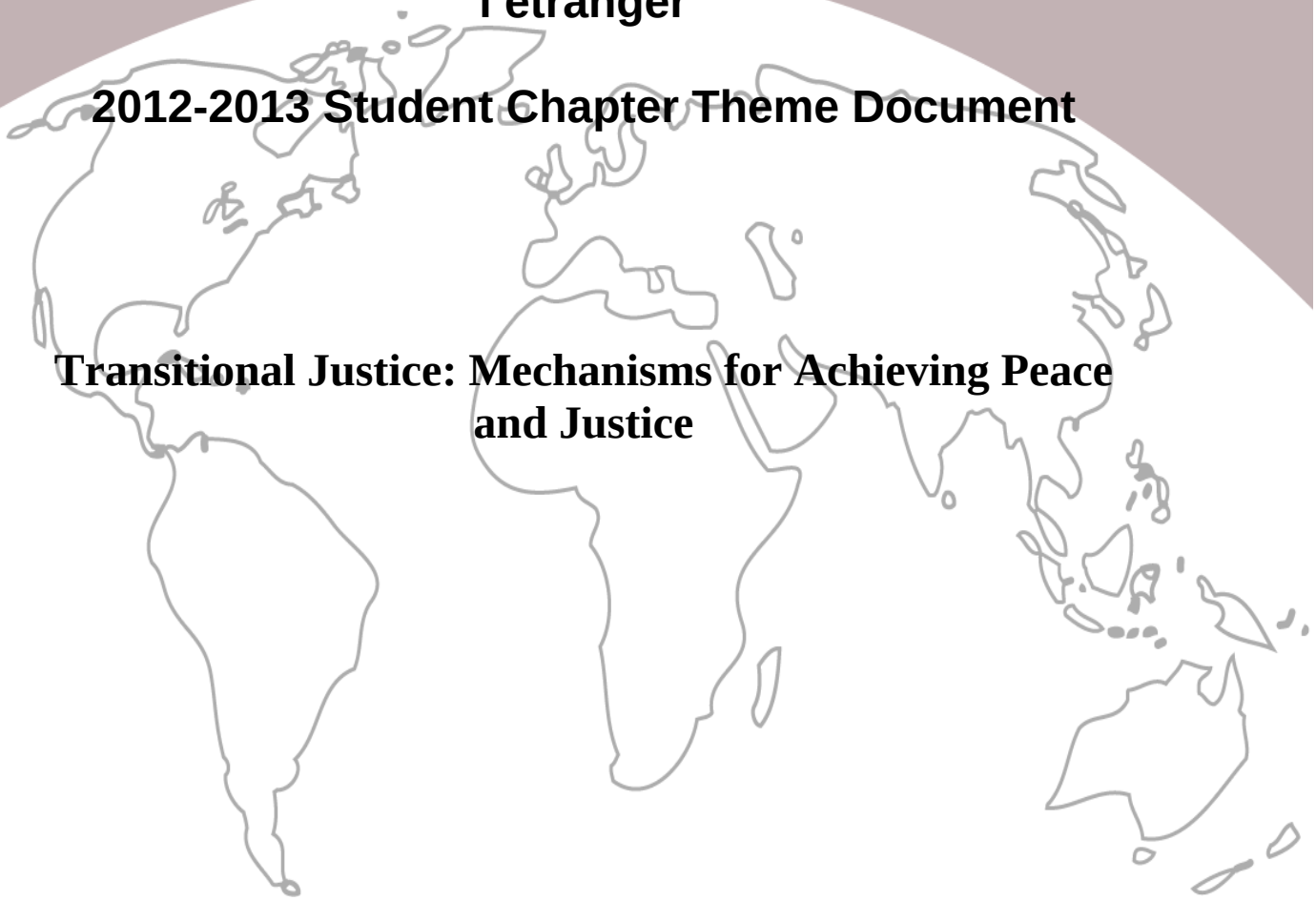
Canadian Lawyers Abroad-Avocats canadiens à l'étranger

