

Transitional Justice and Social Reintegration

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Introduction

While programs for the disarmament, demobilization, and reintegration (DDR) of ex-combatants are no longer new on the conflict-resolution scene, they have usually not been designed or implemented with an eye to their relationship with transitional justice measures such as prosecutions, truth-telling efforts, reparations for victims, and vetting or other forms of institutional reform. As both the domestic and international contexts are such that the resolution of conflict is seen more and more as inextricably linked with efforts to redeem the claims of justice, however, the need to examine the manifold ways in which transitional justice efforts and DDR programs may contribute to, or hinder, each other's aims is becoming apparent. Ignoring the implications that DDR programs and transitional justice measures have for each other may in fact undermine the success of both efforts.

This paper will focus on the relationship between transitional justice and DDR by examining the contribution that transitional justice measures can be thought to make to the process of social reintegration of ex-combatants in post-conflict societies. In particular, the paper will highlight some of the ways in which transitional justice can reinforce social reintegration by rebuilding social capital—trust and cross-cutting social ties—and strengthening social cohesion. It suggests that both types of initiatives, justice and reintegration, should be conceived of as being central to the goals of peace, stability, and reconciliation—that they can reinforce each other and break cycles of violence by re-establishing trust and promoting reconciliation between different groups. The paper will not assume, however, that transitional justice's contribution to social reintegration is necessarily a positive one. In order to determine the nature of this relationship, it is as important to note the problems that transitional justice may create for social reintegration as it is to highlight the potential benefits.

The first section of the paper will explain why transitional justice measures and social reintegration programs should be conceived of as sharing the same ultimate goals. In short, the argument is that transitional justice measures, such as prosecutions, truth telling, reparations, and institutional reform, can be thought of as efforts to increase trust through action.² Social reintegration, by definition, requires that trust be reestablished between ex-combatants and other members of society. The experience of ex-combatants in many countries that have used DDR programs, however, demonstrates that a lack of trust between them and former victims, communities, government institutions, and other

¹ Research Associate, International Center for Transitional Justice (ICTJ). Paper prepared for the Stockholm Initiative on Disarmament Demobilisation Reintegration (SIDDR), Working Group 3: Reintegration and Peace Building meeting, April 4-5, 2005.

² See Pablo de Greiff, "Justice and Reparations," in *Repairing the Past: Compensation for Victims of Human Rights Violations*, Pablo de Greiff, ed., (forthcoming).

ex-combatants can serve as a major obstacle in the process of social reintegration. By generating trust, transitional justice measures can therefore reinforce the goals of DDR.

The second section of the paper will examine some of the more specific ways in which transitional justice measures can reinforce or undermine the social reintegration process by promoting or diminishing various kinds of trust between various groups, individuals, and institutions. Prosecutions, on the one hand, can combat impunity, individualize guilt, and break down perceptions of collective responsibility of and among ex-combatants; on the other hand, they can also serve to create resentment and fear amongst ex-combatants. Conversely, amnesties for human rights violations, or weak prosecutions, can lead to legacies of impunity. Reparations programs can reduce the resentment that might be fostered amongst communities and victims by the benefits provided to ex-combatants. They may also, however, create resentment amongst ex-combatants who may interpret smaller or delayed benefits as slights toward their service in the military or membership in the losing side of a civil conflict. Vetting procedures may promote citizens' trust in their country's security institutions, which often serve as important sources of employment for ex-combatants, as well as trust between former enemies who now serve on the same side; again, however, they may also be viewed by ex-combatants as unfair exclusionary measures based more on politics than justice. Truth commissions can provide societies with an even-handed account of the causes, nature, and consequences of a conflict, thereby possibly sensitizing both victims and perpetrators and diminishing general stigmatization. In some cases, truth-telling can individualize guilt. Some ex-combatants, however, feel that truth commissions can do just the opposite, creating stereotypes and stigmatizing all members of certain groups as criminals. Local justice and reconciliation initiatives can facilitate social reintegration in many of the same ways as the more formal measures of transitional justice; at the same time, they may operate under few legal constraints, reinforce gender biases, and be used as substitutes for more formal justice efforts. Efforts to incorporate a gender perspective in all of these transitional justice measures can reinforce their positive effects on reintegration and reconciliation.

The third section of this paper will highlight some of the more direct, programmatic linkages between transitional justice measures and DDR processes. These connections do not necessarily only involve the reintegration phase of a DDR program; they also include linkages to the disarmament and demobilization phases that can serve to reinforce or undermine social reintegration by affecting the DDR process as a whole. This section looks in particular at the ways in which these connections affect the balance of incentives and disincentives for ex-combatants to participate in DDR processes. First, transitional justice can be directly linked to DDR in the legal framework of the post-conflict, transitional period. This framework, which can include the peace agreement, cease-fire arrangements, national legislation, and United Nations resolutions, sets the context in which transitional justice can be pursued in relation to DDR programs. Second, transitional justice efforts and DDR programs can be connected through the use of shared information. This point brings up a number of both practical and ethical issues. Practically, questions arise concerning the time and resources required to gather information about past human rights violations committed by ex-combatants, time and resources, which may be in very short supply. Ethically, questions arise concerning the fairness and transparency of gathering information in one process and using it in another.

