, effective, and impartial. When it is, prosecutions send a message to leaders and the world that there is no room in a society that respects rights for impunity and violence against civilians. It is also a way to punish perpetrators and institutions for the particular crimes they committed and make it clear that these acts are illegal. All are designed to drive home the point that international human rights law and IHL must be respected.



## **Why Is It Important to Identify and Hold Wrongdoers Accountable?**

As Martin Luther King, Jr., one of history's greatest proponents of nonviolent action, said, "Injustice anywhere is a threat to justice everywhere."

Numerous human rights violations have been committed during the conflict in Syria, including torture, forced displacement, enforced disappearance, indiscriminate attack against civilians, siege of civilian areas, recruitment of child soldiers, and many other unthinkable crimes.

Since the conflict began, a number of Syrian civil society organizations have taken it on themselves to document the violations occurring daily in Syria. The extent of those efforts and the volume of evidence already collected is enormous and continues to grow. As a result, Syria is often referred to as the most well-documented conflict in history. Many of these organizations began collecting this information with the goal of someday helping to prosecute those who caused death, injury, and pain to Syria's people, the displacement of millions, and the loss of property and destruction of anything resembling a normal life in many communities.



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Despite these brave and important efforts, there are still many obstacles to criminal prosecutions in Syria. Many countries believe that a referral of the Syrian situation to the International Criminal Court is necessary, as the ongoing crimes have been of a magnitude that cannot be ignored. But Russia's unwavering support for the Syrian regime has blocked that possibility, making a referral unfeasible in the short and medium term.

But Syrian civil society organizations have remained committed to the pursuit of accountability, and many are now using the legal principle of universal jurisdiction to seek justice in foreign courts. The principle of universal jurisdiction permits national courts to try individuals accused of committing serious crimes of international concern, including war crimes, crimes against humanity, genocide, torture, extrajudicial execution, and enforced disappearance, regardless of the nationality of the alleged perpetrator(s) or victim(s) and regardless of where the alleged crime(s) were committed.

These cases have captured international attention, but their potential success relies heavily on the involvement of Syrian civil society organizations, which have pushed to hold perpetrators accountable and sought international partners to help them do so. The cases have given a measure of hope to Syrian victims.

## **How Is Accountability Achieved?**

Accountability is usually a labor-intensive and time-consuming process. It is especially so where those who committed the crimes remain in positions of power. In such situations, justice is sometimes only achieved years after the crimes occurred. Yet, whether accountability efforts are already underway or presently unfeasible, much can be done to advance the cause of justice.

Individuals, groups, government actors, and entities such as private corporations can be held to account for the crimes they committed. Such proceedings usually entail an investigation conducted by the police or other law enforcement agency, filing charges against the accused, and holding a trial in a court of law. If the accused is found guilty, criminal sanctions (such as fines and incarceration) can be imposed. Civil proceedings are another option, and these usually begin with filing a lawsuit (or complaint) and often involve a lengthy pre-trial stage, during which each party seeks to determine the truth about what happened by showing evidence.

Nonjudicial mechanisms also exist for advancing accountability, including, for instance, truth commissions and commissions of inquiry, both of which are usually official investigative bodies. Unofficial and informal commissions led by civil society have also been established (as in the example of the previous Colombian Women's Truth and Reconciliation Commission). Whatever the forum, investigations and research are necessary to establish who is responsible for the crime and to gather the evidence needed to prove that responsibility, though, of course, the threshold of proof will always be highest in a court of law.

International human rights law and IHL prohibit certain conduct and establish rules, principles, standards, and procedures for determining culpability and for protecting the rights of both the accused and



the victims. These include general principles relating to the criminal responsibility of individual perpetrators and those who may have commanded or supervised them, the definition of particular crimes, and fair-trial standards.

Different crimes require different elements of proof. Genocide, for instance, requires proving that the perpetrators intended to destroy, in whole or in part, a national, ethnic, racial, or religious group. For crimes against humanity, such as torture, persecution on political grounds, and forcible transfer of a population, it is necessary to establish that the crimes were “widespread” or “systematic.” To prove such crimes, it

is sometimes necessary to enlist the help of investigative teams that include personnel from different disciplines who can identify the systems that were at work and patterns of the violations.

The factual complexities of establishing criminal responsibility are often immense. In Syria, many alleged crimes were committed before the protests began in March 2011. Others occurred in the midst of the conflict. In times of civil unrest and during war, the sheer number of alleged crimes and quantity of evidence may be overwhelming.

Civil society and victim groups can play a role in compiling and organizing evidence that prosecutors will need in order to prove the elements of an alleged crime. They may also encourage and support criminal prosecutions once they get started. In many situations, transitional justice processes begin with documentation, as has been happening in Syria. Such evidence is essential in societies that are trying to deal with past human rights violations or even ongoing violations.

Documentation efforts allow for the identification of violations, possible perpetrators, and victims. What this means is that collecting information on human rights violations that have taken place during a conflict can lay the groundwork for cases to be built that would ideally lead to the prosecution of those responsible.

It is important to understand, however, that criminal prosecution is very unlikely to punish everyone who committed a crime during a given war or repressive regime. It is more likely that certain prominent players or officials who bear particular responsibility for alleged crimes that happened under their command will be targeted for prosecutions. This is especially true in cases like Syria, where the crimes are massive in number and widespread. In such contexts, prosecutors have to exercise their discretion to bring cases against those who are “most responsible” or against commanders and other superiors who are responsible for the actions of their subordinates.



## Case Study

### Brazil

Brazil was under the rule of a brutal military dictatorship for over 20 years, from 1964 to 1985. During that time, a group of lawyers and activists, many affiliated with the Church, organized to begin secretly photocopying years of military records showing the widespread and systematic use of torture by the military government. Paulo Evaristo Arns and Jaime Wright coordinated the clandestine documentation efforts, and the copies were eventually compiled and translated into reports and, later, a book. Drawn from nearly 850 thousand pages of military records, the book, titled *Brasil: Nunca Mais*, documents 17,000 torture victims, 1,800 incidences of torture, and the names of 353 victims who were killed by the military regime. The book was produced with independent funding but kept in total secrecy for five years.<sup>24</sup>

When Brazil transitioned to democracy in 1985, *Brasil: Nunca Mais* was finally published and released widely. The book served as the primary source of data for the 2011 Brazilian National Truth Commission, though unfortunately the truth commission was only able to recommend reparations and not assign accountability for violations, as a 1979 Brazilian amnesty law continues to prohibit the prosecution of any state official for human rights violations during the dictatorship. The book became a national bestseller and was the impetus for a major social movement against torture in the country. There are now over 40 editions of the book, which is available online.<sup>25</sup> *Brasil: Nunca Mais* remains well-known both nationally and internationally.

