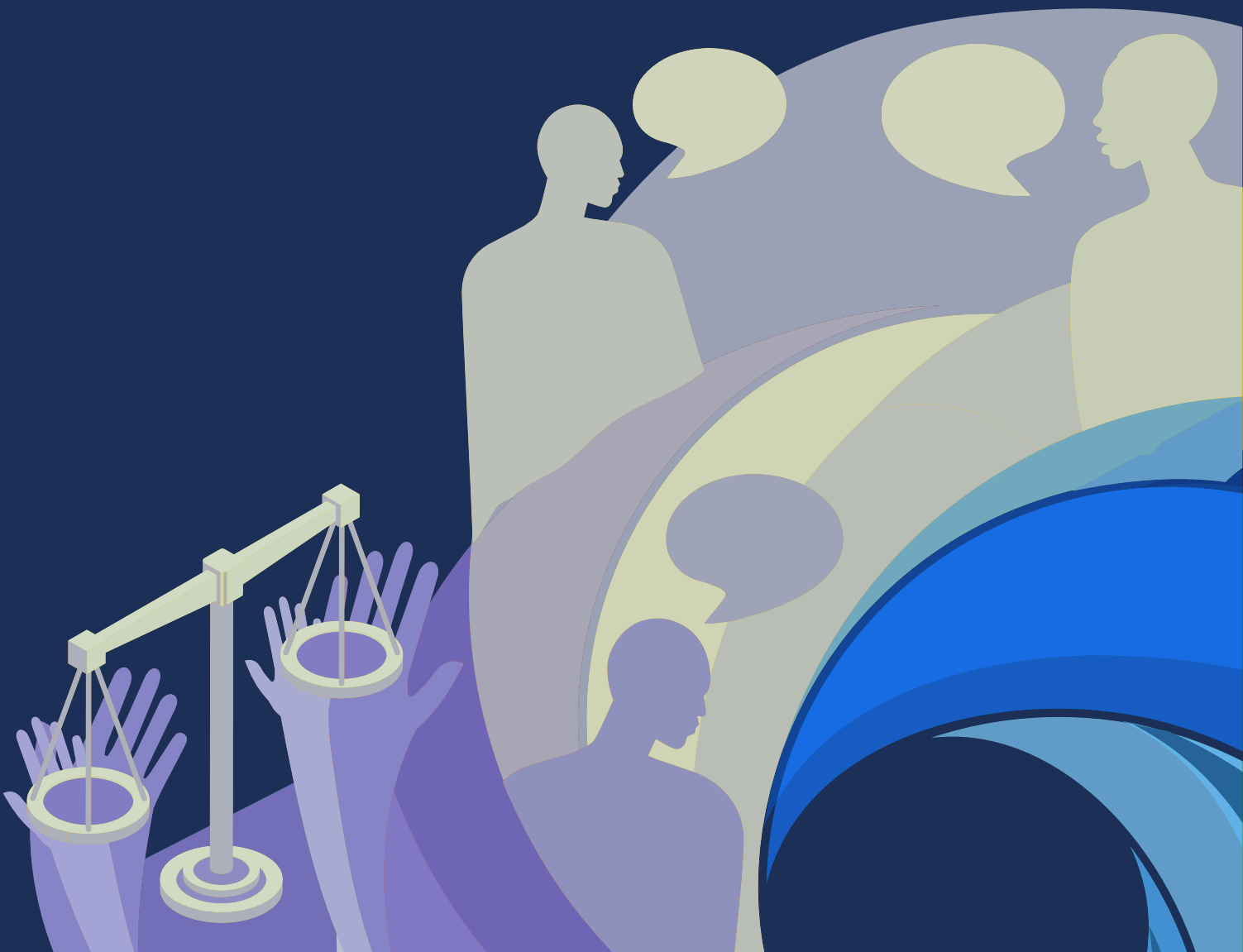




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— DIALOGUE FOR — TRANSITIONAL JUSTICE



INTERCULTURAL DIALOGUE FOR
CONFLICT TRANSFORMATION BRIEFS SERIES

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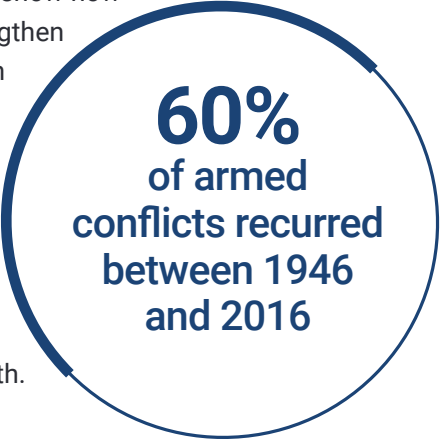
SHORT SUMMARY

Peace Begins with Dialogue!

In an era of renewed geopolitical competition, identity-based polarisation, disinformation, and eroding trust in institutions, UNESCO's Intercultural Dialogue for Conflict Transformation series advances a context-sensitive, people-centred approach to peacebuilding. With armed conflicts recurring in 60% of cases between 1946 and 2014, the four-part series draws on field experience, country case studies, and expert analysis to show how dialogue can be designed, facilitated, and embedded to strengthen the inclusion, legitimacy, and resilience of peace processes in fragile and conflict-affected settings.

The Dialogue for Transitional Justice brief presents intercultural dialogue as a necessary complement to legal accountability, not an optional add-on. It advocates survivor-centred, transformative approaches that connect judicial and non-judicial mechanisms with lived experience, cultural practice, and plural memories of violence and its aftermath. Illustrations from the Central African Republic, Colombia, Côte d'Ivoire, Rwanda, South Africa, Tunisia and beyond show how structured, inclusive dialogue can deepen truth-seeking, broaden meaningful participation, inform reparations design, and underpin guarantees of non-recurrence.

The brief concludes with pillar-specific and cross-cutting guidance to institutionalise intercultural dialogue across every stage of transitional justice, so that confronting the past pluralises memory cultures, redistributes voice and authority, and underpins more inclusive citizenship.



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— DIALOGUE FOR — **TRANSITIONAL JUSTICE**

Foreword

In the aftermath of conflict and violence, societies face the daunting task of reconciling their past with their future. Transitional justice frameworks, while crucial for addressing past atrocities, at times underestimate the importance of human connection, empathy, and dialogue in fostering healing and rebuilding fractured societies. As global communities continue to grapple with the legacies of conflict, the urgency of adopting more inclusive and transformative approaches to justice has never been greater.

This Dialogue for Transitional Justice brief emerges as a timely contribution. It invites us to rethink justice toward a people-centred endeavour rooted in dignity, understanding, and the restoration of broken relationships. By placing intercultural dialogue at the core of transitional justice, it broadens the field to include restorative practices and societal transformation, ensuring that justice is delivered, recognised, felt, and owned by those most affected.

Drawing on emblematic examples, the brief shows how dialogue strengthens the four pillars—truth, justice, reparation, and guarantees of non-recurrence—when anchored in cultural narratives and lived experience. South Africa’s Truth and Reconciliation Commission demonstrated how public testimony can foster recognition and civic learning; Rwanda’s *gacaca* processes revealed both the potential and limits of community-based accountability when embedded within broader national strategies; and Colombia’s 2016 Final Peace Agreement, shaped by extensive national consultations and a dedicated Ethnic Chapter, illustrates how participatory dialogue with victims and ethnic communities can inform the design of a comprehensive system for truth, justice, reparation and non-recurrence.

Importantly, the brief identifies gaps that persist when responses remain under-resourced, overly legalistic or detached from context, and it advances clear, actionable recommendations: embed dialogue from design through implementation; tailor measures to local traditions while upholding human rights and safeguards; institutionalise survivor-centred national consultations; and invest in arts, culture, education and psychosocial support to sustain social cohesion and prevent renewed violence.

It is my hope that this brief inspires and guides innovative approaches to transitional justice, reminding us that lasting peace is built not only through institutions but through shared stories, collective healing, and lasting remembrance.



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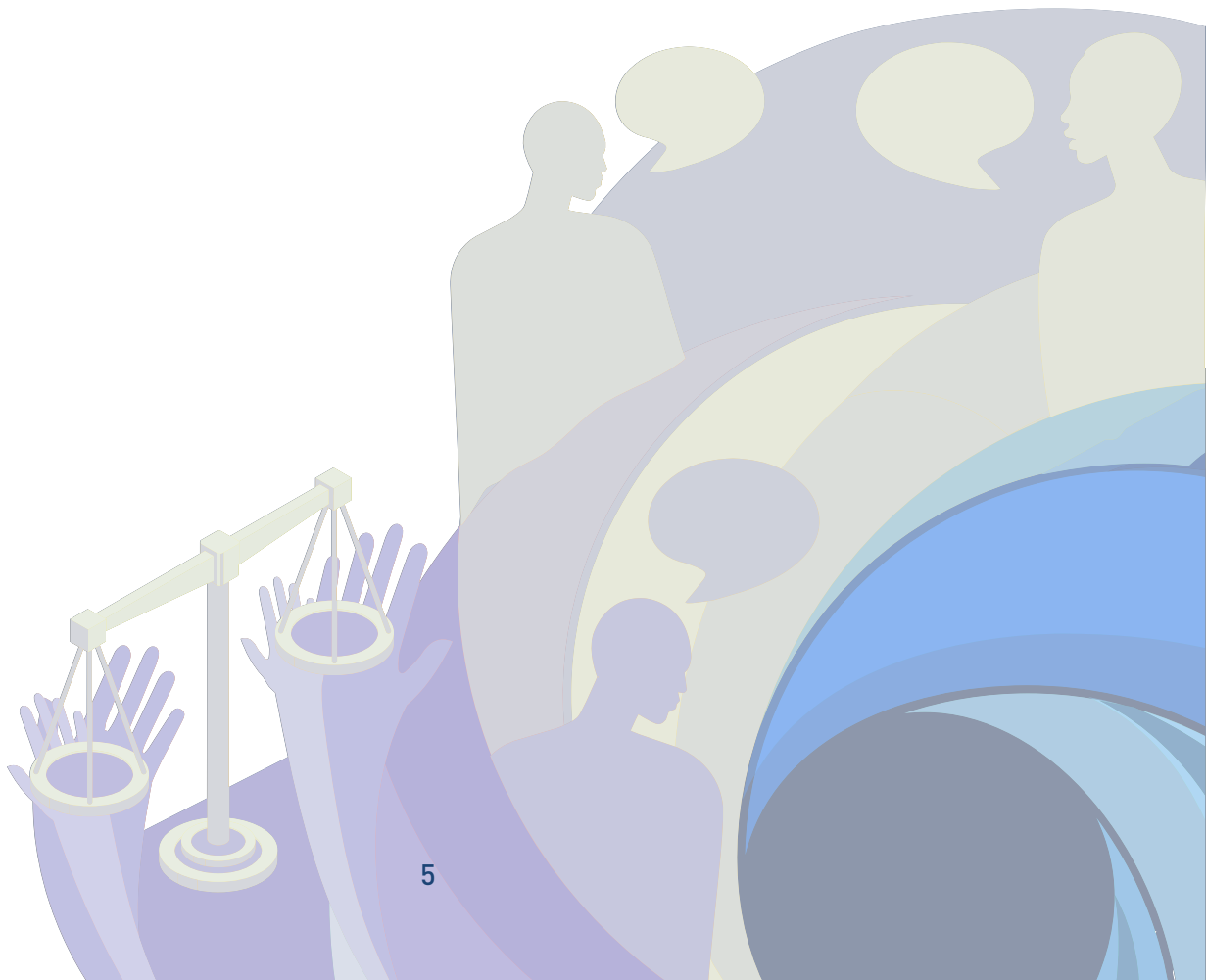


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I. Introduction: From Transitional to Transformative Justice

Born during the “third wave” of democratisation¹, transitional justice emerged as a field of practice and expertise that linked legal principles, such as the rule of law and individual accountability, with broader objectives of stabilization and peacebuilding in societies emerging from political violence, conflict, or mass atrocities. Over the course of the 1990s and early 2000s, this model evolved into a more formalized international framework, supported by legal instruments, the establishment of mechanisms such as truth commissions and hybrid courts, and the creation of the mandate of the UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence (Andrieu, 2012).

In 2004, then-UN Secretary-General Kofi Annan defined transitional justice as:

“[T]he full range of processes and mechanisms associated with a society’s attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation. These may include both judicial and non-judicial mechanisms, with differing levels of international involvement (or none at all), and individual prosecutions, reparations, truth-seeking, institutional reform, vetting and dismissals, or a combination thereof” (UN, 2004).

This normative consolidation of transitional justice was significant, yet in practice it can fall short of addressing the lived experiences and needs of affected communities. While some argue that transitional justice cannot, and should not, be expected to resolve every social or economic challenge, its legitimacy and effectiveness ultimately rest on its ability to resonate with the everyday realities of those it seeks to serve. In many contexts, transitional justice processes remain overly legalistic, top-down, and disconnected from the social, cultural, and political dynamics they aim to transform.

With armed conflicts recurring in 60% of cases between 1946 and 2014 (Gates et al., 2016), this brief highlights the need for transitional justice processes that are participatory, inclusive, and responsive to cultural contexts. Such approaches can better address relational and identity-based drivers of violence while helping rebuild social trust. Drawing on UNESCO’s Framework for Enabling Intercultural Dialogue, the brief examines how intercultural dialogue (ICD) can strengthen the four pillars—truth, justice, reparations, and guarantees of non-recurrence—and identifies national consultations as a key mechanism for strengthening legitimacy across them. It concludes with practical recommendations for integrating intercultural dialogue into the design and implementation of transitional justice processes.

¹ The “third wave” of democratization refers to the global trend beginning in 1974, marked by the widespread transition from authoritarian regimes to democratic governance, particularly in Southern Europe, Latin America, Asia, and later Eastern Europe and parts of Africa.



