



# THE STATE OF TRANSITIONAL JUSTICE IN AFRICA

Inclusive and participatory governance, gender equality and socio-economic justice in Africa



7th edition of the African Transitional Justice Forum



This publication was produced with the financial support of the European Union.





# THE STATE OF TRANSITIONAL JUSTICE IN AFRICA

Inclusive and participatory  
governance, gender equality and  
socio-economic justice in Africa

7th edition of the African Transitional Justice Forum

12–14 September 2023

RABAT, MOROCCO



This publication was produced with the financial support of the European Union.



**CSV**R  
Centre for the Study of  
Violence and Reconciliation  
Working towards peaceful, equal and  
violence-free societies since 1989.  
#CSV35

CSV  
33 Hoofd Street  
Braampark Forum 5, 3rd Floor  
Johannesburg, 2001  
South Africa  
Tel: +27 (11) 403 5650  
Fax: +27 (11) 339 6785  
Email: [info@csvr.org.za](mailto:info@csvr.org.za)  
[www.csvr.org.za](http://www.csvr.org.za)

© CSV 2024

Photo credits – CSV  
Designed and typeset by COMPRESS.dsl | 800963\_E | [www.compressdsl.com](http://www.compressdsl.com)

---

## Contents

1	Introduction	2
2	Opening ceremony	5
3	The keynote – <i>delivered by Brian Kagoro</i>	7
4	<b>SESSION ONE:</b> State of TJ in Africa: Developments and progress from ongoing national TJ processes – <i>moderated by Mr Salah El Ouadie</i>	9
5	<b>SESSION TWO:</b> Business sector accountability through transitional justice: Lessons, challenges and opportunities for pursuing justice for private sector violations and crimes in Africa – <i>moderated by Mr Mounir Bensalah</i>	14
6	<b>SESSION THREE:</b> Conflict-related sexual violence, gender and masculinities and transitional justice: Reflections on progress, innovation, gaps and opportunities – <i>moderated by Ms Patience Chiradza</i>	18
7	<b>SESSION FOUR:</b> Advancing women and socio-economic justice in Africa: Reflections on progress, limitations and innovation – <i>moderated by Ms Mary Izobo</i>	22
8	<b>SESSION FIVE:</b> Africa's journey on implementing transitional justice: Progress and challenges for member states, AU Organs and RECs/RMs – <i>moderated by Dr John Ikubaje</i>	27
9	<b>SESSION SIX:</b> Children and youth in transitional justice: Moving beyond their victimhood to active participation in transitional justice processes to guarantee non-recurrence – <i>moderated by Mr Usani Odum</i>	31
10	<b>SESSION SEVEN:</b> The role of NHRIs in transitional justice – <i>moderated by Ambassador Calixte Mbari</i>	36
11	<b>SESSION EIGHT:</b> Integrating mental health and psychosocial support in transitional justice and post-conflict recovery processes – <i>moderated by Ms Annah Moyo</i>	39
12	<b>SESSION NINE:</b> Diversity, equity and inclusivity in transitional justice: Shaping new discourses, lenses and approaches to transitional justice – <i>moderated by Prof. Eugene Bakama Bope</i>	42
13	Forum declaration	47
14	Official closing ceremony	49
15	RECOMMENDATIONS FROM THE PANEL DISCUSSIONS	51
	15.1 Recommendations for the African Union (AU)	51
	15.2 Recommendations for states and governments	51
	15.3 Recommendations for civil society organisations (CSOs)	52
16	Endnotes	53



## 1 Introduction

The Seventh Edition of the African Transitional Justice Forum was convened in Rabat, Kingdom of Morocco, from the 12th to the 14th of September 2023. The Forum marked a significant milestone in the ongoing discourse on Transitional Justice (TJ) in Africa. Organised by the Department of Political Affairs and Peace and Security (PAPS) at the African Union Commission (AUC), in collaboration with the Centre for the Study of Violence and Reconciliation (CSV) and the National Human Rights Council of Morocco (CNDH), the Forum continued its tradition of fostering dialogue, sharing insights and building synergies among diverse stakeholders.

The African Union's (AU) declaration of 2023 as the year of 'Acceleration of the African Continental Free Trade Area (AfCFTA) Implementation' was incorporated into the Forum's agenda and discussions. The year also coincided with the 60th anniversary of the establishment of the Organisation of African Unity (OAU) and the 20th anniversary of the Maputo Protocol on the Rights of Women in Africa, reinforcing the significance of transitional justice in addressing emerging challenges, such as gender inequality and harnessing opportunities for women empowerment.



The Transitional Justice forum was convened with the support of the European Union as part of the European Union-funded 'Initiative for Transitional Justice in Africa' Project implemented by a consortium comprised of the CSVR, The International Center for Transitional Justice (ICTJ), and ATJLF. The project seeks to facilitate the domestication of the African Union Transitional Justice Policy (AUTJP) by supporting the implementation of the AUTJP Roadmap through technical assistance, knowledge production and management, and support for civil society across Africa.

Since its inception in 2017, the African Transitional Justice Forum has been at the forefront of probing and understanding the complexities of transitional justice in Africa. As a multi-stakeholder platform, the Forum has consistently facilitated comprehensive reflections on the continent's advancements, innovations and challenges. This edition, in line with the AU Theme of the Year, was themed *Inclusive and Participatory Governance, Gender Equality, and Socio-Economic Justice in Africa*.

The Forum's diverse thematic focus encompassed a range of pertinent issues, from the implications of the African Continental Free Trade Area (AfCFTA) for marginalised groups to the role of the private sector in conflicts and the significance of Mental Health and Psychosocial Support (MHPSS) in post-conflict recovery. The discussions were enriched by the participation

of scholars, policymakers, practitioners, representatives of national human rights institutions and other stakeholders, all of whom brought their unique insights and experiences to the table.

The Seventh Edition of the African Transitional Justice Forum underscored the importance of a collaborative and inclusive approach to addressing the multifaceted challenges of transitional justice in Africa. The insights and recommendations emerging from the Forum are expected to guide future interventions and policy decisions, ensuring that the quest for justice, peace and reconciliation in Africa remains a shared value for the Africa We Want as outlined in Agenda 2063.

Taking place merely two days after a devastating earthquake had hit the city of Marrakesh, Ambassador Salah Hammad, who was master of ceremony on the opening day of the Forum, began by expressing deep condolences and solidarity on behalf of the entire Forum, to His Majesty the King, the government and the people of Morocco, for the tragedy that resulted in over a thousand deaths, numerous injuries, massive displacement and missing individuals. In the same vein, sympathies and condolences were also conveyed to the government and people of Libya following devastating floods that resulted in the loss of many lives, merely days after the Moroccan earthquake.



---

## 2 Opening ceremony

Ms Amina Bouayach, Chairperson of the Moroccan National Human Rights Commission (CNDH), expressed her gratitude for the condolences, solidarity and prayers from participants. She touched on the importance of TJ as a holistic approach to addressing past human rights violations. Drawing from the AUTJP, she highlighted the four pillars of TJ: truth-seeking, reparations, justice, and guarantees of non-recurrence, and stressed the need for a victim-centred approach, ensuring that those affected by past atrocities are at the forefront of the justice process.

*The world today is characterised by a state of flux...our collective efforts, rooted in the principles of transitional justice, must push towards ensuring a just and equitable society. The four pillars of TJ guide our path forward.*

– Ms Amina Bouayach

Mr Tefo Raditapole, Chairperson of the Board of Directors of the Centre for the Study of Violence and Reconciliation, highlighted the importance of localising TJ processes, ensuring that they are tailored to the specific cultural and historical contexts of each country. He emphasised the role of traditional justice mechanisms, as highlighted in the African Union Transitional Justice Policy (AUTJP), in complementing formal justice processes.

*Diversity, equity and inclusion as core tenets of the AUTJP, remain at the heart of effective transitional justice processes. Traditional justice mechanisms play a pivotal role in ensuring that justice is both accessible and culturally relevant.*

– Mr Tefo Raditapole

**Mr Fabio Bargiacchi**, Founder and Executive Director of the European Centre for Electoral Support, highlighted the interconnectedness of electoral processes and TJ. He emphasised the importance of ensuring that post-conflict elections are conducted in a manner that promotes reconciliation and prevents the recurrence of violence, aligning with the AUTJP's emphasis on guarantees of non-recurrence.

*Our collaboration with the African Union underscores the importance of integrating TJ principles into electoral processes, ensuring that they promote peace and reconciliation.*

– Mr Fabio Bargiacchi

**Ms Patience Chiradza**, speaking on behalf of H.E. Ambassador Bankole Adeoye, Commissioner for Political Affairs, Peace and Security, African Union Commission, emphasised the African Union's commitment to promoting gender equality and socio-economic justice as integral components of TJ. She highlighted the AUTJP's emphasis on the role of women in TJ processes, ensuring that they are not only victims but also active participants in shaping justice outcomes.

*The African Union's commitment to gender equality and socio-economic justice aligns with the AUTJP's emphasis on ensuring that women play a central role in TJ processes, both as victims and as agents of change.*

– Ms Patience Chiradza

**Mr Mohammed Atlassi**, representative of the Moroccan government, discussed the importance of state responsibility in TJ processes. Drawing from the AUTJP, he emphasised the need for states to take proactive measures to address past human rights violations, ensure reparations for victims, and implement institutional reforms to prevent recurrence.

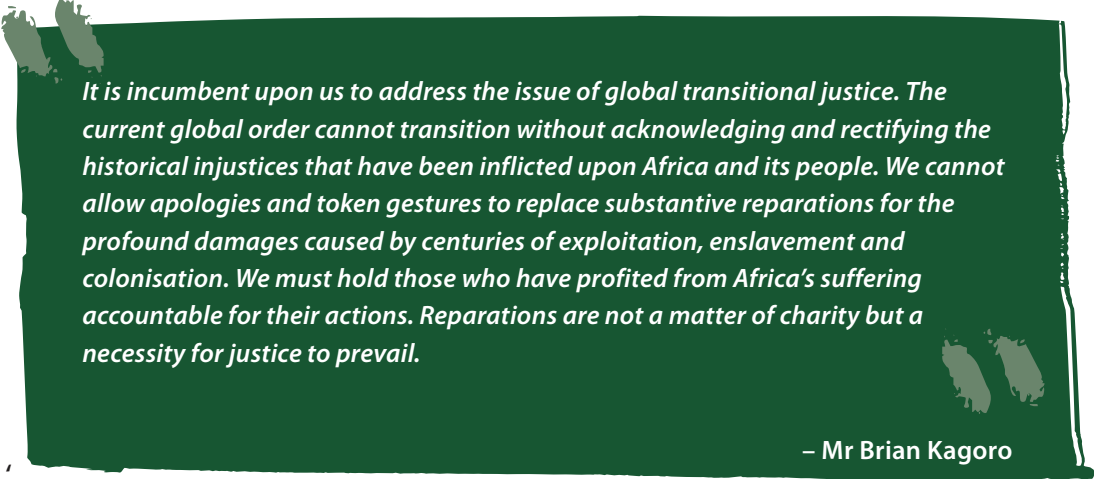
*State responsibility is at the core of TJ. It's imperative for states to acknowledge past wrongs, provide reparations, and implement reforms to ensure non-recurrence, as highlighted in the AUTJP.*

– Mr Mohammed Atlassi

---

## 3 The keynote

Delivered by **Brian Kagoro**



*It is incumbent upon us to address the issue of global transitional justice. The current global order cannot transition without acknowledging and rectifying the historical injustices that have been inflicted upon Africa and its people. We cannot allow apologies and token gestures to replace substantive reparations for the profound damages caused by centuries of exploitation, enslavement and colonisation. We must hold those who have profited from Africa's suffering accountable for their actions. Reparations are not a matter of charity but a necessity for justice to prevail.*

– Mr Brian Kagoro

Mr Brian Kagoro delivered the keynote address, which combined a range of themes to present a comprehensive and provocative consideration of Africa's multidimensional reality. It underscored the imperative of transitional justice and substantive reparations to redress historical injustices, exploitation and colonisation, linking these to the broader themes of inclusive political governance and the legacies of oppressive regimes in Africa.

The historical context and collective memory of Africa, the enduring impacts of slavery, colonialism, apartheid and imperialism and their implications for social justice, equality and reconciliation is undeniable. So too the crisis of capitalism and the global economic system on the socio-economic development of the continent. Thus, Kagoro highlighted the disparities and unfulfilled promises in education and employment opportunities within the prevailing frameworks of international relations and development studies.<sup>1</sup>

He emphasised the role of education in fostering decolonisation and transformative action, as well as ethical considerations and moral responsibility to address and rectify historical and contemporary challenges, including social inequality.

Kagoro's discourse, deep insights and reflections on the interconnected challenges and opportunities for shaping Africa's future resonated with the participants' sentiments on these issues.

Africa, Kagoro stated, finds itself at a significant moment in history, offering both hope and cause for concern. He noted that dictatorships rule over distrustful populations, often transitioning from one oppressive regime to another while civil society feels helpless, the state becomes an adversary and lawlessness thrives.<sup>2</sup>

Kagoro commended the African Union and all present for their tireless efforts in reshaping the continent's destiny, but emphasised that aspirations should go beyond merely doing well; they should strive for excellence. He lauded Pan-African visionaries like Kwame Nkrumah,<sup>3</sup> founding president of Ghana, and Julius Nyerere,<sup>4</sup> founding president of Tanzania, who envisioned a united, self-reliant Africa, recognising that decolonisation encompassed political, social, spiritual and economic dimensions.

Kagoro highlighted the growing gap between education and employment opportunities,<sup>5</sup> the unfulfilled promises of globalisation, and the increasing concentration of wealth and political power among a privileged few. He noted that this trend was particularly concerning for a continent where many citizens lacked the means to influence market regulations or resource allocation.<sup>6</sup>

Africa finds itself at a crossroads where education no longer guarantees employment, and employment no longer ensures prosperity. Consequently, Kagoro stressed that it was crucial to recognise that the challenges faced were not solely due to external factors but that Africans' own choices and actions also play a significant role, thus making inclusive governance an urgent priority within the context of Agenda 2063: The Africa We Want.

Africa's past weighs on the collective consciousness, as a struggle of memory haunted by the legacies of slavery, colonialism, apartheid, imperialism, neo-colonialism, the Cold War, structural adjustment programmes, patriarchy, racism, tribalism, violent conflicts, terrorism and violent extremism, pandemics, climate change and new challenges such as the digital revolution, including social media and artificial intelligence. Kagoro urged that this memory must be counterbalanced with an equally powerful imagination that envisions sustainable development, regional integration, African unity, and the Agenda 2063<sup>7</sup> vision – economic structural transformation, and indigenous industrial revolutions led by Africans themselves.