## Reform

### What Is Reform?

Reform is a process of creating change. It can take different shapes depending on what needs to be fixed or improved. In our personal lives, we usually know what we should do to improve, for instance, study harder, eat healthier, get more sleep, or stop smoking. However, reform processes in societies in transition are by nature much more complex.

In some cases, problematic laws and exclusionary or corrupt systems have enabled violence. In others, the laws and constitution may look fine on paper, but their implementation is poor or biased in favor of certain groups. Often the power structures and the norms that need reform will have been in place for many years or even generations. Once-vibrant institutions may have calcified. The status quo may not be open to change.

For reforms to be meaningful, societies must look not only to the future to understand what needs to change, but also to the past, to understand the causes and consequences of the violence and human rights violations, so that any changes that are made to the norms, laws, and power structures will help

<sup>24</sup> Naomi Klein, *The Shock Doctrine: The Rise of Disaster Capitalism* (New York: Picador, 2007).

<sup>25</sup> Paulo Evaristo Arns (ed.), *Brasil: Nunca Mais* (Petrópolis, Brazil: Vozes, 1985).

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ensure that violence and repression do not happen again. As such, reform measures in transitioning societies are often among the most difficult to enact and implement.

Reform often involves the following:

**Amending laws and the constitution** to promote the rule of law and support the creation of a just, equitable, and peaceful society for *all* citizens.

**Improving state institutions**, such as the judiciary, police, and military, to ensure that they fully respect human rights. In many places, these sectors have been instrumental in facilitating or even committing bad and violent behavior and must be changed if human rights, the rule of law, and the dignity of citizens are to be respected in the future.

**Reforming education systems and school curriculums.** This might include the physical reconstruction of schools and ensuring that the conflict is taught, and in an accurate way. In Lebanon, for example, history books were not updated after the civil war, causing tension among different communities. Plus, younger generations that wish to learn about the past bear the undue burden of seeking that information out themselves.

**Dismantling systems** that allowed for violence, corruption, marginalization, exclusion, and other forms of human rights violations. These systems may not be confined to state institutions but may be embedded in the fabric of society, including in private entities that profited from the violence and abusive practices.

**Establishing mechanisms for monitoring, investigating, correcting, and preventing wrongdoing.** This normally occurs at the constitutional level and is important because it can be the best way to establish checks and balances. That way, no single power goes unchecked and both individuals and entities are held accountable for their conduct.

Reforms can occur at different levels. For activists, it is important to assess which level makes the most sense for the desired change or reform. For example, police forces might be reformed via a robust internal investigation mechanism that scrutinizes the behavior of police officers and changes policies accordingly. Or, if seeking to ensure fair and impartial judicial proceedings, constitutional reforms that establish and protect the independence of the judiciary are most effective.

## Why Is Reform Important?

Reform processes are critical for societies addressing legacies of violence. Reforms are a way for the government to signal its commitment to a more just and equal society. Reform measures can also recognize victims and acknowledge the wrongdoing and suffering that was inflicted on them. Meaningful reform measures compel a society to be simultaneously self-reflective and forward looking. By looking back, societies are able to confront a legacy of conflict and mass atrocities in a way that helps

them learn from them and acknowledge the problematic ways of the past. Looking forward can help societies reimagine themselves and prepare for that better future.

Another reason reform is important and of relevance for Syrians is that certain types of reform can successfully be pursued even in situations where there is little will to pursue criminal or other forms of accountability. Public sector reforms to promote good governance or improve the judiciary, for example, might be seen as less controversial by ruling powers and therefore, might be more likely to advance.

## What Can Reform Look Like?

Reform requires optimism, a strong commitment to the task at hand, accurate information about what needs to change, and a significant amount of hard work by a dedicated group of people. To maximize its effectiveness, it helps to have a plan or at least some concrete goals in place and some general steps for how to get there. Any serious attempt at reform will take time and patience. For now, just try to help participants understand what may be done and what others have done to build a reform movement that brings people together around a positive set of goals. To do that, it is imperative to do the following:

**Consult widely.** No matter the type of reform, or perhaps key to even deciding which reforms to prioritize, it is essential that victims and other members of society have a say. Consultations should happen from the start: when deciding on what to reform, while working through the specifics, and throughout the implementation process. Reform processes should have as their primary goal to better serve, protect, and respect the rights of victims and citizens, so their voices must be heard throughout the process. As this guide emphasizes, consultations should not include only those individuals and groups in the capital or those with the most access to political processes. Women, victims, citizens from rural areas, members of minority religious and ethnic groups, and the economically disadvantaged should all be represented. In the case of Syria, refugees and others who were forced to flee should also be granted access to the process, because their voices are vitally important, and reforms may affect their ability or desire to return to Syria at all.

**Read broadly and think critically.** The more you understand about the institutions, laws, and practices in need of reform, whether social, political, or economic, the better. To bring real change, Syrians will need to understand what reforms are important for Syrian society, given its history, people's varied experiences of repression and violence, and the specificities of Syrian culture.

**Plan carefully.**

This section aims to help participants identify areas in their communities in need of reform and to create a list of preliminary steps they may take to help make reform a reality. Several different types of reforms and examples from other countries are described below. This list is illustrative, not exhaustive. Educational reform, gender justice reform, and constitutional reform are all possible avenues for reform in Syria. The reforms presented here are not the only ways to proceed. Please encourage participants to listen carefully, because there will be an activity centered around each topic.

## POSSIBLE REFORM MEASURES



### EDUCATION REFORM

Education reform is critical in any post-conflict society. It includes the actual physical reconstruction of schools and other steps necessary to ensure that the right to education is restored, including for those who have been cut off from education because of conflict or its effects. Education reform also entails the reform of the curriculum being taught, to give a truthful portrayal of the past and why violence and conflict were able to occur and to ensure that classrooms become places to teach young people about universal values of human rights, respect and tolerance for difference, and equality. Teaching about civic values and citizenship will be important to build up a politically engaged citizenry that can hold the state to account and be part of a process of ensuring that violence and repression do not take hold in Syria again.