Introducing the Four “Pillars” of Transitional Justice

Truth

Truth-seeking bodies, such as truth commissions or commissions of inquiry, fulfil the *right to truth* by investigating serious violations of human rights and humanitarian law. They ensure that victims, their families, and society as a whole gain knowledge of the causes, perpetrators, and circumstances of past atrocities, with the aim of preventing recurrence. This inalienable right, closely linked to the State’s duty to protect human rights, is enshrined in international instruments such as the *International Convention on the Protection of All Persons from Enforced Disappearance*. By gathering testimonies from survivors and witnesses, truth-seeking processes also contribute to restorative justice and collective healing.

Justice

Justice entails holding perpetrators of serious crimes accountable and providing effective remedies to victims, as required by international human rights and criminal law. States are obligated to conduct prompt and impartial investigations and to prosecute those responsible for international crimes and gross human rights violations through fair and transparent legal proceedings. At the same time, justice must be pursued through culturally legitimate means. Local justice mechanisms – including customary dispute resolution practices – can play a vital role in restoring relationships, resolving grievances, and fostering communal accountability, particularly in contexts where formal judicial systems are weak, inaccessible, or lack public trust.

Reparation

Reparation is a fundamental right of victims to obtain redress for human rights violations through both material and symbolic measures. Reparation programmes must be adequate, effective, prompt, and proportionate to the harm suffered. States should also provide for collective claims to address group-based harm. Reparation includes restitution (restoring victims to their original situation), compensation (for economic and moral damages), rehabilitation (medical, psychological, and social support), and satisfaction (truth-seeking initiatives, public apologies, memorials, and judicial measures). These interventions aim to transform victims’ lives and contribute to broader societal change.

Guarantee of non-recurrence

Guarantees of non-recurrence aim to prevent future human rights violations by promoting the rule of law, peace, and sustainable development. Measures include institutional reforms (in the legal, justice, and security sectors), societal initiatives (such as strengthening civil society, empowering marginalised groups, and preventing discrimination), and individual efforts (including history education, trauma counselling, and memorialisation). Vetting public institutions implicated in past violations is also essential. Together, these actions lay the groundwork for peace by supporting democratic reforms and rebuilding civic trust.

II. Transitional Justice: Intercultural Dialogue's Added Value

The Limits of a Legalistic Approach to Transitional Justice

The field of transitional justice has historically been shaped by a legalistic paradigm, grounded in the legacy of the Nuremberg Trials. Legal scholar Ruti Teitel (2000) was the first to articulate this model, defining transitional justice as a juridical response to political transitions, with an emphasis on prosecuting past violations. This law-centric approach was subsequently institutionalised through international human rights law and the formalisation of standard TJ mechanisms. It gained significant global traction, aligning with dominant human rights norms and a broader international discourse that links political liberalism to development and liberal peacebuilding (Andrieu, 2010). As a result, transitional justice increasingly became judicialised – framed primarily through international law and focused on the rights to justice, truth, and reparation. While the judicial dimension of transitional justice remains essential, it is important to recognize that its mechanisms are inherently political. Emerging in the post-Cold War period, the field and its network of experts reflected a shared consensus on liberal democratic governance as the presumed endpoint of transitional processes.

Efforts to expand the field, such as incorporating socio-economic rights violations or development concerns, have not always succeeded in challenging the underlying model associated with liberal peacebuilding. Paige Arthur (2009) conceptualized an “international web” of individuals and institutions

“ In many contexts, only a small proportion of the population engages with transitional justice mechanisms, often in prescribed roles as witnesses, defendants, or “victims”, with limited space to influence the broader goals or structures of these processes.

in transitional justice whose internal coherence is maintained by common concepts, practical aims, and distinctive claims to legitimacy. While this shared architecture has enabled coherence and international standards, it has also contributed to inertia within the field, limiting the uptake of more locally embedded or community-driven approaches. Transitional justice has often become embedded in a dominant discourse that equates peacebuilding and development with the construction of liberal democratic institutions—an approach that may struggle to deliver meaningful social transformation in certain contexts (Greedy and Robins, 2014). Despite growing emphasis on “national consultations”, “ownership”, “victims’ participation”, and “culturally sensitive” approaches, as underscored in the 2023 Report

of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies, the field remains in practice largely governed by standardised and judicialised models (OHCHR, 2023). In many contexts, only a small proportion of the population engages with transitional justice mechanisms, often in prescribed roles as witnesses, defendants, or “victims”, with limited space to influence the broader goals or structures of these processes. As a result, rights-based discourses may feel abstract or disconnected from the lived experiences of those they seek to serve.

In particular, two key critiques have gained traction. Firstly, the narrow focus on civil and political rights often overlooks systemic inequalities, such as socio-economic exclusion and gender-based violence (Gready and Robins, 2014; UN General Assembly, 2021). Secondly, while victim participation is now widely endorsed in principle, in practice it often remains symbolic and confined to short-term mechanisms like truth commissions or trials, without enabling meaningful empowerment or sustained agency (Robins, 2017; Lawther, 2021). Furthermore, transitional justice processes are frequently shaped by the interests and legitimacy concerns of international actors. This can result in top-down, standardized models that

“ Justice after mass violence is not only a legal challenge but also a cultural, relational, and dialogic one.

may align more with liberal peacebuilding frameworks than with local realities or priorities. In many cases, this disconnect risks marginalizing the very communities that transitional justice aims to serve (Gready and Robins, 2014).

This brief underscores that justice after mass violence is not only a legal challenge but also a cultural, relational, and dialogic one. Increasingly, scholars and practitioners are calling for transitional justice processes that are discursive, participatory, deliberative, and context-sensitive (Gready and Robins, 2014; McAuliffe, 2017; Salvioli, 2022; ICTJ, 2024).

Such approaches recognize the importance of inclusive and sustained dialogue and emphasize that durable peace requires societies to reckon with the past in ways that are grounded in the diversity of human experience. As Yordan (2009) argues, transitional justice should induce former combatants to resolve their differences and to build a society that is representative and tolerant of diverse viewpoints. Anchoring transitional justice in intercultural dialogue can help the field complement legalism and contribute to broader goals of social inclusion, empowerment, remembrance, and peace education as essential components of long-term peacebuilding.

Understanding Intercultural Dialogue and Its Potential to Strengthen Transitional Justice

While various definitions are used for intercultural dialogue depending on the context, field, and purpose, the complexity of understanding intercultural dialogue follows the complexity of understanding cultural difference—an evolving and relational process shaped by people’s identities, histories, and affiliations. In UNESCO’s definition, culture encompasses “the set of distinctive spiritual, material, intellectual and emotional features of society or a social group”, including ways of life, value systems, beliefs, and traditions (UNESCO, 2001). This dynamic understanding highlights that cultural identity is not fixed but “constantly under construction”, informed by key identity markers such as age, gender, sexual orientation, religion, socio-economic class, political affiliation, ability and disability, as well as by psychological and emotional processes, and socio-political context (Ohana and Otten, 2012).

“ It is not aimed at eliminating differences, but at creating the conditions for them to be expressed, negotiated, and better understood.

Intercultural dialogue, as defined in UNESCO’s Framework for Enabling Intercultural Dialogue, is “a process undertaken to realize transformative communication that requires space or opportunities for engagement and a diverse group of participants committed to values such as mutual respect, empathy and a willingness to consider different perspectives” (UNESCO and IEP, 2022). It is not aimed at eliminating differences, but at creating the conditions for them to be expressed, negotiated, and better understood.

This contact-based, participatory approach contrasts with those that seek cultural assimilation or passive coexistence. Rooted in interculturalism, a relational

perspective that emphasizes interaction and mutual learning—intercultural dialogue fosters behavioural transformation, social trust, and inclusive civic identities. Intercultural dialogue operates both at the horizontal level through the formal and informal everyday interactions between members of society, and at the vertical level through interactions between governing institutions, civil society, and citizens. Crucially, vertical and horizontal intercultural dialogues are interdependent. Vertical structures lay the foundation for effective horizontal engagement by providing institutional support and legitimacy, while grassroots-level exchanges offer essential feedback to shape inclusive policies that respect and reflect the lived experiences of diverse populations. Intercultural dialogue provides a practical pathway for navigating plural identities, conflicting historical narratives, and competing memories, by offering spaces where people can engage with one another’s experiences of violence, exclusion, and discrimination. It also enables perspective-taking—the capacity to challenge stereotypes, prejudices, and hierarchies that obstruct reconciliation.

UNESCO has long contributed to building the knowledge base on the structures, values and processes that support intercultural dialogue within societies. Its Framework for Enabling Intercultural Dialogue, developed through the We Need to Talk report, identifies nine interrelated domains, both structural and supporting, that together constitute the enabling environment for intercultural dialogue. These domains are: stability and non-violence; governance and citizenship; freedom of expression; horizontal equality; social cohesion; inclusion and representation; leadership and organisation; linkages and coherency; and skills and values.

Drawing on data from over 160 countries worldwide, the framework demonstrates clear evidence of the link between intercultural dialogue, peace, conflict prevention, and human rights. It shows that, as of 2022, 89% of all conflicts were occurring in countries with low levels of intercultural dialogue

(UNESCO and IEP, 2022). This finding provided a critical entry point for examining how dialogue can be further embedded within peace processes, including transitional justice mechanisms, in line with The Road to Peace: Dialogue and Action for Tolerance and Intercultural Understanding report presented at the 214th session of the Executive Board (UNESCO, 2022).

“ ICD enables the re-examination of the past through the inclusion of multiple truths.

In societies emerging from conflict, where opposing identity groups often hold antagonistic and mutually exclusive narratives, ICD enables the re-examination of the past through the inclusion of multiple truths. It challenges negationist discourses and resists

the institutionalization of dominant, exclusionary histories. By creating spaces for engagement among diverse groups, dialogue enhances the legitimacy of justice processes by acknowledging historical injustices, navigating competing narratives of harm and responsibility, rebuilding fractured relationships and perceptions of the other, and fostering the inclusive participation of marginalized groups in justice and peacebuilding.

Operationalising ICD in transitional justice contexts involves a range of actors notably members of the truth commission, civil society organisations, victims' associations, traditional and religious leaders, and grassroots groups. While methods of integrating dialogue are necessarily context-specific, they often include national dialogues, community forums, public hearings, intergroup dialogue circles, storytelling, oral histories, participatory theatre and art-based activities, commemorative practices, memorialisation, and artistic or cultural expression. Such approaches enable sustained engagement with communities, allowing them to shape both the form and content of transitional justice initiatives. Digital platforms and media further expand access, particularly for groups often excluded from formal processes, such as youth, displaced persons, ethnic minorities, and diaspora communities.

Peace processes offer critical entry points for embedding intercultural dialogue. Peace agreements often include human rights provisions, opening pathways toward a "just peace" grounded in humanitarian, international, and human rights law (McAuliffe, 2017). Yet when transitional justice provisions are inserted into negotiations without prior consultation or inclusive dialogue, they risk undermining local ownership and legitimacy. In practice, such provisions are frequently framed in broad and programmatic terms, rendering them susceptible to dilution, instrumentalization, or strategic negotiation by actors with limited expertise in transitional justice or vested interests in evading accountability.



Intercultural Dialogue's Four Key Contributions to Transitional Justice

People- and victim-centred process

Adopting people- and victim-centred approaches at every stage — design, implementation, and assessment — is vital for breaking cycles of violence and supporting the reintegration of perpetrators. To remain responsive to diverse political, social, and cultural contexts, transitional justice must empower survivors and marginalised groups, support healing and memorialisation, and establish safeguards to prevent future violations. Achieving this shift requires political will and the courage to challenge outdated models particularly top-down frameworks that systematically prioritise retributive, courtroom-based justice over community-driven processes. It also means confronting institutional biases, such as privileging male ex-combatants in DDR programmes or excluding marginalised communities from reparations and truth-telling. Finally, moving away from static, checklist-style and Western-centric approaches is crucial to recognising transitional justice as a dynamic, long-term, and context-sensitive process (UNHRC, 2022).

Greater emphasis on local, national, and regional contexts

Transitional justice should avoid one-size-fits-all solutions and instead be tailored to respect the distinct dynamics of local, national, and regional settings. Integrating it with intercultural dialogue offers a means to anchor processes in the lived realities of affected communities. Mechanisms must also broaden their reach to include voices from the diaspora, recognising the experiences of refugees and migrants who often remain excluded from truth-telling initiatives. These individuals carry crucial testimonies—not only of human rights violations but also of the lasting impact of forced displacement. Yet, displaced persons living across borders are frequently overlooked in formal processes. Memorialisation, shaped by evolving political, cultural, and social forces, must also reflect the changing priorities and concerns of diverse stakeholders. Inclusive dialogue offers a critical platform for affected populations to share their narratives in ways that align with their cultural and historical contexts, ensuring that transitional justice remains both meaningful and representative.

Process legitimacy

The legitimacy of transitional justice processes depends not only on their legal mandates but on whether those most affected by past violence are involved in shaping their priorities and design. When such processes are negotiated primarily among political elites or international actors, they risk appearing externally imposed and detached from local experiences of harm. By contrast, sustained engagement with affected communities—particularly groups historically excluded from political decision-making—can anchor transitional justice in locally articulated grievances and expectations of justice. This, in turn, strengthens perceptions of fairness and credibility, which are central to the authority and effectiveness of transitional justice in post-conflict contexts.

Social sustainability

The long-term sustainability of transitional justice depends on whether societies develop broadly shared reference points for addressing past violence. Concepts such as “truth”, “justice”, and “reconciliation” are often contested, reflecting different experiences of harm and competing expectations of redress. When their meaning is defined primarily by political elites or external actors, transitional justice initiatives may lack enduring social support. Intercultural dialogue can help mitigate this risk by enabling communities to articulate and negotiate their interpretations of the past and their expectations of justice. While such processes rarely produce full consensus, they can establish sufficient common ground to sustain institutions and practices aimed at addressing past abuses.

