

POLICY PAPER

FEBRUARY 2026

PROMOTING TRANSITIONAL JUSTICE AND ACCOUNTABILITY IN AFRICA

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Summary of mechanisms for promoting transitional justice and accountability

- Replace blanket amnesty with conditional frameworks that exclude senior commanders while requiring truth telling about the crimes committed. Also, amnesty should not apply to genocide, war crimes, crimes against humanity and other serious violations of international humanitarian law (in line with AUTJP paragraphs 91–92).
- Establish specialised prosecution units with constitutional protection and dedicated funding. These units must have guarantees for institutional and personal independence (paras. 78–81). These must also be strengthened by international mutual assistance that prioritises cross-border prosecutions (para. 79).
- Integrate traditional mechanisms through legislative recognition and gender reforms. Traditional justice systems should be formally recognised while ensuring women’s participation (paras. 56–59).
- Ensure meaningful victim participation through legal representation and realistic reparations. Victims must have legal support and access to compensation (paras. 64–66).

Clarification of key terms

- **Justice** ‘refers to the provision of judicial and non-judicial measures that ensure not only accountability of perpetrators of violations but also redress to individuals and communities that suffered violations. Apart from the actions that remedy the wrongs done, justice entails the availability of fair institutional, social and economic systems of governance and inclusive development’ (para. 17).
- ‘The **justice and accountability** element of the AUTJP deals with the (formal and traditional) legal measures that should be adopted for investigating and prosecuting the crimes perpetrated, as a means of establishing accountability and giving judicial remedy to and acknowledgement of the suffering of victims. As a matter of principle, it should apply to all sides to the conflict and investigate and prosecute all crimes, including sexual and genderbased violence, albeit without disregarding the weight of responsibility of the different sides. Alongside its focus on holding perpetrators accountable, and hence on retribution, in the African transitional setting the justice and accountability element should involve conciliation and restitution. Procedures should involve granting compensation to victims and facilitating full participation of victims and community members in proceedings and reconciliation and healing’ (para. 77).

Introduction

A pertinent challenge faced by African policy-makers in the field of post-conflict reconstruction and development is how to deliver justice for mass atrocity crimes while constructing sustainable peace.¹ The dilemma lies at whether to prioritise peace at the expense of justice and accountability in sequence. Without accountability, impunity fosters cycles of violence, victims remain without redress and societies are prone to fragmentation along the same lines that triggered the conflict. The 2019 African Union *Transitional Justice Policy*² (AUTJP) provides a comprehensive framework for addressing these challenges through African-led solutions (as outlined in paragraphs 24–27) that integrate formal and traditional mechanisms and simultaneously prioritise victim participation and national ownership (paras. 28–32).

This policy paper examines justice and accountability mechanisms in conflict and post-conflict contexts across Africa, focussing on how states can deliver meaningful accountability while building sustainable peace. From Uganda's 20-year-long insurgency, which displaced 1.5 million civilians, to the genocide in Rwanda, which claimed 800 000 lives, to Sierra Leone's civil war, which occasioned the deaths of 100 000 people, to more recent conflicts in South Sudan, where over 400 000 individuals have died since 2013, Ethiopia's Tigray conflict, The Gambia's transition from dictatorship, and ongoing violence in the Central African Republic and the eastern Democratic Republic of the Congo.³ Throughout these cases, six critical issues can be identified that threaten the effectiveness of justice and accountability initiatives.

- First, the issue of amnesty. Although it can serve as a tool for peace and reconciliation, it could

simultaneously be perceived as a form of impunity by absolving perpetrators of criminal responsibility and denying victims justice.