Millions of Syrian children and young people have missed many years of schooling, and this will have to be addressed and their right to education restored. Moreover, many teachers and school administrators have experienced violence and harassment and were forced to flee. Many Syrian refugees have faced obstacles to accessing education in their host countries. Their needs will also have to be considered as part of a reform process. This process must also take into account that some young people who have been cut out of the education system may no longer want or be able to attend formal schooling. This could mean creating opportunities for vocational training, community or night classes, educational activities in libraries, and community-organized lectures, workshops, and art exhibits.

In South Africa after the 1994 democratic transition, the government started a process to reform the entire education system with a series of measures that included “the creation of a new nonracial department of education, the approval of a curricular reform, the revision of textbooks, and the adoption of a new legal framework that promoted the redistribution of resources among schools and the correction of previous gross inequalities.”



## CONSTITUTIONAL REFORM

Constitutional reform is a process of overhauling and making changes to the country's constitution to ensure that this supreme legal document respects human rights and lays the groundwork for an equitable and just society in which everyone has the opportunity to live in dignity. A constitutional reform process can also be helpful to promoting the goals of transitional justice, for example, if the constitution mandates the creation of certain institutions dedicated to truth seeking, criminal accountability, preserving archives, and so on, like a national human rights commission. It can also be the starting point for other reforms, like revising the national curricula or judiciary. Constitutional reforms can set new standards for equality and open new spaces for civic involvement and public oversight of the public sector.

An interesting example of a youth-led movement for constitutional reform can be found in Colombia. In 1990, in the middle of some of the worst violence in the country's history, students from public and private universities around the country took advantage of upcoming elections to demand a vote on a national assembly process to reform the constitution. The movement was titled *Séptima Papeleta* ("Seventh Ballot") because six issues were already scheduled for a vote and they proposed adding constitutional reform as a seventh. The movement became hugely popular, with students convening public discussions in parks, theaters, and squares in different communities. In fact, students held their own vote and received over 1 million votes in favor of reform. Though the ballots for the intended elections were not amended to include the measure, the movement gained such traction among the public, politicians, and the media that the president added the measure to the ballot for the 1990 presidential election. The vote passed with overwhelming support (with over 5 million votes in favor), leading to actual reform of the country's constitution.



## GENDER JUSTICE REFORM

Gender justice reform is a slightly less explicit, but no less important, process that should take place in the aftermath of violence. Because there is no one way to ensure that the rights of all Syrians, regardless of their gender, are respected, it requires a more innovative and comprehensive approach. Moreover, while a constitutional reform process may have a conclusion, the struggle for gender equality is not likely to have a clear ending point. That said, there are several routes that can be taken to initiate a societal process of transforming structures that contribute to inequality, discrimination, and violence based on gender. For one, ensuring that other reforms take into account existing inequalities between men and women, and boys and girls, is a start. This could mean ensuring that the police and military enlist more female officers and provide clear training guidelines to their personnel on treating women victims with dignity and respect or on interacting with victims of sensitive violations, like sexual violence (no matter their gender). Constitutional reforms might include stronger nondiscrimination clauses and steps like setting quotas for women in the public sector.

Other means of advancing gender justice could include new laws that address persistent forms of violence against women. Programs to disarm, demobilize, and reintegrate former fighters can take on a gender perspective by recognizing that households with former combatants often see higher rates of domestic violence and taking steps to prevent such a spike after the conflict ends. Also important are initiatives and programs that address forms of cultural bias and discrimination, for example, blaming victims of sexual violence rather than the perpetrators.

Tunisia offers an interesting example of how transitional justice can influence gender justice reforms. Tunisia's Truth and Dignity Commission (TDC) took many steps to ensure that women understood the avenues available for engaging with the commission and to eliminate the obstacles that they faced to giving statements (for example, creating mobile units that traveled to women's homes, so they did not have to travel alone or leave their children behind in order to participate). Patterns of violence identified by women in their private statements and in public hearings were presented as evidence to parliament in



support of a comprehensive violence against women (VAW) law, which was passed in July 2017. The forms of violence women experienced in Tunisia under successive dictatorships were many, but one important category was political violence. It was thanks to the TDC's findings and advocacy by women victims and victims' groups that the VAW law denounces such violence as unlawful and deserving of punishment, among many other laudable provisions. While the law faces considerable challenges to its full and meaningful implementation, it represents a win and a step forward in the push for full gender equality and an end to violence against women in Tunisia.

## Activity The Power of Now

 1 hour

This activity aims to get participants thinking about what needs to change in their communities, what they need to know to propose real reform, and how to get started. Depending on the level of knowledge of the group, you may take a number of different approaches to stimulate interesting discussion around these issues. If participants are eager to start discussing specific changes in Syria right away, you can use the information below as an organizing tool for the discussion. However, if participants are not yet ready to discuss specifics, information is provided here about reform efforts that were undertaken in other contexts that can be used as the basis for a more general discussion of reform.

### Objectives

- Raise awareness of institutions, laws, and practices that can contribute to conflict and human rights abuses
- Help participants identify issues requiring further study, consultation, or both
- Reference the “Rethinking the Rules” activity (which participants did at the beginning of the training) and relate the lessons learned there to broader initiatives to reform the “rules” of society

### Materials Needed

- Poster board, white board, or post-it or sticky notes
- Markers

## Activity

Place participants into three groups and assign one of the above topics (education reform, constitutional reform, and gender justice reform) to each group. Ask the groups to answer, discuss, and record their responses to the following questions:

- How does this reform apply in the Syrian context? What reforms would you propose?
- What role should young people play in any future reform process, including in movements to push for this reform?
- What groups in Syrian society should be consulted or included in the process of designing and implementing the reform? List them.
- Now, go through your list and discuss possible barriers to the participation of different groups in the reform process and possible steps to ensure it is more representative of society
- What additional research, if any, do you think would be helpful to how you advance your proposed reform(s)?

For those assigned to constitutional reform

- Describe what you know about ongoing constitutional reforms initiatives underway in Syria.
- Are there provisions in the current constitution that have contributed to the conflict or allowed for repressive practices? List them.

Ask each group to present their findings to the larger group.

## Discussion

In the full group, ask participants to answer and discuss the following questions:

- Which type of reform resonates the most with you? The answer can be all of them.
- What might it look like in Syria?
- What types of reforms are missing? What other sectors might need to be amended or reformed in order to create a more just and peaceful society?