III. Truth: The Role of Dialogue in Truth-Seeking and Acknowledgement

Establishing and recognizing the truth about past violations is a cornerstone of transitional justice. Truth-seeking efforts aim to uncover the facts surrounding human rights abuses, providing clarity and validation for victims while fostering societal understanding of historical injustices. This process is essential not only for addressing past wrongs and promoting accountability but also as a crucial safeguard against future violations. Truth, in this context, is not merely about facts but also about meaning—it seeks to understand the causes and consequences of violations, the motivations of perpetrators, and the experiences of victims. Dialogue, which is essentially the most natural societal mode of meaning-making, therefore has an obvious role to play in truth-seeking.

Truth Commissions: Unveiling the Past

Truth commissions have emerged as a key mechanism for truth-seeking in transitional justice. These bodies are typically mandated to investigate and document patterns of human rights violations, identify perpetrators, and address the broader systemic conditions that enabled such abuses. Unlike retributive justice, which focuses on individual criminal accountability, truth commissions adopt a more holistic approach, seeking to understand the motivations, circumstances, and impacts of violations. At the same time, they can play an important role in establishing individual accountability through their findings and public reports—especially in contexts where prosecutions are limited or absent. Indeed, their conclusions often serve as a foundation for institutional reform, reparations, and reconciliation efforts.

The right to truth, recognised under international human rights law, underscores the collective and individual need to know the full scope of past violations. Initially developed in response to enforced disappearances (Orentlicher, 2005; UNHRC 2007), this right has since been expanded to encompass all serious human rights abuses. Truth commissions, as instruments of this “pillar”, aim to restore victims’ dignity through empowering them to deliver their testimony, fostering a culture of accountability, and promoting individual and societal healing. Victim testimonies are central to acknowledging personal suffering and validating the experiences of those affected (de Greiff, 2013; Teitel, 2003). By bringing together diverse accounts, truth commissions can create spaces for dialogue that help establish common ground from which societies can engage in peaceful disagreement about the past.

Retributive vs. Restorative Justice: Frameworks for Dealing with the Past

In considering truth as it pertains to transitional justice, it is also imperative to consider the concept of restorative justice. Justice within transitional justice frameworks often operates along two primary paradigms. Retributive justice focuses on the punishment of perpetrators for crimes committed. Rooted in legal principles, it seeks to individualise guilt and avoid collective stigmatisation through prosecutions, emphasising accountability and deterrence (Menkel-Meadow, 2007). While this approach can prevent collective blame and stigmatisation of entire groups, it often struggles to address the broader political, social, and systemic contexts in which violations occurred. Additionally, the formalism and technicality of prosecutions can overshadow the diversity of victims' experiences, leaving them feeling marginalised and their suffering trivialised. Finally, in cases of mass violence where large portions of society have been implicated, retributive justice may face practical limitations in application.

“ By prioritising dialogue, restorative justice seeks to address the needs of victims, encourage accountability from perpetrators, and foster mutual understanding. ”

Restorative justice, in contrast, emphasises Restorative justice, by contrast, focuses on repairing harm and rebuilding relationships. It treats human rights violations not only as breaches of the law but as harms that disrupt individuals, communities, and the social fabric. By prioritising dialogue, restorative approaches seek to address victims' needs, encourage perpetrators to acknowledge responsibility, and promote mutual understanding. It shifts the focus from punitive measures to reconciliation, aiming to restore dignity, rebuild trust, and support social healing (ICTJ, 2024).

Truth commissions should embody restorative justice principles, providing platforms for victims and perpetrators to engage in dialogue and foster a collective understanding of historical injustices. To achieve this, however, they must move beyond prevailing legalistic frameworks that often confine them to short-term mandates and limit their capacity for long-term impact. Rather than being seen as isolated events culminating in recommendations that at times go unimplemented, truth commissions should be understood as ongoing processes aimed at creating—or re-establishing—the conditions for meaningful dialogue in societies recovering from violence. Empirical research across various contexts indicates that many victims have expressed disappointment with the outcomes of truth commissions, particularly when testimonial processes are not followed by concrete actions such as reparations or prosecutions. In such cases, the process has been described as “re-traumatizing” or perceived as an “empty ritual” (Taylor, 2014). In response to these challenges, civil society organisations are increasingly undertaking their own truth-seeking initiatives within transitional justice contexts (Working Group on Transitional Justice and SDG16+, 2023). These civil society- led efforts offer essential, if sometimes difficult, platforms for dialogue among victims, human rights defenders, and public institutions. In doing so, they not only create space for critical engagement but also contribute to the development of new forms of knowledge that can complement and enrich formal processes.

Example: South Africa's Truth and Reconciliation Commission: Healing, Accountability, and Unresolved Grievances

As part of a historic series of negotiations between South Africa's apartheid-era government and liberation movements, including the African National Congress (ANC), a Truth and Reconciliation Commission (TRC) was established by the newly elected Parliament in 1995. Mandated under the Promotion of National Unity and Reconciliation Act, the TRC was tasked with investigating gross human rights violations committed between 1960 and 1994, including abductions, killings, torture, and severe ill-treatment. Its primary aim was to promote healing and national unity by offering a platform for truth-telling and restorative justice. It was authorised to grant amnesty to individuals who provided full and truthful disclosure about politically motivated violations.

The TRC's final report identified specific perpetrators and analysed the wider systemic and structural injustices that underpinned apartheid. More than 21,000 survivors shared their experiences, with 2,000 testimonies delivered in public hearings, which were widely viewed as a powerful step toward recognition and reconciliation. The commission received 7,112 amnesty applications, of which 849 were approved. However, few prosecutions followed for those whose amnesty was denied, and many survivors expressed dissatisfaction with the limited and delayed reparations. This contributed to frustration among affected communities, who perceived that accountability had been insufficient and that the process had, in practice, privileged perpetrators over victims.

The TRC's legacy remains contested. It enabled truth recovery and fostered public dialogue, yet "disclosure of the past took precedence over justice" (Stanley, 2001, p. 526), leaving many grievances unresolved. The reparations process was another source of disillusionment, being "not as successful as 'victims,' Commissioners and some governmental officials had hoped" (Stanley, 2001, p. 538). As Allais (2011, p. 335) observed, "victims walked away with nothing ... and had to wait for the long process of the TRC report being concluded and recommendations being made to parliament." More fundamentally, "perhaps the most compelling criticism of the TRC has been the way in which its mandate penned a characterisation of political violence that excluded the structural violence of apartheid" (Fullard and Rousseau, 2008, p. 226). Together, these critiques underscore the limitations of transitional justice mechanisms when reconciliation is prioritised over accountability and when symbolic processes are not matched by material reparations, institutional reform, and sustained follow-through.

Example: Kenya National Dialogue and Reconciliation (KNDR) – Linking National Mediation to Community-Based Truth-Seeking

In the wake of Kenya's 2007 post-election violence, the Kenya National Dialogue and Reconciliation (KNDR) process was launched by the African Union in 2008. Mediated by the AU Panel of Eminent African Personalities, chaired by Kofi Annan with Graça Machel and Benjamin Mkapa (AU, 2008), the KNDR aimed to end violence through a political settlement and to address root causes such as historical injustices, inequality, and governance failures.

The process led to a power-sharing agreement between President Kibaki and opposition leader Raila Odinga, forming a coalition government. Agenda Item 4 ("Long-Term Issues and Solutions") emphasized reconciliation, enabling both formal mechanisms and grassroots initiatives. Civil society actors—including the Kenya Human Rights Commission, National Council of Churches of Kenya, and village peace committees—organized informal truth-telling and intercommunal dialogues, supporting the Truth, Justice and Reconciliation Commission (TJRC) in collecting testimonies, especially in rural and marginalized areas.

The KNDR is seen as a landmark in inclusive mediation. Women comprised 25% of each negotiating team (UN Women, 2012), with Graça Machel playing a visible leadership role, supported by senior female advisors (Centre for Humanitarian Dialogue, 2011). At the community level, women's groups such as the Kibera Women for Peace and Fairness and Rural Women Peace Link were instrumental in promoting reconciliation and addressing gender-based violence.

This case demonstrates how structured and inclusive dialogue—linked to informal, community-level truth-seeking—can foster both immediate political compromise and longer-term social transformation. The KNDR not only de-escalated violence but also reinforced global norms on gender-responsive mediation (UNSC, 2000), while illustrating the potential of intercultural and community-based dialogue to support transformative peacebuilding and transitional justice.



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Example: Community-Led Truth-Seeking in Post-Gaddafi Libya: Localised Reconciliation Efforts

In Libya, two transitional justice laws have been adopted, but a comprehensive, state-led process has not yet been put in place to address violations committed under Muammar Gaddafi's 42-year rule, and during the revolution and civil war that followed. In the absence of effective state mechanisms, local actors have stepped in. Tribal leaders, civil society organisations (CSOs), and community mediators have negotiated local reconciliation agreements to reduce violence and respond to grievances.

These agreements often include practical steps such as acknowledging wrongdoing, agreeing compensation or other forms of repair, rebuilding trust between communities, and securing the release of people arbitrarily detained during the conflict. In many places, they have helped stop cycles of retaliation at the local level.

At the same time, CSOs have documented gross human rights violations since 2011, created online archives to preserve evidence for future accountability, and supported formal fact-finding efforts, including the UN Independent Fact-Finding Mission and the International Criminal Court, demonstrating a commitment to safeguarding the truth in a volatile context.

Despite the challenges posed by the absence of a cohesive national framework for dealing with the past, these "informal" or community-led truth-seeking practices, reflect the resilience and agency of local communities in addressing the legacies of past violence.

The cases of Libya and Kenya highlight the importance of recognising the broader ecosystem for truth-seeking. 'Informal' measures, can not only fill gaps but also complement formal, institutionalised, ones, helping to improve these systems and providing more spaces for intergroup dialogue. As public participation is crucial to ensuring the legitimacy and trustworthiness of a truth commission, consultation with victims' groups should be prioritised not only during the establishment of the commission but also throughout its mandate, allowing for ongoing public feedback and assessment. The same applies when designing the organisational structure of a truth commission. According to 'best practices', truth commissions should indeed be structured to facilitate public participation, for example, through the creation of statement-taking teams, victims' units, or communications and outreach departments. A gender unit can also be established to provide safe spaces for engagement and the sharing of testimonials of women and victims of gender and sexual-based violence, ensuring that their voices are included, though it is widely agreed that gender sensitivity should be integrated throughout the commission's work, in the representation, design, monitoring and implementation, rather than solely compartmentalised into a separate unit.

Letting Victims Speak

While the inclusion of “victim participation” is widely recognised as a core principle of transitional justice, its implementation alone does not necessarily guarantee empowerment or ownership. Participation can encounter significant limitations. As Barker (2007) notes, an overemphasis on suffering may give rise to what he terms the “politics of pain”, leading to hierarchies of victimhood in which certain voices are amplified while others are marginalised (Lawther, 2021). In transitional contexts, where identities are charged and experiences of harm vary widely, many communities may fear re-victimisation or encounter institutional, social, or psychological barriers to participation.

A further challenge lies in the ways that victimhood is defined and recognised. As Robins (2017) has shown, official processes often acknowledge only certain categories of victims, while others remain overlooked or excluded. The repeated use of terms such as “victims”, “victim-centred processes”, or “victims’ rights”, particularly when promoted by international actors with limited connection to the communities in question, can unintentionally reduce individuals to passive recipients of assistance, reinforcing rather than transforming their social identities. Such framing can obscure other forms of agency, including those of survivors, activists, or even reformed perpetrators. When used as the sole category to describe individuals affected by violence, the term “victim” risks erasing nuance and individuality, complicating efforts to foster inclusive and constructive dialogue.

Example: Women’s Listening Circles in The Gambia

In the aftermath of Yahya Jammeh’s 22-year authoritarian regime, The Gambia launched the Truth, Reconciliation and Reparations Commission (TRRC) in 2018 to investigate human rights violations committed between 1994 and 2017. Recognising the need for gender-sensitive and trauma-informed participation, civil society organisations—notably Women in Liberation and Leadership (WILL)—developed women-only listening circles as a strategy to enable meaningful engagement by women and girls in the transitional justice process (UN Women and UNDP, 2022).

These listening circles created safe, supportive, and culturally grounded spaces where women could share experiences of violence—including sexual and gender-based violence (SGBV)—that often went unacknowledged in formal structures. Among the early intergenerational listening circles, one initiative supported by the TRRC’s Women’s Affairs Unit was explicitly designed to encourage the participation of women in rural and urban areas who had been silenced by fear, stigma, or lack of access (UN Women and UNDP, 2022). Sessions were conducted in local languages, facilitated by trained psychosocial support workers, and led by trusted community-based female hosts.

While not all testimony from the listening circles entered the TRRC’s formal evidentiary process, insights and thematic findings were used to inform hearings, support institutional awareness of gender-based harms, and shape more responsive reparations recommendations. TRRC female commissioners and legal staff were directly involved in many of the circles, strengthening institutional responsiveness to women’s concerns (UN Women and UNDP, 2022).

The case of The Gambia demonstrates how community-driven, dialogic approaches can break barriers to participation and amplify women's voices in transitional justice. It aligns with broader efforts to embed gender justice in truth commissions and supports international standards on women's participation in peacebuilding and transitional justice, as enshrined in UN Security Council Resolution 1325 and the Women, Peace and Security agenda.

Expanding truth-seeking to include structured dialogue can address several of the challenges above. Within a truth process, facilitated sessions can clarify the barriers that hinder the participation of marginalised groups, and help identify practical safeguards and support that reduce risk and increase access. Dialogue can also play a key role in recognising and validating complex forms of victimhood, while supporting communities' acknowledgment of each other's losses and responsibilities.