- Second, political interference compromises formal mechanisms through selective prosecutions and resource manipulations. The political economy of transitional justice (TJ) reveals how power dynamics and elite interests shape and, in some instances, undermine accountability mechanisms. It would seem that TJ operates under patronage and political systems that prioritise elite survival over genuine accountability. Similarly, weak international cooperation hampers cross-border prosecutions as perpetrators often flee to neighbouring states that lack extradition treaties or the political will to cooperate.
- Third, financial constraints and under-resourcing undermines even the most well-designed processes. The impact is mostly felt in remote areas as these communities might not be meaningfully included in TJ mechanisms.
- Fourth, the systemic marginalisation of traditional justice mechanisms despite their effectiveness in promoting reconciliation.
- Fifth, the exclusion of victims from decision making and meaningful participation in processes designed for their benefit.
- Sixth, the demographic realities of conflict or post conflict remain insufficiently addressed. The youth – which makes up over 60% of Africa's population and constitutes victims and, in some cases, forcibly recruited perpetrators – are systematically sidelined from TJ design and implementation.

1 Dubray MV (2024) Impunity and atrocity punishment after mass violence and conflict: Questioning the admissibility of leniency measures in (post)transition contexts. In: R Mulgrew and MJ Christensen (eds) *Research Handbook on the Punishment of Atrocity Crimes*. Edward Elgar Publishing. pp. 59–84.

2 African Union (2019) *Transitional Justice Policy*. Addis Ababa. Available at https://au.int/sites/default/files/documents/36541-doc-au_tj_policy_eng_web.pdf

3 Civil Society Organizations for Peace in Northern Uganda (2006) *Counting the Cost: Twenty Years of War in Northern Uganda*; Sesay MG and Suma M (2009) Transitional justice and DDR: The case of Sierra Leone. International Centre for Transitional Justice. p. 6; London School of Hygiene and Tropical Medicine (2018) Measuring mortality in war: South Sudan. Available at <https://www.lshtm.ac.uk/newsevents/events/measuring-mortality-war-south-sudan> [accessed 30 November 2025]; Lawal S (2024), Remembering the Rwandan genocide 30 years on—How did it happen? *Al Jazeera*. Available at <https://www.aljazeera.com/news/2024/4/7/30-years-on-what-led-to-the-rwandan-genocide> [accessed 15 October 2025]

A school in Koindu damaged by Revolutionary United Front rebel forces during the Sierra Leone Civil War. The physical destruction of infrastructure represents the visible scars of conflict. This damaged school stands as a reminder of how conflict destroys not just buildings but also the future prospects of entire generations.



Source: *United States Agency for International Development (USAID), 2015*

Policy options: Sustainable frameworks for promoting justice and accountability

Amnesty and accountability: Develop conditional amnesty frameworks that require truth telling

There has been growing consensus that blanket amnesty is inconsistent with the standards of international law. While states have previously relied on amnesties to end conflict and promote reconciliation, this has come at a high cost – absolving perpetrators of human rights violations and denying victims remedies. Uganda’s Amnesty Act of 2000 enabled pardons for over 26 000 fighters who laid down their arms.⁴ However, there were no provisions for truth telling, explanation of atrocities or acknowledgment of harm as conditions for amnesty. The failure of this Act to address these important issues frustrated survivors who remained without closure and were haunted by unanswered questions about disappearances, killings and other violations.

Furthermore, this absolution of criminal responsibility denies the victims justice, accountability and reparations and also hinders the state from performing its duties of pursuing justice, providing remedies or adhering to international law.⁵ Similarly, Sierra Leone’s Lomé Peace Agreement granted blanket amnesty to Revolutionary United Front members and other rebel groups. This was immediately criticised by the United Nations and other human rights groups on grounds that amnesty ought not to apply to genocide, war crimes, crimes against humanity and other serious violations of international law.⁶

The AUTJP addresses these same concerns in paragraph 91, while paragraph 92 provides benchmarks that amnesties should deliver full truth on violations, facilitate victim remedies and ensure transparent implementation with victim participation. An effective approach would be conditional amnesties that exclude senior commanders but require lower-level actors to acknowledge harm and provide reparations.