Kagoro underscored the importance of re-evaluating and reconfiguring the global economic system, financial architecture and international institutions, recognising that the prevailing post-colonial models had perpetuated economic dependency, political subjugation and social inequalities.

In conclusion, Kagoro urged the audience to reimagine transitional justice as an investment in human infrastructure and the creation of new economic systems. He expressed his belief in Africa's immense potential, which, he argued, lay in the decolonisation of minds, the restructuring of networks, and the transformation of organisations that would shape the future of our beloved continent.

---

## 4 SESSION ONE:

# State of TJ in Africa: Developments and progress from ongoing national TJ processes

Moderated by Mr Salah El Ouadie

Over the years, transitional justice (TJ) has proven to be a suitable process for addressing post-conflict situations and is widely seen as a pathway to justice, healing and reconciliation for nations dealing with the aftermath of conflict, authoritarian rule and systemic human rights abuses. In the African context, where a significant number of countries are either contemplating or actively engaged in TJ processes, the importance of taking stock of the state of TJ is crucial. Each nation's journey through TJ offers unique insights, challenges and successes that, when viewed collectively, provide invaluable lessons for future endeavours in the realm of justice and reconciliation.

The AUTJP itself is an encapsulation of the collective wisdom and experiences of various African experiences of TJ, offering guidelines that are both universally applicable yet adaptable to specific contexts.<sup>8</sup> As countries navigate their respective TJ processes, the AUTJP can serve as a touchstone, ensuring that the lessons learnt from one nation's experience inform and enhance the strategies adopted by others. This iterative learning process, grounded in the principles of the AUTJP, can lead to more innovative, effective and contextually relevant TJ interventions.

Thus, as nations across Africa carry on their TJ journeys at various stages, the substantive engagements at the 7th Africa TJ forum began by drawing from collective experiences of some of these countries, particularly lessons learnt with a view to promoting innovation and transformative outcomes in the implementation of TJ in Africa.

**Ms Mariama Singhateh**, representing the Ministry of Justice of The Gambia, discussed the Gambian transitional justice process, focusing on the post-conflict truth commission stage. Gambia's Truth, Reconciliation, and Reparations Commission (TRRC) was set up in 2018 and mandated to investigate human rights violations from July 1994 to January 2016, among other things, to document these violations, promote healing and reconciliation, grant reparations, and make recommendations to the government.<sup>9</sup> The commission submitted its final report in November 2021,<sup>10</sup> with the government releasing its White Paper in May 2022, addressing the 265 recommendations made by the TRRC and outrightly rejecting only two.

The reparations aspect of the TRRC faced challenges primarily due to limited funding. While some reparations were provided to victims, they were in most cases a fraction of the total reparations to be awarded. To address this challenge, the government, in consultation with victims and victim-led organisations, has drafted a Reparations Bill,<sup>11</sup> establishing a Reparation Fund to be overseen by an independent body. In addition to funds from the national budget, the government has committed to using proceeds from the sale of the former president Yahya Jammeh's property in the United States for reparations. Other reparative measures are also in planning stages.

*We believe reparations are a crucial aspect of justice and are committed to ensuring they are addressed adequately. The government is also actively working on establishing a Special Prosecution Office and a hybrid court to address offences arising from the TRRC's investigations, with efforts under way to amend the legal framework to account for the prosecution of specific crimes such as torture and crimes against humanity. The government has suspended individuals named by the TRRC holding significant positions within the government pending further investigations and is drafting a Public Office Accountability Bill to ensure such individuals do not serve in the government in the future.*

– Ms Mariama Singhateh

According to Ms Singhateh, the government is also working on various reforms including security sector reforms,<sup>12</sup> addressing enforced disappearances and prison reform. However, she said that the implementation process faces hurdles which include limited resources, resistance to change from remnants of the former government, and the former president's lingering influence in the political landscape. She noted that the balance between reparations and accountability is also challenging, with the international community prioritising funding for accountability over reparations. Despite these challenges, the Gambian government said it remains committed to ensuring that reparations are addressed adequately as they are a crucial aspect of justice.

The second panelist, **Mr Adi Dekele Dale** from Ethiopia, provided a detailed account of Ethiopia's journey through transitional justice. He began with the Special Prosecution Office set up to investigate and address human rights violations after the fall of the Derg in 1991. Mr Dale said that this initial process focussed predominantly on accountability through prosecution and received criticism for its narrow focus, selectiveness and the limited participation of victims.

Mr Dale further noted that upon Prime Minister Abiy Ahmed's assumption of office, several significant measures were undertaken, including the acknowledgement of past injustices and the granting of a controversial amnesty. The Ethiopian government also introduced the National Reconciliation Commission<sup>13</sup> and the Legal and Justice Advisory Council,<sup>14</sup> leading to amendments in legislations that violated human rights. However, the formation of these commissions was met with criticism due to the absence of comprehensive consultation and the controversial appointment of commissioners. Despite being operational for three years, the Reconciliation Commission did not make significant contributions due to its extensive mandate and various challenges, including the absence of public consultation and synergy among the adopted TJ mechanisms.

*The establishment of national dialogue was also significant. However, there was no comprehensive consultation before establishing these commissions, and the appointment of the commissioners was controversial, as some were politically active during their appointments.*

– Mr Adi Dekele Dale

Mr Dale stated that the Ethiopian government has initiated the National Dialogue Commission,<sup>15</sup> and embarked on a transitional justice process aligned with the country's peace and democratisation efforts, and the Ministry of Justice is committed to advancing transitional justice, involving experts in the field.

Mr Dale said that a TJ Working Group of Experts, formed in November 2021, is responsible for drafting national documents for public consultation and developing a comprehensive, context-specific TJ policy. This group has initiated a ground-breaking pre-draft consultation process that is aligned to the AUTJP principles, taking into account factors like security, transparency and gender sensitivity during consultations. The group is in the process of preparing a comprehensive report based on extensive consultations in various regions, with subsequent steps involving post-draft consultation, leading to the presentation of the policy to the Council of Ministers. The undertaking, supported by the treasury and development partners, aspired to formulate a policy that aligns with local needs and aspirations in addressing past human rights violations.

**Mr Lawrence Kamilo** recounted the historical background of South Sudan, focusing on the post-independence conflicts and their repercussions. He appreciated the African Union Commission for their pivotal role in the process of developing laws to govern the proposed TJ processes.

South Sudan, after enduring internal conflict, reached an agreement in 2015 (revised in 2018), establishing a TJ structure consisting of the Commission for Truth, Reconciliation, and Healing (CTRH), the Compensation and Reparation Authority (CRA), and the Hybrid Court of South Sudan to be set up in collaboration with the African Union (AU).<sup>16</sup> In 2021, public consultations were initiated, involving members of the public and civil society organisations, to gather insights on establishing laws for the CTRH and CRA, with significant support and assistance from the AU.

*Our goal with the CTRH is to document the history of conflicts in South Sudan and their aftermath, facilitating healing within communities and aiding them in recovering from their trauma. We have clearly defined terms, such as who qualifies as a victim, and have made provisions for reparations, protection of the innocent and conditional amnesty.*

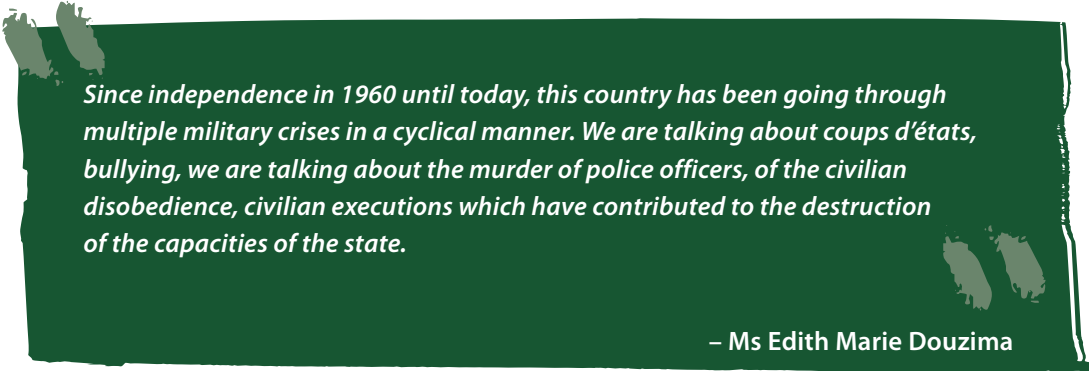
*'In relation to the CRA, which deals with compensation and reparations, we have defined victims in line with the CTRH's definitions. Reparations will be both individual and communal, and we have emphasised the need for memorialisation and the involvement of community leaders throughout the process.*

– Mr Lawrence Kamilo

The CTRH aims to document the history of conflicts and facilitate community healing, with provisions for reparations, protection and conditional amnesty. Aligned with the CTRH's definitions, the CRA focuses on compensation and reparations, emphasising the importance of memorialisation and community leader involvement. Both commissions will ensure adequate representation for women, acknowledging their disproportionate victimisation.<sup>17</sup>

Mr Kamilo concluded by urging the AU to persist in supporting South Sudan in fortifying the capacities of these imminent institutions and in formulating regulations for them. He emphasised the value of such guidance, acknowledging that the concept of transitional justice is not extensively understood in many African countries.

**Ms Edith Marie Douzima**, Chairperson of the Truth, Justice, Reconciliation and Reparations Commission (TJRRRC) of the Central African Republic (CAR), provided a historical context of the conflict in CAR, emphasising the chronic state of crisis that has plagued the country since its independence in 1960. With a population of about 6 million, CAR has experienced persistent conflicts with lasting detrimental effects.



*Since independence in 1960 until today, this country has been going through multiple military crises in a cyclical manner. We are talking about coups d'états, bullying, we are talking about the murder of police officers, of the civilian disobedience, civilian executions which have contributed to the destruction of the capacities of the state.*

– Ms Edith Marie Douzima

Ms Douzima detailed the various national and international initiatives aimed at restoring state authority, rebuilding social cohesion, and achieving sustainable peace. However, peace agreements and mediations have often fallen short due to their exclusive nature and the focus on guaranteeing the interests of the participants rather than addressing the root causes of the conflicts.

The most recent crisis of December 2012 has been most devastating, with gross violations against the civilian population, destruction of property, looting, forced displacement, severe deprivation of liberty, persecution and widespread sexual violence, including collective rape. She said that the crisis has exacerbated the culture of impunity.

In May 2019, representatives from all sectors of society strongly demanded the creation of a transitional justice mechanism, leading to the establishment of the Special Penal Court and the Truth, Justice, Reconciliation and Reparations Commission (TJRRRC). The Special Penal Court, created in June 2015, is a hybrid judicial mechanism tasked with prosecuting perpetrators of serious human rights violations. It has been operational since October 2018. The TJRRRC, a non-judicial mechanism established in April 2020 with a four-year mandate renewable for two years, was officially inaugurated on 2 July 2021.

Ms Douzima highlighted the TJRRRC's unique challenges, established amid ongoing conflict with severe resource and capacity constraints, aiming to uncover the truth and establish responsibility for events from 29 March 1999 to 31 December 2019. The commission sought to ensure justice, develop a national reparation programme and promote national reconciliation. However, Ms Douzima stated that one year into their mandate, the TJRRRC faced numerous challenges in understanding and implementing their mandate. In December 2022, the

commission presented a report to the president, marking the transition to be at the compulsory phase, with plans to organise the first public hearing.

Ms Douzima concluded her presentation by noting that the government's criminal policy focuses on prosecuting violence, particularly gender-based violence, with a strategic committee established in November 2021 to provide direction. The CAR judicial system integrates national and international law, with the Special Penal Court collaborating with various institutions. Despite facing criticism and challenges, the court has secured some prosecutions.

During plenary, a participant from the Democratic Republic of Congo highlighted the severe crisis affecting 10 million people and questioned leaders' political will in implementing transitional justice processes. He expressed concern about the resources available to build a robust transitional justice process and emphasised the strategic importance of comprehensive transitional justice across various country programmes.

Another participant posed a question about the practical measures in place to manage transitional justice in countries without a power transition, particularly addressing the experiences of South Sudan, Ethiopia and Central African Republic. He urged discussion on how these processes could be managed effectively under such challenging circumstances. Another participant reiterated this by praising the successes achieved by The Gambia due to the power transition and asked panelists from other countries to discuss the practical steps that they are taking to address transitional justice issues in instances where there has been no political transition.

The need for appropriate timing and sequencing of transitional justice – whether during ongoing conflicts, after conflict resolutions or upon signing of peace agreements – was also raised.

The panelists responded by acknowledging the complexities and challenges of implementing TJ in various contexts. They highlighted the importance of political commitment and inclusivity, as well as collaboration between national and international institutions in supporting these processes.



---

## 5 SESSION TWO:

# Business sector accountability through transitional justice: Lessons, challenges and opportunities for pursuing justice for private sector violations and crimes in Africa

Moderated by **Mr Mounir Bensalah**

Both speakers on the panel dwelt on the importance of economic empowerment as a form of justice. The first speaker emphasised economic empowerment at the state level, through frameworks that will hold private entities accountable in TJ processes. The second speaker focussed on socio-economic justice with a specific focus on women empowerment.

The relationship between multinational corporations and Africa's socio-political landscape is deeply intertwined. Mr Kagoro's keynote emphasised the need for transitional justice and reparations to redress historical injustices and colonisation in Africa. In this vein, the second session of the Forum also highlighted the role of business actors in perpetuating injustices and gross human rights violations. Whether through the extraction of resources without fair compensation, employing labour under exploitative conditions or collaborating with oppressive regimes, multinational corporations and other private entities, member states have often prioritised profits over ethical considerations in Africa. Moreover, these operations in most African countries, particularly in the extractive industry, are often characterised by inhumane conditions that perpetuate human rights violations. While states traditionally bear the responsibility to protect human rights, the influence of these private entities necessitates a shift in the approach to accountability.

Mr Kagoro set the tone of discussion when he underscored the disparities in opportunities within prevailing international frameworks, exacerbated by the global economic system. Kagoro's call to reimagine transitional justice as an investment in human infrastructure resonates with the need for corporate social responsibility (CSR) as a core component of TJ, and suggests that for Africa to move forward, the business sector's accountability is crucial.

**Mr Eric Bizimana**, Senior Lawyer at the Institute for Human Rights and Development in Africa (IHRDA), delivered a comprehensive discourse on the multifaceted impacts and implications of

the operations of multinational companies in Africa. His insights revolved around the pressing issues of human rights, corruption, exploitation of resources, and the overarching role that the private sector plays in these atrocities.