2012-2013 Student Chapter Theme Document



Transitional Justice: Mechanisms for Achieving Peace and Justice

"The truth of our common experiences will help set our spirits free and pave the way to reconciliation"

- Truth and Reconciliation Commission of Canada

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1) CLA Annual Theme 2012-2013:

Every year, the CLA Student Chapter Program chooses a new theme in an area relating to law and development. Student Chapters LEARN about the theme; THINK about steps Canada can take to address the issue; and ENGAGE in activities that raise awareness. In past years, topics have ranged from Children's Rights to Indigenous Rights and Access to Justice. This year we have chosen to focus on transitional justice and the different approaches countries have taken in realizing peace and justice.

CLA believes that it is extremely important that all law students, as the future of the legal profession, be more knowledgeable about transitional justice. This includes understanding not only the historical context, but also how different justice mechanisms are applied around the world.

How to use the theme guide

The purpose of this theme guide is to provide Student Chapters with a concise and organized document of key background information. Student Executives are encouraged to browse through the theme guide early in the year to plan ahead for events.

We would like to thank Adam Kochanski for his thoughtful input and review of this document as well as Simi Atri and Salvator Cusimano for the use of their report in completing the Ugandan case study. CLA would like to thank The Dominion and The University of Ottawa and for their generous sponsorship of our Student Program.

2) What is Transitional Justice?

"Out of that negotiation process emerged a pact to uncover the truth, to build a bright future for our children and grandchildren, without regard to race, culture, religion or language. Today we reap some of the harvest of what we sowed at the end of a South African famine."

- South African President Nelson Mandela on the release of the Truth and Reconciliation Report, 1998.

a) Definition

A single definition of transitional justice does not exist. The boundaries of the definition are constantly being debated as different transitional justice mechanisms are adopted to respond to the conflicts and human rights abuses over time.

Transitional justice involves overlapping areas of human rights, law, comparative political studies, and government. Implicit in the field of transitional justice is that the state or community involved is undergoing some type of change or "transition." As scholar Joanna Quinn notes, states that are at a "crossroads" are "fair game" to consider in transitional justice studies. She also notes that studies tend to focus on those countries or states that have experienced extreme violence and/or mass human rights violations.

The following are just some of the definitions of transitional justice:

- "The process by which societies move either from war to peace or from a repressive/authoritarian regime to democracy, while dealing with resulting questions of justice and what to do with social, political, and economic institutions." (Hovil and Quinn)
- "The full range of processes and mechanisms associated with a society's attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation. It consists of both judicial and non-judicial processes and mechanisms, including prosecution initiatives, facilitating initiatives in respect of the right to truth, delivering reparations, reform and national consultations." (UN Rule of Law)
- "Societal responses to severe repressing, societal violence, and systemic human rights violations that seek to establish the truth about the past [and] determine accountability." (van der Merwe, Baxter, Chapman)

Despite the varying definitions, the central questions of transitional justice are: **what should happen after human rights violations are committed and/or a repressive regime ends and how is their recurrence prevented and/or democracy promoted?**

b) Goals/Objectives

Primary goals of transitional justice mechanisms include ending impunity for human rights violators as well as facilitating state transition to democracy. Within these broad objectives, transitional justice can have one or more of the following goals:

1. Stopping human rights abuses
2. Identifying the people responsible for human rights violations or atrocities
3. Holding the perpetrators responsible
4. Providing reparations to victims
5. Preventing future abuses or atrocities
6. Promoting individual and national reconciliation
7. Reforming national institutions
8. Strengthening the rule of law

Transitional justice initiatives try to answer the following questions:

- Who should be punished for human rights violations or authoritarian governments?
- By what authority should the perpetrators be punished?
- On what grounds should the perpetrators be punished?
- What should be done for the victims?
- Should the crimes of the past be prosecuted?
- How are competing views of justice balanced?
- Should the initiative be national or international?