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Notes \_\_\_\_\_

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# CHAPTER 4

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## THINKING OUTSIDE YOUR CIRCLE

### THE IMPORTANCE OF INCLUSION AND CONSULTATION

<b>Learning Objectives</b>	<b>61</b>
<b>Sharing and Listening</b> Inclusive Processes	<b>61</b>
<b>Case Study</b> Lebanon 'The War As I See It:' Youth Perceptions and Knowledge of the Lebanese Civil War	<b>63</b>
<b>Activity</b> Anticipating Challenges	<b>64</b>



## Learning Objectives

- Participants understand that conflict is experienced differently by different people and needs may vary based on those experiences
- Participants are encouraged to think actively about who might be excluded from the justice process if care is not taken to anticipate and remove barriers

## Sharing and Listening Inclusive Processes

Conflict is experienced differently by different people. Though this seems intuitive, it is a reality many tend to overlook or think about only superficially. However, reflecting more critically on different experiences is crucial to understanding what kinds of policies, programs, and other initiatives actually make sense, particularly for victims.

As has already been made clear in this guide, young people should be given ample space to express their views about what happened to them and what justice means for them. But even among Syrian youth, there is huge diversity. Not all young people witnessed or were subjected to the same violations. Not all young people hold the same religious, political, or other beliefs. Not all young people have equal access or opportunity to speak out or engage in activism. And the list goes on.

A failure to understand what ways and why access to justice or other related processes is unequal will inevitably lead to a failure to take meaningful action to even out this access. This results in decisions and actions that are irrelevant to those who remain outside of the process. Unfortunately, those most often left out tend to be those who are already the most marginalized in society: women; the poor; persons with disabilities; young people; older people; and people from marginalized religions, ethnicities, or even geographic regions. Meaningful action requires that those involved take the time to hear from all members of society and understand that not everyone is affected by repression and violence in the same way.

True inclusion requires more than rhetoric and understanding. It requires proactive steps. Many members of the marginalized groups listed above face distinct barriers to taking part in conversations about justice and change, engaging with programs and initiatives, or otherwise getting involved. These barriers may be logistical, legal, cultural, or of some other type.

To illustrate, let's take the example of women. Responsibility often falls on them to act as the primary caregiver and caretaker in the home. As such, they may not be able to participate regularly in meetings to galvanize action or discuss possible truth-seeking endeavors. If their voices are to be heard, event organizers should consider providing child care or offsetting the cost of travel and accommodations, so they can bring their children with them. In fact, travel is an important consideration: do all people—including, for example, women or persons with disabilities—have access to safe and affordable transportation to attend events and participate? Will those living in areas far from the epicenter of activism have the option to engage remotely? Will young women encounter resistance from their families to them engaging in discussions that are viewed as political?

It is important to ask questions like these, in order to understand who may be missing from the conversation and what steps are needed to ensure that they are able to come forward at all stages of activism and actually influence decisions and operations. This is inclusion.



What about the other term: consultation? Consultations are about process and are a great place to begin when deciding on priorities and designing potential actions. Consultations are not inclusive by default, and the same considerations about barriers to participation must be taken into account when planning consultations. But when done well, a consultation process can be a way to learn more about the experiences and priorities of a diverse sector of society, so that any subsequent action has legitimacy for more Syrians. Consultations can be formal and led by the state, but they do not have to be. Any group or organization can hold informal consultations through meetings, dialogues, public information sessions, focus-group discussions, and other forms of outreach—whatever makes sense to gather different inputs, priorities, experiences, and demands, so that subsequent actions, programs, or initiatives are representative and better meet the needs of those affected.



## Case Study

### Lebanon —‘The War As I See It:’ Youth Perceptions and Knowledge of the Lebanese Civil War

Multiple wars and decades of violence have divided Lebanese society, in many parts even physically. Intense divisions and animosity toward the “other” have been exacerbated by a collective amnesia about the war that has left a hole in Lebanon’s history and left many young people in the dark about the full picture of the past. What young people do know about the past is often colored by their family and community’s religious, political, or other affiliations. As in most post-conflict societies, the information that is passed down to young people serves to reify their group’s perception of what happened and often their biases about who is responsible.

However, there is an appetite for knowledge and understanding among Lebanese youth. An ICTJ project entitled “The War As I See It” showed this appetite. It sought to provide a space for young people to engage with others from different regions, sects, and social and political backgrounds and share their experiences of war and violence, raise their concerns, and highlight their needs. What young people began to see was that their knowledge about the civil war was shaped dramatically by the stories passed down to them by their families, neighbors, and communities and by the events and situations that had directly affected them. Not surprisingly, those who lived in more heterogeneous communities had a fuller

understanding of the conflict and the harms that were inflicted on different communities than those in more homogenous areas.

The problem with an incomplete truth is that it fuels the idea that one’s own community lost more during the war than others and, consequently, that others are to blame for all past wrongs. The physical separation created by the Lebanese war persists today, with new generations being born into an environment of division, mistrust, intolerance, and limited understanding of the value of diversity. With this project, youth began to see the importance of intercommunity dialogue in changing these dynamics. It showed that consultations and discussions between different groups who may not otherwise interact can actually help to build bridges and shed light on the commonalities that bind people together.

The discussions sought to highlight for young people the importance of exchange, inclusion, and truth telling in creating a more shared understanding of the past. The idea was not to prove that one side or another was right or wrong; rather, it was to show that it is possible to view the past through different lenses and that understanding this and listening to others is a first step toward developing greater empathy and separating the truth about the past from myth.



## Activity Anticipating Challenges



### Objectives

- Encourage young people to participate in a consultation process, identify problems, and learn how to find solutions to the issues that affect them
- Help youth to realize how others could perceive problems in a different way and have different solutions to the same problem



### Materials Needed

- Flip chart
- Pens
- Sticky notes in two colors



### Activity

Identify an issue or project that affects young people but that might also face a number of barriers, such as improving access to education for young men and women in rural areas or installing public gardens. Consider using one of the ideas for reform developed in the last activity. Draw a horizontal line on a flip chart representing the timeline for the consultation process and label the end with the achieved goal of the project.

Give participants a few minutes to think about the problems that might arise during the process. Ask each participant to write down one potential problem on a blue sticky note and stick it on the timeline.

Give participants a few minutes to read all the sticky notes.

Divide participants into two groups and ask the groups to write a solution to each problem on a yellow sticky note and stick it next to the relevant problem (one solution per sticky note). Ask a representative of each group to present the solutions to the other group.

Share with participants other problems and solutions that you thought of.