Mr Bizimana highlighted the profound lack of accountability and responsibility exhibited by various multinational entities operating within different African nations. He discussed instances of companies engaging in illicit activities and violation of human rights, emphasising the dire need for a stringent legal framework to ensure that such companies are held accountable for their actions.<sup>18</sup>

Mr Bizimana delved into the complexities of legal and logistical challenges to bringing these companies to justice, including companies changing names to evade legal consequences and the inadequacies of regional mechanisms in addressing these issues. He also discussed the power dynamics at play in international circles, where the influence of multinational companies often surpasses that of some countries, leading to a significant imbalance in power relations.

*The pervasive and unbridled power of multinational companies, often backed by states, is overshadowing the sovereign authority of our nations. The glaring absence of accountability and the widespread human rights violations and resource exploitation call for an immediate introspection and re-evaluation of our dependence on foreign entities. Why are we, endowed with abundant resources and rich heritage, allowing our lands, rights and sovereignty to be compromised by entities that have shown little regard for our well-being and dignity?*

– Mr Eric Bizimana

Mr Bizimana emphasised the urgency of a shift towards self-reliance and innovation within African nations.

He underscored the importance of ensuring transparency and adherence to regulations in extractive processes and questioned the continued reliance on foreign multinational companies for mining activities. He advocated instead for the development of internal capacities and placing trust in local engineers and professionals, emphasising the need for self-reliance and internal development.

Mr Bizimana concluded by urging collective reflection on the existing systems and advocating for the establishment of innovative systems that build and trust internal capacities, which Africa has in abundance but that mostly remain untapped.

His conclusion was a call to action, to rethink the prevailing paradigms, to build robust legal frameworks and work towards a future where African nations are self-reliant, innovative and can protect their people, their rights and their resources from exploitation.

The second speaker, **Ms Naluoza Mariam Babu**, the Chairperson of Women Cross-Border Traders, discussed the significance of cross-border trade, the role of women in it and the need for harmonisation of regional and continental frameworks. She highlighted the substantial progress made by the East African Community in establishing streamlined trade protocols and emphasised the importance of the Customs Union and the Common Market in creating a

cohesive trading environment. These initiatives have been instrumental in reducing trade barriers and facilitating smoother cross-border movement, serving as exemplary models in the region.

*Cross-border trade plays a crucial role in poverty reduction and economic development, especially impacting women and borderland communities significantly. The achievements of the East African Community in establishing unified trade protocols have been pivotal, but the challenges, especially those faced by women in terms of information gaps, unharmonised policies, and insecurities, need urgent attention and resolution for the successful implementation of the Continental Free Trade Area (AfCFTA).*

– Ms Naluoza Mariam Babu

Ms Babu shared her personal experiences and insights gained through her involvement with FemWise,<sup>19</sup> emphasising the platform's role in voicing the challenges and insecurities faced by women in trade. Ms Babu particularly stressed the importance of having representatives who have experienced the ground realities, as opposed to those who might not have a clear understanding of the actual challenges faced by the people on the ground.

She also highlighted the various challenges faced by women cross-border traders, noting that they are often unaware of the procedures, requirements and documents needed, leading them to opt for unconventional and often unsafe routes. The lack of harmonised policies between different states and language barriers also poses substantial obstacles in the smooth execution of trade activities, she further noted.

Ms Babu highlighted instances of harassment, including sexual harassment and rape, that women face in border areas, emphasising the urgent need for secure and safe trading environments. She pointed out the resilience and determination of women who, despite facing such adversities, continue to strive to support their families.

On insecurities and conflicts on the continent, Ms Babu stressed the importance of resolving these before talking about implementation of the AfCFTA.<sup>20</sup> Without peace, she observed, the promotion of safety and successful negotiation and trade would not be possible.

In conclusion, Ms Babu called for the harmonisation of domestic policies across different states and regions, and emphasised the need for proper information dissemination at grassroots level. She also called for grassroots women representation at the decision-making levels. Finally, she stressed the importance of addressing the visa issues that hinder the free movement of persons across the continent.

Comments from various participants underscored the need for political will, transparency and international cooperation to address the challenges posed by multinational corporations.

Participants raised concerns about the ability of member states to defend themselves, particularly when multinationals violate human rights, highlighting the need for mechanisms to hold multinational corporations accountable.

A participant from Nigeria's National Human Rights Commission buttressed the point, lamenting the absence of existing legal frameworks to address multinational corporations'

violations. He cited the Ogoni crisis in Nigeria,<sup>21</sup> the role of the African Union Commission and the importance of effective legal frameworks and international cooperation. Another participant iterated the necessity for such a mechanism within the AU framework, to manage wealth exploitation and urged for consensus among African countries on the issue. He pointed to the importance of collective action and new approaches to managing Africa's resources.

However, one of the participants from academia called attention to the complexity inherent in prosecuting multinationals for international crimes, suggesting the need for a robust international legal framework to address this challenge.

In relation to the presentation on women's cross-border trade, participants highlighted the problem of limited awareness-raising among women at the grassroots level, underscoring the importance of grassroots education and engagement. Another participant reiterated the concerns about cross-border trade and the free movement of people, emphasising the challenges and corruption faced by traders, particularly women, and the need for legal frameworks and practical solutions to the obstacles and dangers they faced.



---

## 6 SESSION THREE:

# Conflict-related sexual violence, gender and masculinities and transitional justice: Reflections on progress, innovation, gaps and opportunities

Moderated by **Ms Patience Chiradza**

This session immersed participants in a comprehensive exploration of the multifaceted relationships between conflict-related sexual violence, the dynamics of gender and the concept of masculinities, all within the framework of transitional justice. The panel offered a crucial platform for examination of the progression, innovative approaches, existing gaps and future possibilities in addressing these critical issues, emphasising their profound and lasting impact on women and children.

The discourse illuminated the pervasive and alarming nature of sexual violence, especially in contexts of conflict, and its disproportionate effect on women. The societal norms and inherent fear of legal ramifications often put victims in a shroud of silence, obstructing their path to acquiring help and support. The dialogue was identified as a critical step in strengthening transitional justice spaces, enabling women to voice their harrowing experiences and access the requisite assistance. The session underscored the imperative nature of security awareness and the exploration of the advantages and disadvantages of diverse approaches to addressing conflict-related sexual violence.

In her address, **Ms Christella Niyonzima**, Head of Programs for Impunity Watch in Burundi, navigated the complexities of gender dynamics, particularly in regions marred by conflict. She began by emphasising the ever-evolving nature of gender identity. Armed conflicts, she noted, have a profound impact on reshaping traditional perceptions of gender roles. This transformation is not merely superficial; it permeates the very fabric of societies, challenging established norms and demanding a re-evaluation of gender dynamics within traditional justice systems. Ms Niyonzima argued that these justice systems must adapt to recognise the diverse experiences of both genders during conflicts. She stressed the importance of documenting the experiences of the genders, ensuring that transitional justice processes are not just inclusive but also reflective of the realities on the ground.

Going into the intricacies of power dynamics, Ms Niyonzima offered a critical examination of societal norms that have, for centuries, defined masculinity and femininity. Drawing from her interactions and citing statements from younger generations, she painted a picture of the immense societal pressure on men to embody dominance and protection. These pressures, she noted, are not just relics of the past but continue to shape contemporary perceptions, acting as significant barriers to achieving genuine gender equality. Ms Niyonzima emphasised the deeper issue to be addressed in peace processes and nation-building initiatives – the need for conditions that facilitate meaningful participation, allowing women to have an impactful voice in these processes.

*Transformation requires confronting the stereotypes linked to gender and opening up space for non-traditional gender identities. Masculinity, in particular, positive masculinity, is pivotal in progressive societies. Traditional ideas on power and the promotion of autonomy have long overshadowed the capacity of women to shape their own destinies. It's essential that we tackle the hierarchical power structures that perpetuate gender oppression, ensuring that mechanisms do not continue these norms that place women and men on unequal footing).*

– Ms Christella Niyonzima

In her exploration of masculinity, Ms Niyonzima presented a compelling contrast between violent and positive masculinity.<sup>22</sup> She underscored the critical role of education in challenging these established notions. By citing her observations from the Central African region, she highlighted the sad reality that even amid the devastation of war, societal expectations persist, burdening men with traditional protective roles. This observation was not only an academic point; it underscored the urgent need for initiatives that actively challenge and reshape gender roles. Ms Niyonzima passionately advocated for the promotion of positive masculinity. She urged societies, especially those in the throes of post-conflict recovery, to embark on a journey of introspection and transformation, redefining their understanding of gender roles for a more inclusive future.

Mr M'barek Boudarka, speaking on behalf of **Ms Latifa Jbabdi**, underlined that the establishment of Morocco's Equity and Reconciliation Commission marked the culmination of a process aimed at achieving a just and equitable resolution of past serious human rights violations. It also represented the pinnacle of debates among various actors in Morocco, including civil society, victims of violations and their families. The Commission was vested with the power to award direct reparations, with a mandate encompassing 43 years, covering one of the longest periods in the history of TJ worldwide.

Ms Jbabdi added that the gender perspective was adopted by the Commission as a comprehensive methodological approach that cuts across all its areas of intervention. It involved examining the specific nature of the violations suffered by women, the resulting damage and their particular experiences. The Commission also held public hearing sessions in five regions of the country to gather testimonies about the serious violations during the identified period.

She emphasised that socio-economic rights and gender issues have been established as pillars of the Moroccan experience, and that substantial recommendations have been issued to strengthen reforms and establish the necessary safeguards to prevent the recurrence of past violations and strengthen gender perspectives in public policies.

She highlighted the challenges of confronting established narratives, especially when those narratives are guarded by older generations with vested interests.

*The aftermath of the Moroccan earthquake is a testament to the resilience and unity of the community. Collective efforts and unity are important, especially in the face of adversity.*

– Ms Latifa Jbabdi

Ms Jbabdi also discussed the gendered dynamics of her experiences, highlighting the challenges faced by women, especially within TJ processes.

In conclusion, she reiterated the importance of collective efforts. She touched upon the political landscape of Morocco, referencing specific constitutional provisions underlining the need for gender equality.

**Ms Naluoza Mariam Babu**, Chairperson of Women Cross-Border Traders and a member of FemWise Africa, addressed several pressing issues related to sexual violence, peace-building, TJ and gender equality in her speech. She highlighted the persistent struggles women face, particularly the sexual violence exacerbated by ongoing conflicts across the continent. Ms Babu emphasised that such violence is not only confined to conflict zones but is prevalent in homes and borderland communities involved in cross-border trade.

Ms Babu stressed the pivotal role that TJ can play in poverty prevention, peace and security, which aligns with the goals of the African Union Border Programme<sup>23</sup> intended to foster peace in Africa through targeted peace-building initiatives at the borders.

Ms Babu noted the progress made post-training on the AUTJP, with communities acknowledging its importance in sustaining peace by addressing past violations. She referred to inclusive traditional mechanisms observed in Rwanda and her home country, Uganda, as instrumental in fostering justice and reconciliation. However, she highlighted significant gaps in these processes due to the exclusion of women, youth and children, especially in elder-dominated communities, urging for their inclusion as they are often the victims.

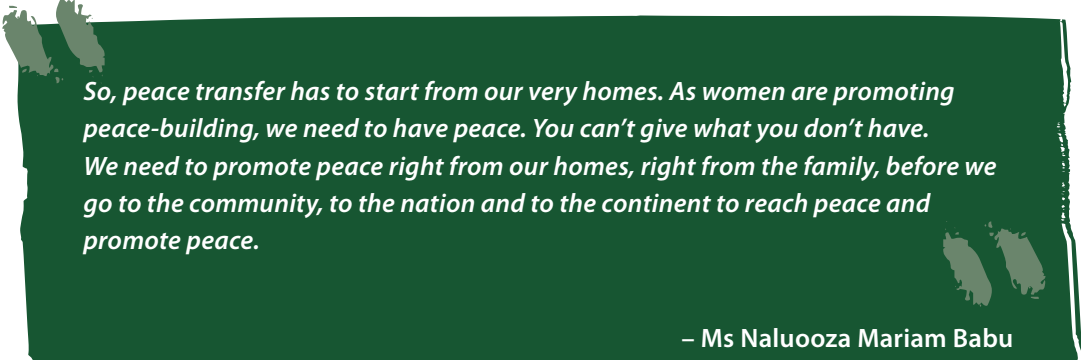
Ms Babu discussed the prevalent sexual and domestic violence against women engaged in cross-border trade and stressed the necessity for immediate action. She advocated for peace-building efforts to commence from homes, extending to the community, nation and continent, and emphasised the need to challenge socio-cultural norms perpetuating gender inequalities and the silencing of women.

Ms Babu identified trauma healing as a crucial yet overlooked component of peace, unity, reconciliation and conflict resolution. Addressing psychosocial struggles of victims is essential for true transitions and forgiveness, leading to peace, Ms Babu noted.

She also highlighted the lack of political will in advancing transitional justice, calling on political leaders to step forward to lead and advance the goals of TJ.

Ms Babu further delved into the agonising traits of conflict, focusing on the plight of mothers and youth. She underscored the influence women have over their families, asserting that women often control much of their husbands and children's lives and are not typically instigators of conflict. She strongly argued that empowering women with information and the

ability to openly communicate can significantly impact conflict prevention and TJ processes. She advocated for placing women at the forefront of these processes, emphasising their potential to deter their families from participating in conflicts.



*So, peace transfer has to start from our very homes. As women are promoting peace-building, we need to have peace. You can't give what you don't have. We need to promote peace right from our homes, right from the family, before we go to the community, to the nation and to the continent to reach peace and promote peace.*

– Ms Naluoza Mariam Babu

Ms Babu advocated for the use of technology networking and the sharing of experiences. She called for enhanced networking and collaboration between grassroots and higher-level peace actors to ensure better coordination.

A participant urged the construction of rehabilitation centres for torture victims in Morocco, particularly women. She highlighted the necessity of such centres in every country to address the psychological needs of victims post-violation.

The issue of sexual violence against men and boys was iterated by one participant, who noted that there is a lack of data on the subject. The speakers responded in acknowledgment of the need for comprehensive documentation and dissemination of information regarding sexual violence against all genders, stressing the importance of addressing this often overlooked issue.

Another participant added that sexual violence required tailored strategies that consider the unique power dynamics and cultural contexts of different countries and regions. She highlighted the necessity of intentionality in planning and implementing intervention programmes, ensuring that both men and women are factored in and that their conditions are adequately addressed.

Questions were also raised about the situation in Tunisia, specifically regarding the treatment of the Christian community and the sexual assaults and challenges faced by victims in some of the Maghreb countries. The speakers acknowledged these challenges, pointing out the difficulties in societal attitudes and the need for a unified continental approach to address these challenges effectively. In concluding the session, the speakers stressed the collective responsibility of addressing human rights violations, calling for continued conversations and collaborative efforts to find solutions.