For Further Information:

- See the United Nations Rule of Law page on Transitional Justice for a list of UN documents
- See the Government of Canada page on what Canada is doing in the field of Transitional Justice
- See this free article by Professor Ruti G. Teitel entitled "Transitional Justice Genealogy"
- Watch this panel discussion on Transitional Justice in the 21st Century to mark the launch of the London Transitional Justice Network
- Explore Western University's Centre for Transitional Justice and Post-Conflict Reconstruction

3) History of Transitional Justice

Transitional justice (TJ) has existed for many years. For example, many scholars point to the Nuremberg and Tokyo Tribunals in the aftermath of World War II as important moments in the history of transitional justice. TJ mechanisms have gained popularity in the aftermath of several human rights atrocities and crimes against humanity in the late 1980s. Following crises in Uganda, Argentina, Chile, South Africa, and Guatemala, the phrase "transitional justice" was coined.

At the end of the Cold War, TJ again became popular as former Communist countries began transitioning to democracies. Building on this wave, TJ became associated with

building stable democratic countries and renewing civil society, in addition to the previous mechanisms of punishing human rights violators.

As Paige Arthur suggests, the term transitional justice "was invented as a device to signal a new sort of human rights activity and as a response to concrete political dilemmas human rights activists faced in what they understood to be 'transitional' contexts." She also notes that activities we associate with TJ have existed for a long time but have only recently emerged in the context of universal human rights and the promotion of democracy.

Building on the core values established after World War II, TJ has transformed to include not only punishing perpetrators of human rights violations and war crimes, but also transitioning a country to democracy. Depending on the goal the country or society is trying to achieve in employing TJ mechanisms, it can use one or a combination of some of the forms of TJ outlined below.

4) Forms of Transitional Justice

I. Prosecutions

After World War II, the Nuremberg and Tokyo proceedings introduced criminal prosecutions for some officials who had instituted policies that resulted in the commission of war crimes, crimes against humanity and aggression. Prosecutions emerged once more in the early 1990, with two UN tribunals for Yugoslavia and Rwanda established in 1993 and 1994, respectively. Since then, tribunals and special courts have been established for Sierra Leone, Liberia, East Timor, Kosovo, Cambodia, and Lebanon.

a) International Criminal Tribunal for Rwanda

- Created in 1994 by the Security Council to prosecute those responsible for the Rwandan genocide.
- Purpose was to bring peace and reconciliation to Rwanda as well as to redress the gross violations of international peace and security.
- Criticized for focusing more on developing international law than on the potential impact the court could have for Rwandans.
- Mandated to finish its work by December 31, 2014.
- Has indicted 92 people, 17 are appealing their sentences, 10 have been acquitted, 2 people have died in custody, and 2 have had their charges dropped. 10 cases have been transferred to national jurisdictions.

b) International Criminal Court

- Created in 1998 by the *Rome Statute*.
- Has initiated cases in these countries: Uganda, the Democratic Republic of the Congo, Central African Republic, and Sudan.
- Investigating situations in the following countries: Kenya, Guinea, Cote d'Ivoire.

- First trial of Thomas Lubanga Dyilo for the use of child soldiers in the DRC began on January 26, 2009. He was convicted and sentenced in July 2012 to 14 years in prison.
- Heavy focus on Africa has been criticized, as it is perceived as an institution dominated by North America and Europe.
- Other contentious matters have included the referral of the Darfur case and the issuance of an arrest warrant against Omar al-Bashir, President of Sudan.

c) Special Court for Sierra Leone

- A result of concerns with the cost of the ICTR and the ICTY.
- A less costly tribunal that incorporates local government.
- An independent judicial body set up to "try those who bear the greatest responsibility" for the war crimes and crimes against humanity committed during the civil war.
- Mixed panel of international and local judges.
- Located in Freetown to help with the dissemination of information to the local community.