In Rwanda, genocide leaders were prosecuted in the formal courts and community-level perpetrators were

4 The Amnesty Act, Cap 294, Sec 2; Afako B (2012) Undermining the LRA: Role of Uganda’s Amnesty Act. Conciliation Resources. Available at <https://www.c-r.org/news-and-views/comment/undermining-lra-role-ugandas-amnesty-act> [accessed 4 September 2025]

5 Justice for All (JLOS) (2012) The Amnesty Law (2000) issues paper: Review by the Transitional Justice Working Group. Available at <https://judiciary.go.ug/files/downloads/JLOS-Amnesty%20Issues%20Paper.pdf> [accessed 4 September 2025]

6 Human Rights Watch (2003) Transitional justice mechanisms for Sierra Leone

allowed to participate in truth telling or reparation Gacaca court processes.⁷ This allowed for accountability for the most responsible, and reconciliation for the broader society. South Africa's Truth and Reconciliation Commission also required full disclosure of violations as a prerequisite for amnesty.

However, reviewing the political economy of amnesty reveals underlying tensions since it is rarely a legal instrument but more of a political bargain struck between those who hold power and those seeking it. Thus, the conditions of amnesty are often designed around the existing power or dominance of competing factions as opposed to the principles of justice.

Recent experiences reinforce these concerns. In South Sudan, the 2018 peace agreement mandated accountability mechanisms including a hybrid court, yet six years later, none are operational.⁸ It seems the political elites who signed this agreement are stalling its implementation to avoid accountability, giving abusers de facto amnesty.

The youth dimension of amnesty requires sufficient attention. In Uganda and Sierra Leone, the majority of persons granted amnesty were young, many of whom were forcibly recruited as child soldiers. However, amnesty processes treated them all as 'ex-combatants'. This homogenous classification makes it difficult for policy-makers to identify the intergenerational injustices that made them vulnerable to recruitment. Issues such as unemployment, political marginalisation and lack of education, among others, must be addressed by amnesty frameworks. This requires approaching amnesty beyond a perspective of individual criminal responsibility and linking it to broader socio-developmental initiatives like skills training, meaningful political participation and equitable distribution of resources for the youth.

The temporal dimension of amnesty must also be carefully considered. The timing of amnesty is critical as

if done early (during active conflict), these processes can serve as an incentive for disarmament, but they often lack victim consultation. They then act more or less like tools for crisis management. Conversely, delayed amnesty might include victim participation but face the challenges of a changed political context and conflict dynamic.

Nonetheless, amnesty processes must look to bring out institutional reforms that guarantee non-reoccurrence. Therefore, policy-makers must learn from these experiences and enact conditional amnesty legislation that considers the following five elements endorsed by paragraph 92 of the AUTJP:

- First, excluding the most responsible perpetrators of gross or serious human rights violations, who must face prosecution.
- Second, applicants for amnesty must undergo mandatory disclosure of violations, detailed accounts of actions, explanation of harm and acknowledgment of guilt before independent panels with judicial powers.
- Third, meaningful victim participation that allows them to question perpetrators, challenge incomplete disclosures and present impact statements.
- Fourth, guaranteeing reparations that are proportionate to the harms caused. This could be in the form of monetary compensation, community service or symbolic acknowledgements, all determined through consultations with victims.
- Fifth, monitoring mechanisms that ensure compliance with amnesty conditions, with power to revoke pardons due to false testimony or failure to fulfil obligations.

7 Wierzyńska A (2004) Consolidating democracy through transitional justice: Rwanda's Gacaca courts. New York University School of Law

8 Intergovernmental Authority on Development (IGAD) (2018) *Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS)*. Addis Ababa. Available at <https://docs.pca-cpa.org/2016/02/South-Sudan-Peace-Agreement-September-2018.pdf> [accessed 15 December 2025]

Judicial institutions and accountability: Establish special courts with independence

Ordinary courts have found it challenging to deal with atrocity crimes. This was seen in Uganda's International Crimes Division, which was created in 2008 and 16 years later managed to obtain only one conviction despite the substantial international support it received. Issues such as inadequate resources, lack of specialised procedures, the non-prosecution of government forces, inadequate witness protection and politically motivated budget cuts made it difficult for the court to function effectively.⁹

Rwanda also experienced similar issues where the national courts prosecuted only a few cases of sexual violence. The courts focussed more on crimes committed by Hutus while ignoring well-documented atrocities committed by the Rwandan Patriotic Front during and after the genocide.¹⁰ This selective approach undermined credibility among survivors. It also gives insight into the political economy of accountability mechanisms on the continent. Equally important is the strengthening of cross-border judicial mechanisms between African states so that perpetrators do not escape from accountability by fleeing to other states.