One of the assumptions of restorative justice is that, in telling one's story in public, individuals can initiate the healing process, as private narratives become woven together into a larger story, potentially binding victims back into the collective.

However, the aim of many truth commissions to produce an official account of the past can be at odds with this objective. Societies do not need to agree on a single moral interpretation of the past in order to coexist peacefully. A state-sponsored historical narrative, such as that produced in a commission's final report, may struggle to capture the plurality of lived experiences and may inadvertently limit the space for multiple truths. The very idea of reconciliation, often put forward in the restorative justice paradigm, is thus a precarious notion that may, in effect, place limits on the plurality that is a precondition for dialogue.

A risk faced in the pursuit of the truth about the past is indeed the establishment of one-sided histories that do not accurately acknowledge the often-complex nature of violent conflict, positioning certain groups above others in collective memory or even risking erasure of narratives. The legacy of "victor's justice", as exemplified in the Nuremberg tribunals, underscores the importance of ensuring that justice processes are not shaped by the outcome of conflict but by principled commitments to fairness and impartiality. Criminal accountability must be guided by objective legal standards, not political or military dominance.

Dialogue can contribute significantly to this balance by creating spaces where victims from all sides can share their experiences, and where reconciliation can occur outside of formal legal frameworks. The inclusion of perpetrators in truth-telling processes, as seen, for example, in Liberia's Truth and Reconciliation Commission, can be both valuable and controversial. In that case, the invitation extended to former warlords to testify publicly which generated intense public reaction and, in some instances, caused distress among victims. These tensions underscore the need for careful design and facilitation of such spaces.

Establishing regional offices and mobile teams can serve to expand both the commission's outreach and to build trust with local communities, thereby encouraging witnesses to come forward and provide testimony. The number and distribution of local offices will depend on each country's geography and demography, safety conditions, but also on the spatial repartition and number of victims. Some truth

commissions, like Guatemala's Commission for Historical Clarification, had relatively few offices, but employed many statement-takers who travelled the country as mobile teams. Other commissions, like Timor-Leste, opted for creating regional offices. In Mali, local offices were opened in each region of the country, while mobile teams were set up to reach out to the most remote areas and the nomadic population as well as refugees in camps outside of Mali. However, this localisation of truth commissions can also be problematic, for instance in highly fragmented places such as Libya where power competitions and insecurity can lead to weakening the process and prevent safe and informed participation of communities. In such cases, virtual participation alternatives can be an option.

As illustrated throughout this section, the context of each society and each conflict is also a key component to consider when deciding on the most effective combination of measures to satisfy the right to truth for victims and societies. As emphasised in the 2021 report of the United Nations Secretary-General on "Promotion of truth, justice, reparation and guarantees of non-recurrence", formal truth commissions are not always the most appropriate measure. In some contexts, more immediate needs—such as the identification and dignified burial of human remains take precedence (UN General Assembly, 2021). This has been the case in Tarhuna, Libya, where victims' primary concern was locating the remains of loved ones buried in mass graves (OHCHR, 2024). In other cases, fostering coexistence may be more critical than establishing a definitive historical record. Community-based ceremonies, in which perpetrators acknowledge responsibility in the presence of victims—as seen in South Africa, can contribute to reconciliation even in the absence of an official account of the past.

Indeed, even where broad agreement on core facts exists, perceptions of truth evolve with time and vary across social groups. The goal, then, is not the imposition of a singular narrative, but the construction of a "workable past", a shared reference point that supports belonging and coexistence. When informed by restorative justice principles, truth commissions can contribute meaningfully to healing, accountability, and long-term societal transformation. Adding structured dialogue can strengthen these processes by bringing in communities that have been sidelined, surfacing the reasons they do not participate, and agreeing practical measures that make participation safer and more accessible. Dialogue can also help the process reflect the full range of harm, including experiences that do not fit narrow labels, and clarify how different groups describe loss, responsibility, and repair. Effectiveness still depends on context, credible safeguards, and a careful balance between an official record and multiple perspectives. Embedding intercultural dialogue can reduce one-sided accounts and support a fuller, fairer process of healing.



Truth Pillar - Recommendations

- Embed dialogue as a core component of truth commissions by establishing structured mechanisms and processes that enable victims, perpetrators, and communities to engage in meaningful and constructive conversations.
- Promote inclusive participation by establishing regional offices, deploying mobile teams, and leveraging digital platforms in collaboration with local leaders and civil society organisations to ensure that marginalised and remote communities are represented in truth-seeking processes.
- Train facilitators in community dialogue techniques, including trauma-informed communication and strategies to manage power imbalances, ensuring culturally sensitive and effective engagement with diverse stakeholders.
- Balance the pursuit of an official account of the past with the recognition of plural and complex truths by fostering dialogues that explore different dimensions of victimhood, perpetration, and societal complicity, drawing lessons from community-led truth-seeking initiatives.
- Integrate dialogue by employing participatory approaches to co-design truth processes with victims and communities, instead of seeing these as one-off, institutional events.
- Build capacities, support and disseminate community-led truth-telling narratives with CSOs and affected communities in parallel to truth commissions to broaden the ownership and impact of transitional justice processes.
- Develop safe spaces, psychosocial support and anonymization techniques for the collection and systematization of testimonies for the protection of confidential dialogue where necessary.
- Institutionalise monitoring and feedback mechanisms within truth-seeking to allow participants to continuously shape and improve dialogue processes, while collaborating with academic and international bodies to assess their long-term impact on reconciliation and societal healing, including to infuse society with these outcomes and recommendations.

IV. Justice: Leveraging Dialogue to Strengthen Justice Processes

A foundational principle of transitional justice, inherited from the legacy of Nuremberg, is that states have a duty to investigate and prosecute violations of human rights and international humanitarian law (de Greiff, 2014). From a human rights standpoint, this obligation stems from the right to an effective remedy, encompassing the rights to truth, justice, and reparations. However, in the context of transitional justice, criminal prosecutions serve broader functions: they recognise victims as rights holders, affirm the injustice of their suffering, and provide an opportunity for legal institutions to demonstrate credibility, strengthen the rule of law, and contribute to social reconciliation (de Greiff, 2014).

Given the complexity of trying mass atrocities and large-scale abuses, prosecutions in transitional contexts can also build the capacity of domestic courts by strengthening skills in case management, forensic methods, the application of international law, and fair, effective trial procedure. Trials in transitional justice contexts therefore have many objectives: they establish the truth about the past;

“Intercultural dialogue can play a complementary role by addressing structural exclusions, amplifying victims’ voices, encouraging culturally responsive processes, and providing greater agency for affected communities.”

“educate” the public about the nature of abuses; promote a shared understanding of the conflict; help to rebuild the rule of law after mass violence; and reinforce moral norms - thereby fostering societal consensus on the gravity of atrocities and upholding the universality of law (UN Security Council, 2004).

While legal accountability remains critical, it should not be the only avenue for pursuing justice. Intercultural dialogue can play a complementary role by addressing structural exclusions, amplifying victims’ voices, encouraging culturally responsive processes, and providing greater agency for affected communities (Zartner, 2012).

Re-thinking Participation of Victims in Criminal Justice: Current Limitations and Pathways for Expansion

The participation of victims in criminal justice has evolved significantly over time. Traditionally, international criminal law prioritised the protection of victims but offered limited space for their direct involvement.

The statutes of the early international and hybrid tribunals did not provide for the participation of victims in international criminal proceedings either. It is the Rome Statute of the International Criminal

Court that has expanded the role of victims in the justice proceedings. Several hybrid tribunals have further facilitated victims' participation, including the Extraordinary Chambers in the Courts of Cambodia (ECCC), the Special Tribunal for Lebanon (STL), and the Kosovo Specialist Chambers (KSCs). More recently, victims were permitted to participate and obtain reparations at the Extraordinary African Chambers within the Senegalese court system.

The Rome Statute provides a significant, though limited, framework for victim participation before the International Criminal Court (ICC). Victims are not parties to the case but are recognised as "participants" under Article 68(3), which allows them to present their views and concerns at various stages of the proceedings—pre-trial, trial, and appeal, where their personal interests are affected, and where this is not prejudicial to or inconsistent with the rights of the accused and a fair trial (ICC, 1998). While the ICC does not allow victims to file a civil action per se, it does grant them a right to reparation, as set out in Articles 75 and 79 of the Statute. Victims may also make observations on matters such as jurisdiction and admissibility under Article 19. This has led to varying forms of participation, from direct engagement through legal representatives to more indirect methods such as notification and outreach (Taylor, 2014).

While this model has insuenced victim participation in several hybrid tribunals—including the Extraordinary Chambers in the Courts of Cambodia and the Special Tribunal for Lebanon—the global picture is uneven. In domestic legal systems, which handle the vast majority of criminal cases, victims' roles vary widely. In many civil law jurisdictions (e.g., France, Germany), victims may join criminal proceedings as civil parties, enabling them to claim compensation, present evidence, and participate in hearings. By contrast, in common law systems (e.g., the United Kingdom, United States), victims are generally excluded from direct participation in criminal trials beyond their role as witnesses, with limited opportunities to insuence proceedings or seek reparations through criminal courts.

This disparity highlights both the normative advances at the international level and the ongoing limitations in domestic systems, where victims often remain marginalised from formal processes of accountability. While normative developments at the international level represent important milestones, they have not consistently translated into genuine empowerment for victims. In many contexts, participation remains largely symbolic, constrained by legal complexity, resource limitations, or institutional resistance. Without adequate protection, psychosocial support, and long-term accompaniment, victims' involvement in criminal proceedings can expose them to re-traumatisation, stigma, or retaliation (Olasolo and Kiss, 2010). To avoid these harms, safeguards must be embedded throughout the process—before, during, and after participation.

Dialogic approaches serve as powerful tools to ensure meaningful and substantive victim participation. By engaging with victims before and during judicial proceedings, these methods allow for a nuanced understanding of their needs and aspirations while prioritising their psychological well-being and safety. Creating dedicated spaces for victims to voice their diverse concerns enables transitional justice processes to be tailored to specific contexts, making them more responsive, effective and culturally sensitive and resonant. Beyond addressing individual needs, dialogue supports inclusion and representation, opening pathways for marginalised communities to actively and more confidently contribute to justice mechanisms.

Example: The ECCC – Pioneering Victim Participation in Hybrid Transitional Justice in Cambodia

The Extraordinary Chambers in the Courts of Cambodia (ECCC), established in 2003 through an agreement between the Royal Government of Cambodia and the United Nations, represent a pioneering model of hybrid justice. The ECCC is the first international or hybrid tribunal to allow victims to participate as civil parties in trials (UN Cambodia Agreement, 2003).

Victims at the ECCC were formally integrated into the legal process as civil parties, with opportunities to support the prosecution, attend hearings, and seek collective and moral reparations (ECCC Internal Rules, Rev. 9, 2015). However, their effective participation varied depending on legal representation, procedural complexity, and institutional constraints (Pham, Vinck and Balthazard, 2009).

Under the ECCC's Internal Rules, civil parties were granted important procedural rights, which they could exercise directly or through legal representatives. These included the right to request further investigations during the investigative phase, the ability to question witnesses and the accused during trial, the right to access the case file throughout the proceedings, and the ability to appeal Trial Chamber judgments. These rights were typically exercised through legal representatives and subject to judicial oversight but did not require prior permission to be initiated (ECCC Internal Rules, Rev. 9, 2015).

This innovative approach underscored the ECCC's commitment to victim-centred justice, enabling survivors of the Khmer Rouge regime to engage meaningfully in the legal process and seek reparative measures. The ECCC's model has since informed other UN and hybrid justice mechanisms, supporting the international norm that victims have a right to participation, protection, and reparation in transitional justice processes (UN General Assembly, 2006).



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Supporting Culturally Inclusive and Sensitive Mechanisms of Justice to Strengthen their Legitimacy

In post-conflict contexts, strictly legalistic and top-down approaches to justice risk marginalising local conceptions of justice and eroding public trust. Rooted in liberal-legal frameworks, these models have traditionally prioritised criminal accountability through formal courts, often overlooking pluralistic legal traditions and community-based practices (Sabharwal, 2017). Over-reliance on external or normative justice paradigms can alienate populations and reinforce perceptions of imposed or “victor’s justice”. Intercultural dialogue can help mitigate this by facilitating context-sensitive justice design and enabling the integration of informal and traditional mechanisms into national strategies.

Example: The Gacaca Courts in Post-Genocide Rwanda: A Community-Based Approach to Justice and Reconciliation

In the aftermath of the 1994 Genocide against the Tutsi in Rwanda, the country faced the challenge of addressing an overwhelming number of genocide-related cases while fostering justice, reconciliation, and national reconstruction. To respond to these needs, the Rwandan government reintroduced and adapted the Gacaca system, a community-based dispute resolution mechanism rooted in pre-colonial Rwandan society (Clark, 2010).

Originally designed for resolving local disputes through communal deliberation, Gacaca was transformed into a participatory justice mechanism for genocide-related crimes. Beginning in 2001, communities elected judges, known as *inyangamugayo* (“persons of integrity”), to preside over the courts (Government of Rwanda, 2004). Gacaca courts were mandated to try Category

II and III genocide suspects—those accused of acts such as murder, assault, or property destruction—while Category I suspects, including planners of the genocide and perpetrators of sexual violence, remained under the jurisdiction of conventional courts or the International Criminal Tribunal for Rwanda (ICTR) (OHCHR, 2011).



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The trials aimed to deliver justice, uncover the truth, and promote reconciliation. Victims had opportunities to learn the fate of their loved ones, and perpetrators could confess, express remorse, and request forgiveness. By decentralizing justice and involving local populations, Gacaca sought to merge accountability with reconciliation and social reintegration (Clark, 2010; Ingelaere, 2016).