CASE STUDY: EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA

In Cambodia, the Khmer Rouge regime was in power from 1975-1979. During this time, it is estimated that at least 1.7 million people died from starvation, forced labour, forced migration, and torture. The end of the Khmer Rouge regime was followed by a civil war, which finally ended in 1998. Shortly after, the remaining vestiges of the Khmer Rouge political structures were demolished.

In 2001, the Cambodian National Assembly passed a law to create a court to try crimes committed by the Khmer Rouge regime. This law established the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea (ECCC). Unlike the ICTY or ICTR, the ECCC holds trials in the country in which the crimes were committed and is staffed with Cambodian judges and personnel. In order to assist with the work of the ECCC, Cambodia and the UN reached an agreement in 2003 that created a unique hybrid court: the ECCC is a Cambodian court with international participation applying international standards.

The ECCC is only mandated to prosecute two categories of perpetrators for alleged crimes committed between April 1975 and January 1979: senior leaders of the Khmer Rouge and those believed to be responsible for grave violations of international law. The ECCC is currently handling four cases.

The ECCC is composed of both Cambodian and international judges. All international judges are appointed by the Supreme Council of the Magistracy of Cambodia from a list of nominees submitted by the Secretary-General of the United Nations. Victims who have suffered physical, psychological, and material harm as a result of a crime being investigated at the ECCC can apply to become civil parties in the matter. The ECCC also has a Victim Support Section that acts as a liaison between victims and the prosecutors and investigators.

There are some problems that face the ECCC in completing its work. Despite being established in Cambodia, a study from Berkeley indicates that 85% of Cambodians surveyed had little or no knowledge about the proceedings of the ECCC. It is also a costly tribunal to run (over $150 million US) but has only decided one case.

CASE STUDY: THE INTERNATIONAL CRIMINAL COURT AND LIBYA

In February 2011, the UN Security Council unanimously referred the situation in Libya to the ICC Prosecutor. On March 3, 2011, the ICC Prosecutor opened an investigation into the situation in Libya and assigned the matter to ICC Pre-Trial Chamber I. In June 2011, three warrants of arrest were issued in the matter for crimes against humanity committed between February 15-28, 2011: Muammar Qaddafi, Saif Al-Islam Qaddafi, and Abdullah Al-Senussi. The case against Muammar Qaddafi was terminated on account of his death, and the other two suspects will be tried before Libyan courts.

The unanimous decision by the Security Council to refer the Libya matter to the ICC demonstrates the use of transitional justice mechanisms to constrain on-going hostilities while putting a plan in place to ensure justice after the conflict. In commenting on the situation in Libya, international law professor Carsten Stahn notes the interplay between domestic and international justice mechanisms: Libya is not a party to the Rome Statute, the founding treaty of the ICC. However, the Security Council has the power to refer situations to the ICC under Chapter VII of the UN Charter and did so in this case under the Responsibility to Protect (R2P) doctrine. In doing so, Stahn argues that the referral by the Security Council is different as it makes the Court an "agent of peace-maintenance." In analyzing this situation, Canadian scholar Roland Paris noted the difference between the military strategy and the Security Council referral and asked this question: if Qaddafi feared arrest, why would he willingly resign? Instead of facilitating the transition to peace, the ICC referral would just prolong the conflict rather than putting an end to the fighting. In examining the Libya context, Paris cautions that we should assume that R2P and the ICC are always mutually reinforcing and that an end to hostilities should perhaps precede justice initiatives.