---

## 7 SESSION FOUR: Advancing women and socio-economic justice in Africa: Reflections on progress, limitations and innovation

Moderated by **Ms Mary Izobo**

The fourth session, moderated by Ms Mary Izobo, the Advocacy Programme Manager at the Centre for the Study of Violence and Reconciliation, focused on the advancements, constraints and novel strategies in promoting women and socio-economic justice in Africa.

**Ms Sarah Kasande**, the Country Director of the International Centre for Transitional Justice, Uganda, shared insights on utilising TJ and international norms on gender equality to promote socio-economic justice for women and enhance their participation in the African Continental Free Trade Area.

She emphasised the enduring impacts of colonialism, apartheid and various conflicts in Africa, leading to significant socio-economic injustices deeply rooted in both colonial and post-colonial structures. Women in particular have experienced the repercussions of these events, facing displacement and loss of livelihoods due to systematic discrimination and economic marginalisation. This marginalisation, Ms Kasande said, is evident in restricted access to land, education, financial services and formal employment.

She noted that, despite constituting more than half of Africa's population, women encounter disproportionate levels of poverty. Citing 2019 World Bank data, she said that women in sub-Saharan Africa had only 68% likelihood, compared to men, to have a bank account. She also observed that women form 70% of the agricultural workforce and own less than 20% of the land; UN Women stated that nearly 80% of the GDP in some countries is contributed by women, but this contribution is largely unrecognised and uncompensated.

*The legacies of colonialism, apartheid and the myriad of conflicts on this continent have resulted in profound socio-economic injustices which are deeply entrenched in both colonial and post-colonial structures. Women have been specifically impacted, suffering from displacement to the loss of livelihoods.*

– Ms Sarah Kasande

Ms Kasande emphasised the significance of addressing women's socio-economic needs for unlocking Africa's development potential. The AUTJP and the Maputo Protocol have played pivotal roles in advancing women's economic social justice by emphasising the importance of addressing socio-economic injustice and providing wide-ranging guarantees for women's rights. Ms Kasande stressed that synergy between the AUTJP, the Maputo Protocol and the African Continental Free Trade Area is a promising avenue for enhancing women's socio-economic justice across the continent by addressing security threats faced by women and tackling inequality.<sup>24</sup>

However, the implementation of these frameworks faces challenges, conflicts and socio-cultural beliefs that undermine the formal policies. A comprehensive approach is needed to tackle these issues and ensure the implementation of these norms to advance socio-economic justice for women.

Ms Kasande proposed several recommendations, including a comprehensive approach to TJ as outlined in the AUTJP, recognising women's unpaid care work, and undertaking institutional reforms that prioritise equitable labour laws and provide for equal pay. She also proposed broadening the mandate of truth commissions to focus on violations of social and economic rights, and offering recommendations that transform the lives of women in transitioning societies.

She concluded that the AUTJP, along with the Maputo Protocol, offer a robust framework for advancing social justice for women, relying on the collaborative efforts of multiple stakeholders, including civil society, government, local communities and government authorities.

**Ms Kumba Gradi**, representing the Democratic Republic of Congo, focused on the interrelation between gender promotion and the prevailing TJ policy that was developed in her country. A specialised committee, overseen by a professor present in the Forum, was formulated to spearhead the TJ policy project by the Democratic Republic of Congo. This pivotal document, integrating reflections on gender, was presented to the government for implementation.

Ms Gradi said that the Democratic Republic of Congo has witnessed significant advancements and actions, despite not allowing open debates on the document. She said that President Felix Tshisekedi had proclaimed fundamental principles in December 2022 for protection and reparations for victims of sexual violence associated with armed conflicts and other violent incidents. Given the nation's history of severe human rights violations and armed conflicts, these principles are crucial for providing reparations and protection to the victims.

Ms Gradi acknowledged the women who have suffered from sexual violence and highlighted the establishment of frameworks and commissions for victim support, including the Fund for

the Reparation of Victims of Sexual Violence. She highlighted that victims play an integral role in managing the funds allocated for reparations, ensuring their active participation in the process.

*The Fund for the Reparation of Victims of Sexual Violence is managed by several people, but we also take into account the victims. The victims are involved in the management of the funds that are used to repair the sexual violence.*

– Ms Kumba Gradi

While acknowledging the progress, Ms Gradi emphasised the substantial work still required in the political and socio-economic domains. The commitment from the government and collaboration from various political actors, civil society and religious groups are essential for addressing TJ issues effectively.

In conclusion, she emphasised the importance of incorporating insights from direct victims.

**Ms Hannah Forster**, from Women Leaders Network for Development, stressed the importance of advancing women and addressing the exclusion of half of humanity (women) from institutions of power and governance. She highlighted the need for ongoing research to ensure people-centred, inclusive and equitable development, peace and security.

Ms Forster discussed the significance of women's meaningful economic participation as a key driver to achieving greater security and stability globally, especially in Africa. She noted that when women are economically secure, they contribute meaningfully towards fostering economic growth and societal stability. She also touched on gender inequality and its impact on economic structures, mentioning the wage gap and its effects on GDP.

*When women are economically secure, they invest in their families and communities, spurring economic growth and creating more stable societies.*

– Ms Hannah Forster

Ms Forster also discussed the social and cultural norms that shape women's economic opportunities, including the type and level of education they receive and the nature of jobs available to them. She mentioned that legal systems are sometimes designed with gender biases against women, affecting social and economic justice.

While acknowledging the existence of laws and policies at various levels, she pointed out the disparities in practice. This is exacerbated by the challenges and limitations that women face in the documentation of cases of violence against them, she said. Ms Forster also lamented the institutionalisation of violations against women and the absence of victim-centred justice systems and victim-protected mechanisms for victims.

She raised the question about what justice means for women survivors and how it can be transformed into sustainable peace. She mentioned the Sierra Leone and Rwandan TJ models as

positive examples and discussed the need to look at labour force participation, the presence of women in legislative bodies, the wage and earnings gap, access to services, education, health, assets, finance and political empowerment.

Ms Forster concluded by stating that despite the achievements in the past decades, poverty, inequality, injustice and discrimination remain high in Africa. She suggested the formation of a working group on women in TJ<sup>25</sup> to accompany the TJ Forum and emphasised that progress in reducing income and gender inequality could close the gap and advance women's economic empowerment in Africa.

**Ms Miriam Boulatra**, speaking on behalf of Mrs Leila Rhiwi of UN Women, Morocco, reminded the audience of the importance of Resolution 1325<sup>26</sup> and its role in inclusive transition, emphasising women's economic rights. She highlighted the progress made in TJ in Africa, noting the increased participation of women in resolving conflicts and their role in national reconciliation processes.

Ms Boulatra noted that since the adoption of Resolution 1325, the implementation of national action plans for women, peace and security has been a concrete means of strengthening countries' objectives on sustainable development. To date, 51% of UN member states have adopted national action plans, with Morocco being the third country in North Africa to do so. She emphasised that Africa represents 32% of the national action plans globally.

Ms Boulatra discussed the challenges faced by TJ, including climate change, mass migration, cyber terrorism and the resurgence of violent extremism. She also underlined the risks that women face during pandemics, equating them to those in war zones. She stressed the importance of gender equality and the integration of the whole society, especially women, in building prosperity and promoting peace.

She alluded to the African representative's proposal for African solutions for the next COP28 and emphasised the intrinsic link between climate change and women, peace and security, urging participants on the need to consider the effects of climate change on women and their potential as agents in the fight against it.

Ms Boulatra acknowledged the limits that exist for women, including access to agricultural resources, institutional biases and resistance to change, noting the ongoing discrimination, lack of economic resources and education for many women. However, she also highlighted promising innovations and technological advances that have strengthened the voice and economic position of women by facilitating access to training, jobs, entrepreneurship and education.

She concluded by expressing commitment to the promotion of women's rights and social and economic justice in Africa, stressing the importance of multilateralism, responsibility and multilateral collaboration to implement the agenda of peace and security. She focused on the need for financing to ensure progress and coordination among all parties, including national, government, religious and social agencies, for the effective implementation of national plans.

She ended by applauding the initiative of the AU in working on a continental monitoring framework since 2019 for the implementation of the Agenda for Women, Health and Security. By working together and investing in the protection of African women, Ms Boulatra believes a better future can be shaped for the continent.

A participant from Tanzania called attention to the importance of investing in women and the need for initiatives which address challenges faced by women (who are often the first victims of conflicts). She decried the stigma and societal blame placed on rape victims, urging recognition and support for these women rather than further victimisation.

A participant from the Democratic Republic of Congo commented on the long-standing armed conflicts in the Congo, noting that 70% of the 5 million people displaced by war are women and children. He emphasised the need for political will to implement TJ and highlighted the role of Dr Denis Mukwege's Panzi Foundation in providing medical and psychological care for victims of sexual violence in DRC. He noted that Dr Mukwege, who was awarded the Nobel Peace Prize for his efforts, exemplified the critical role of healthcare workers in addressing the aftermath of such violence.

Another participant went further, questioning the persistence of gender inequality and the marginalisation of women's issues in societal and political debates. She pointed out the cultural erasure of women's contributions and the ongoing struggle for recognition and equality. She also mentioned the dual forms of victimisation of women in Morocco, both by political regimes and domestic violence, calling for more inclusive approaches to TJ to address these problems.

Ms Margaret Ajok from Uganda recommended the improvement of trauma healing and socio-economic incentives for women affected by violence. She also advocated for the reform of traditional institutions to improve women's access to resources and inheritance rights. She also highlighted the importance of integrating various forms of justice to enhance socio-economic justice for women.



---

## 8 SESSION FIVE: Africa's journey on implementing transitional justice: Progress and challenges for member states, AU Organs and RECs/RMs

Moderated by **Dr John Ikubaje**

In his introduction of the Panel, the moderator, Dr Ikubaje, gave an overview of TJ in Africa, noting that from South Africa to Rwanda and Sierra Leone, TJ has played a significant role in addressing past injustices. He announced that the Ghanaian government, in collaboration with the African Union, is currently leading efforts to address the reparations competence of transitional authorities across the continent. As part of that initiative, Dr Ikubaje announced that Ghana will host the African Reparations Conference in Accra on 14–16 2023. He lauded this as a unique opportunity for stakeholders to engage in meaningful discussions.

Dr Ikubaje further noted that at the continental level, the African Union is spearheading the TJ agenda, having already formulated a continental policy (AUTJP), while the African Commission on Human and People's Rights has conducted extensive research on the relationship between human rights and TJ. Dr Ikubaje said that regional bodies, such as the Economic Community of West African States (ECOWAS) and the Intergovernmental Authority on Development (IGAD), are also actively involved in transitional justice efforts – currently working to create regional mechanisms on the subject, while individual member states have adopted various transitional approaches.

Dr Ikubaje called attention to the issue of inter-border conflicts, expressing concern that the AUTJP did not adequately address conflicts that spanned across countries. He cited the border tensions between Ethiopia and Sudan as a prime example, and advocated for a regional approach to TJ that can address the unique challenges posed by cross-border issues.

The first panelist, **Professor Khabele Matlosa**, delved into the African Union's TJ efforts so far and the challenges they face. He emphasised the continental nature of the AUTJP, stressing that its real impact should be felt at the member state level. Professor Matlosa urged participants to champion the AUTJP in their respective countries to ensure its effective implementation.

Focusing his presentation on Lesotho, Professor Matlosa highlighted the embedded culture of violence in the country, attributed directly and indirectly to five main factors: first, a history of

autocratic rule of civilian (1966–1985) and military (1986–1993) varieties; second, the politicisation of security and securitisation of politics since 1966 to date; third, the proliferation of small arms and ammunition; fourth, the prevalence of armed vigilante groups linked to political parties; and fifth, socio-economic challenges, exacerbated by the after-effects of COVID-19 and ongoing climate change, thus further fuelling the culture of violence.

Prof. Matlosa also touched on the drivers and triggers of violence, namely underdevelopment, poverty, hunger and corruption, as significant contributors. He highlighted corruption, in particular, as a major challenge. The list of conflict triggers included contestations over state power, leading to the formation of factions and famo musical gangs which are also linked to illegal mining in South Africa. He said that some of these gangs have now commercialised and armed themselves, resulting in conflicts and violence. In particular, Prof. Matlosa called attention to sexual and gender-based violence, which has become a pressing issue. Alarming statistics with respect to homicide rates highlight Lesotho's global ranking as number 1 in Africa and number 3 in the world. Lesotho ranks number 2 in the world in terms of incidents of rape, second only to Botswana.

In proposing solutions towards institutionalising TJ in Lesotho, Prof. Matlosa suggested the establishment of a National Human Rights Commission and National Peace and Reconciliation Commission as part of TJ processes. Additionally, he emphasised the need to set up parallel tribunals or courts to address human rights violations and a Reparations Authority to manage compensation for affected individuals and communities. Lastly, he called for the creation of a national victims centre within the TJ process, decentralised across the country's ten districts, to cater to the needs of victims and the public within TJ.

**Professor Ousmane Sidibe** was tasked to discuss the progress of TJ in Mali as well as challenges and strategies adopted to overcome them. He began by outlining the importance of two key institutions in Mali, the Truth, Justice and Reconciliation Commission and the International Commission of Inquiry for Mali. Both institutions play a pivotal role in supporting TJ efforts in the country. He also highlighted the important role of the Judiciary Council in ensuring that perpetrators of human rights violations are held accountable.

Prof. Sidibe provided an overview of the difficult work undertaken by the Truth, Justice and Reconciliation Commission, particularly in the context of the widespread presence of armed groups in the Sahel region. He also identified three primary laws that have been enacted as part of the TJ framework, with the aim of establishing accountability for drug-related offences, proposing reparations and making recommendations for future actions.

Prof. Sidibe went on to outline five key points that encapsulate Mali's policy approach, including the establishment of public hearings, which were broadcast nationally. These hearings covered various themes, including life-threatening acts, freedom-related violations and gender-based violence. Prof. Sidibe underscored the prevalence of enforced disappearances in Mali.

He also underscored the importance of reparations for victims, proudly sharing the fact that they had successfully advocated for the establishment of a reparations law, which has been accepted by government, to set up an authority for managing reparations as well as a reparations fund.

Despite these achievements, Prof. Sidibe acknowledged several challenges, among others, the ongoing conflict in Mali that poses a significant obstacle to TJ efforts. Additionally, he said the search for victims and the need for foreign support have also been challenging. He concluded by emphasising the importance of political will and availability of resources in advancing TJ in Mali.