While the process cleared over 1.2 million cases and contributed to truth-telling at a national scale, it also faced significant critiques. Many survivors and accused persons reported procedural flaws, intimidation, fear of reprisals, and unequal access to justice. Critics argued that Gacaca operated within a broader context of post-conflict state consolidation, and some Rwandans viewed it as a “justice of winners,” where open dissent or non-participation was discouraged (Amnesty International, 2002; Ingelaere, 2016).

Nonetheless, Gacaca remains a significant experiment in post-conflict transitional justice. It demonstrated the potential and limitations of hybrid, community-based mechanisms, and continues to inform international discourse on local ownership, participatory justice, and reconciliation in post-conflict societies (UNDP, 2006; OHCHR, 2011).



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Example: Traditional Justice and Reconciliation – The Role of the Palaver Tree in the Central African Republic

In the Central African Republic (CAR), prolonged violent conflict, political instability, and the near collapse of state infrastructure have significantly weakened formal justice institutions. In this context, many communities have turned to traditional and informal justice mechanisms to fill the justice and reconciliation gap. One of the most prominent of these is the palaver tree model, a customary practice rooted in Central African cultural traditions (El Gantri and Yaliki, 2021).

The palaver tree is both a physical and symbolic space for communal dialogue. It is typically convened under the leadership of village elders, traditional chiefs, or spiritual authorities, and involves inclusive community deliberation to resolve disputes, mediate grievances, and support social engagement. Emphasising restorative justice rather than punitive measures, the palaver tree seeks to restore relationships and re-establish community harmony through truth-telling, apology, and mutual understanding (El Gantri and Yaliki, 2021).

This approach has been especially significant in rural and conflict-affected areas where formal judicial structures are either inaccessible, non-functional, or perceived as illegitimate or corrupt. Community members often prefer these customary processes due to their cultural resonance, accessibility, and emphasis on reconciliation over retribution. While not a substitute for formal mechanisms in addressing grave human rights violations, the palaver tree contributes meaningfully to local peacebuilding, social reintegration, and transitional justice efforts at the grassroots level (El Gantri and Yaliki, 2021).

These mechanisms have gained recognition among national and international actors as a complementary approach to formal justice in CAR's broader transitional justice strategy. The Truth, Justice, Reparation and Reconciliation Commission, launched in 2022, has acknowledged the value of community-based initiatives like the palaver tree as important entry points for dialogue and reconciliation (UN Security Council, 2023).



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These case studies underscore how traditional and informal mechanisms can fill critical gaps in transitional justice, especially where formal institutions are inaccessible or lack resources and legitimacy. Culturally grounded and participatory in nature, these approaches address multiple community needs—truth-telling, accountability, healing, and reintegration—while placing dialogue at the core of the justice process (El Gantri and Yaliki, 2021). Through dialogue rooted in shared norms and local participation, such mechanisms help build understanding between opposing groups, enable public accountability, and support everyday cooperation.

Crucially, these mechanisms are not intended to replace formal judicial processes but rather to complement them. In accordance with international standards, traditional justice mechanisms generally exclude the most serious crimes—such as genocide, war crimes, and crimes against humanity—which remain under the jurisdiction of national or international courts (UN Women, 2022).

Nonetheless, concerns persist over the procedural integrity of informal systems. Without appropriate safeguards, they may reinforce existing power imbalances, perpetuate gender-based discrimination, or suffer from limited institutional capacity and oversight (UN Women, 2022).

In this complex landscape, intercultural dialogue serves as a bridge between formal and informal justice systems, enhancing their cultural responsiveness and legitimacy. Yet inclusive mechanisms depend on an enabling environment, in which political, legal, and social actors can collaborate to co-construct a shared vision of justice. In post-conflict contexts marked by polarisation and competing narratives of legitimacy, this remains a significant challenge. Intercultural dialogue helps by providing a structured, people-centred space where diverse stakeholders can define key terms, articulate expectations, and build intergroup trust. By using dialogue to shape and implement judicial processes, justice frameworks can be expanded to include diverse groups, helping to counter claims of “victor’s justice” and ensuring voices are not lost, silenced, or overlooked within these processes and beyond.



Justice Pillar - Recommendations

- Establish dedicated platforms for intercultural dialogue in transitional justice processes to address the limitations of formal legal mechanisms. These platforms should be designed to include victims, marginalised groups, and affected communities, allowing them to actively contribute to decision-making processes and the design of justice measures throughout the process, instead of only “participating” in them.
- Integrate traditional and community-based justice mechanisms into national frameworks by recognising practices such as Rwanda’s Gacaca courts and CAR’s palaver tree and providing legal and logistical support to these mechanisms. This can help ensure they complement formal systems, align with human rights standards, and retain their cultural authenticity and community-led character.
- Ensure meaningful victim engagement by creating safe and accessible spaces for dialogue, supported by trained facilitators, community leaders and legal representatives. This includes offering psychological support services, protection measures, and culturally appropriate outreach programmes to empower victims to engage fully and without fear of retaliation or stigma.
- Develop culturally sensitive justice frameworks through comprehensive consultations with local communities to identify and incorporate traditional practices, values, and beliefs. This process should be guided by interdisciplinary teams, including anthropologists, legal experts, and community leaders, to design justice mechanisms that resonate with affected populations and address their specific needs.
- Provide specialised training for judicial practitioners, including judges, lawyers, and investigators, on intercultural competencies and the use of dialogic approaches. Such training should include case studies of successful hybrid models, strategies for engaging diverse communities, and methods for addressing the unique needs of victims and marginalised groups. These trainings should be gender-responsive, so that women’s rights and lived realities are reflected in both design and delivery, and so that local procedural norms that silence or marginalise women are identified and avoided. In some communities, women are not permitted to speak in traditional courts, and even where they can, they may still face entrenched bias that limits how their testimony is heard, recorded, and acted upon.
- Promote collaborative hybrid justice models by facilitating partnerships between international, national, and community-level actors. Develop joint initiatives that combine the accountability of formal legal systems with the restorative benefits of dialogue-based approaches, ensuring that these mechanisms are both inclusive and aligned with international human rights standards.

V. Reparations: Identifying Culturally Appropriate Forms of Reparation

In international law, victims of gross human rights violations have an inherent right to receive adequate reparation for the harm they have endured. These reparations encompass more than financial compensation and can include symbolic acts such as official apologies and the establishment of memorials, but also practical measures designed to enhance the quality of life for victims and their families, such as providing scholarships or ensuring access to healthcare services.

Reparations have become a central element of transitional justice frameworks and are increasingly recognised as vital components of democratic and post-conflict transitions. Their legal basis is firmly established in international human rights law. The United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations (Orentlicher, 2005) affirms that victims have the right to equal and effective access to justice; to adequate, and prompt reparation; and to access information related to violations and redress mechanisms. Reparations must be proportional to the gravity of the violations and responsive to both material and moral harm. As such, reparation is conceived not only as compensation but as a comprehensive process of recognition and restoration.

Beyond legal compliance, the broader objectives of reparations include restoring victims' dignity, facilitating their social reintegration, and rebuilding trust in public institutions (de Greiff, 2006). For reparations to serve these ends, they must be implemented as part of a wider justice framework. In the absence of institutional reform or accountability for perpetrators, reparation measures risk being perceived as insufficient or, worse, as a substitute for justice—what some victims have referred to as “blood money”. In several contexts, victims have declined financial compensation out of concern that it might foreclose further claims or obscure the need for deeper structural change.

Conversely, processes of truth-seeking and accountability may lose credibility if they fail to address the socioeconomic root causes of conflict, such as poverty, inequality, or systemic marginalisation. In many post-conflict societies, citizens identify access to employment, security, clean water, housing, and education as more urgent priorities than legal accountability alone. In this regard, reparations can serve as a bridge between addressing past violations and responding to present and future needs.

Collective reparations, particularly through development-oriented programmes, are increasingly recognised as an effective means of redress. To function as reparations, these measures should be explicitly linked to the abuses, shaped through consultation with affected communities, and delivered through clear, non-discriminatory criteria. When designed inclusively, implemented transparently, and paired with individual measures where feasible, collective reparations can both acknowledge wrongdoing and restore what violence or exclusion damaged, including access to health, education, housing, livelihoods, and safe public space. By directing resources to communities historically affected by violence or marginalisation, they can reduce structural inequalities, strengthen trust in public institutions, and support longer-term recovery.

Example: Expanding the Scope of Reparations: Collective Justice and Regional Healing in Tunisia

Tunisia's 2013 Organic Law on Transitional Justice introduced a landmark innovation in reparations design: the concept of the "victim region". Article 10 of the law broadened the definition of victims beyond individuals to include entire regions that had suffered systematic marginalisation or exclusion under successive authoritarian regimes (Republic of Tunisia, 2013). This approach recognised that harm extends beyond physical violence to encompass structural and socio-economic injustices, particularly in Tunisia's southern and interior regions, which endured systematic underdevelopment for decades despite being home to the majority of the country's natural resources and serving as the geographical birthplace of the 2011 revolution (Robins et al., 2022). Under this framework, districts, neighbourhoods, and governorates could file collective claims before the IVD demonstrating patterns of state-imposed systematic marginalisation, supported by documentary evidence of discriminatory budgetary and development policies over time. Regions validated as "victim zones" were intended to become eligible for targeted development programmes addressing historical inequities (Republic of Tunisia, 2013). Implementation of the collective reparations framework proved challenging, and remained incomplete at the end of the IVD's mandate in 2018 (Robins et al., 2022), a reminder that innovative legal frameworks require sustained will and resources to translate into practice. Nonetheless, Tunisia's "victim region" concept remains a significant normative contribution, broadening the reparations pillar beyond individual compensation toward the repair of structural injustice.

Example: The Juba Agreement and Reparations in Uganda: Addressing the Legacy of Conflict

The 2007 Juba Agreement on Accountability and Reconciliation between the Government of Uganda and the Lord's Resistance Army (LRA) marked a critical recognition of the role of reparations within a broader transitional justice framework. The agreement outlined a comprehensive and victim-centred approach, encompassing measures such as rehabilitation, restitution, compensation, guarantees of non-recurrence, and symbolic actions, including apologies, memorials, and commemorations (Juba Agreement, 2007).

Emphasis was placed on addressing the specific needs of vulnerable groups, including women, children, and those who had suffered grave violations during the protracted conflict. Reparations were envisioned to be both individual and collective, tailored to reflect the diverse experiences and harm endured by affected populations. The agreement also linked reparations to penalties and sanctions imposed through accountability mechanisms, establishing a connection between justice and redress. Special provisions for children were included, recognising their unique vulnerabilities and the long-term consequences of violence and displacement on their lives (OHCHR, 2011; UN Women, 2011).

By integrating reparations into the framework of accountability, the Juba Agreement aimed to promote healing, acknowledge the harm inflicted on victims, and support justice and reconciliation in a society deeply impacted by decades of conflict.

Strengthening the Process of Reparations through Intercultural Dialogue

Determining who is a victim can be very complex and political, especially when material benefits are attached. Different reparation programmes have therefore adopted different levels of flexibility when it comes to the kinds of proof applicants need to provide to “demonstrate” their status as victims. Establishing an applicant’s eligibility for reparations requires indeed verifying a connection between the applicant and one or more violations of international human rights or humanitarian law. To that extent, reparations are tied to truth-seeking. However, a balance must be found between defining eligibility and imposing unnecessary burdens of proof to victims, which could be a traumatising experience for them if it leads to “questioning” their status and experiences.

Prior mapping is therefore usually required before establishing reparations policies. It helps obtain an overview of the different categories of victims, what happened to them, how those harms have impacted their lives, and how they conceive of repair, including gender-specific needs. The mapping can be done by victims’ groups themselves, civil society organisations, or government entities. Consultations with victims, and their active participation, are thus essential to gather this required information to estimate their needs and design a reparation programme and ensure that it is tailored to victims’ core demands. Without this important step, there is a significant risk of misestimation and misidentification of those needs (UN General Assembly, 2023). For instance, lack of consultations in the Philippines led to underestimations in the post-Marcos reparations programme: the number of victims was originally estimated to be 10,000 (based on earlier litigation), but 75,730 claims were submitted, which led to inadequacies in the amounts provided, and unmet expectations. This applies to symbolic reparations as well. In Libya, for example, the inhabitants of the martyred city of Tarhuna largely do not call for memorials or museums to commemorate the past—despite such measures being common in transitional justice practice. Instead, their priority is to move forward and focus on rebuilding their town (OHCHR, 2024).

Where possible, the findings of a truth commission serve as the basis for determining the priorities, timing, and sequencing of reparations, which are typically included in its recommendations. Yet truth-seeking is a lengthy process and may not be best suited to addressing victims’ most urgent needs. In the interim, some countries choose to prioritize the most vulnerable victims. This approach, however, is often highly problematic and sensitive, particularly in post-conflict contexts marked by resource scarcity, and can give rise to forms of “victims’ competition” (Andrieu, 2016).

Example: Fragmented Reparations and Victim Participation Challenges in Côte d'Ivoire

In Côte d'Ivoire, the reparations process addressing political violence and armed conflict from 1990 to 2012 was marked by significant institutional fragmentation and barriers to victim access. Multiple bodies were assigned overlapping mandates, including the National commission for Reconciliation and Compensation for Victims (CONARIV), the Programme National de Cohésion Sociale (PNCS), the Commission for Dialogue, Truth and Reconciliation (CDVR). In its April 2016 activity report, CONARIV revealed that of the 874,056 victim files submitted for review, over 64 per cent had been denied, with only 316,954 validated as eligible for compensation (CONARIV, 2016). Critics noted that many rejections resulted from procedural errors on forms filled in by CONARIV agents rather than by the victims themselves, raising concerns about the accessibility and fairness of the process. The ICTJ, which had been providing technical assistance on reparations since 2012, recommended that the government establish a transparent and participatory reparations policy based on CONARIV's findings, prioritising victims who continued to experience serious long-term consequences of the violence, and ensuring meaningful consultation with victims in remote areas with barriers to access (Correa and Gbery, 2016).