It is worth acknowledging that these special courts are expected to operate in political contexts where power dynamics determine which crimes are prosecuted. This is reminiscent of 'victor's justice',¹¹ in which the enemies of the state are prosecuted and allies shielded.

The political context, which influences the effectiveness of the courts, can also adopt a political dimension. The

Central African Republic's Special Criminal Court (SCC) was established in 2015 as Africa's first fully hybrid court. It is also the first hybrid criminal court to operate simultaneously with the International Criminal Court (ICC) in the same state. With mixed national and international judges, the SCC has issued indictments and conducted trials for crimes since 2003. Its main funders were the United States (U.S.) Department of State, through its Bureau of Democracy, Human Rights, and Labor, and the United Nations Development Programme (UNDP). However, the court's effectiveness was hampered on 25 January 2025 by a stop-work order from the U.S. Department of State to the UNDP advising on the suspension of its funding to the SCC.¹² This meant that salaries could not be paid for staff at the SCC, nor could running costs be covered.

The AUTJP (paras. 78–79) recognises these challenges, emphasising that justice should be delivered through independent national courts with capacity and community confidence. Where national courts lack capacity, paragraph 79 mandates establishing special courts or hybrid courts with required legitimacy.

Therefore, states must create independent specialised courts protected by constitutional guarantees in order to effectively address atrocity crimes and should consider the following measures aligned to AUTJP paragraph 81:

- Constitutional frameworks must outline the procedures for appointments or removal of court officials. Such appointments must be merit based and for a fixed term to avoid the abrupt removal of judges.

9 Matsiko G (2020) 12 years on, Uganda's International Crimes Division has little to show. Justice Info. Available at <https://www.justiceinfo.net/en/43986-12-years-on-uganda-international-crimes-division-has-little-to-show.html> [accessed 4 September 2025]; Avocats Sans Frontières (2012) Effecting complementarity: Challenges and opportunities: A case study of the International Crimes Division of Uganda. Available at <https://www.asf.be/wp-content/uploads/2012/10/Case-Study-of-the-International-Crimes-Division-of-Uganda.pdf> [accessed 4 September 2025]

10 United Nations (2012) The justice and reconciliation process in Rwanda. Available at <https://www.un.org/en/preventgenocide/rwanda/pdf/bgjustice.pdf> [accessed 4 September 2025]; Oomen B (2005) Donor-driven justice and its discontents: The case of Rwanda. *Development and Change* 36(5): 896

11 'Victor's justice' typifies a situation where the vanquished are charged with violations of international humanitarian law and the defendants are prosecuted and punished for crimes expressly defined in an instrument adopted by the victors at the conclusion of the war described. In essence, the victors selectively punish the defeated parties while absolving themselves from punishment for the same crimes committed. See Schabas WA (2010) Victor's justice: Selecting "situations" at the International Criminal Court. *John Marshall Law Review* 32: 537.

12 United Nations (2025) Background note – Special Criminal Court. Available at https://www.un.org/peacebuilding/sites/www.un.org.peacebuilding/files/documents/background_notes_special_criminal_court.pdf [accessed 15 December 2025]

- Second, the budgets of these specialised courts, including the salaries of staff, must be fixed. This would prevent budget fluctuations in which the courts might experience cuts if their investigations lead them to government officials.
- Third, addressing the political economy would also warrant broad governance reforms, as it would be difficult for courts to work under a climate of corruption, authoritarianism and patronage. As a result, constitutionalising the independence of the courts should be sequenced by reforms across all sectors.
- Fourth, dedicated investigative units must be established, reporting to prosecutors and not to the police, which are controlled by the government.
- Fifth, these courts must be given a wide mandate to try all atrocity crimes with no statute of limitations. For instance, Uganda's ICC Act 2000 prevented the prosecution of crimes before 2002 whereas the most serious crimes happened in 1987–2002.
- Sixth, courts must meaningfully engage with victims, particularly the youth and marginalised communities. This should extend beyond participation in trials to consultations that ensure that victims' perspectives influence prosecutorial strategies.
- Constitutionalising these protections would require absolute parliamentary majority before they can be altered or changed, as opposed to laws or decrees, which can be easily replaced through less stringent procedures.