**Mr Khalid Boudali**, representing the Economic, Social and Cultural Council (ECOSOC) North Africa, emphasised the role of advisory bodies in promoting justice and peace. These bodies serve as bridges between governments and civil societies, ensuring that diverse voices are integrated into TJ discussions. He highlighted the importance of dialogue, advocacy and inclusivity in Africa's pursuit of justice and sustainable peace.

Discussing the state of TJ in Africa, Mr Boudali remarked that while there has been notable progress, challenges persist. He cited the experiences of countries like Morocco, South Africa, Sierra Leone and Rwanda as examples of countries that have taken significant steps to address past atrocities, and countries like The Gambia and South Sudan that have also made efforts to address human rights issues.

Mr Boudali pointed out that the political landscapes often pose challenges to the implementation of TJ. He stressed that collaborative efforts among member states, AU Organs and regional economic communities are essential to navigate these challenges. Mr Boudali advocated for aligning objectives, resources and expertise to further the TJ agenda.

Mr Boudali delved into the specifics of TJ, emphasising the importance of legal frameworks and institutional mechanisms, as well as the need to include constitutional reforms, national legislation, truth and reconciliation processes, and victim participation. This, he said, underscored the need for accountability and reconciliation, emphasising the role of reparations in achieving justice.

Concluding his presentation, Mr Boudali announced the creation of a mechanism to facilitate collaboration between civil society members and various departments and committees of the ECOSOC at the national level. He encouraged participation and emphasised the importance of collective efforts in advancing the cause of justice and human rights in Africa.

The final panellist, **Dr Aleu Garang** from IGAD, outlined the efforts of Regional Economic Communities (RECs) in TJ, and expressed gratitude for the AUTJP, which he believes streamlines coordination with the African Union. He said that at IGAD, they have introduced a regional reconciliation framework that mirrors the principles of the AUTJP. The framework focuses on addressing past legacies, enhancing truth-telling and healing, promoting societal dialogue, and fostering tolerance and acceptance of diversity.

Dr Garang highlighted the unique challenges Africa faces due to its diverse borders which were not determined by Africans. He emphasised the need for countries to embrace diversity as a strength rather than a challenge.

Discussing specific TJ processes, Dr Garang mentioned Sudan, where various stakeholders have been engaged to tailor the TJ framework to the Sudanese context. He said it is important to understand that TJ is unique to each country, with its own needs and structures. He said the

Sudanese approach to TJ includes the involvement of the International Criminal Court, the establishment of a special court for Darfur, a Truth and Reconciliation Committee, a Land Commission and a Reparations Commission.

Regarding the Ethiopian conflict, Dr Garang noted that the agreement includes references to TJ mechanisms as essential components of peace-making. He emphasised the importance of ensuring that transitional justice is transparent, inclusive, gender-balanced, and contributes to socio-economic transformation.

In conclusion, Dr Garang highlighted several challenges, including overlapping memberships in various regional bodies, the perceived weakness of CSOs and the limited involvement of the private sector in TJ policies. He stressed the need for a holistic approach to TJ that involves RECs and all segments of society, including youth, women, academia and civil society.

Contributions from the participants began with encouraging the development of strategies to harness political will to address perpetrators in the TJ ecosystem. A participant from Togo emphasised the necessity for political will, noting that it must be evident not only in the decision to engage in TJ but also in implementing recommendations. She shared that in Togo, the implementation of recommendations has been financed by the state, underscoring the need for political commitment to ensure success.

Another participant raised concerns about the challenges in evaluating human rights standards and the importance of empowerment through training, education and psychological support for victims and their families, to facilitate their increased participation in judicial accountability processes. Participants also highlighted the need to align the processes with societal values and principles to achieve meaningful change.

The speakers responded by acknowledging the multifaceted nature of TJ in Africa, which involves various stakeholders and mechanisms. They emphasised the importance of political courage, inclusive dialogue and comprehensive strategies that involve legislation, structure, citizen involvement and victim-centred approaches. They highlighted the need for sustained political commitment in TJ processes, the role of national and regional policies, and the significance of facilitating dialogue among all stakeholders to ensure effective implementation of TJ.

---

## 9 SESSION SIX:

# Children and youth in transitional justice: Moving beyond their victimhood to active participation in transitional justice processes to guarantee non-recurrence

Moderated by Mr Usani Odum

This session, moderated by **Mr Usani Odum** from African Union Commission-Department of Political Affairs, Peace and Security (AUC-DPAPS), turned on the role of children and youth in TJ processes. **Mr Dounard Bondo** from Liberia focused on the involvement of the youth in fragile justice systems, drawing examples from Liberia and Sierra Leone.

Mr Bondo argued that, given the substantial youth population on the continent, any discourse on TJ must incorporate their experiences and viewpoints on issues of accountability, rehabilitation and integration, emphasising the necessity of youth voices to build trust in TJ mechanisms.

Mr Bondo noted the dual roles of youth in conflicts as victims and perpetrators. Accountability for former child soldiers within a culture of impunity was discussed, drawing from the speaker's journalistic research and experiences. In Liberia, the Palava Hut hearings, a community-led justice mechanism,<sup>27</sup> were cited as a way to resolve conflicts between victims and former child soldiers. Mr Bondo advocated for limited accountability, proposing amnesty for youths for violations committed before the age of 18 and for non-grave offences, and highlighted the role of community service as an alternative tool for accountability enforcement.

*You also see issues of being addicted to drugs. These youths that were already put on drugs during the war, outside the war, they stay on the street rather than go to the rehabilitation centres. Many of these youths in this space can't read or write. They basically had school years snatched away from them. They are not just needing reparations. They want to see this money put into giving them access to education, accelerated educational programmes.*

– Mr Dounard Bondo

Mr Bondo pressed on the need for effective rehabilitation and reintegration of youth, particularly former child soldiers, to prevent their involvement in conflicts and political power struggles post-war. The economic repercussions of conflicts on youth were also discussed, with emphasis on the necessity to provide jobs and skills to the youth to avoid their marginalisation and stigmatisation. Mr Bondo cited Liberia, where the lack of opportunities and support post-conflict led to the exploitation of youth as political thugs during elections.

As a consequence, he emphasised the importance of centring the voices of the youth in TJ, stating that they do not need others to speak for them; instead, they need a platform to express themselves. Youth involvement should start from the design phase of any TJ mechanism and their voices should not be an afterthought. There must be an investment in education and spaces created for TJ in universities.

However, all the efforts will be futile without political will, Mr Bondo concluded. He said that in Liberia, the lack of political will hindered the implementation of policies that are beneficial to the youth, emphasising the need for young people in government who can advocate for the youth.

**Ms Angeline Abuor**, from Youth Organisation for Research and Justice Advocacy (YORJA), Kenya, began by advocating for a shift from treating youth merely as victims to active participants, as a way to ensure their substantive contribution to TJ processes. She highlighted that conflicts disproportionately impact children, and often leave them neglected in TJ processes due to their age and social status. This neglect is detrimental to achieving lasting peace as it results in the silencing of children's voices. Despite the existence of several norms, policies and resolutions that emphasise youth inclusion and participation, Ms Abuor expressed concerns regarding their actual implementation. She illustrated this point with a case scenario from Kenya where the International Centre for Transitional Justice (ICTJ) played a pivotal role after the 2007 election violence in ensuring that children's voices were heard during the TJ process.

*After the 2007 election violence, ICTJ played a very key role in ensuring that children's voices were heard during the TJ process and ICTJ conducted hearings for children between the ages of 10 to 17 years, and throughout these hearings, they had to ensure that they were guided by the UN Convention on the Rights of the Child, which provided that the best interest of the child has to be priority.*

– Ms Angeline Abuor

Detailing the measures taken to create a child-friendly environment during the ICTJ children's hearings in Kenya, Ms Abuor mentioned the provision of psychological support and the flexibility for children to express their stories through various creative modes. However, she also acknowledged the challenges to children's inclusion in truth-seeking processes, particularly the reliability of children's testimonies, and suggested that this could be mitigated through specialised training on evidence collection from children.


Ms Abuor also recommended the introduction of an updated curriculum to include historical events and stressed the need for the formation of a TJ task force, the visualisation of TJ documents, and enhanced collaboration with organisations to foster a more inclusive and youth-centred approach in TJ.

Concluding her presentation, she emphasised the importance of listening to potential perpetrators to avert future conflicts and facilitate the younger generation's voices in the pursuit of lasting peace.

**Mr Oben Valery Bobuin**, Advocacy Specialist at the Centre for the Study of Violence and Reconciliation, began by outlining diverse conflict contexts and pressing issues affecting the continent as a whole. He intertwined legal theory within his presentation, aiming to outline a sustainable framework to facilitate meaningful youth participation in TJ across Africa.

His discourse began by highlighting the significant role of African youths, who constitute almost 70% of Africa's population, in international armed conflicts since 2019. He highlighted the prevalence of business-induced conflicts, separatist movements and extremist insurgencies in Africa and advocated for an expansion of the African TJ plan to address the surge in coup d'états on the continent.

Mr Bobuin then delved into how these contexts have the potential to radicalise youths, leading them to commit gross human rights violations.



*With youth constituting 70% of Africa's population, it goes without saying that any issue affecting youth is an issue affecting the entire continent. The barriers to meaningful participation exist despite the immense dominance of this fraction of the population, impeding their involvement in transitional justice.*

– Mr Oben Valery Bobuin

Mr Bobuin also explored the barriers to meaningful youth participation in transitional justice, citing a study in Mali in 2021 that showed that only slightly more than 30% of African youth were involved in TJ processes. He attributed this lack of participation to prevailing stereotypes surrounding youth and the reluctance of the political elites to involve them in TJ governance.

Mr Bobuin proposed several strategies to enhance meaningful youth participation, including creating spaces for youth to engage in political and policy dialogues, providing greater representation in decision-making structures, and offering social support to those traumatised by violence. He emphasised the need for inclusivity and accessibility of youth in both urban and rural areas and advocated for traditional justice mechanisms conscious of human rights, gender equality and youth empowerment.

Drawing upon constitutional law theory, Mr Bobuin examined how active youth participation can prevent conflicts and emphasised the importance of transformative TJ in achieving a peaceful and secure Africa by 2063. He encouraged the adoption of a mindset of transformative TJ activism to address the root causes of conflicts in Africa.

In his conclusion, Mr Bobuin related his discussion to the acceleration of the African Continental Free Trade Area, stating that addressing conflict within the framework of transformative TJ could facilitate socio-economic development and free movement of persons, goods and services within a peaceful and secure Africa.

**Mr Naji Moulay Lahsen**, from the Network of the Independent Commission for Human Rights in North Africa, covered four pivotal issues: the plight of youth and children in conflict zones of

northern Africa and the Sahara, the TJ processes enabling youth to overcome victimhood, the inherent challenges that TJ confronts in Africa, and the educative and sensitising role of civil society.

Mr Lahsen underscored the pronounced vulnerability of children and youth in areas of conflict and unrest, detailing their recruitment by non-state groups and their subsequent deprivation of essential rights and services, including education and healthcare. He acknowledged the commendable efforts of Tunisia and Morocco in incorporating youth in TJ initiatives and underscored the importance of truth-seeking mechanisms and reparations for affected youth.

Despite the existence of ratified international conventions and promising agendas like Agenda 2063, Mr Lahsen pointed out the glaring gap between policy and reality, stressing the need for actual implementation and visibility. He highlighted the significance of disarmament, demobilisation, and the integration of state and non-state armed groups and emphasised the crucial role of civil society and various African and international mechanisms in advocating for the rights of children and youth.

In conclusion, Mr Lahsen encouraged proactive engagement with available mechanisms and entities to further the cause of TJ and to address the root causes and repercussions of conflicts, focusing on the empowerment and protection of the younger generation.

**Mr Gentil Kasongo's** presentation discussed an Impunity Watch pilot project titled 'Research and Dialogue' conducted in collaboration with the Centre for the Study of Violence and Reconciliation. It was designed to leverage the insights of political experts to address the rights of youth and to understand their experiences and perspectives. The project was implemented in Mali, the Democratic Republic of Congo, Burundi and South Sudan, with initial focus on the Democratic Republic of Congo and Burundi.

It explored themes related to the participation of African youth, especially young women, in policy development and the principles of TJ. Mr Kasongo noted that despite the recognised importance of including young people in the implementation of the principles of TJ, the practical implications of such inclusion remained somewhat unclear. This ambiguity prompted several questions, which were posed to the youth involved in the research undertaken by Impunity Watch and the Centre for the Study of Violence and Reconciliation. These questions revolved around the inclusion of young people in political processes, the obstacles they faced in participating in such processes, and what a more adapted TJ process would look like for them.

According to Mr Kasongo, the research revealed a low level of youth participation in the formulation of TJ policies, leading to a sense of disillusionment among the youth regarding the symbolic nature of most political processes. He said that many young people were unaware of the concept of TJ and the political and judicial systems of the UN and the AU. The research emphasised the need to raise awareness about these concepts among the youth to facilitate their participation in the processes.

The results also highlighted obstacles to youth participation, such as the dominance of the elderly in political spaces. The importance of adapting processes to suit the youth and acknowledging their capacity and potential to contribute significantly was underscored. Mr Kasongo said that youth, often victims of violence or conflict, have the right to participate in and contribute meaningfully to various processes related to TJ.

In conclusion, Mr Kasongo placed emphasis on the importance of meaningful youth inclusion in processes, beyond symbolism, to uphold the rule of law, given that the youth are significant stakeholders in these processes.

The first question raised during the session concerned how amnesty processes affect the youth, and how best to include young people in traditional justice mechanisms. The speaker responded by explaining that in Liberia, amnesty was recommended for crimes committed by individuals under 18, recognising that children were often forced into criminal activities. For those above 18, amnesty was given for non-grave offences, while grave offences warranted prosecution. The speakers also emphasised that traditional justice mechanisms should involve direct engagement with the youth and find effective ways to include them.

Another participant highlighted the importance of youth participation in policy development, especially in legislative processes. She stressed the need for political participation and engagement at various levels, including government and political parties, and the role of civil society in amplifying youth voices. Examples from Rwanda, Ivory Coast and Morocco were cited to highlight positive efforts of young people's involvement in parliamentary roles and participatory democratic initiatives. The participants emphasised the need to train and build the capacity of young people, especially in the digital era, to enhance their participation in TJ.

In conclusion, the session highlighted the existing capacity among young people and the necessity of considering them as critical stakeholders in policy formulation and implementation.



---

## 10 SESSION SEVEN: The role of NHRIs in transitional justice

Moderated by **Ambassador Calixte Mbari**

The seventh session, moderated by Ambassador Calixte Mbari, delved into the significant role of National Human Rights Institutions (NHRIs) in the context of TJ.