## Discussion

*End the activity with a discussion about the process. Some guiding questions might include:*

- Who in your community do you think should be consulted about this project?
- Who in your community is usually consulted about such projects?
- Who in your community is usually not consulted about certain projects? (Girls or women, young people, people with disabilities, illiterate people, elderly people, migrants, foreigners, refugees, and so on.)
- What do you think are possible ways to consult youth on a specific issue? (For example, through local events, arts, in school, social media, surveys, youth clubs, and so on.)
- What do you think are the challenges or obstacles you may face when trying to support issues of importance to you?







# CHAPTER 5

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## WE ARE ALL CONNECTED

### THE POWER OF SOCIAL MEDIA

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What Are Some of the Risks or Pitfalls of Social Media	71
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## Learning Objectives

- Understand the merits of social media for activism
- Consider the role that social media can play in influencing the goals of transitional justice
- Think about how social media can make transitional justice accessible to the broader public

### Coming Together Online

Social media is an omnipresent aspect of young people’s social and creative lives. They use social media to have fun, make and maintain friendships, share interests, explore their identities, and develop relationships with family. It is an extension of their face-to-face, offline interactions.

Social media has undeniable reach and power among all segments of the population. Beyond the role that social media plays in young people’s social interactions with their peers, it has also become a powerful tool for disseminating information, raising awareness, and calling for action, particularly among activists and others pushing for change. Social media can no longer be ignored. It should be considered a crucial tool for all those who are dedicated to justice, truth, reform, and other objectives related to transitional justice in Syria.

One clear advantage of social media is that it translates transitional justice concepts—which are often considered too hard for people to understand or simply unattainable—into language that is accessible and easily understandable for all “netizens.” Social media provides a platform to widen Syrians’ access to knowledge about transitional justice and actively involve them in discussions about it. Showing that transitional justice is both accessible for all and highly relevant to people’s everyday lives can encourage people to engage in the issues both online and offline.

### What Is Social Media’s Added Value?

#### **ABILITY TO REACH DIFFERENT GENERATIONS**

Social media platforms such Facebook and Twitter are used most widely by the younger generation of students and young professionals. Social media gives them a greater opportunity to influence decisions and shape the future of their communities and country. However, it is not used exclusively by young people. Its growing popularity with all ages makes it an ideal space to foster connections across generations.

#### **FAST FLOW OF INFORMATION**

Social media is one of the best and fastest ways to share and spread breaking news. Major events and “viral trends” can reach the global public within hours, much faster than through other outlets. When it comes to both conflict and activism, time is valuable.

### **EASY TO USE**

Social media platforms are often multilingual and usable on various devices, such as computers, phones, and tablets. This makes it easy to use and accessible even to those who may not have access to the most advanced forms of technology. No matter their geographic or educational backgrounds, anyone can use it to share and learn.

### **MOBILIZATION AND RAISING AWARENESS**

The proliferation of social media has led to more widespread use of its platforms to advance social or humanitarian causes and raise awareness through different campaigns or interactive games. Some major platforms, like Facebook, have even introduced “donation” buttons and #hashtags that allow campaigns to connect and interact with users.

### **VARIETY OF TOOLS AND MEDIA**

Social media is not just diverse in its range of platforms (Facebook, Twitter, Instagram, and YouTube, among many others). It also offers a wide variety of tools and media, allowing users to communicate via images, videos, interactive games, or written text. All of these media can be adapted to best fit with the intended message and audience.

### **FREEDOM OF EXPRESSION**

Because users engage with social media on the Internet, it is difficult for even the most repressive regimes to fully regulate or restrict it. This gives access to information and channels of communication that citizens of such countries may not otherwise have. Although many governments are actively trying to interfere with citizens’ freedom of expression through Internet censorship and even specially created cyber-crime offices, activists and social media users have found ways of getting around restrictions and expressing their views through secured channels and browsers without any government monitoring, such as virtual private networks (VPNs) and encrypted browsers.

### **FUN AND INNOVATIVE**

While social media can be effectively used to disseminate information and raise public awareness about certain issues, it is also a place to have fun, express oneself creatively, make connections, try out new tools, and explore trends. Many activists and organizations have found ways to combine these components to raise even more interest about their issues. Social media can be a way to push one’s cause in a fun and innovative way using interactive games and challenges that encourage people to be part of a global trend.

### **LOW COST**

Social media is an easy way to access a vast audience, and quickly, for free or at a very low cost.

### **SPACE TO MOBILIZE AND ORGANIZE**

Social media has proven to be an indispensable tool for mobilizing and organizing underground networks without detection by oppressive governments. Social media can provide a space for movements to create and develop their ideas safely, so that they can then share their ideas broadly and even offline once ready.

## **What Are Some of the Risks or Pitfalls of Social Media**

### **NOT ALWAYS SAFE, SECURE, OR PRIVATE**

While social media can offer a safe, secure, and private space for organizing, it can also put people at risk if not used thoughtfully. It is important to take steps to encrypt personal information and to ensure that photos or written posts do not inadvertently give others access to private information, like a user's location or identity. It is also important for users to know with whom they are engaging, as people online may not always be who they claim to be.

### **EASY TO DISTORT THE TRUTH AND SPREAD FALSE INFORMATION**

The fact that social media and other online tools are available to almost everyone can be both a positive and a negative. It is hard to regulate the spread of news, information, and facts, and this has led to a proliferation of information that is false, questionable, or impossible to verify. It is important to absorb information critically, know your sources, corroborate information, and only share content from sources and users you trust.

### **SUSCEPTIBLE TO DISTORTION AND BIAS**

Not everyone will use their platform for good. Many use social media as a tool to promote lies and hateful or discriminatory speech. They may also present only one side of a story. On the other hand, it's also easy to only read content that aligns with our own views, which can make us susceptible to bias. Again, read critically and also read widely. Try to diversify your sources of information.

### **CAN DISINCENTIVIZE MORE MEANINGFUL ACTION**

It can feel good to click an online petition or share a story about a particular cause and move on. Social media is a great way to get people informed and motivated, but action should not be limited to a tweet or a share.