Integrating traditional and formal justice mechanisms with safeguards for gender equality

The most effective TJ processes have incorporated traditional mechanisms. This is best achieved when they integrate gender protections and due process guarantees. The AUTJP (para. 18) defines traditional mechanisms as 'local processes, including rituals, which communities use for adjudicating disputes and restoring loss caused through violence'. Paragraph 56 emphasises that these mechanisms should be adapted alongside formal measures to address justice, peace and reconciliation needs.

The Gacaca traditional justice courts processed over 1.2 million cases in 2002–2012 and at a fraction of the cost incurred by the formal courts. In fact, by 2004, the International Criminal Tribunal for Rwanda had tried just 21 people at a cost of US\$2 billion.¹³ This traditional–modern hybrid mechanism enabled mass participation, with over 12 000 courts operating simultaneously, thereby reducing backlogs that had overwhelmed the formal courts.¹⁴ Moreover, the Gacaca courts facilitated community reconciliation through public acknowledgement, truth telling and reparations, which helped survivors rebuild their lives.

Similarly, Uganda's *Mato Oput* ceremonies enabled former fighters to be reintegrated into communities through traditional cleansing practices, reparations to victims' families and symbolic restoration of harmony – all key values that could not be provided by the formal courts.

However, traditional mechanisms face genuine concerns about gender discrimination and due process, which must be addressed. The Gacaca courts did not observe due process guarantees when accused persons were refused access to legal defence, for instance.¹⁵ Moreover, these traditional mechanisms are built on patriarchy.¹⁶

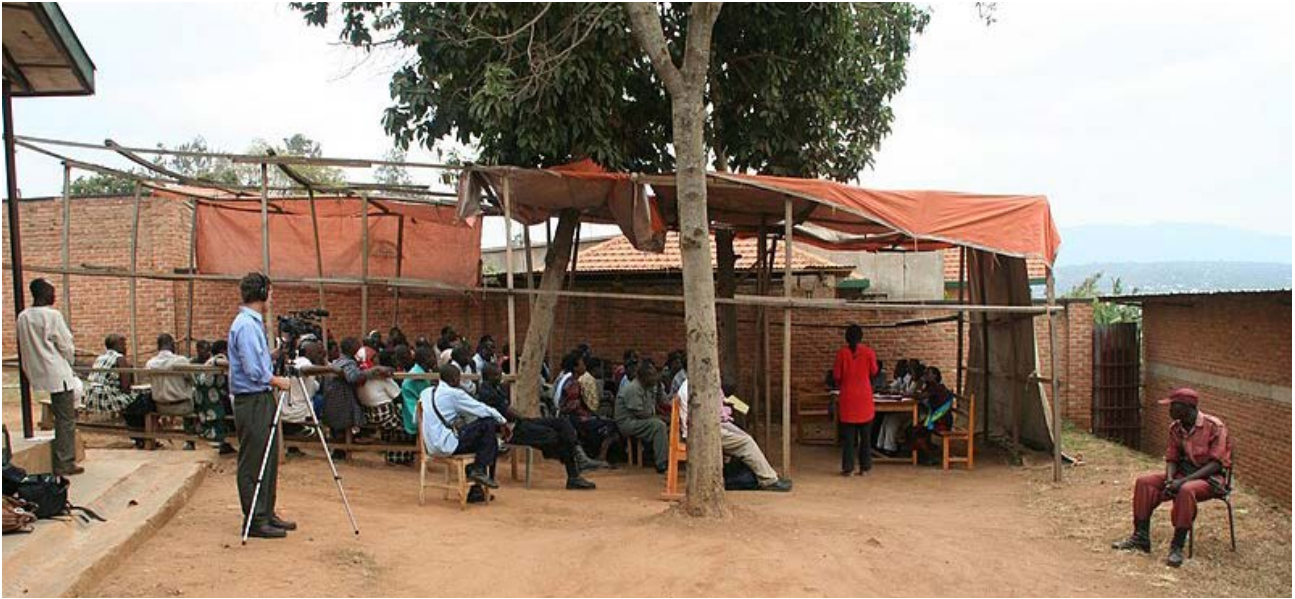
13 Oomen B (2005) Donor-driven justice and its discontents. p. 896