**Ms Amina Lemrini** from CNDH, Morocco, raised the question of why education is an unrecognised potential for advancing TJ. She discussed the four conventional pillars of TJ (truth, justice, reparation and guarantees of non-repetition), highlighting the role of educational reforms for guarantees of non-repetition.

Ms Lemrini highlighted the dual nature of TJ, which is often perceived as primarily focused on the past, despite its promise of 'never again' motivating the implementation of TJ measures for the future. She cited a United Nations High Commission for Refugees report which mentions ongoing transitional justice measures and the potential of education to impact present and subsequent generations in respecting new laws and protection measures implemented during a country's transition.

Her presentation also touched on the importance of education as a means to sensitise the public about violent practices and various heritages and transitional systems, allowing the development of skills, attitudes and behaviours based on tolerance, respect, solidarity and democratic citizenship. Participation, she said, is a learning process and people require learning to participate effectively.

Ms Lemrini's presentation also explored various educational reforms in the context of TJ in different countries, including South Africa, Ivory Coast, Kenya and some Latin American countries. The focus was on both formal and informal education programmes and the use of transgenerational symbols of population and rights.

Ms Lemrini concluded with reflections on the role of the CNDH and its contributions to education and research programmes. The CNDH's commitments at both regional and international levels were highlighted, along with its contributions to the UN Declaration on Human Rights Education. She emphasised the importance of partnerships between institutions in promoting human rights and women's rights and stressed the need for effective

implementation to achieve real impact. The emphasis was on the process of critical awareness, not just at an individual level but collectively.

Finally, Ms Lemrini recommended a comprehensive review of the existing systems and to conduct further studies and research in TJ and education.

**Mr Emmanuel Joof**, Chairman of The Gambia National Human Rights Commission, discussed the pivotal role of National Human Rights Commissions (NHRCs) due to their extensive mandate in protecting and promoting human rights. He noted that in truth-seeking processes, NHRCs document human rights abuses and preserve historical records, which is crucial for understanding a country's history of human rights violations.

Mr Joof noted that while NHRCs do not prosecute, they play a significant role in advocating for accountability and justice, facilitating investigations and ensuring that perpetrators are held accountable through fair trials. They work to meet the material and psychosocial needs of victims, participating in designing and implementing reparations programmes, addressing compensation, restitution, rehabilitation and psychosocial support.

Mr Joof emphasised the important role of public awareness and education in The Gambia, which the NHRC conducts to ensure that the atrocities of the past are not forgotten or repeated. He stressed the importance of law reforms and the removal of individuals who violated human rights to prevent them from re-entering the system.

He reiterated the risks of allowing perpetrators to reintegrate into the system, emphasising the need for NHRCs to continuously monitor anti-democratic forces. The NHRC in The Gambia has been actively involved in raising awareness about past atrocities and monitoring the implementation of recommendations from the TRRC.

Mr Joof stressed the importance of the NHRC efforts to encourage political will in The Gambia and continuously remind the state of its obligations to respect, protect and promote fundamental rights. He pointed out that the NHRC has established a multi-stakeholder group to monitor the implementation of various recommendations and to assist different sectors in overcoming challenges in implementing the TRRC recommendations.

**Mr Aguibou Bouare** from the National Human Rights Commission of Mali underscored the crucial role of human rights commissions in upholding national justice, noting the perpetual quest for justice in a world marred by conflicts and wars.

Mr Bouare discussed the operational guidelines and the foundational principles of Mali's Human Rights Commission, which are in line with the Paris principle adopted in 1993.

He pointed out that there are many similarities between Mali's National Human Rights Commission and international standards. The Human Rights Commission in Mali has four primary mandates: the promotion of human rights, protection of human rights, prevention of torture and non-recurrence.

Mr Bouare outlined four main points in the work of CNDH in relation to the pillars of transitional justice. He said the Commission has the mandate to receive both individual and collective complaints to uncover the truths about human rights violations. The Commission also ensures the right to justice through legal or judicial assistance by offering legal guidance and sometimes even providing a lawyer to victims for a better defence. Mr Bouare noted the crucial role that the Commission plays in monitoring cases and participating in various commissions, from identifying who victims are to determining their reparations. Finally, he also pointed out that the Commission has a role in ensuring guarantees of non-repetition of serious violations.

Mr Bouare also highlighted the Commission's involvement in the Permanent Legislative Commission, which reviews legislative texts before they are promulgated into law. CNDH's expertise is often sought on TJ and human rights matters in that regard, he said.

In conclusion, he raised concerns about the fight against impunity through transitional justice, particularly the practice of amnesty laws which, in his view, might perpetuate impunity. He also pointed out that despite the call for inclusivity, some community representatives prioritise their interests over their community's, thus complicating the TJ process.

Participants raised a question about information dissemination in TJ and the coordination of media actions, highlighting the need for media involvement in advancing TJ initiatives.

A participant from the Nigerian National Human Rights Commission iterated the importance of respect for dignity and human rights in preventing conflicts. He emphasised the role of NHRIs in promoting implementation of TJ through human rights monitoring and evaluation.

Another participant, from Zambia, raised concerns about ways of curbing the influence of the executive on national human rights institutions and asked for best practices to ensure their independence. Some suggested practices included the importance of the selection process for commissioners and legal safeguards in legislations to protect their independence, as well as the role of bodies like the Global Alliance of National Human Rights Institutions in grading and ensuring these institutions maintain their credibility.

The session concluded with a discussion on the need for democratisation and human rights and the importance of education in fostering a culture of human rights. The participants emphasised the collective responsibility of public authorities and civil society in promoting human rights and TJ.

---

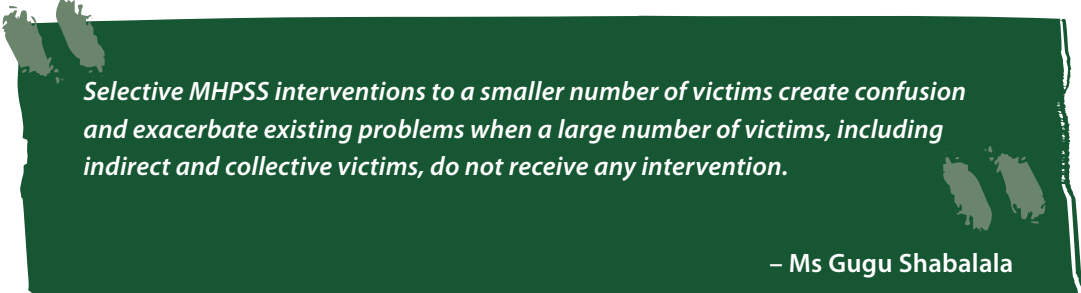
## 11 SESSION EIGHT:

# Integrating mental health and psychosocial support in transitional justice and post-conflict recovery processes

Moderated by Ms Annah Moyo

**Ms Gugu Shabalala**, the MHPSS Programme Manager from the Centre for the Study of Violence and Reconciliation, provided observations about the prevailing conditions of MHPSS in TJ processes, from a mental health practitioner's perspective. Ms Shabalala, a mental health practitioner herself, discussed the progress made in the last 30 years in implementing transitional justice processes, with a goal to achieve sustainable peace. However, she also pointed out the recurring conflicts and the rising challenges of gender-based violence in supposedly peaceful countries, using South Africa as a prime example. She described how the once-celebrated 'rainbow nation' of South Africa is showing cracks, indicating unaddressed traumas and unresolved issues.

She emphasised the importance of addressing trauma at a national level, criticising the approach of selecting a small number of victims for intervention while leaving the majority unattended.



*Selective MHPSS interventions to a smaller number of victims create confusion and exacerbate existing problems when a large number of victims, including indirect and collective victims, do not receive any intervention.*

– Ms Gugu Shabalala

She noted the short-term nature of MHPSS interventions in many TJ processes and the need for long-term investments in healing societies that have suffered years of atrocities.<sup>28</sup> Ms Shabalala further stressed the importance of addressing structural and systemic issues, stating that

counselling alone does not address the issues of victims as it cannot eradicate poverty or resolve deep-rooted societal inequalities. She disapproved of interventions that place the onus on the victims to heal within a set timeframe, leading to victim-blaming and a lack of genuine healing.

She advocated for a more holistic approach to healing, allowing victims to lead their healing processes and define what healing means to them. Ms Shabalala emphasised the need for multi-layered, long-term interventions that address all dimensions of psychosocial needs, including spiritual, physical, financial and social aspects.

She pointed out the importance of rebuilding communities and fostering trust among individuals, especially in post-conflict societies. Ms Shabalala argued for locally driven and sustained processes, with international support focusing on providing technical expertise rather than leading the healing processes.

She highlighted the need for dynamic responses and the importance of empowering individuals to engage in socio-economic activities and peace-building initiatives. Ms Shabalala concluded by stressing the importance of sending out healthy, coping individuals to partake in societal rebuilding and peace initiatives.

**Ms Mariama Jobarteh**, the Chief Executive Officer of Fantanka, discussed lessons learned from the Gambian TJ process in relation to MHPSS. She underlined the profound impact of trauma and the challenges associated with addressing it, using the metaphor of a broken cup to illustrate the fragmentation experienced by individuals who have endured traumatic events.

Ms Jobarteh pointed out that the process of transitional justice has the potential to re-traumatise individuals by exposing them to their past and requiring them to recount their experiences. She stressed the need to consider the diverse ways in which different groups, such as men, women and children, experience trauma and face unique challenges.

*Societal expectations are placed on women and children to remain silent about their experiences, which often leads to their exclusion from conversations and a lack of proper information on their experiences and the trauma that they would have experienced.*

– Ms Mariama Jobarteh

Ms Jobarteh shared insights from the Gambian context, where efforts have been made to understand and integrate MHPSS within the transitional justice process. However, she highlighted several challenges, including the late initiation of the Victim Support Unit, limited funding, and a lack of comprehensive support and trauma-informed approaches in all stages of the process. She mentioned that the MHPSS initiative by the TRRC in The Gambia was bolstered by various civil society organisations that provided lay counselling, group support and safe spaces, and emphasised the importance of community-based support.

Ms Jobarteh also underscored the limited inclusion of children in the Gambian process and the risks associated with neglecting the trauma experienced by children. Ms Jobarteh advocated for a proper assessment of a country's MHPSS needs before initiating TJ processes and emphasised the importance of building MHPSS capacity and integrating it into every unit of truth commissions and other TJ mechanisms. She concluded by stressing the need for contextualised support as well as allowing victims to express their needs and preferences, rather than imposing international perspectives.

The presentations by both panelists reflected a deep understanding of the complexities of trauma and the multifaceted approaches required to address it within transitional justice processes, with a focus on inclusivity and sensitivity to the diverse needs of affected individuals.

The first question from participants centred on the meeting point between psychosocial support and religious intervention, considering the prevalence of trauma in Africa and the importance of religious values. The speakers emphasised the importance of integrating MHPSS into all aspects of development programmes beyond TJ, and factoring in personal beliefs and values such as religious beliefs when designing MHPSS. They highlighted the importance of giving people the opportunity to choose their own solutions for healing, although acknowledging that some may not know what solutions would work for them.

A Moroccan participant discussed their country's experience with providing psychological support for victims within the TJ process, noting that victims' rights have been integrated into the national medical system, allowing victims to access the same medical services available to civil servants. He also highlighted the success of public hearings that were broadcast on television, which included psychological support for the witnesses who shared their testimonies.

The lingering long-term trauma impact of the 1967–1970 Nigerian civil war<sup>29</sup> on current generations was highlighted by a participant from Nigeria, stressing the need for collective healing and reconciliation. He pointed out that politicians often weaponise these historical traumas to gain support, and urged for steps to achieve genuine reconciliation and healing through TJ.

The session concluded with a call for continued engagement on the role of MHPSS in TJ, emphasising the importance of collective efforts to address trauma at various levels.

---

## 12 SESSION NINE:

# Diversity, equity and inclusivity in transitional justice: Shaping new discourses, lenses and approaches to transitional justice

Moderated by Prof. Eugene Bakama Bope

In her presentation, **Ms Fatou Baldeh**, the Founder of the Gambian civil society organisation WiLL, emphasised the importance of adopting a more inclusive, diversified and equitable approach to justice, particularly in the context of TJ processes. She acknowledged that achieving justice requires addressing deep-seated historical and structural inequalities that affect people, and this cannot happen if everyone does not start on an equal footing.

Ms Baldeh shared practical examples from The Gambia's TRRC. She highlighted that The Gambia's TRRC took an inclusive approach from the onset. Even before the commissioners were appointed, the process involved national consultations and dialogues across the country to understand people's expectations. It was clear that the people wanted the Commission to be led by Gambians. Consequently, all the commissioners were Gambians, and the composition was diverse, including women, youth, religious leaders and representatives from rural communities. The hearings were broadcast on television and radio to ensure broad participation and transparency.

However, Ms Baldeh also noted that despite these efforts, many victims were still unable to participate in the process. This raised questions about how to make inclusion more intentional and equitable. It was observed that traditional gender norms often silenced women in community discussions, so organisations like WiLL took the lead in creating safe spaces and separate dialogues for women, ensuring that their voices were heard.<sup>30</sup>

Ms Baldeh stressed that success should be measured from the perspective of the victims themselves. Policymakers must reflect on the methods that lead to meaningful engagement and localised TJ processes, as proposed by the AUTJP. Given the patriarchal nature of many African societies, Ms Baldeh advocated for the adoption of deliberate efforts to overcome the barriers preventing women from participating in such structures.

*Inclusion should be more than ticking boxes. It should be more than the normal. How do we measure success? I hear a lot of people talking about the TRRC process in The Gambia. Yes, we have registered a lot of good points. However, when we measure success, in whose eyes? When you speak to victims, what was the successful side of the process to them?*

– Ms Fatou Baldeh

Safety concerns, including stigma and potential backlash, must also be addressed when involving victims in these processes. Ms Baldeh mentioned the introduction of MHPSS in The Gambia, where civil society organisations provided community-based support to victims.

In conclusion, Ms Baldeh's presentation underscored the importance of intentional inclusion, equity and safety measures in TJ processes, particularly in societies marked by historical injustices and gender disparities. She called for a re-evaluation of success metrics and a commitment to ensuring that all voices, especially those of victims, are heard and protected.

In her presentation, **Ms Agatha Ndonga** from the International Centre for Transitional Justice (ICTJ), also buttressed the significance of diversity, equity and inclusion in the context of TJ, noting that these principles contribute to the ownership, credibility, effectiveness and sustainability of such processes.