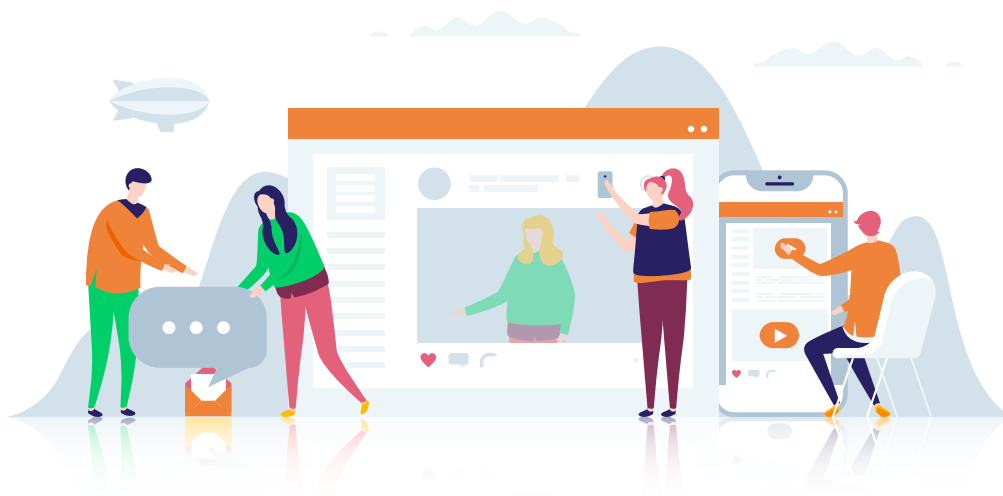


## Case Study

### #MeToo

The #MeToo campaign illustrates the power of social media. A simple hashtag sparked a worldwide movement that is still having an impact on different sectors, such as the international media, politics, and law. The #MeToo campaign was started shortly after the powerful Hollywood figure Harvey Weinstein was publicly accused of having raped and sexually exploited women in the film industry over many years. Led by celebrities who spoke up about their own experiences of sexual exploitation and abuse, the hashtag #MeToo spread like wildfire around the world and across all platforms. Women from different age groups, cultures, and economic backgrounds shared their stories of sexual harassment, abuse, exploitation, and assault. Some online testimonials even led to investigations and prosecutions.

The #MeToo hashtag has been used more than 19 million times in just one year.<sup>27</sup> Not only did the campaign gain international attention in the media and among policymakers, it also raised awareness about how widespread sexual harassment, abuse, and exploitation of women are. Those who have experienced it themselves were able to see that they are not alone. And perhaps more importantly, it has made it more difficult for many men and those in positions of power to continue to ignore or deny the truth about the prevalence of sexual harassment and abuse. At the peak of the campaign, stories of trauma were so widespread that no social media user could avoid confronting the reality that women and men within their own families, social circles, and workplaces have experienced some form of sexual harassment, assault, or other form of violence.



<sup>27</sup> Monica Anderson and Skye Toor, "How Social Media Users Have Discussed Sexual Harassment Since #MeToo Went Viral," Pew Research Center, October 11, 2018.



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## How to Build a Successful Social Media Campaign

### DEFINE YOUR GOAL

Every campaign, whether online or offline, needs a clearly defined goal. This goal needs to be tangible and accompanied by clearly defined desired outcomes and indicators of success. Any advocacy campaign should be integrated into a broader strategic plan that corresponds with your cause and vision.

### IDENTIFY YOUR AUDIENCE

The target audience for a campaign is one of the most important variables to define. It must be clear who you want to reach and how you want to communicate with or mobilize them. You need to adjust your campaign and its output according to the particular community you want to reach. Having basic demographic information about your target audience can help in the development of a successful campaign, including data about their gender, age, and educational background. Understand what your audience is interested in and what they expect from you in return for engaging, then tailor your campaign accordingly.

### BUILD YOUR KEY MESSAGES

Every campaign has a key message for its target audience. This key message needs to be phrased in a clear and relatable way. Some questions to ask when formulating your key message include:

- **What problem do you aim to raise awareness about?**
- **Why is this particular problem important to your target audience? Or why should it be important to them?**
- **What actions need to be taken (for instance, signing a petition, organizing a community meeting, voting) and does your target audience have what they need to act?**
- **When does your audience need to act? Define a timeframe.**

### CHOOSE YOUR CHANNELS

Different tools and platforms have different strengths and weaknesses. Your choice of platform can affect the success of your campaign. Decisions about what platform(s) to use should be informed by your target audience, your key message, and the intended response. Do you want people to reshare? Twitter might be best. Need donations? Maybe it's Facebook. Again, here are some questions to guide your decision:

- **Which platforms are most actively used by your target audience?**
- **Which platforms offer the necessary applications or tools that you need to disseminate your campaign (for example, an option for sharing videos or donating money)?**
- **What cultural or political nuance should I be aware of that might affect users' access to or engagement with your campaign?**

### FOLLOW-UP AND MAINTENANCE

A campaign does not simply end after its online launch. Campaigns must be monitored for some time after they are published or launched. This is important for two reasons:

- **Responding to criticism** It is important to be ready to respond to questions, doubts, comments, or criticisms of your campaign.

- **Evaluating Outcomes.** Campaigns must be monitored in order to evaluate your progress and measure achievements. Evaluating the results of your campaign can be a way to learn and improve future actions and adapt accordingly.

## INCLUDE A CALL TO ACTION

Effective campaigns have a clear call to action. They get users to move from online engagement to offline action. Motivate your audience to become actively involved in your activities or in some other clear way. People want to take action, but they also need to know how.



### Activity Build Your Dream Campaign



20 minutes



#### Objectives

- Participants learn the different steps to designing a social media campaign
- Think through an effective strategy to reach intended goals
- Think about how a media campaign can amplify a message and raise awareness about a cause or issue



#### Materials Needed

- White board / Large Paper
- Markers



#### Activity

Have participants sit in a circle. Ask them to choose a cause or idea to work on and define the outcomes they would like to achieve. They should then identify the best social media platforms or tools for advancing this cause. Give participants a few minutes to do this quietly on their own. Once ready, invite participants go around the circle sharing their ideas. Write each idea on the white board or paper. Once everyone has shared, facilitate a discussion about the potential strengths of each idea and the potential challenges.