14 Human Rights Watch (2011) Justice compromised: The legacy of Rwanda's community-based Gacaca courts. Available at <https://www.hrw.org/report/2011/05/31/justice-compromised/legacy-rwandas-community-based-gacaca-courts> [accessed 3 October 2025]

15 Waldorf L (2009) Transitional justice and DDR: The case of Rwanda. International Center for Transitional Justice. p. 20

16 African Union (2017) Consultative workshop to engage traditional and informal justice standards and judiciary to promote the rule of law in Eastern Africa: 12 to 15 September 2017 Kampala, Uganda. Available at <https://au.int/en/newsevents/20170913/consultative-workshop-engage-traditional-and-informal-justice-structures-and> [accessed 28 November 2024]

A Gacaca trial in Rwanda. The Gacaca courts brought justice directly to communities. Operating in open spaces and accessible to communities, the courts embodied the African principle of ubuntu – that justice belongs to the people.



Source: Scott Chacon, 2006

These structures risk perpetuating discrimination against women survivors, particularly regarding sexual and gender-based violence (SGBV), which remains stigmatised in many communities. It also needs to be stressed that women and girls are not a homogenous category, and their lived experiences in instances of widespread violations are not the same and might vary based on age, class, (dis)ability or other specificities.

Furthermore, the intergenerational dimension of transitional justice mechanisms demands particular attention, given that these processes are often dominated by elders who derive authority based on age and experience. Although this valorises culture, it also systemically marginalises the youth's voices and perspectives. While recognising the value added by elders, it is not encouraged to assume that they have sufficient understanding of SGBV or forced recruitment as soldiers – issues that are predominantly suffered by young people.

The integration of traditional justice mechanisms must create spaces for intergenerational dialogue and meaningful youth participation. These spaces would serve as avenues for the proper understanding of the youth's needs concerning justice expectations and trauma recovery.

Thus, the valorisation of traditional mechanisms to guarantee an effective justice and accountability process is reliant on certain core elements prescribed by AUTJP paragraphs 57–58:

- First, the formal recognition of traditional justice systems over specific matters in the TJ domain, with clear limits on jurisdiction and appeal procedures.
- Second, the mandatory representation of women in traditional leadership structures. Such representation must allow for their meaningful participation and not just for formality's sake.
- Third, specialised procedures for addressing SGBV must be developed in accordance with human rights standards.
- Fourth, there should exist avenues for appeal to formal courts in cases where human rights standards have not been met. Such decisions should be capable of being reviewed while respecting customs and traditions.
- Fifth, there must be clear referral protocols to formal courts for the most serious crimes.

- Sixth, traditional authorities must be trained on human rights standards and gender equality and sensitivity.
- Sixth, the establishment of monitoring mechanisms with civil society support that would ensure that traditional mechanisms adhere to human rights standards.

It is important to highlight the important role of education in promoting traditional and indigenous justice mechanisms in post-conflict African societies. By integrating knowledge of these traditional mechanisms into educational curricula across learning institutions, they can be preserved and could also be critical in raising awareness and even preventing reoccurrence. Often, traditional justice mechanisms fail to effectively integrate with formal TJ mechanisms because of the lack of knowledge about their existence.

In many African societies, knowledge of traditional justice mechanisms is passed down by word of mouth from generation to generation. However, post conflict, policy-makers default to formal legal frameworks because accessible information about traditional mechanisms remains scarce. Without documentation, these mechanisms risk being overlooked in TJ policy development despite their potential effectiveness in promoting community healing and reconciliation.