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More than any other transitional justice measures, reparations are usually considered as victim-centred, since they seek to directly address the harms of violations through concrete, measurable tools of empowerment. As such, they can be effective only if the needs of victims are well-known, which requires victims' participation and consultation. Dialogic practice can be used to strengthen and secure modes for victim participation and consultation through the development of safe spaces that leverage culturally sensitive forms of communication to promote understanding as well as ensure reach to marginalised communities. Given the sensitive and complex nature of reparations, it is not only critical that public consultations take place, but that they take place in an inclusive manner. When reparations restore material security and dignity, they can also rebalance power in post-conflict settings, enabling survivors and affected communities to take part in public life and local decision-making as active and equal partners.

The use of intercultural dialogue during the public consultation process could contribute to addressing power imbalances, promote understanding and empathy, facilitate truth and reconciliation, build trust and solidarity and increase awareness (Elias, 2017). Additionally, intercultural dialogue could inform outreach programmes on reparations, for instance via media outlets, as well as other appropriate formats based on community needs, to inform victims of their rights in the languages they speak, so that they know how and where they can participate and apply. Posters, radio broadcasts, social media posts, text messages, and other means of announcing the application process and explaining who is entitled to reparations should not only explain the steps involved in registering for reparations but also include a list of documents that victims will be required to provide. Community leaders can also be involved in this process of information sharing.

In general, well-conceived registration processes should respect the principle of "do no harm" to victims and their families: no undue administrative and financial requirements should be placed on them. For victims of sexual violence in particular, special measures for establishing trust and guaranteeing confidentiality is critical. Because sexual violence is generally linked to social stigma, most victims will find it difficult to acknowledge or speak about what happened, and even more to provide proof to be able to claim reparations. Lastly, when their application is refused, victims should have the right to be informed of the reason and appeal this decision.

By holistically enhancing this process through encompassing dialogic practice at each step, practitioners can not only better understand the needs of communities and identify victims, but also safeguard them from further trauma, reach marginalised communities, and incorporate culturally appropriate practices.



Reparations Pillar – Recommendations

- Develop inclusive public consultation mechanisms. Ensure that public consultations are accessible to all affected groups, especially marginalised and vulnerable populations. Use culturally appropriate communication methods, including multilingual outreach, community meetings, and traditional forums, to gather input on victims' needs and priorities in reparations.
- Streamline and simplify registration processes. Design victim registration systems that minimize administrative and financial burdens. Provide clear guidance on required documentation and offer assistance through trained staff or community leaders to help victims navigate the process. Prioritize confidentiality, particularly for survivors of sexual violence, and adopt trauma-informed approaches to avoid re-traumatisation.
- Leverage intercultural dialogue in outreach and awareness campaigns. Use diverse media channels—such as radio, posters, social media, and text messaging—to inform victims of their rights and the reparations process. Tailor these campaigns to the languages, cultural contexts, and preferences of target communities. Engage trusted community leaders to disseminate information and foster trust.
- Implement survivor-centred and trauma-informed practices. Recognise the unique needs of specific victim groups, such as survivors of sexual violence, children, and those with disabilities. Design reparations programmes that respect survivors' dignity and privacy, offering psychological support and ensuring their participation is voluntary and non-coercive.
- Adopt flexible and evidence-based eligibility criteria. Avoid rigid proof requirements that could exclude victims or retraumatise them. Instead, use community-based mapping and participatory truth-seeking processes to identify victims and their needs. Allow for appeals and provide clear, respectful explanations for rejected claims.
- Integrate collective and individual reparations. Balance individual compensation with collective measures such as community development programmes, scholarships, and healthcare initiatives. For instance, Tunisia's regional reparations model can serve as a template for addressing structural inequalities while fostering community healing.
- Ensure coordination and oversight across stakeholders. Establish a unified framework for reparations to prevent fragmentation and duplication of efforts. Collaborate with government agencies, civil society, and international organisations to ensure consistent implementation and equitable distribution of reparations.

VI. Guarantees of Non-Recurrence: A People-Centred Approach

Preventing future violations requires drawing lessons from past failures and implementing comprehensive institutional reforms. Such reforms should prioritise enhancing accountability, promoting transparency, and ensuring equity within governance structures to build robust systems capable of safeguarding human rights and thus preventing violence. These measures have generally been part of “guarantees of non-repetition”, or “guarantees of non-recurrence”, which were coined as the “fourth pillar” of transitional justice but often also the hardest to properly grasp or define.

While truth, justice, and reparations refer to measures, guarantees of non-repetition are a function, which can be served through a variety of measures, including reforming institutions, disbanding unofficial armed groups, revoking legislation incompatible with basic rights, vetting security institutions and the judiciary, protecting human rights defenders and training members of the security institutions in human rights. Most research and literature on non-recurrence, including in international legal frameworks developed by the UN, have situated it within the institutional level. Former Special Rapporteur Pablo de Greiff has tried to put forward an expanded framing of guarantees of non-repetition, one that encompasses not only institutional interventions, but also interventions within societal, cultural and individual spheres (de Greiff, 2015).

Guarantees of Non-Recurrence through Vetting Programmes

The establishment of institutional reforms and vetting procedures aimed at removing perpetrators of serious abuses from positions of public authority is a key measure recommended to prevent the recurrence of mass and systematic violations of human rights. This obligation is closely linked to States’ broader duties under international law to prosecute gross violations and to provide reparations to victims. In this context, vetting constitutes a central component of transitional justice and reconciliation processes. However, its implementation has often been narrowly framed through a technical or institutional lens.

Vetting is frequently associated with the liberal peacebuilding agenda, as it is understood to contribute to political transition by dismantling networks and structures complicit in past violence or corruption. By removing individuals with vested interests or obstructive influence in state institutions, vetting is intended to help establish democratic governance in the aftermath of conflict and oppressive regimes. It also serves as a form of administrative accountability, offering a non-criminal response to past misconduct, by ensuring that those involved in serious abuses are not permitted to retain public office or enjoy its associated privileges.

A well-designed vetting process is inherently forward-looking. It considers past behaviour not solely for the purpose of retribution, but to rebuild institutions that are accountable, legitimate, and trusted. By reaffirming ethical and legal norms violated during periods of conflict, systemic abuse,

or authoritarian rule, vetting can play an important role in restoring public confidence and facilitating the implementation of other transitional justice measures. Removing individuals who may resist or undermine such measures from positions of influence can be critical to institutional reform and broader societal transformation.

At the same time, experience shows that poorly designed or improperly implemented vetting processes can undermine their own objectives. Where processes fail to respect due process or are introduced without sufficient legal clarity, institutional capacity, or political feasibility, they may fall short of contributing meaningfully to justice or reconciliation. In some cases, they may even prove counterproductive. For example, the de-Ba'athification process in Iraq revealed how inadequate planning and overly expansive targeting criteria can erode public trust, entrench grievances, and political exclusion, ultimately weakening institutional legitimacy.

A vetting process can also create security risks, performance deficits and governance gaps. Before engaging in any vetting process, it is thus crucial to carefully consider the extent to which vetting is politically acceptable in contexts marked by deep social and political divisions, given that it may affect power relations and hence destabilise the transition; and operationally feasible due to the weakness of the institutions, limited resources, and lack of expertise (de Greiff, 2007). Vetting processes must, therefore, be based on a clear strategy—defining which institutions and how many individuals are targeted, within a reasonable timeframe and with adequate resources—and consistently rooted in public dialogue to reinforce their legitimacy.

Example: Vetting Processes in Post-Gaddafi Libya: Balancing Accountability and Rights

In post-Gaddafi Libya, two sequential exclusion mechanisms were introduced. The High Commission for the Application of Standards of Integrity and Patriotism was established by Law No. 26 of 2012 to screen officials during the transition (Libya, National Transitional Council, 2012). In May 2013, the Political and Administrative Isolation Law (Law No. 13/2013) was adopted with a far broader reach (DCAF, 2013). Its passage followed intense militia pressure, including



sieges of ministries in late April 2013, and the GNC's 9 April 2013 amendment to Article 6 of the Constitutional Declaration to shield the law from constitutional review (United Nations Secretary-General, 2013).

The law was presented by its proponents as necessary to safeguard the revolution by disqualifying a

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wide array of individuals linked to the former regime—extending beyond senior officials to ambassadors, university leaders, department-level civil servants and others (DCAF, 2013). UN entities and rights groups warned the criteria were overly “broad and vague”, risking violations of political participation and other rights and weakening institutions (UNSMIL and OHCHR, 2014).

As conflict and political fragmentation escalated in 2014, criticism of the law intensified. On 2 February 2015, the House of Representatives voted to suspend the Political Isolation Law. Reporting at the time noted that reversing the law’s effects would be complex in practice



The Libyan experience demonstrates how exclusionary vetting measures, when introduced in response to coercive political pressures, risk undermining rather than strengthening transitional justice processes.

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Guarantees of Non-Recurrence as Trust-Building Measures

“Achieving these goals requires a more holistic, people-centred approach that integrates individual, societal, and cultural dimensions of transformation.”

Guarantees of non-recurrence should not be approached solely as technical or institutional interventions. While essential, vetting and institutional reform must be understood within a broader framework that seeks to rebuild trust—both in public institutions and among citizens. The objective is not only to remove individuals associated with past abuses, but also to transform institutional cultures, shift mindsets, and promote social norms conducive to inclusion, accountability, and peace (de Greiff, 2015). Achieving these goals requires a more holistic, people-centred approach that integrates individual, societal, and cultural dimensions of transformation.

At the societal level, civil society has a key role to play in discussions on non-recurrence. Indeed, violence works through its ‘disarticulating power’, its capacity to isolate people from one another. Conversely, civil society can have a power of ‘aggregation’, which bears a preventive function since when people are not isolated, victimisation is less likely. Incorporating dialogic practice into the process of developing the structural reforms often associated with guarantees of non-repetition can ensure the involvement of civil society and, in turn, the involvement of marginalised groups. Supporting civil society can take multiple forms, including the repeal of restrictive laws on civic space, the creation of platforms for knowledge-sharing, and the promotion of environments that safeguard freedoms of assembly and association (de Greiff, 2015). Intercultural dialogue can thus be used to strengthen these outputs as well as ensure representative and inclusive participation.

Additionally, and reflecting a more ‘people centred’ approach to transitional justice (Salvioli, 2022), dialogic practice can ensure that these programmes better reflect society’s needs, noting the importance of victim participation and civilian oversight of the institutional reforms involved in guarantees of non-repetition. Dialogues can be used to establish better understanding of the perspectives and needs of different communities, grounding reforms and overall actions in alignment with the public while ensuring inclusion of marginalised communities.

Because guarantees of non-repetition depend not only on institutional reform but also on shifts in attitudes, relationships, and public norms, the Special Rapporteur has identified education, arts and culture, and archives and documentation as key pillars of comprehensive prevention (de Greiff, 2017). Dialogue becomes one of the main ways they become socially credible and politically workable, since it helps define what should be taught, remembered, recorded, and publicly acknowledged, and by whom. In practice, dialogue can strengthen education by shaping curricula and classroom practice; strengthen arts and culture by supporting forms of expression that make room for multiple experiences of harm; and strengthen archives and documentation by grounding collection, access, and use in ethical standards, informed consent, and public trust.

The Role of Education, Arts and Culture

In education, dialogic approaches and intercultural competencies support prevention by building the skills needed to live with difference without turning it into threat. This includes perspective-taking, the ability to disagree without dehumanising, and the capacity to recognise how prejudice and discrimination become socially “normal”. In transitional settings, these links become especially salient because schooling is a major site where societies transmit narratives about identity, belonging, and legitimacy, including how violence is explained or excused.

A practical entry point is the “ABCDE” framework proposed by former Special Rapporteur on the right to education, Koumbou Boly Barry, which promotes five core capacities: Acceptance of self and others, Belonging, Critical thinking, Diversity, and Empathy (UN General Assembly, 2019). These capacities translate well to transitional justice aims because they address common drivers of recurrence: exclusionary identity claims, polarised information environments, and the social habits that enable bystanding, scapegoating, or denial. Read as a package, ABCDE combines cognitive tools that help people assess narratives and evidence with relational tools that support recognition and restraint.

When embedded in post-conflict education and dialogue processes, these principles can strengthen the emotional and critical capacities needed to support justice and reconciliation over time, including the ability to hear painful accounts without collapsing into denial or revenge (Special Rapporteur on the Right to Education, 2019).

Example: Education and Ethnic Division in Bosnia and Herzegovina: The Case of Jajce

More than 26 years after the 1995 Dayton Peace Agreement, ethnic divisions remain deeply entrenched in Bosnia and Herzegovina (BiH). This is most visibly reflected in the education system, particularly through the “two schools under one roof” policy, implemented in parts of the Federation of BiH beginning in 1996. Under this system, children from different ethnic groups attend the same school building but are taught separately, often using distinct curricula in subjects such as history, language, and religion (OSCE, 2018).

In contrast, the town of Jajce in Central Bosnia took an integrative approach in 2016 by maintaining ethnically mixed secondary school classrooms. This model promotes intercultural dialogue and supports a unified culture of peace. Students in Jajce successfully campaigned against proposals to introduce segregated schooling, insisting on inclusive education. Their activism has become a symbol of resistance to ethnic division and a step toward building a more cohesive and inclusive society in post-conflict BiH (OSCE, 2018).



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Example: Educational Reforms as Part of the Transitional Justice Process in South Africa

For 40 years prior to 1994, South Africa operated under the Bantu Education Act, a racially discriminatory system that provided free, compulsory, and high-quality education for the white population while severely limiting the scope, quality, and funding of education for the Black population. Following the election of South Africa's first democratic government in 1994, reforms were introduced to dismantle this legacy and integrate transitional justice principles into the new education system (Ramirez-Barat and Duthie, 2017).