II. Reparations

Reparations are intended to offer some compensation to victims who have suffered as a result of human rights abuses or crimes against humanity. They can contribute to helping victims overcome the consequences of atrocities. Reparations are a tool for acknowledging past violations and state responsibility for harms as well as a public commitment to respond to their long-enduring impact on citizens. There are different types of reparations:

- Administrative programs: generally created by legislation to provide restitution, rehabilitation, and/or compensation for victims. They generally create a "class" of victims or their survivors.
- Symbolic and material benefits: statement of apology, locating the remains of loved ones, creating burial sites, establishing community rehabilitation centers, and pensions are some examples.
- Collective or individual reparations: Collective reparations target a specific group or people that have suffered from human rights violations. They can either address violations based on identity (i.e. attacks on a particular ethnic group) or violations like bombings or destruction of towns or villages. Collective reparations are often difficult to implement as communities can be hard to identify or the measures can be used for political gain and achievement by the

> government. In contrast, individual reparations focus on individual victims, which is reflected in international human rights standards. Reparation to individuals emphasizes the value of each person as a rights-holder and avoids some risks of collective reparations. However, by nature, individual reparations are selective and can create divisions in communities as some people will be entitled to reparations and others will not. In already divided communities, this can cause further tension.

Reparations have been used from East Timor to Canada. In East Timor, the truth commission recommended individual benefits designed to promote collective healing. War widows and victims of sexual violence would benefit from scholarship grants for their children while the women, when picking up their benefits, would have to travel to a regional service center and have access to skills training, healthcare and counseling. In Canada, the federal government announced a $1.9 billion compensation package for thousands of residential school survivors in November 2005. This compensation package became the official Settlement Agreement later in 2006. This Agreement established an individual Common Experience Payment (CEP) as well as some funding for the Aboriginal Healing Foundation. The CEP was available to any person that could be verified as residing at a federally-run residential school and based on the number of years the student attended the school: $10,000 for the first year attended, plus $3000 for each additional year thereafter. The CEP officially became available on September 19, 2007 with the deadline to apply on September 19, 2011.

III. Truth Commissions

Truth Commissions are part of the broader goal of "truth-seeking" after a human rights violation or mass atrocity. Their goal is to help societies examine what happened, create documentation or a record of what occurred, and help victims obtain information about the state's former policies.

With roots in Chile, Truth Commissions (TC) have become well-known features of TJ. They tend to be non-judicial, independent panels of inquiry set up to establish a record of what happened during a period of turmoil in a country's past. TC's can usually conduct research, support victims and come up with policy recommendations to prevent the recurrence of crimes.

Perhaps the most famous TC is the South African Truth and Reconciliation Commission, established in 1995. It featured new methods, including its implementation of victim statements, the holding of public hearings, and the role of the media in broadcasting public hearings. To date, over 30 TCs have been established around the world.

CASE STUDY: TRUTH AND RECONCILIATON COMMISSION OF CANADA

The Truth and Reconciliation Commission of Canada (TRC) was established by the Indian Residential Schools Settlement Agreement in June 2008. Over 130 residential schools were created in Canada starting in the 1870s. These government-funded, church-run schools separated more than 150 000 First Nations, Métis, and Inuit children from their families. Many of these children were forbidden to speak their language and engage in their cultural and spiritual practices. The last residential school in Canada closed in 1966 and it is estimated that 80 000 former residential school students are still living in Canada today.

The TRC has a mandate to discover the truth about what happened in residential schools and to inform Canadians of these discoveries in order to guide the process of national reconciliation. The TRC is mandated to prepare a complete historical record on the policies and operations of residential schools, publish a report that includes recommendations to the parties of the Indian Residential Schools Settlement Agreement, and establish a national research center as a residential school legacy.

The TRC is achieving its mandate by undertaking the following activities:

- Collecting statements from former students, their families and communities, as well as anyone else who has been affected by the residential schools experience.
- Hosting 7 national events across Canada
- Supporting individual community events
- Collecting documents and research about the residential schools
- Supporting a campaign of public outreach
- Supporting commemoration activities

There are currently three commissioners who direct the work of the TRC: the Honourable Justice Murray Sinclair (Chair), Marie Wilson (Commissioner), and Chief Wilton Littlechild (Commissioner).

The TRC released its interim report and historical publication *They Came for the Children*: *Canada, Aboriginal Peoples, and Residential Schools* in February 2012.