To this effect, universities can establish research centres dedicated to documenting traditional justice mechanisms, conducting comparative studies across African contexts and raising awareness on these systems among practitioners. Meanwhile, primary and secondary schools can integrate TJ into their curricula. This would build civic awareness among young people about the legacies of their societies' violent pasts and the mechanisms used to address them. Such education fosters intergenerational dialogue and opens up avenues for critical conversations on strategies to address structural injustices in society.

Adopting a victim-centred approach to justice and accountability

TJ processes often marginalise victims, treating them as passive recipients rather than rights holders who must be at the centre of justice and accountability mechanisms, with capacity to meaningfully participate from start to finish.

The AUTJP (paras. 32–33) addresses this through its principle of 'Inclusiveness, Equity and Non-Discrimination', stating that 'victims and other members of society affected by violence have as a matter of principle the right to justice and to truth in their own country, based on mechanisms and processes in whose design they take an active part'.

In the case of Dominic Ongwen, a former child soldier and commander of the Ugandan rebel group the Lord's Resistance Army, the ICC exhibited transformative potential in awarding reparations for victims. However, the €52 million reparations order remains largely symbolic because owing to Ongwen's indigence, the reparations depend on voluntary contributions from states, private persons and organisations.¹⁷ This illustrates the glaring gap between formal recognition and substantive reparations that could rebuild survivors' lives.

Sierra Leone's experience reveals how inadequate funding undermines meaningful victim participation. Because only US\$6–8 million was allocated to its Truth and Reconciliation Commission (TRC) compared to US\$250 million for the Special Court,¹⁸ the TRC could not reach victims in remote areas, particularly women who had suffered SGBV and eventually had no opportunities to tell their stories or access support services. This reflected donor preferences for retributive over restorative justice.

The political economy of victim participation paints a grim picture of the allocation of resources for TJ processes in Africa. Criminal tribunals have received more funding

17 Gaynor L (2024) The wild reparations order of the ICC. Justice Info. Available at <https://www.justiceinfo.net/en/128948-wild-reparations-order-icc.html> [accessed 5 September 2025]

18 Mahony C (2015) Sierra Leone: The justice v. reconciliation archetype? Forum for International Criminal and Humanitarian Law (FICHL) policy brief series 33: 4

The National Memory and Peace Documentation Centre located in Kitgum is the only living memorial to the victims and survivors of war, armed conflicts and gross human rights violations in Uganda.



Source: Malaika Overcomer, 2019

compared to other programmes like reparations, truth commissions and mental health and psychosocial support (MHPSS), which operate on much smaller budgets. It would seem that this disparity reflects a lack of consensus on what constitutes 'justice' for the victim. This funding imbalance is consequential to victims as it means that there are limited resources to reach remote areas.

Liberia's War and Economic Crimes Court, established in 2024 after victims maintained pressure for two decades, exemplifies how sustained advocacy can eventually overcome political resistance. However, the 20-year delay meant many victims died without getting justice, and evidence has since deteriorated or been lost, making it harder to prosecute abuses and obtain reparations.

Conversely, the Gacaca courts illustrated meaningful victim participation through mechanisms that required

perpetrators who were unable to pay monetary restitutions to work directly for survivors in their farms, in construction projects and in community service that provided tangible compensation, while facilitating communal healing and reconciliation. This gave victims a sense of justice and restored their dignity.¹⁹ Thus, effective victim participation is based on several essential elements that align with paragraph 66 of the AUTJP:

- First, victims must be supported with free legal representation throughout proceedings.
- Second, collective reparations programmes should be developed in concert with various partners so as not to rely on individual perpetrator assets, ensuring a realistic compensation for all victims.

19 Waldorf L (2009) Transitional justice and DDR. p. 17

- Third, gender-sensitive procedures that recognise particular harms against women, including in-camera hearings for SGBV cases and MHPSS for addressing trauma.
- Fourth, engaging communities in the design of all justice and accountability processes from start to finish.
- Fifth, memorialisation initiatives developed through consultations with affected communities. This could serve as prevention education for future generations.