Cause or Idea	What Should My Campaign Achieve?	Tool or Platform
<i>Increase women's representation in the media</i>	<i>On International Women's Day, get 5,000 reshares of the hashtag #MoreWomenInMedia</i>	<i>Twitter, Facebook, Instagram</i>



# FINAL ACTIVITY (2-3 hours)

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## WORKING TOGETHER TOWARDS TRUTH ROLE PLAY AND SIMULATION

<b>Objectives</b>	<b>77</b>
<b>Materials Needed</b>	<b>77</b>
<b>Activity</b>	<b>77</b>
History of Jalasaria	79
List of Roles	80
Explanation of Roles	80
Directions for the Public Hearing	81

## Activity

In this activity,<sup>28</sup> participants will participate in a mock truth commission that is mandated to address a civil war in the fictional country of Jalarasia. The activity will focus on preparing for and then holding a mock public hearing hosted by the “commission.” The activity will be an exercise in understanding the variety of perspectives and interests that can exist in the aftermath of conflict and how these differences can foster alliances and create challenges. It is a great way to help participants understand the intricacies of implementing a transitional justice initiative. The role-playing aspect will help participants to step outside themselves and think through the motivations, needs, and interests of diverse sectors of society.

### Objectives

- Better understand how truth commissions work
- Develop a greater sense of empathy and an understanding of perspectives that differ from their own

### Materials Needed

- Printouts of the instruction boxes below and make sure that each participant receives one of each handouts.
- Space for small group work.
- Optional: Small pieces of paper with individual roles. Another option is to describe to participants one-on-one the role they will play.

## Activity

- Share the history of Jalarasia. (see Box 1)
- Assign roles. First, break participants up into four groups: Commission Members, Victims, Perpetrators, and Witness Observers and Members of the Media. Assign individual roles from these groups for the role play. (see Boxes 2 and 3).
- Give directions for the public hearing. (See Boxes 3 and 4.) Give groups and participants enough time to study the history of Jalarasia and prepare for their roles.
  - Victims should think about how they will tell their stories and what they think is needed to address the violations they experienced.
  - Perpetrators should think about whether or not their character regrets what they did, and if so, what they can do to ask for forgiveness and make amends.
- Hold the mock hearing. (See Box 4.)

28 Adapted from Emily Farell and Kathy Seipp, The Advocates for Human Rights, “The Road to Peace: A Teaching Guide on Local and Global Transitional Justice” (2008), Lesson 6.

- After the hearing has ended, spend significant time discussing the exercise with the group. Questions may include:
  - Did the victims, witnesses, and perpetrators believe the stories or testimonies told by others?
  - Ask the victims: How did it feel to have the chance to speak about what happened to them or their families?
  - Ask everyone: What challenges or difficulties might victims face in real life in speaking up publicly about the harms they experienced?
    - *Why might it still be worth it?*
    - *What steps could be taken to support victims and protect them if they need to remain anonymous?*
  - Ask the perpetrators: Did you feel that you could be completely honest and truthful in their testimony?
    - *If not, what does that fear or unwillingness say about the likelihood perpetrators will openly and honestly participate in real truth-seeking initiatives?*
    - *Still, what are the benefits of opening up the space anyway?*
    - *What protections and support might be necessary for perpetrators?*
  - Ask the witness observers and members of the media: How did you see your role in helping to raise awareness among the broader population about what happened at the hearings and what it means for Syrian society?
  - Ask the commissioners: What challenges did you confront in trying to ensure that the process was fair and orderly and that no harm was done to those who participated?
  - Based on this exercise, what value would a truth commission or similar endeavor have in uncovering truths about Syria's past, encouraging understanding among different groups in Syria, and informing the public about the goals of transitional justice? On the other hand, what are the risks?
  - What are the next steps to take as young activists?

## BOX 1 HISTORY OF JALASARIA

Jalasaria is a country located in the Middle East, between Jordan, Lebanon, and Syria. With a population of approximately 2.4 million, it is divided into five provinces: the South, Southwest, Central, North, and Northwest. The ethnic makeup of Jalasaria is mainly comprised of two groups: the Mhasenis, who make up 70 percent of the population, and the Baroumis, who make up approximately 25 percent. The remaining 5 percent come from other minority ethnic groups.

From 1823 until 1974, when Jalasaria gained its independence, the French occupied Jalasaria and established a seat of government in the capital city of Baraka. The French gave special treatment to the Baroumis minority group and placed them in the most important government positions. The Mhasenis resisted French rule and rejected colonization.

After independence, although the Mhasenis were the majority, the Baroumis maintained control of the government, the educational system, trade, and most of Jalasaria. The Baroumi government, fearful that they could lose their hold on power if Mhasenis were allowed to vote, refused to hold free and fair elections. This caused public outrage, and youth-led protests soon broke out around the country.

This led the United Nations to intervene and call for elections in 1983. As expected, the Mhasenis won the largest number of seats in the parliament. Sitting President Hassouni, a member of the Baroumis elite, however, was re-elected with more than 85 percent of the vote, which resulted in accusations of fraud, which the president denied. The president quickly responded to the election results by dissolving the parliament altogether. Peaceful protests continued, but eventually they turned increasingly violent, especially in the Northwest Province. The president sent in the national military to quell the violence, but the military's heavy-handed tactics only made things worse. The military rounded up hundreds of men whom they deemed suspicious and detained them for many years without trial in the notorious Marsawi prison. Ultimately, Jalasaria fell into full-scale internal armed conflict, with fighting erupting between the rebel Jalasari Freedom Front (JFF), composed mainly of Mhasenis, and the national army. The lasting effects of colonialism were an important contributing factor in the civil war. Civilians from all ethnic groups fell victim to human rights abuses, as the armed factions fought for control.

Finally, in 1994, a UN peacekeeping force intervened in the conflict and established peace. The years of internal armed conflict left many parts of the country completely devastated, with more than 650,000 displaced Jalasaria citizens living in refugee camps in neighboring countries. An estimated 500,000 civilians died in the fighting. Violence was extreme, especially in some areas of the country. Jalasaria was left divided and devastated. An active civil society led a major social movement demanding truth and justice, eventually gaining sufficient power and influence to push the new coalition government (established during the peace process) to pass a law creating the Truth, Justice, and Dignity Commission for Jalasaria (TJDC) as a first step.