IV. Traditional Mechanisms and Memorials

The perceived failure of efforts to resolve conflict through modern approaches of TJ has led to the exploration of traditional methods of conflict resolution in some areas.

Examples of traditional methods include the following:

- In Sierra Leone, the authority of the Poro, Sande and Humui societies are used as cultural arbiters to resolve conflict.
- In Mozambique, no official transitional justice program was formed to address the conflict. *Madzoca* traditional healers performed *ku socera* ceremonies to heal the *magamba* spirits.
- The Baganda kingdom is involved in the resolution of political conflicts in Uganda.

- Statutes have involved traditional rules in conflict management bodies at local, state and federal levels in Nigeria.
- Rwanda has implemented the gacaca justice system.
- The post-apartheid government in South Africa tried to involve the king of Zululand in conflict resolution.
- Cases and disputes were referred to the Bashingantahe council of elders in Burundi.
- In Uganda, the use of *mato oput* and other Acholi practices and ceremonies were used in trying to achieve peace between clans and warring factions.

CASE STUDY: NORTHERN UGANDA AND THE LORD'S RESISTANCE ARMY

Between 1987 and 2007, the Lord's Resistance Army (LRA) abducted thousands of children to wage war against the Ugandan government. These children were often required to commit serious crimes, sometimes against their own communities and families. The Government of Uganda used both military force and the Amnesty Law to push the LRA into South Sudan. Thousands of former combatants, many of them children, returned to their communities and reintegrated into society.

TJ mechanisms in Uganda have favoured some traditional justice mechanisms rather than trials or truth commissions. The International Criminal Court has taken over the trials of several LRA leaders. Because of the unique situation in Uganda that involves the reintegration of children, using more traditional methods can approach their reintegration from a community level rather than an international one.

Mato oput ("drinking the bitter root") is perhaps the best-known traditional mechanism at work in Uganda. *Mato oput* includes apology, reparation, and repairing the social relationships between the combatant and victim's clans. It starts with a confession from the ex-combatant, progresses to clan elders agreeing on an amount of collective reparations to be paid to the victim clan, and ends with the symbolic drinking of the bitter root. *Mato oput* is not linked to a truth commission or a trial as in other countries (i.e. the *gacaca* courts in Rwanda).

In their study, Atri and Cusimano point to several problems with *mato oput* in Uganda. They state that making children participate in TJ mechanisms assumes that the children themselves were responsible for crimes committed during the conflict, even though a great number did so against their will. *Mato oput* is also a practice from the Acholi tribe and may not translate for the Langi and Iteso tribes who were also affected by the conflict.

V. Institutional Reform

Public institutions, like the police, military, judiciary, and legislatures have often contributed in some way to the events that instigate the need for a TJ mechanism. Societies will often have to reform these institutions in order to create accountability and prevent the same atrocity from happening again.

Institutional reform includes measures like vetting, lustration, and disarmament, demobilization and reintegration (DDR).

- Vetting: the process of eliminating corrupt public servants from employment in the government. It does not necessarily mean that an official will be dismissed from public office.
- Lustration: refers specifically to the processes implemented in the former communist countries after the end of the Cold War.
- DDR: efforts to include ex-combatants in rejoining society.

For example, institutional reform focused on the security sector followed the fall of the Taliban in Afghanistan in 2001. A G8 security donor's meeting in 2002 divided the reform into five pillars, each one overseen by a lead nation: military reform (U.S.), police reform (Germany), counter-narcotics (U.K.), judicial reform (Italy), and DDR (Japan). The counter-narcotics pillar is specifically tailored for Afghanistan, instituted to combat the opium trade. Since 2002, institutional reform has undertaken the following steps: the establishment of the Afghan National Army, the reformation of the Ministry of Defence, establishing training programs for police officers, and the establishment of the Afghan New Beginnings Program (ANBP) to demobilize combatants and remove weapons.

