

Introduction to Transitional Justice

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Key concepts, objectives, mechanisms, and challenges

1. What Is Transitional Justice?

Aspect	Description
Definition	A set of judicial and non-judicial measures implemented to address massive human rights violations during periods of conflict, authoritarian rule, or systemic abuse.
Purpose	Bridge the gap between past atrocities and a sustainable, democratic future.
Scope	Applies to societies moving from war, repression, or genocide toward peace, rule of law, and reconciliation.

2. Core Objectives

Objective	Why It Matters
Accountability	Deters future abuses by holding perpetrators responsible.
Truth-seeking	Establishes an accurate historical record; counters denial and revisionism.
Reparations	Acknowledges victims' suffering and provides material, symbolic, or psychological redress.
Institutional Reform	Strengthens the rule of law, security sector, and public administration to prevent recurrence.
Reconciliation	Fosters social healing and the rebuilding of trust among divided groups.

3. Main Mechanisms (The “Four Pillars”)

Pillar	Typical Instruments	Key Features
Criminal Prosecutions	International tribunals (e.g., ICTY, ICTR), hybrid courts, domestic trials.	Focus on individual responsibility; due process; often limited to highest-level perpetrators.

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Pillar	Typical Instruments	Key Features
Truth-Seeking	Truth commissions, public hearings, oral history projects.	Emphasizes victim testimony; creates an official narrative; can recommend reforms.
Reparations	Compensation schemes, restitution of property, symbolic gestures (apologies, memorials), psychosocial support.	Tailored to victims' needs; may be monetary, material, or symbolic.
Institutional Reform	Vetting and lustration of security forces, judicial reforms, police training, constitutional changes.	Aims to eliminate abusive structures and embed human rights standards.

Note: The pillars are interdependent; effective programs blend them according to context.

4. Typology of Transitional Justice Processes

Type	When It Is Used	Advantages	Limitations
Retributive	Strong demand for punishment; clear hierarchy of responsibility.	Demonstrates rule of law; deters future crimes.	May overwhelm fragile courts; can exacerbate tensions.
Restorative	Societies prioritize healing and community cohesion.	Centers victims; promotes dialogue.	May be seen as "soft" on perpetrators; requires strong civil society participation.
Hybrid	Post-conflict states with limited judicial capacity.	Combines international expertise with local legitimacy.	Complex governance; risk of politicization.
Selective	Limited resources or political compromise.	Targets the most egregious crimes; faster implementation.	Leaves many victims unaddressed; can create perceptions of injustice.

5. Designing a Transitional Justice Strategy

1. Contextual Assessment

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- Conflict/abuse chronology
- Power dynamics and stakeholder interests
- Institutional capacity and legal framework

2. Victim-Centered Approach

- Mapping victim groups (gender, ethnicity, age)
- Ensuring participation in design and implementation

3. Sequencing & Timing

- Immediate measures (e.g., ceasefire, humanitarian aid)
- Short-term (truth-seeking, reparations)
- Long-term (institutional reform,