Ms Ndonga discussed Kenya's TJ process, which stemmed from the country's 2007–2008 post-election violence.<sup>31</sup> She talked about the significant displacement and loss of life that occurred, leading to a mediation process that sought to address long-term issues such as constitutional and institutional reforms, land reforms, youth unemployment and national cohesion.

Ms Ndonga observed that the Transitional Justice and Reconciliation Commission (TJRC), established in 2009 to inquire into human rights violations and historical injustices in Kenya from 1963 to 2008, had diverse representation, including women, and conducted special hearings for marginalised groups. However, she pointed out the challenges, such as the lack of male victims coming forward to report sexual and gender-based violence, highlighting the prevalence and deliberate nature of sexual violence against men during the post-election violence.

Ms Ndonga discussed lessons learned, including the importance of accessibility, representation, participation and intersectionality in the TJ process. She also mentioned the challenges, such as political will, resource constraints and the marginalisation of children and youth, but also recognised new approaches, like the use of art and youth movements as ways to address generational trauma and foster reconciliation.

Ms Ndonga said that in response to the post-election violence, Kenyan youth have embraced innovative approaches to promote healing and reconciliation. They turned to various forms of art, including theatre, music, the spoken word and visual arts, as platforms to express their experiences and emotions related to the violence.

Additionally, youth took the lead in organising community dialogues that address ethnic divisions and encourage intergenerational conversations, challenging stereotypes and promoting understanding.<sup>32</sup> Ms Ndonga said that youth-led networks and movements like the Social Justice Network focused on improving relations between young people and the police,

advocating for change and reform. Furthermore, faith-based and community organisations have been instrumental in providing psychosocial support to individuals affected by trauma, with the youth actively participating in these initiatives, contributing to their communities' well-being and reconciliation efforts.

**Ms Mariam Ciesay** presented her insights as the Programme Coordinator for the Women's Association for Women's Empowerment. She highlighted the importance of everyone's role in the TJ process, describing it as a lifelong journey.

Ms Ciesay delved into the significance of the truth-telling process as the initial step in the TJ process. She underscored the necessity for widespread participation, despite the reluctance of some due to the perceived inadequacies of protection measures and fear of stigma.

Ms Ciesay focused on the participation of victims in the Gambian TJ process, especially in the TRRC following its final report. She discussed the TRRC's final recommendations and the government's White Paper, which constituted the government's position regarding the recommendations. Ms Ciesay stressed the importance of including victims in every stage of decision-making in TJ processes, from reparations to reconciliation, accountability and justice, to ensure that their voices are heard and their needs addressed.

In a case scenario involving a community in The Gambia forced into exile for 13 years,<sup>33</sup> Ms Ciesay highlighted the community's lack of access to essential services and the discrimination they faced. Through interventions and support from her organisation and other stakeholders, the community has experienced improvements in access to education, healthcare and other social amenities.

Ms Ciesay emphasised the broad scope of diversity, inclusivity and equity, and the need to consider these from various perspectives. She mentioned the existence of numerous policies but pointed out the gaps in their implementation, urging for actions that reflect the policies and for the inclusion of victims in the decision-making process to ensure non-recurrence of violations.

*For 13 years, the community had no access to education, no access to healthcare, no access to any social amenities because they were practising a different form of Islam. Africa is a religious continent, so if we don't see practice of religion the same way, or we are not from the same religion or the same culture, we kind of discriminate. And it comes back to those in power, to measures to support all members of society.*

– Ms Mariam Ciesay

Ms Ciesay cited the fact that many National Assembly members were unaware of the contents of the TRRC recommendations and the government White Papers, emphasising the need for awareness among those in public offices in order to make the right decisions.

In conclusion, Ms Ciesay reiterated the critical need for diversity, equity and inclusivity in TJ, and stressed the importance of active participation of youth and the public in the implementation of truth commission recommendations.

**Dr Siphosami Malunga**, the Director of Programs from Open Society Foundation – Africa Office, began his presentation with references to the keynote address by Mr Kagoro, with the intention of raising some provocative thoughts in a similar vein. Dr Malunga challenged the prevailing narratives and the common assertions about democratic regression and the shrinking of civic spaces in Africa, posing a critical question to the audience about the actual instances in history when Africa could be considered to have been truly democratic. Reflecting on the legacies of colonisation, he asserted that the continent inherited exploitation, oppression and racism rather than democratic values from its colonisers. He expressed concern over the perpetuation of these inherited oppressive structures by post-colonial leaders, who, instead of dismantling them, seem to have adapted and incorporated elements such as nepotism and tribalism into their governance.

Dr Malunga emphasised that post-colonial leaders, instead of establishing democracy, perpetuated these oppressive structures, questioning the authenticity of the democratic processes in place, where elections were held but were seemingly unwinnable by anyone other than the incumbent leaders. He challenged the notion of Africa ever having an open civic space and highlighted the lack of justice post-independence, leading to the current demands for justice.

He cautioned that there should be an honest assessment about the real state of the continent, pointing out the ongoing crises in various regions. Dr Malunga critiqued the use of TJ as a means to force peace rather than to genuinely transform societies. He lamented that TJ is often pursued within a climate where structures of violence remain intact. True transformation requires a reconfiguration of power within African societies, he noted.

Dr Malunga pointed out that power is concentrated among a few who control resources and exploit the majority. In conclusion, he urged a re-evaluation of transitional justice, questioning whose justice is being served, especially considering the disparities in class and wealth. He noted that the answers to these issues are already present in the AUTJP. It is therefore imperative that stakeholders apply them, and he emphasised the need to go beyond seeking minimum success.

A participant from Nigeria questioned whether African governance spaces have ever been democratic, prompting reflections on post-colonial critiques and the need for Africans to define ourselves beyond the colonial heritage. He said that this involved digging deeper into our traditions rather than just following colonial legacies.

*Instead of constantly referencing European models like the Nuremberg and Tokyo trials, we should focus on traditional approaches and include the voices of victims. By codifying these Afrocentric methods, we can present them as models of transitional justice rather than copying Western practices.*

– Dr Sipho Malunga

Another participant addressed the use of communications in transitional justice mechanisms to address the need to include everyone and guarantee varied interests.

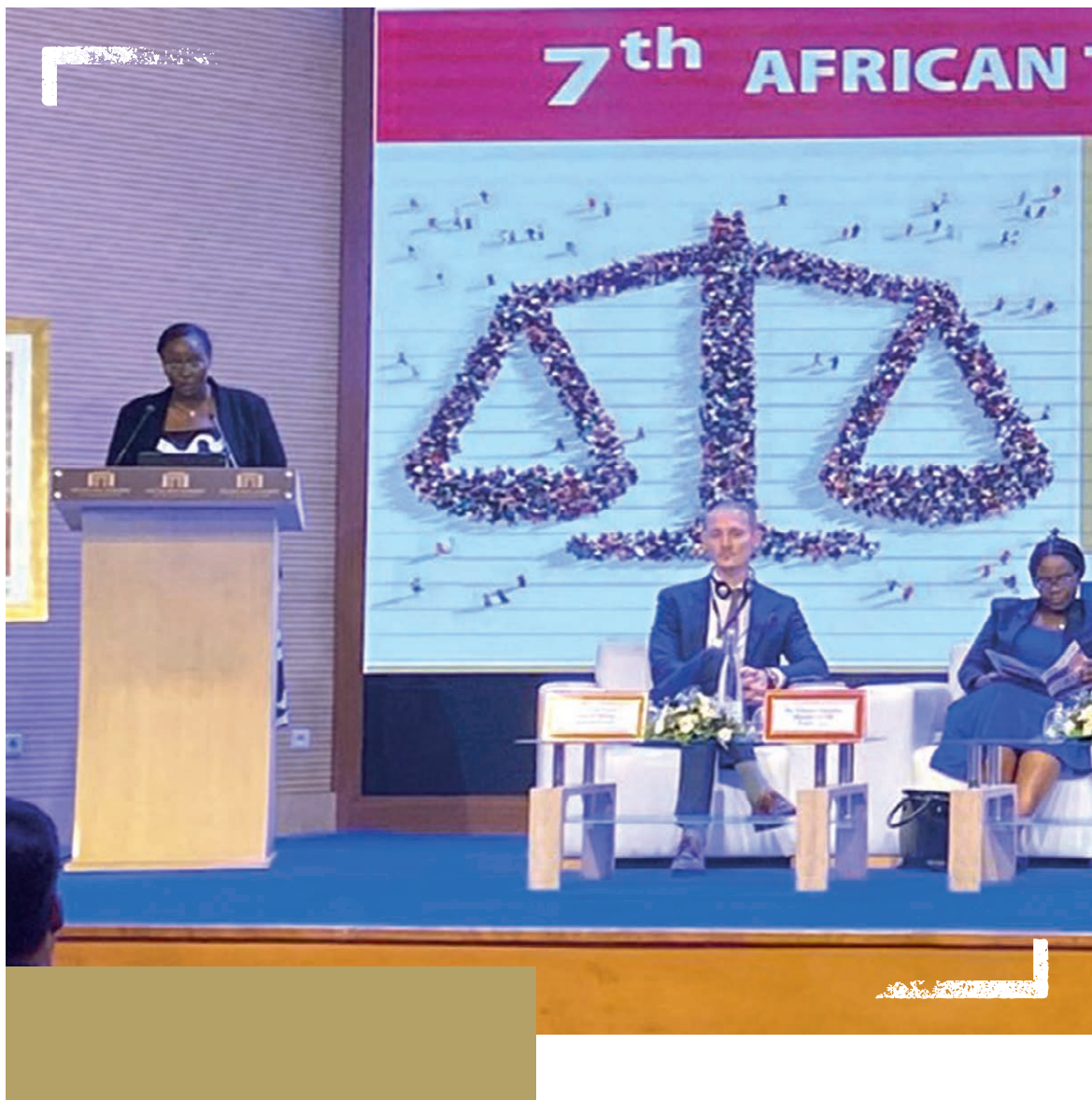
Another participant raised the question of reaching perpetrators, noting that many conflicts stem from decisions made far from Africa, such as the bombing of Libya, with impunity. He argued for the need to raise the discourse on the unequal state of the world, noting that African

leaders are part of the problem but are not the only ones responsible. Addressing the root causes involves acknowledging external influences and focusing on holistic solutions, he said.

The next participant agreed on the importance of decolonial agendas, arguing that African solutions should be rooted in our history and culture. She emphasised that feminism and women leadership are not solely Western concepts, pointing to historical African leaders like Cleopatra and Queen Nzinga as examples. She stressed the need to embrace our heritage and adapt useful aspects of Western concepts while developing our own justice systems.

A participant from Kenya shared the experience with the TJRC, highlighting the challenges of misinformation and the importance of accurate communication with victims and survivors. She mentioned the role of the international community in maintaining access to vital information and supporting the TJ process.

The discussion concluded with a call from the participants to revisit the AUTJP and take responsibility for addressing injustices within African contexts. The centrality of recognising the impact of local actions and the need to acknowledge both external and internal factors in achieving justice were highlighted in concluding the session.



---

## 13 Forum declaration

The session ended with a reading of the final declaration of the Forum, outlining key points such as the importance of gender equality, MHPSS and socio-economic justice in transitional justice. The Declaration reiterated the call for a victim-centred approach and the integration of transitional justice principles into national legislation to ensure durable solutions. The Forum also recognised the central role of reparatory and restorative justice in addressing historical injustices and emphasised the need for sustained efforts to implement the AUTJP across Africa.

### THE RABAT DECLARATION

#### 7th AFRICAN TRANSITIONAL JUSTICE FORUM

#### INCLUSIVE AND PARTICIPATORY GOVERNANCE, GENDER EQUALITY AND SOCIO-ECONOMIC JUSTICE IN AFRICA

#### RABAT, MOROCCO

- The African Union, in collaboration with the Centre for the Study of Violence and Reconciliation (CSVr) and the National Council for Human Rights (CNDH-Morocco), organised the seventh edition of the African Forum on Transitional Justice from 12 to 14 September 2023 in Rabat, Kingdom of Morocco, in collaboration with their partners, notably Impunity Watch, ECES and ICTJ.
- All the participants would like to express their infinite gratitude to the Moroccan authorities for having agreed to host this Forum.
- The participants would like to express their sincere condolences and infinite sympathy to His Majesty King Mohammed VI, and to the government and people of Morocco, following the tragic earthquake in the city of Marrakech and the surrounding area.
- The participants recognise the interconnection between transitional justice, gender equality and socio-economic justice in Africa, and stress that this interconnection requires, for

- ongoing and future transitional justice experiences, the adoption of concerted, inclusive and transformative approaches that promote the fight against impunity for the most serious crimes, gender equality and the effective participation of women and young people.
- They stress the centrality of gender as a cross-cutting issue in transitional justice processes; emphasise the need for in-depth reflection on issues relating to toxic masculinities; and reiterate the importance of sharing best practice, with a view to advancing gender equality in general and in national transitional justice contexts and processes.
  - They note that, although transitional justice has focused primarily on serious human rights violations, it is equally essential to pay attention to issues relating to socio-economic injustices, which are often the root causes of conflict. In this respect, they recall that a more sustained treatment of these issues in transitional justice processes will constitute a way of transforming socio-economic structures and consequently a way of preventing the recurrence of violations and a means of guaranteeing the sustainability of solutions.
  - In any event, the participants recognise the need to consider transitional justice from now on using a global and holistic approach that considers the challenges of democracy, development and human security.
  - The participants note the opportunities offered by the African Continental Free Trade Agreement (AfCFTA) to support transitional justice processes and the reduction of social inequalities. In this respect, they stress the need to pay particular attention to economic and social rights in current and future transitional justice experiments.
  - The participants reiterate that transitional justice processes must be victim-centred, giving priority to reparations, including mental health and psychosocial support.
  - They urge the AU and the CSVR, while thanking the Moroccan CNDH for its hospitality and welcome, to continue organising this annual platform, which provides an ideal opportunity for states involved in the transitional justice process to share experiences to strengthen inclusive and participatory governance, gender equality and socio-economic justice in Africa.
  - Finally, they urge all states to continue the work of consolidating peace and promoting democracy and the rule of law.

*Rabat, 14 September 2023*

---

## 14 Official closing ceremony

**Ms Sarah Kasande**, on behalf of the International Centre for Transitional Justice and the Initiative for Transitional Justice in Africa Consortium, expressed profound gratitude to the African Union Commission, the Kingdom of Morocco, the Moroccan National Human Rights Council, and the Centre for the Study of Violence and Reconciliation for organising the seventh edition of the African Transitional Justice Forum.

Ms Kasande recognised the Forum as a pivotal platform for enabling multi-stakeholder discussions, reflections and exchange of ideas on the essential role of TJ. She highlighted its instrumental role in envisioning a future for Africa marked by inclusive governance, gender equality and socio-economic justice. She reiterated appreciation to the Kingdom of Morocco for its exemplary hospitality and extended sympathy and solidarity in the wake of the tragic earthquake.