For Further Information:

- Visit the ICTY, ICTR and ICC's websites for updated information on on-going cases
- See this CBC News timeline on Residential Schools including the settlement and the Truth and Reconciliation Commission
- Watch the Government of Canada's apology for residential schools
- Read this article on *mato oput* in Uganda by the BBC
- Visit the Truth and Reconciliation Commission of Canada's website for events and video on provincial hearings
- See the sentencing decision of the first person convicted at the ICC
- Read a report on the institutional reform efforts in Afghanistan

5) Challenges in Transitional Justice

Transitional justice in its many forms faces criticisms and challenges that often go to the fundamental goals of what transitional justice is attempting to accomplish. Difficulties include identifying and defining victims, deciding whom to punish for crimes, and finding the resources and political will for victim compensation, trials, and institutional reform. Even if transitional justice is "successful" in a country, the transitional period often results in a delicate peace. Existing judicial and political systems may be weak, corrupt and ineffective.

I. Victor's Justice

One criticism of transitional justice mechanisms, especially of more formal mechanisms like trials or truth commissions, is that they employ "victor's justice." Post-conflict

tribunals, starting with the Nuremberg Trials post-WWII, have been criticized as winners punishing the losers for the conflict. In cases like the Nuremberg Trials, claims of victor's justice are difficult to put aside.

In contrast, the ICTY, ICTR and the ICC were not set up by a victor of a conflict, thereby suggesting that victor's justice is less relevant regarding the international tribunals. However, when it comes to these tribunals, powerful nations contribute financially to their operation and have the international power to make sure their own military personnel are not at risk of prosecution. For example, the ICC has not considered cases outside of conflict in Africa or countries involved in the Arab Spring. The ICTY chose not to investigate any NATO forces involved in the conflict in the former Yugoslavia. The United States has not signed the Rome Treaty to join the International Criminal Court and it is highly improbable that the Security Council will ever refer an American to ICC jurisdiction given that the United States is a permanent member of that body. If victor's justice extends to whether or not a country has the political power to determine if they are subject to these justice mechanisms, the complaint is still a reality.

II. Definitional Creep

Another issue debated in the TJ field is how "transition" is defined. What exactly are countries being "transitioned" to? Quinn raises these concerns and notes that some scholars believe that TJ contributes to democratization while others believe that it brings long-term peace. Are countries merely being transitioned or are they being transformed? There is no guarantee that a country will be transformed simply because it engages in some type of transitional justice activity.

This confusion leads to what Quinn has termed "definitional creep": "not clearly understanding the kind of transition that is expected or required; not having a precise definition with which to proceed; not knowing what is being transitioned to; and not understanding the nature of the transition and subsequent transformation that is expected; these misunderstood elements clearly must be investigated when looking at transition."

For example, Quinn sees the inclusion of truth commissions in "settler societies" (Canada and Australia) as an example of this definitional creep. Can Canada be considered a country in transition? If so, what is Canada transitioning to? These and other questions arise out of a lack of coherence in how TJ is defined.

III. Peace vs. Justice Debate

The peace vs. justice debate is a hot topic in transitional justice circles. There is tension between the twin goals of achieving peace and justice after a human rights atrocity or crime against humanity as a society transitions out of conflict. While both goals are desirable and necessary, practitioners and scholars disagree about which goal should be attained first: peace or justice? Those who favour the "justice" position argue that if the

perpetrators of crimes do not stand trial or are held accountable, this impunity will carry over into the newly established regime, preventing it from fully completing the transition out of conflict. Those who favour the "peace" position argue conversely that the only way to end violence is to grant amnesties or to negotiate with criminals to stop the conflict.

Recently, the "justice" position has gained favour: only if justice is given to those who have suffered can conflict be prevented. In a 2011 Economist magazine debate, two prominent TJ scholars representing each school of thought engaged in the debate. A poll in the same article concluded that 76% of the debate participants agreed that achieving peace could only occur by implementing justice mechanisms.