Beyond these guidelines, policy-makers must recognise the challenges posed by the temporal dimensions of meaningful victim participation in justice and accountability interventions. TJ processes might take years to successfully implement, but the needs of victims are immediate. Survivors who are of age cannot wait years before they get justice, nor can young people wait for ages for reparations or court verdicts. Victims need to be assisted in rebuilding their lives and continuing their growth. Policy-makers need to devise interim justice and accountability measures. They also need to juggle the sequencing dilemma in a manner that ensures interim justice and addresses immediate humanitarian concerns and long-term justice that transforms society.

Conclusion and recommendations

The policy reforms discussed in this paper align with the AUTJP's approach to post-conflict justice (paras. 9–10) by offering insights on balancing a sustainable framework for reconciliation and accountability. Conditional amnesty would end the cycle of impunity while allowing for truth telling and healing. Independent specialised courts would enable impartial prosecution. Integrating traditional mechanisms would make justice accessible to victims in rural communities and preserve cultural values at the same time. Victim-centred approaches would restore dignity to survivors and simultaneously allow for meaningful reparations.

Critically, these reforms should acknowledge that TJ is not a one-time event but a continuous process with several possibilities of sequencing its various mechanisms. The balance between peace and justice and accountability must be carefully threaded. It has been seen that, in practice, this tenuous balance can

only be maintained through complex trade offs between reconciliation, accountability and peace. Similarly, policy-makers must thoroughly consider the timing of TJ interventions, balancing them according to immediate survivor needs, mid-term institutional reforms and long-term accountability and reconciliation processes.

Moreover, an effective TJ process requires confronting the political economy of justice and accountability. Interventions that ignore how power operates, or who benefits from impunity, or how power structures undermine justice mechanisms will be largely futile. Ensuring justice and accountability is dependent on establishing independent tribunals as well as engaging in widespread governance reforms that address systemic issues that hinder the entire legal system from functioning effectively.

Quite important is the gender and intergenerational dimensions of justice and accountability processes. Far beyond youth inclusion, there must be true recognition of Africa's youth population, which makes up over 60% of the continent. The youth are not merely recipients of justice but they also need to be the architects of their own justice and healing processes.

Together, these reforms would build communal trust in states' ability to guarantee justice while deterring future atrocities and creating foundations for sustainable peace. To this effect:

States should:

- Enact conditional amnesty legislation excluding senior commanders while requiring truth telling, in accordance with paragraph 92 of the AUTJP.
- Establish constitutionally protected and independent specialised courts. These courts should have fixed budgets and clear outlines for appointing and removing personnel (paras. 78–81).
- Recognise traditional justice mechanisms and ensure that they respect women's rights and allow for their meaningful participation, and establish referral mechanisms to formal courts for more complex cases (paras. 56–58).

- Provide training for traditional authorities so that their mechanisms align with human rights standards (para. 59).
- Provide MHPSS for victims (para. 65).
- Coordinate with partners to create a funding pool to provide legal representation and meaningful monetary restitutions to victims (para. 66).
- Establish youth advisory mechanisms within all TJ institutions.
- Sequence TJ interventions in a manner that responds to the short-term, mid-term and long-term needs of victims.
- Link justice and accountability reforms to broader governance reforms that address political economies of impunity.

Civil society should:

- Strengthen victim participation through advocacy, documentation, legal support, monitoring of TJ processes and providing MHPSS (paras. 127–128).

- Engage in civic education programmes, raising awareness on victims' rights and reparations (paras. 134–135).
- Support survivor-led memorialisation initiatives and healing and reconciliation projects (paras. 71–74).
- Challenge selective accountability by advocating for impartial justice and documenting violations for all parties to conflict.

International partners should:

- Support TJ processes with sustained funding while respecting local ownership (paras. 24–27).
- Support capacity building by providing technical support and learning exchanges (para. 41).
- Facilitate cross-border prosecutions and evidence sharing where necessary (para. 40).
- Support youth-led organisations.
- Condition support on genuine inclusivity, ensuring that justice and accountability mechanisms also meaningfully incorporate the youth and women.

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