## BOX 2 LIST OF ROLES

### GROUP I COMMISSIONERS

- Chairperson (1)
- Deputy Chairperson (1)
- Commissioners (4-6)

### GROUP II VICTIMS

- Ahmad, husband of a detainee (1)
- Khawla, mother of a victim of enforced disappearance (1)
- Abeer, displaced mother of 4 (1)
- Ibrahim, principal of a school that was hit during indiscriminate bombing (1)

### GROUP III PERPETRATORS

- General Akila, perpetrator (1)
- Commander Tlaboursi, perpetrator (1)
- Lieutenant Chawadri, perpetrator (1)

### GROUP IV WITNESS OBSERVERS AND MEMBERS OF THE MEDIA

- Counselor (1-2)
- Reporters/Journalists (2)
- Witnesses to TRC Hearing (youth activist, member of victims' association, international NGO representative etc.) (1-8)

## BOX 3 EXPLANATION OF ROLES

**COMMISSIONERS** Commissioners are figures who are well-respected and well known in society for their integrity and independence. They are tasked with supervising the work of the TJDC. For this role play activity, they are also responsible for maintaining order during the hearing. They will be the ones to ask the victims and perpetrators questions about what happened and the violence that took place. The commission will be tasked with providing recommendations to the government on how to address victims' needs and what steps to take to ensure that widespread violence is prevented from occurring again.

**VICTIMS** Victims are responsible for telling their stories to the truth commission and describing the impacts of the violence on their lives. They may give firsthand accounts of what they saw and lived through or recount violence that was inflicted on a family member.

**PERPETRATORS** Perpetrators are responsible for telling their stories, admitting their wrongs, and asking victims for forgiveness.

**WITNESS OBSERVERS AND MEMBERS OF THE MEDIA** Witness observers are tasked with listening to what is said during the hearing. After the commission has given their recommendations, the witness observers should share any observations and make any additional recommendations.



## BOX 4 DIRECTIONS FOR THE PUBLIC HEARING

**COMMISSIONERS** Set up chairs in a half-circle facing the audience, with three empty chairs in the middle. Victims, witnesses, reporters, and other participants are welcome to sit in the audience. When a witness, victim, or perpetrator is called before the commission, that person and the counselor take a seat in the semi-circle. Victims and witnesses (but not perpetrators) may also have a family member (not a pre-assigned role) sit in the third chair, for support.

**CHAIRPERSON** The Chairperson gives a brief opening statement (1-2 minutes), acknowledging the victims and others in attendance, lauding their willingness to give their testimony, and recognizing the pain that revisiting the past can bring.

**DEPUTY COMMISSIONER** The Deputy Commissioner gives a short account of the events that happened in Jalasaria (3-4 minutes).

**CHAIRPERSON** The Chairperson announces a person who will speak (a victim, witness, or perpetrator). Before the person tells their story, they are asked to make a vow to tell the truth.

**VICTIM, WITNESS, OR PERPETRATOR** The victim, witness, or perpetrator takes the vow and then states his or her name for the record.

**COMMISSIONER** A commissioner begins by asking the person basic questions, such as their age, relationship to deceased victims (as appropriate), the names and number of their family members, and so on. If the person is a perpetrator, the commissioner should ask them basic questions about their involvement in the conflict, such as if they are or were an active member of the military or a rebel faction, their rank, and so on. Then, the commissioner requests the individual tell his or her story.

**VICTIM, WITNESS, OR PERPETRATOR** Each person tells the story of what happened to them or their family member(s) or their involvement in committing violations of human rights and IHL.

**COUNSELOR** Throughout the hearing, the counselor offers support to each victim or witness, especially if they become emotional.

**COMMISSIONERS** Commissioners may ask questions during the hearing, to get more clarification; however, it is crucial that they give each person enough time to tell their story, so they do not feel like they were interrupted or interrogated.

**CHAIRPERSON** When the victims and witnesses finish telling their stories, the Chairperson should ask them what they think the commission could do to support them and what are some of their needs and demands that the state should address. When perpetrators finish telling their stories, the Chairperson should ask if they would like to apologize and express remorse for what they did. If so, the perpetrator is invited to share an apology, with the understanding that no victim is under any obligation to accept or respond to it.

**REPEAT** This process is repeated for each victim, witness, and perpetrator.

**COMMISSIONERS** Commissioners should take a few minutes after the last person gives their testimony to discuss and develop recommendations for reparations, reforms, or other initiatives to support victims. The commissioners share their recommendations and thank everyone for sharing their stories.

**WITNESS OBSERVERS** Witness observers should be given an opportunity at the end of the hearing to make observations, call the commission's attention to dynamics that have not yet been covered, or make other comments or recommendations.

**MEMBERS OF THE MEDIA** Reporters and Journalists take notes throughout the hearing, then role play some commentary that they might provide on a broadcast that intends to raise awareness about and interest in the hearing among the broader public.



Want More?  
**Additional Resources**

Carranza, Ruben, Cristián Correa, and Elena Naughton. ICTJ. "More Than Words: Apologies as a Form of Reparation." New York: ICTJ, 2015.

Dawlaty. *Transitional Justice in Syria*. 2018.

Dawlaty. *Transitional Justice and Syrian Youth*. 2017.

Dawlaty. "Civic Education."

Eye Witness Project, app to collect verifiable photos and videos.

[www.eyewitnessproject.org/](http://www.eyewitnessproject.org/)

González, Eduardo, and Howard Varney. ICTJ. *Truth Seeking: Elements of Creating an Effective Truth Commission*. New York: ICTJ, 2013.

ICTJ. "The War As I See It. Photo Gallery." 2015.

Independent International Commission of Inquiry on the Syrian Arab Republic. Reports.

International, Impartial and Independent Mechanism to assist in the investigation and prosecution of persons responsible for the most serious crimes under International Law committed in the Syrian Arab Republic since March 2011. "Mandate."

Kabawat, Nousha, and Fernando Travesí. ICTJ. *Justice for Syrian Victims Beyond Trials: The Need for New, Innovative Uses for Documentation of Human Rights Violations in Syria*. New York: ICTJ, 2018.

Ladisch, Virginie. ICTJ. *Children and Youth Participation in Transitional Justice Processes*. New York: ICTJ, 2013.

Ladisch, Virginie. ICTJ. *A Catalyst for Change: Engaging Youth in Transitional Justice*. New York: ICTJ, 2018.

Magarrell, Lisa. ICTJ. *Reparations in Theory and Practice*. New York: ICTJ, 2007.

Muddell, Kelli, and Sibley Hawkins. ICTJ. "Gender and Transitional Justice: A Training Module Series." New York: ICTJ, 2018.

Save Syrian Schools. "About Us." 2018. [www.savesyrianschools.org/](http://www.savesyrianschools.org/)

United Nations, *Guidance Note of the UN Secretary-General. United Nations Approach to Transitional Justice*. March 2010.

UN General Assembly. *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law* (G.A. Res. 60/147, U.N. Doc. A/RES/60/147, March 21, 2006).