These reforms aimed to serve as a form of redress for the apartheid-era inequalities. They involved dissolving the country's nineteen racially divided education departments and establishing a unified national system composed of one national and nine provincial education departments. Schools became officially non-racial and accessible to all, and the curriculum was revised to remove offensive content and better reflect the values of equality, democracy, and human rights (Ramirez-Barat and Duthie, 2017; UNESCO, 2020).

Arts and culture are closely linked to dialogue in transitional justice. Cultural work can convey difficult knowledge when formal testimony is inaccessible, unsafe, or socially taboo. Theatre, exhibitions, and other forms of expression and commemoration can broaden public acknowledgement of harm, hold multiple experiences, and build solidarity across lines of division (UN General Assembly, 2017). When co-designed with affected communities and backed by safeguards against retraumatisation and exclusion, cultural interventions can enable open engagement with contested memories, cultivate empathy without diluting responsibility, and embed dialogue as a durable public practice for prevention. UNESCO's Framework for Enabling Intercultural Dialogue identifies education, arts, and culture as key pathways for intercultural dialogue (UNESCO and IEP, 2022).

The role of Archives and Documentation

In transitional periods, archives and documentation do more than preserve evidence. They shape what enters the public record, whose experiences become legible to institutions, and how violent pasts are later taught, commemorated, and contested. Their significance therefore depends not only on preservation, but on use. Records must be accessible in ways that are safe, intelligible, and institutionally meaningful, including in schools, museums, memorial sites, and community-based initiatives. When documentation is responsibly curated and made usable, it can anchor memory work in verified evidence, support more informed engagement with contested histories, and limit the risks of distortion, denial, or selective remembrance. This requires sustained investment in preservation, clear and rights-sensitive access protocols, and formats that allow different publics to engage with the material in practice. Archives and memory centres also support justice measures in practical ways. They can assist investigations and trials, inform truth-seeking, and guide reparations by clarifying patterns of harm and identifying affected groups. Beyond these functions, they can serve as platforms for civic education, intercultural exchange, and community-based peacebuilding by creating shared reference points and enabling responsible engagement across social groups (Hamber, 2015; De Greiff, 2006).

“ Inclusive memorial practices, those that actively integrate the voices of marginalised groups such as youth, women, and minorities, are essential to ensure that collective memory reflects the plurality of lived experiences.

Importantly, memorialisation should not be reduced to a state-led exercise. Inclusive memorial practices, that actively integrate the voices of marginalised groups such as youth, women, and minorities are essential if collective memory is to reflect a plurality of lived experiences. This, in turn, should be sustained through intergenerational memory transmission and dialogue within families, helping to prevent dominant political actors from monopolising or instrumentalising memory (Jelin, 2003).

Given its capacity to intersect with and reinforce the other four pillars of transitional justice—truth, justice, reparations, and guarantees of non-repetition, memorialisation has increasingly been recognised as both a stand-alone and cross-cutting pillar of transitional justice (Salvioli, 2020). It plays a vital

role in helping societies emerge from cycles of violence by creating spaces for public reckoning, emotional processing, and future-oriented dialogue. Yet, memory is frequently contested terrain in the wake of mass atrocities. Competing narratives and politicised histories can deepen social fragmentation, rather than healing it. In this context, memorialisation must be consciously designed to serve as a dialogic tool, encouraging the recognition of plural narratives, fostering empathy for the suffering of others, and embedding remembrance within a broader cultural framework that upholds the dignity and truth of victims while resisting revisionism and denialism (Barsalou and Baxter, 2007).

This requires a shift toward community-centred and dialogic approaches to memory. As scholars such as Pierre Nora (1989) and Elizabeth Jelin (2003) have suggested, memory is not a static repository but a dynamic process of meaning-making. Approaches that foreground the everyday experiences of ordinary citizens—rather than solely focusing on national heroes, martyrs, or political elites, offer greater potential for fostering shared understanding. Initiatives such as collective storytelling, group counselling, and community truth-telling projects can create ‘safe spaces’ that enable emotional recovery, build psychological resilience, and generate the social energy necessary for reconciliation. Yet as noted by Jürgen Habermas and Axel Honneth, dialogue cannot be effective without recognition, respect, and a baseline of social justice. Without addressing material inequalities and the social determinants of violence, dialogic spaces risk reproducing existing asymmetries of power. Thus, memorialisation must also serve as a platform to confront structural injustice and express collective aspirations for a more equitable future.

Such spaces can allow victims to process trauma without fear, and perpetrators to reflect, take responsibility, and engage in remorse and forgiveness. When accompanied by social and economic measures that address the root causes of conflict, they can become neutral ground for reconciliation—enabling divided communities to come together, reimagine coexistence, and co-construct inclusive narratives of the past.

Another essential contribution of dialogue to memorialisation lies in its psychosocial dimension. Experiences of mass violence often leave long-lasting effects on individuals and communities, including psychological distress, disrupted social relationships, and fractured collective identities. Trauma in these contexts is not only individual but also relational and intergenerational, shaping how communities remember, relate, and rebuild. Research in transitional justice and trauma studies has shown that, if unaddressed, such trauma may contribute to the persistence of mistrust and grievance across generations, particularly when combined with silences or contested narratives about the past (Hamber, 2023; Becker, 2018).

Approaches drawn from mental health and psychosocial support (MHPSS) frameworks emphasise the importance of culturally sensitive and community-based responses to these forms of harm. While clinical services are vital, many forms of distress following collective violence are best addressed through social interventions—those that rebuild trust, create opportunities for connection, and re-establish a sense of safety and dignity (IASC, 2007; Jordans et al., 2010). In this context, structured dialogue can be an important tool for healing. Community-based storytelling, listening circles, or intergenerational discussions can help people process difficult experiences, develop shared understandings, and begin to reweave fractured social bonds (Denborough, 2012).

Youth are often particularly affected by dominant or inherited narratives—whether passed down in families or shaped by official histories—and may not have the tools or spaces to critically engage with these versions of the past. Intergenerational dialogue, when carefully facilitated and grounded in principles of safety and inclusion, can provide such a space. It may offer young people opportunities to listen, reflect, and ask questions, while also allowing older generations to share experiences in ways that foster mutual understanding. These exchanges can support empathy and strengthen community cohesion, while gently addressing the legacies of violence that may otherwise remain unspoken.

Incorporating interventions at the society, community, and family levels enables a more contextualised and responsive approach to guarantees of non-repetition. When combined with institutional reforms, these culturally grounded actions can help transform mindsets alongside systems. In recognising the foundational role that dialogue plays in memory, reconciliation, and prevention, this broader approach supports the long-term goal of rebuilding fractured relationships and restoring social trust.

Example: Digital Archiving and Memory Preservation in Cambodia: The Case of the Tuol Sleng Genocide Museum

Decades after the fall of the Khmer Rouge regime in 1979, Cambodia continues to grapple with the legacy of one of the most devastating genocides of the 20th century. Between 1975 and 1979, an estimated 1.7 million people perished under the regime, with thousands detained, tortured, and executed at the infamous S-21 prison, now known as the Tuol Sleng Genocide Museum. The preservation of historical records housed at this site has been pivotal in Cambodia's journey toward truth, justice, and reconciliation (ECCC, 2021; UNESCO, 2023).

In 2023, UNESCO and the Tuol Sleng Genocide Museum launched a digital database to provide public access to the largest archive of Khmer Rouge-era documents. Supported through international cooperation, this initiative digitised and catalogued over 400,000 pages of prisoner confessions, photographs, and other records (UNESCO, 2023). These archives have played a critical role in judicial processes, including proceedings at the Extraordinary Chambers in the Courts of Cambodia (ECCC), helping to establish accountability for crimes against humanity (ECCC, 2021).

Beyond legal proceedings, the digitised archives serve as an important tool for societal healing and education. Many Cambodians have used the records to trace the fates of missing relatives, providing closure for victims' families and fostering a shared understanding of the nation's traumatic past. By making these records widely accessible, the initiative contributes to global genocide prevention efforts and supports educational programmes that encourage reflection on the consequences of hatred and violence.

Following the database launch, UNESCO and the Tuol Sleng Genocide Museum continued their collaboration under the [International Programme for Holocaust Education](#), revising secondary-

level history textbooks to include expanded coverage of the Khmer Rouge period, including the history of S-21. Teacher trainings have also been conducted to build the capacity of educators to teach about violent pasts with sensitivity and historical accuracy (UNESCO, 2024).



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Example: The Truth and Reconciliation Commission of Canada

The Truth and Reconciliation Commission of Canada (TRC) was established in 2008 as part of the Indian Residential Schools Settlement Agreement to examine the legacy of the government- and church-run residential school system. Over 150,000 Indigenous children were forcibly separated from their families between the 1870s and 1990s, many of whom experienced physical, psychological, and cultural abuse (TRC, 2015).

While the TRC is commonly situated within the Truth pillar, it also offers a compelling example of memorialisation as a cornerstone of transitional justice, ensuring that the stories of residential school survivors would be permanently preserved and integrated into Canada's national consciousness. This was achieved through extensive public hearings, the collection of over 6,750 survivor statements, and the recommendation of commemorative initiatives grounded in Indigenous leadership (TRC, 2015).

A key outcome of the TRC was the establishment of the National Centre for Truth and Reconciliation (NCTR) at the University of Manitoba, which serves as a permanent archive for survivor testimonies, documents, and records, and supports educational programming, community-led remembrance, and scholarly research (TRC, 2015; NCTR, 2024).

The TRC's Calls to Action urge the Canadian government to support national commemorative projects, survivor-led memory initiatives, and educational resources—including the creation of monuments, curriculum reforms, and support for Indigenous cultural expressions. Events such as Orange Shirt Day and Truth and Reconciliation Week now serve as annual platforms for reflection, mourning, and public education.

Through its commitment to memory work, public education, and survivor-led commemoration, the TRC of Canada illustrates how memorialisation can be institutionalised to promote healing, recognition, and non-repetition. It provides an instructive model for how truth commissions can generate lasting memorial infrastructures that bridge the past with future generations.



Guarantees of Non-Recurrence - Recommendations

- Institutional reforms with inclusive oversight. Ensure institutional reforms are guided by inclusive public dialogues, incorporating input from victims, marginalised groups, and civil society to enhance legitimacy and effectiveness. Strengthen mechanisms for civilian oversight of security forces, judicial systems, and public institutions to promote accountability and transparency.

- Context-sensitive vetting processes. Design vetting processes that are realistic in scope, adequately resourced, and aligned with transitional goals to avoid unintended consequences such as governance gaps or increased insecurity. Embed vetting within broader institutional reform strategies, ensuring its integration with human resource management and transitional justice processes.

- Promotion of intercultural dialogue. Develop platforms and forums for intercultural dialogue, focusing on fostering inclusive participation and addressing the needs of diverse communities. Leverage intercultural dialogue to inform educational reforms and create cohesive narratives that bridge ethnic, cultural, and historical divides.

- Education for cultural transformation. Incorporate intercultural competencies and dialogic practices into formal and informal education systems to promote tolerance, inclusion, and peaceful coexistence. Use historical and cultural education to address past injustices and build a foundation for shared understanding and reconciliation.

- Arts, culture, and memory initiatives. Support artistic and cultural projects that provide spaces for creative expression, dialogue, and commemoration, emphasising diverse perspectives and shared experiences. Establish and maintain institutional and civil society archives, monuments and museums that engage communities, including by supporting community-led and victim-led narratives in transformative dialogue.

- Strengthening civil society. Repeal laws that restrict civic space and create enabling environments for civil society organisations to contribute to transitional justice processes. Empower civil society to play an active role in monitoring reforms, advocating for victims, and promoting social cohesion through grassroots initiatives.

VII. National Consultations: A Cross-Cutting Enabler of Dialogue

Although not codified as one of the four pillars of transitional justice, national consultations have become widely recognised as a foundational process for ensuring that transitional justice is legitimate, inclusive, and responsive to victims' needs. The UN Secretary-General's seminal 2004 report defined consultations as "a process of engaging the broadest possible range of national stakeholders in discussions on the design and implementation of transitional justice mechanisms, ensuring that measures respond to the needs and expectations of victims and affected communities" (UN Secretary-General, 2004, para. 16). Subsequent reports have reiterated that without inclusive and participatory consultations, transitional justice risks being perceived as technocratic, externally imposed, or disconnected from the lived realities of affected populations.

In practice, however, the meaning and quality of "consultation" remains contested. Transitional justice literature identifies two recurring pitfalls. First, consultations are often reduced to procedural or symbolic exercises, a way for governments, international organisations, or NGOs to claim victim-centredness while retaining decision-making power (Robins, 2017). This "tick-box" approach reflects what Lawther (2021) calls the "politics of pain", where victims are invited to narrate suffering but excluded from shaping structural outcomes. Second, consultation processes are frequently disconnected from implementation, creating expectations without delivery and fuelling distrust (Gready and Robins, 2014). Empirical studies underline that when consultations fail to alter institutional design, they can deepen disillusionment and reinforce perceptions of exclusion (Thoms, Ron and Paris, 2010).

By contrast, when grounded in intercultural dialogue and accompanied by safeguards, such as free, prior, and informed consent, psychosocial support, and protection from re-traumatisation, consultations can transform transitional justice into an inclusive and participatory endeavour. They serve a dual function: (i) a recognition measure, reintroducing victims into the public sphere from which violence excluded them, and (ii) a design tool, aligning transitional justice with plural cultural contexts and diverse conceptions of justice. In this sense, consultations are not peripheral but cross-cutting enablers of each pillar—truth, justice, reparations, and guarantees of non-recurrence—because they determine whether these measures reflect victims' priorities and achieve social legitimacy.