Conversely, the International Center for Transitional Justice (ICTJ) argues, "Societies do not have to choose between peace or justice." They argue that in post-conflict societies, timing is important in achieving both peace and justice. For example, the prosecution of senior government officials may not be possible in the immediate aftermath of a conflict because the national judicial system may not be functioning properly. The prosecution is essential in achieving justice, but it cannot occur until a functioning and stable judicial system is built. While the precise steps and timing are unique for every country, the ICTJ recognizes that peace and justice are not mutually exclusive goals.

For Further Information:

- Watch a short video on the peace vs. justice debate from the International Center for Transitional Justice
- Read an opinion piece on peace vs. justice in Syria
- See the Economist article from 2011 on the peace vs. justice debate, as well as arguments defending either side
- Read this article by Chris Mahony on victor's justice at the ICC regarding Charles Taylor

6) The Future of Transitional Justice

"The TRC is not here to lay blame, or to determine guilt. We cannot compel testimony or grant immunity. We do not decide compensation. There are others who do that. We are here to determine our future as a nation."

- Justice Murray Sinclair, Truth and Reconciliation Commission of Canada, speech at the UN Permanent Forum on Indigenous Issues 2010

The use of TJ mechanisms is on-going and shows no signs of decreasing in popularity. The United Nations is a key promoter of TJ mechanisms as well as several non-governmental organizations like the International Center for Transitional Justice, the African Transitional Justice Research Network, and the Canadian Centre for International Justice.

The future of TJ depends on what mechanisms countries use and how they use them. For example, the Office of the High Commissioner for Human Rights (OHCHR) explored the possibility of using TJ to address root causes of conflict, whether they are economic, social, or cultural or a combination thereof. The OHCHR stated that without access to food, clean water, education, healthcare, employment, and land, "the achievement of peace and rule of law is very difficult." Echoing this belief, the 2011 World Bank Development Report entitled "Conflict, Security, and Development" specifically links transitional justice to security and development, as it is a powerful "signaling mechanism" that a government can use to show a break from past practices.

With a new wave of countries experiencing various degrees of democratic transition after the Arab Spring, the use of TJ mechanisms in facilitating that transition is evident. It also re-opens the debate on what TJ is and brings other issues into consideration. For example, how can TJ be used to address gender-based violence in transitioning societies? How does TJ affect children and how should they be taken into consideration? These questions and more mark the need for further study and consideration.

For Further Information:

- See the websites of the International Center for Transitional Justice, the Canadian Centre for International Justice, and the African Transitional Justice Research Network.
- Read the 2011 World Development Report: Conflict, Security and Development
- See a recap of the OHCHR's meeting on transitional justice
- See the UNICEF report on Children and Transitional Justice
- Visit the UNWomen website to see how women are affected by transitional justice

7) Suggested Activities

We suggest that Student Chapters work with other law student and community groups on events. Suggested Student Chapter activities to raise awareness about the theme:

- Search out existing city-wide events to be promoted within the school such as:
  - A film festival or panel speaker event
  - A Truth and Reconciliation Commission community event
- Show a film/documentary:
  - "Kakalakkuvik (Where the Children Dwell)" (2009) (documents the Inuit residential school experience)
  - "Courting Justice" (2008) (7 female South African judges explore transitional justice)
  - "The Forgotten Victims" (2012) (human rights abuses in Afghanistan)
  - "The Reckoning: The Battle for the International Criminal Court" (2009) (follows ICC prosecutor Luis Moreno-Ocampo and his team for 3 years)
  - "Uganda's Silent War" (2010) (documenting the conflict in Uganda)

- Invite a lawyer or law professor in the community to speak to students at an organized speaking engagement:
  - Lunch and learn
  - Expert debate
  - Information panel
- Invite some of our past CLA interns who have worked in transitional countries (i.e. East Timor) to share his/her experiences and discuss some of the important legal concerns facing the country
- Host a trivia night or career panel focused on transitional justice