Ms Kasande reflected on the rich and extensive discussions over the three days on a variety of continental issues, praising the continent-wide collaboration for its role in shaping the evolution of TJ in Africa.

Ms Kasande underscored the robust framework provided by the AUTJP, ensuring that transitional justice initiatives are attuned to the African context and history. She highlighted the need to address the legacy of conflicts and past abuses in Africa from a comprehensive perspective that includes global, regional and local dimensions; to address the stark socio-economic inequalities as a foundation to building a just and equitable Africa; and to tackle the role of the private sector and foreign multinational corporations in continuing conflict and corrupt governance on the continent. Kasande made a call to the African Union Commission and all member states to intensify efforts to secure the ratification of the Malabo Protocol, emphasising its significance as it expands the jurisdiction of the African Court of Justice and Human Rights to include accountability for crimes committed by corporate actors.

**Mr David Taylor**, Head of Mission at Impunity Watch, conveyed his heartfelt thanks to all the stakeholders, recognising the success of the Forum as a result of the collective effort of communities, transitional justice experts, academia, think tanks and civil society. He described the discussions over the three days of the Forum as insightful and encouraged everyone to apply the knowledge gained to address challenges using transitional justice as a tool for transformation.

**Ms Annah Moyo**, the Executive Director of the Centre for the Study of Violence and Reconciliation, conveyed heartfelt gratitude to the African Union Commission, the Department of Political Affairs, Peace and Security, CNDH Morocco, and the Kingdom of Morocco for their collaborative efforts in co-hosting the successful 7th Edition of the African Transitional Justice Forum.

Ms Moyo noted that the objectives set for the Forum were met, and the Forum served as a platform for provoking thought, mobilising collective action and emphasising the importance of collective efforts in addressing continental challenges.

She extended her gratitude to those who worked behind the scenes, including interpreters, logistical and technical teams, the panelists and coordinators who shared their expertise and experiences to ensure a continent-wide dialogue that transcended language barriers. Ms Moyo also acknowledged the significant role played by the European Union, Impunity Watch, the Netherlands Ministry of Foreign Affairs, ECES and the Italian Ministry of Foreign Affairs and other funders in making the event possible.

**Ms Patience Chiradza**, the Director of Governance and Conflict Prevention at the African Union Commission's Department of Political Affairs, Peace and Security, expressed gratitude on behalf of the Commission and the Department to all participants of the African Transitional Justice Forum.

Ms Chiradza highlighted that the past three days had been both enlightening and rewarding, delivering thought-provoking and passionate presentations, which fostered constructive engagement and discussions.

Ms Chiradza commended the active involvement and insightful proposals from all the participants, which significantly enriched the discussions. She reflected on the shared responsibility for the peace and stability of the continent and stressed the need for the pursuit of the noble goals of Agenda 2063: The Africa We Want as a collective endeavour. She noted that the contributions made during the Forum were invaluable and would guide the African Union's engagement with policymakers, member states and development partners in the future.

**Ms Amina Bouayach**, Chairperson, CNDH Morocco, on behalf of the people of the region, extended heartfelt appreciation for the unwavering support and solidarity received from the Forum participants. She highlighted the unity evident in shared history and the strength of collective struggles. She expressed her profound gratitude, noting that the discussions over the three days underscored the significance of the Forum and its immense value in improving TJ interventions and practice on the continent.

She noted that the commitment to transitional justice and peace is unwavering. While acknowledging the challenges, she also expressed resoluteness in pursuing a just and inclusive path for the African continent.

She emphasised the political and social dynamics taking place in the continent, with a shared vision to transition from societies marred by conflict to societies rooted in truth, justice and reconciliation. She noted that this journey is complex but expressed optimism that with collective awareness, communication and dedication, the goals can be achieved.

In conclusion, she expressed hope that the Forum will continue to serve as a veritable platform for knowledge and experience-sharing, networking, dialogue and cooperation on TJ in Africa. The TJ Forum, she observed, has huge potential to shape Africa's future, ensuring justice, equity and sustainability.

---

## 15 Recommendations from the panel discussions

### 15.1 Recommendations for the African Union (AU)

1. Promote and provide support to member states to implement the AUTJP.
2. Prioritise socio-economic justice, governance and trade in the context of the African Continental Free Trade Area.
3. Promote the AUTJP as a guiding framework for transitional justice initiatives across the continent.
4. Recognise the shared responsibility for ensuring the peace and stability of the continent in line with Agenda 2063.
5. Establish and strengthen monitoring and early warning systems to detect and respond to potential cross-border conflicts proactively.
6. Collaborate regionally to address the interconnected nature of many African conflicts and find joint solutions.
7. Prioritise gender equality in envisioning a future for Africa, addressing gender-based violence, discrimination and other gender-specific challenges for comprehensive TJ processes.
8. Address and mitigate the challenges posed by multinational corporations through robust policy frameworks.

### 15.2 Recommendations for states and governments

9. Ensure that national policies align with the AUTJP in addressing issues of justice, reconciliation and healing.
10. Actively involve victims in TJ processes; this entails including victims in every stage of decision-making during the process.
11. Establish mechanisms to address historical injustices and ensure reparations for victims.
12. Ensure that transitional justice processes comprehensively address socio-economic injustices, with a focus on the role of the private sector.
13. Develop mechanisms for addressing cross-border conflicts, especially those with historical roots.

14. Support and collaborate with women-led organisations, such as the Women's Association for Women's Empowerment, acknowledging their instrumental role in raising awareness, advocating for women's rights and providing necessary support in transitional justice processes.
15. Prioritise the implementation of TJ recommendations.
16. Recognise and emphasise the pivotal role of women in transitional justice processes, ensuring their active involvement at all stages, from truth-telling to decision-making.
17. Actively involve youth in the implementation of TJ.
18. Address the legacy of conflict and past abuses from a comprehensive perspective that includes global, regional and local dimensions.
19. Intensify efforts to secure the ratification of the Malabo Protocol by all African states.
20. Address socio-economic inequalities as a foundation for building a just and equitable Africa.
21. Address the unique challenges faced by women in post-conflict scenarios, including stigmas, lack of access to essential services, and discrimination, through targeted interventions and support mechanisms.
22. Tackle the role of the private sector and foreign multinational corporations in continuing conflict and corrupt governance.
23. Ensure accessibility, representation, participation and intersectionality in transitional justice processes.
24. Embrace innovative approaches to encourage youth participation in TJ.
25. Make public officials aware of the TJ process and their recommendations for better decision-making.
26. Strengthen border security measures to prevent the movement of armed groups and the illegal flow of weapons across borders.
27. Engage local communities living along border areas in peace-building efforts, recognising their valuable insights into potential solutions.

### **15.3 Recommendations for civil society organisations (CSOs)**

28. Engage in advocacy to ensure that transitional justice mechanisms are inclusive, especially for marginalised groups, including women and children.
29. Advocate for the incorporation of economic crimes within transitional justice mechanisms, holding corporations and businesses accountable for profiting from conflicts.
30. Collaborate with stakeholders, including state actors and the AU, to address issues of justice, reconciliation and healing.
31. Advocate for the implementation of the AfCFTA to advance socio-economic justice and governance.
32. Make an honest assessment of the continent's history and the legacies of colonisation to address structural issues.
33. Re-evaluate transitional justice, questioning whose justice is being served, especially considering disparities in class and wealth.

---

## 16 Endnotes

- 1 Meredith, M. (2014). *The Fortunes of Africa: A 5000-Year History of Wealth, Greed, and Endeavor*. London: Simon & Schuster. (Chapter 2).
- 2 Meredith, M. (2005). *The State of Africa: A History of the Continent Since Independence*. London: Free Press.
- 3 Nkurumah, K. (1963). *Africa Must Unite*. New York: Frederick A. Praeger.
- 4 Nyerere, J. (1967). *Education for Self-Reliance*. Government Printer.
- 5 Piketty, T. (2014). *Capital in the Twenty-First Century*. Harvard University Press.
- 6 Stiglitz, J.E. (2002). *Globalization and Its Discontents*. W.W. Norton & Company.
  
- 7 African Union. (n.d.). Agenda 2063: The Africa We Want. African Union, [https://au.int/Agenda2063/popular\\_version](https://au.int/Agenda2063/popular_version)
- 8 See [https://au.int/sites/default/files/documents/36541-doc-au\\_tj\\_policy\\_eng\\_web.pdf](https://au.int/sites/default/files/documents/36541-doc-au_tj_policy_eng_web.pdf)
- 9 The Truth, Reconciliation and Reparations Act 2017, <https://www.moj.gm/downloads>
- 10 The 16-volume TRRC report can be found on the Ministry of Justice website, <https://www.moj.gm/downloads>
- 11 <https://www.moj.gm/news/e8263cf3-b36b-11ed-8b02-025103a708b7>
- 12 The Gambia Security Sector Reform Strategy, <https://info.undp.org/docs/pdc/Documents/GMB/SSR%20STRATEGY%20FINAL-%20Monday%2027%20April.pdf>
- 13 Confronting past atrocities: A critical analysis of the defunct Ethiopian Reconciliation Commission, <https://law.uwc.ac.za/images/stories/ldd/2022-3-teshome.pdf>
- 14 Muradu Abdo (2020). Ethiopia's ongoing criminal justice reform: Modus operandi, methodology and observations, 14 *Mizan Law Review* 2: 341–356, [http://repository.smuc.edu.et/bitstream/123456789/6616/1/Mizan%20LR\\_14%282%29%20\\_Dec\\_2020-187-202.pdf](http://repository.smuc.edu.et/bitstream/123456789/6616/1/Mizan%20LR_14%282%29%20_Dec_2020-187-202.pdf)
- 15 Website of Ethiopian Dialogue Commission, [https://ethiondc.org.et/?page\\_id=17&lang=en#](https://ethiondc.org.et/?page_id=17&lang=en#)
- 16 <https://www.hrw.org/news/2022/08/18/south-sudan-use-peace-deal-extension-reforms>
- 17 See Transitional Justice Mechanisms in South Sudan Conference Report, 15–17 May 2023, [https://www.undp.org/sites/g/files/zskgke326/files/2023-07/south\\_sudan\\_transitional\\_justice\\_mechanisms\\_conference\\_report\\_15\\_-\\_17\\_may\\_2023\\_0.pdf](https://www.undp.org/sites/g/files/zskgke326/files/2023-07/south_sudan_transitional_justice_mechanisms_conference_report_15_-_17_may_2023_0.pdf)
- 18 Wakonye, M., Osho, G., & Anucha, H. (2011). The Impact of Oil and Gas Production on the Nigerian Economy: A Rural Sector Econometric Model.

- 19 The Network of African Women in Conflict Prevention and Mediation, officially referred to as FemWise-Africa, is a subsidiary mechanism of the Panel of the Wise, one of the critical pillars of the Peace and Security Architecture of the African Union (APSA). FemWise-Africa was officially established through a decision of the AU Assembly of Heads of State (AU Summit) on 4 July 2017.
- 20 The AfCFTA is one of the flagship projects of Agenda 2063: The Africa We Want. It is a high-ambition trade agreement, with a comprehensive scope that includes critical areas of Africa's economy, such as digital trade and investment protection, among other areas. By eliminating barriers to trade in Africa, the objective of the AfCFTA is to significantly boost intra-Africa trade, particularly trade in value-added production and trade across all sectors of Africa's economy.
- 21 Odey, Gregory A. (2021). The Ogoni Uprising in Nigeria: The Niger-Delta Crisis and its impact on Nigeria's unity, 1980–1999. *Electronic Theses and Dissertations*. Paper 3973, <https://dc.etsu.edu/etd/3973>
- 22 See <https://www.csvr.org.za/youth-perspectives-on-gender-and-masculinities-in-burundi-the-drc-mali-and-south-sudan-promoting-effective-tj-policies-in-africa/>
- 23 The African Union Border Programme was established in 2007 as part of the African Union's efforts to strengthen the structural conflict prevention capacities of its member states. The main objective of the AUBP is the promotion of peace, security and stability through: delimitation and demarcation of borders, cross-border cooperation, and capacity building. The African Union Border Programme offers a platform for the negotiated resolution of border disputes and the promotion of regional and continental integration through cross-border cooperation.
- 24 See Study on the Opportunities in the AfCFTA for Women in the Informal and Cross-Border Trade, [https://au.int/sites/default/files/documents/41579-doc-STUDY\\_ON\\_OPPORTUNITIES\\_IN\\_THE\\_AFCFTA\\_FOR\\_WOMEN\\_IN\\_INFORMAL\\_AND\\_CROSS-BORDER\\_TRADE.pdf](https://au.int/sites/default/files/documents/41579-doc-STUDY_ON_OPPORTUNITIES_IN_THE_AFCFTA_FOR_WOMEN_IN_INFORMAL_AND_CROSS-BORDER_TRADE.pdf)
- 25 On 4 August 2023, the African Women for Transitional Justice (AW4TJ) programme was formally launched as a continental platform following the inaugural training and network-building session for women in transitional justice.
- 26 Security Council resolution (S/RES/1325) on women and peace and security was adopted on 31 October 2000, reaffirming the role of women in conflict prevention and resolution, peace negotiations, peace-building, peacekeeping, humanitarian response and in post-conflict reconstruction. It stresses the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security.
- 27 See the final report of the Liberian Truth and Reconciliation Commission, vol. 3 appendix 12, [https://www.trcofliberia.org/resources/reports/final/volume-three-12\\_layout-1.pdf](https://www.trcofliberia.org/resources/reports/final/volume-three-12_layout-1.pdf)
- 28 See Matross, C. (2023). Mental Health and Psychosocial Support: A Core Component of Transitional Justice, <https://atjhub.csvr.org.za/mental-health-and-psychosocial-support-a-core-component-of-transitional-justice/>
- 29 Remembering Nigeria's Biafra war that many prefer to forget, <https://www.bbc.com/news/world-africa-51094093>
- 30 Civil Society and Transitional Justice in the Gambia, <https://www.csvr.org.za/civil-society-and-transitional-justice-in-the-gambia/>
- 31 After the violent December 2007 elections, the AU mediated an agreement which resulted in the 2008 National Accord and the establishment of CIPEV and TJRC. See <https://atjhub.csvr.org.za/kenya/>
- 32 See <https://www.matharesocialjustice.org/>
- 33 Kerr Mot Hali victims seek more than just monetary reparations, <https://www.thevictimsbantaba.org/kerr-mot-hali-victims-seek-more-than-just-monetary-reparations/>





This publication was produced with the financial support of the European Union.