Example: Political Challenges in Congo's Truth and Reconciliation Process

The Truth and Reconciliation Commission (TRC) in the Democratic Republic of Congo (DRC) was established under the Global and Inclusive Agreement on Transition signed in December 2002, commonly known as the Sun City Accord. The commission's 21 members were appointed through a process shaped by the power-sharing logic of the peace negotiations, with seats allocated to represent the political and armed factions that had participated in the Inter-Congolese Dialogue rather than to ensure institutional independence (USIP, 2003). The commission began operating in July 2003 before a formal legal mandate had been adopted; the enabling legislation was only enacted in July 2004, more than a year after the commission's establishment (Borello, 2004). As a result, the TRC faced significant structural challenges from the outset that constrained its capacity to conduct investigations and engage the broader public. It ultimately did not investigate cases of human rights violations or hold public hearings during its mandate (Davis and Hayner, 2009).



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Example: Inclusive Transitional Justice in Tunisia: National Consultations and Their Impact

Tunisia's Organic Law on Establishing and Organizing Transitional Justice, adopted on 24 December 2013, defined the mandate of the Instance Vérité et Dignité (IVD), the country's truth and dignity commission. The law established the IVD's responsibility to investigate human rights violations committed between July 1955 and December 2013, collect testimonies, determine the responsibility of the State and other actors, and formulate recommendations on reparations, institutional reform, and the preservation of memory (Republic of Tunisia, 2013). The legislation emerged from a national consultation process launched in April 2012, led by Tunisia's Ministry of Human Rights and Transitional Justice with technical support from OHCHR, UNDP, and ICTJ. Despite representing an unprecedented participatory effort in the region, the consultations generated debate about the extent to which the recommendations of victim groups and civil society were ultimately reflected in the final design of the law – raising broader questions about whether inclusive consultation processes necessarily translate into inclusive institutional design. In its final report, released on 26 March 2019, the IVD recorded that it had received 62,354 complaints and conducted 49,654 individual hearings, in addition to developing a national archive and recommendations for institutional reform (IVD, 2019, vol. I, p. 15). These figures attest to the scale of victim engagement achieved, yet they also underscore the ongoing tension between procedural participation and substantive influence over transitional justice outcomes.

These examples show that participation processes must be based on free, prior and informed consent, as well as be free of any pressure, discrimination, or risks of re-traumatisation, to effectively contribute to the stated goal of empowering victims. Psychosocial support and witness protection measures are also critical to accompany victims in any participation process and allow a truly safe and informed dialogue (Arnstein, 1969). When properly designed, in connection with intercultural dialogue, consultations with victims and other stakeholders increase the likelihood that transitional

justice measures will capture their diverse views on justice and on what constitutes effective redress for them.

“ In many transitional contexts, finding the right balance between meaningful consultation and timely implementation remains a persistent challenge.

In many transitional contexts, finding the right balance between meaningful consultation and timely implementation remains a persistent challenge. On one end of the spectrum, early truth commissions in Latin America—such as Argentina's National Commission on the Disappearance of Persons (CONADEP)—were established quickly and with limited public consultation, enabling prompt documentation of violations but often lacking strong participatory

foundations (Hayner, 2011). On the other end, overly prolonged consultation phases—characterised by extended surveys, forums, and assessments—can delay delivery and erode public trust, particularly when tangible outcomes remain elusive. In such cases, communities may experience “consultation fatigue”, especially when previous engagements failed to produce meaningful change (Robins, 2017). Striking a middle ground is essential: while inclusive consultation ensures that transitional justice processes are grounded in local needs and diverse experiences, these efforts must be embedded in clear operational strategies that translate dialogue into action. Otherwise, the process risks appearing either top-down and technocratic or stalled and ineffectual—both of which can undermine legitimacy and victim trust.

The process of consulting is itself a measure for the recognition and empowerment of victims and communities, as it is a way for them to gain a place in the public sphere that they were denied in the past: to that extent, it is a tool for outreach. This was visible again during national consultations in Tunisia, where hundreds of victims, marginalised communities, and former political prisoners attended regional sessions and were given the opportunity to express their views on the future transitional justice mechanisms. Consultations can also facilitate the identification of commonalities of experiences, values, and principles between different groups, which is a precondition for dialogue. The case of Tunisia shows the importance of frequent interactions within civil society in nurturing a conducive environment for effective dialogues to happen. With this precondition, intercultural dialogue could draw in representatives from civil society that help add pressure on decision-makers to adopt inclusive and victim-centred communication processes.

To serve these goals, national consultations should be preceded by effective capacity-building initiatives for all participating groups, this could include trainings and workshops for CRSV victims to familiarise them with transitional justice mechanisms, including accountability, truth-seeking, reparations, and reform measures. Such consultations must also not be designed as one-off events but rather as ongoing, iterative processes. This approach requires the selection of an inclusive and gender-balanced group of stakeholders, incorporating voices from diverse sectors such as religious figures, traditional leaders, teachers, entrepreneurs, or labour leaders. It is crucial that national consultations guarantee meaningful and inclusive representation of all concerned communities. To this end, consultations should be organised at regional or even sub-regional levels to ensure that diverse perspectives are adequately considered and reflected in the outcomes. Additionally, robust analytical tools must be developed to ensure that the data collected during these consultations is meaningfully integrated into the resulting mechanisms and programmes.

Example: Community-Driven Reparations in Mali: A Grassroots Approach to Truth-Seeking

In Mali, the Truth, Justice and Reconciliation Commission (Commission Vérité, Justice et Réconciliation, CVJR) reported that its reparations programme was shaped by extensive regional consultations launched in 2016. These consultations were organised at the village level and, for nomadic populations, conducted through mobile outreach teams to enhance inclusivity (CVJR, 2021, p. 17).



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The CVJR further documented that between 2016 and 2021, “more than 25,000 victims and witnesses provided testimony to the Commission in pursuit of recognition, justice and reparations” (CVJR, 2021, p. 22). This participatory approach strengthened public awareness of truth-seeking and contributed to building community trust in transitional justice processes, highlighting the importance of locally driven initiatives in fragile contexts.



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Example: Colombia: National Consultations and the Ethnic Chapter in the 2016 Final Peace Agreement

The 2016 Final Peace Agreement between the Government of Colombia and the FARC-EP is widely recognised as one of the most comprehensive transitional justice frameworks negotiated to date (UN Verification Mission in Colombia, 2017). Its design was shaped by extensive national consultations, including more than 60 regional forums convened by the UN and the National University of Colombia, which gathered inputs from over 7,000 victims. In addition, a Victims' Delegation of 60 representatives travelled to Havana to present their experiences and proposals directly to the negotiating parties, ensuring that victims' priorities were embedded in Chapter 5 of the Agreement.

Another innovation was the Ethnic Chapter, developed through the Ethnic Commission for Peace and Defence of Territorial Rights. It guaranteed that the Agreement would be implemented in accordance with Afro-Colombian and Indigenous peoples' collective rights and cultural perspectives, drawing on international standards such as ILO Convention 169 and the UN Declaration on the Rights of Indigenous Peoples. The chapter also created a High-Level Body with Ethnic Peoples to oversee compliance.

These participatory processes culminated in the establishment of the Comprehensive System for Truth, Justice, Reparation and Non-Repetition, including the Special Jurisdiction for Peace (JEP), the Truth Commission, and the Unit for the Search of Disappeared Persons — all mandated to enable the participation of historically marginalised groups and to strengthen legitimacy and inclusivity (Government of Colombia, 2016).

The cases of the Democratic Republic of Congo, Tunisia, Colombia and Mali illustrate the importance of designing consultations that are not only inclusive but also result in meaningful outcomes for victims. Moving forward, it is crucial to refine consultation processes to ensure that victims' voices are genuinely reflected in transitional justice frameworks and that consultations themselves empower and support affected communities.



National Consultations - Recommendations

- Ensure transparent and inclusive appointment processes. Appointments to transitional justice bodies should be based on merit and expertise rather than political affiliation. Transparent and inclusive appointment processes will foster trust among victims and communities, ensuring their concerns are genuinely represented.
- Establish ongoing and iterative consultation mechanisms. National consultations should be continuous, rather than one-off events, to allow for sustained victim participation. Regional and sub-regional consultations should be prioritized to ensure the inclusion of diverse voices, particularly from marginalized groups.
- Provide comprehensive psychosocial support and protection. Victims must have access to psychosocial support and witness protection to ensure their participation is safe and informed. This will help mitigate risks of re-traumatisation and enable victims to engage fully in the process.
- Develop effective analytical tools for data integration. Analytical tools should be developed to capture and integrate the diverse perspectives and needs expressed during consultations. These tools will ensure that victim input directly informs the design and implementation of reparations, truth-telling, and reconciliation programmes.
- Invest in capacity-building for stakeholders. Capacity-building initiatives should be implemented for all stakeholders, including victims and survivors, civil society, and government officials, to ensure informed and meaningful participation. This will enhance the effectiveness of consultations and strengthen the overall transitional justice process.
- Promote intercultural dialogue and civil society engagement. Engaging diverse civil society actors, including religious leaders, educators, and community representatives, will help mediate between affected communities and decision-makers. This will foster a more inclusive and effective dialogue, ensuring that consultations respect the broad range of societal experiences and values.

VIII. Conclusion and Recommendations

Intercultural dialogue, understood here in UNESCO's terms as a process of transformative communication across difference, has significance for transitional justice because it addresses a persistent structural weakness in the field. The literature reviewed in this brief shows that transitional justice remains too often shaped by legalistic and standardised models, while victim participation, though widely endorsed, often stays symbolic and confined to short-term mechanisms. In that context, the contribution of intercultural dialogue lies in its capacity to widen who can influence the process, how harms are named, and how institutional responses are designed and interpreted across divided societies. It helps create the conditions in which difference can be expressed, negotiated, and understood within transitional justice, including where communities hold antagonistic memories, unequal access to institutions, or divergent conceptions of justice and repair.

The cases examined here show that dialogue matters when it has institutional consequences. In Colombia, consultation shaped the architecture of the peace process; in The Gambia, women's listening circles enabled forms of participation that formal channels often fail to reach; in Rwanda and the Central African Republic, community-based mechanisms widened access and local legitimacy while also exposing the need for safeguards against coercion, bias, and weak oversight. These examples support a more precise conclusion: dialogue strengthens transitional justice when it affects design, access, and implementation, and when it is supported by protection, psychosocial accompaniment, and sustained follow-through. Without those conditions, participation can be recorded without altering the structure of decision-making.

Its importance extends further in relation to guarantees of non-recurrence. The brief shows that prevention depends not only on institutional reform but also on how societies remember, teach, archive, and publicly acknowledge violent pasts. Dialogue therefore has a temporal function within transitional justice: it helps carry engagement across generations, across memory spaces, and across the interval between formal mechanisms and longer processes of civic repair. In education, arts and culture, memorialisation, and archives, dialogue can sustain plural and ethically grounded engagement with contested histories, provided these spaces are accessible, community-informed, and protected against retraumatisation, exclusion, and political monopolisation. On that basis, intercultural dialogue should be treated as part of the long-term infrastructure of transitional justice: a means of linking accountability to remembrance, and institutional redress to the social work of rebuilding trust over time.



General Recommendations

- **Institutionalise Intercultural Dialogue in Transitional Justice Processes:** Embed structured dialogue mechanisms at all stages of transitional justice, ensuring inclusive, participatory, and culturally sensitive engagement among victims, perpetrators, and communities. These dialogues should inform truth-seeking, justice, reparations, guarantees of non-recurrence, memorialisation, and national consultations.
- **Promote Inclusive and Equitable Participation:** Establish accessible platforms, regional outreach programmes, and digital tools to engage marginalised and remote communities in truth-seeking, justice, and reparations. Ensure transparent appointment processes, ongoing consultations, and community-led initiatives that reflect diverse voices.
- **Integrate Traditional and Community-Based Approaches:** Recognise and support traditional justice mechanisms, cultural practices, and indigenous knowledge systems in transitional justice efforts. Hybrid models should align with international human rights standards while respecting local customs and fostering community ownership.
- **Adopt Survivor-Centred and Trauma-Informed Practices:** Provide psychosocial support, legal assistance, and protection measures to ensure safe and meaningful participation of victims, especially survivors of sexual violence and marginalized groups. Use culturally appropriate methods to engage and empower affected populations.
- **Enhance Education, Arts, and Cultural Initiatives for Reconciliation:** Incorporate intercultural dialogue, historical education, and cultural memory initiatives, particularly those developed by victims, survivors, and minority groups into formal and informal education systems. Support artistic and commemorative projects that promote shared narratives, healing, and long-term social cohesion.
- **Strengthen Institutional Reforms and Civil Society Engagement:** Ensure that institutional reforms are guided by inclusive public dialogues and civilian oversight. Repeal restrictive laws, empower civil society organisations, and invest in capacity-building for victims, practitioners, and policymakers.
- **Develop Coordinated and Sustainable Implementation Frameworks:** Establish clear monitoring, feedback, and data integration mechanisms to track the impact of dialogue-based interventions. Foster collaboration among governments, civil society, and international bodies to ensure coherence, accountability, and long-term effectiveness of transitional justice measures.

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— DIALOGUE FOR — TRANSITIONAL JUSTICE

INTERCULTURAL DIALOGUE FOR
CONFLICT TRANSFORMATION BRIEFS SERIES

How can societies confront atrocity without reproducing exclusion and silence? This UNESCO brief reframes transitional justice as a transformative, relationship-centred project by placing intercultural dialogue at its core. Moving beyond courtroom-centred models, it shows how structured, culturally grounded dialogue can deepen truth-seeking, expand victim participation in formal and hybrid justice mechanisms, inform individual and collective reparations, and sustain guarantees of non-recurrence through education, arts, memorialisation and institutional reform. Drawing on examples from all regions, the brief distils lessons and concrete recommendations for policymakers, practitioners and civil society seeking to design transitional justice processes that are context-sensitive, survivor-centred and capable of rebuilding trust in the wake of mass violence.



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