Third, transitional justice and DDR can be connected through conditionality. Depending on the legal framework in which they are being implemented, the application of justice could be made conditional on participation in a DDR program, with, for example, punishments being reduced in exchange for demobilizing. At the same time, the distribution of benefits from a DDR program could be made conditional on participation in or cooperation with transitional justice measures.

The paper will conclude with some preliminary recommendations. Overall, this paper suggests that transitional justice can make a moderate, but important contribution to the social reintegration of ex-combatants. Whether this contribution is positive or negative, or the degrees to which it is both, will depend on the nature of its implementation and the context in which that is done.

Trust, Social Capital, and Social Cohesion

*Transitional Justice and Trust*³

Different transitional justice initiatives are intended in part to promote trust between individuals, groups, and institutions within a society. Prosecutions can help to generate trust amongst citizens and between citizens and public institutions by reinforcing or reestablishing the effectiveness of the rule of law. Truth-telling efforts about the past may demonstrate to former victims of violence a willingness to acknowledge past injustices, and an effort to understand long term processes which led to the injustices and to initiate a new political project. Reparations efforts may represent for victims a manifestation of the seriousness of the State and of their fellow citizens in their efforts to reestablish relations of equality and respect. Institutional reform, such as vetting procedures, can be seen as efforts to make public institutions trustworthy by excluding from them people who in the past have breached the trust of the citizens they were meant to serve. Finally, justice and reconciliation initiatives are often used at the local level directly to facilitate the reintegration of ex-combatants back into the social and economic life of the community.

Social Reintegration, Social Capital, and Social Cohesion

Social capital generally refers to the networks, norms, values, trust, and other social relations that bind communities together and forge links with other communities and the State.⁴ Social cohesion includes both horizontal social capital (linkages between individuals and different groups) and vertical social capital (linkages between citizens and groups and the State and its institutions).⁵ Post-conflict societies, especially following wars that involved massive human rights abuses, very often suffer from a lack

³ This section summarizes arguments made in more detail by de Greiff, forthcoming.

⁴ Robert Putnam, "The Prosperous Community: Social Capital and Public Life," *American Prospect* 13 (1993): 35-42.

⁵ Nat J. Colletta, Teck Ghee Lim, and Anita Kelles-Viitanen, *Social Cohesion and Conflict Prevention in Asia: Managing Diversity through Development* (Washington, DC: The World Bank, 2001), 2-4.

of trust and a reduced stock of social capital and social cohesion.⁶ As a recent handbook on DDR explains, “Civil wars disrupt social cohesion within countries and communities, destroying trust between former neighbours and creating a tear in the social fabric.”⁷ Social reintegration, as part of the DDR process, is in part an effort to re-establish trust, rebuild social capital, and restore social cohesion between ex-combatants, communities, and the State. The experiences of ex-combatants in countries that have implemented DDR programs, however, demonstrate that this is often a very difficult, long, and complicated process. Ex-combatants are “frequently rejected by the community,”⁸ and their efforts to reintegrate into civilian life are often hampered by a lack of trust.

In Uganda, for example, where between 1992 and 1996 the Uganda Veterans Assistance Board (UVAB) was established to facilitate the demobilization and reintegration of 36,400 soldiers, as well as 125,000 dependents, mistrust and resentment was particularly prevalent in the initial stages of the process and in communities that had not supported the National Resistance Movement. “(W)ith memories of a marauding army still fresh for many Ugandans,” reported the World Bank, “communities inadvertently or on purpose erected visible and invisible barriers to a veteran’s reintegration...Despite sensitization tours that UVAB and government officials undertook throughout the country, political leaders and community members alike had misconceptions regarding the returning veterans. Because of these misconceptions, mistrust and suspicion—and sometimes outright hostility—were common at the initial stages of resettlement.” After years of suffering and conflict, noted the Bank, “it seems understandable that trust is extremely low.”⁹

While in Uganda such levels of mistrust eventually receded, they remain high for groups of ex-combatants in other post-conflict societies. According to a 2002 study on the experiences of ex-combatants in South Africa, respondents from every different group reported being the targets of stigmatization because of their status as former soldiers. As in Uganda, they complained of an ongoing misrepresentation of their past conduct: “it’s as if we’re monsters,” said one former member of the South African Defence Force (SADF). In this case, the ex-combatants feel stigmatized not just at the local level, but also in how they are portrayed by the national government and the international media.¹⁰

Social reintegration should not be conceived of as a completely separate process from other types of reintegration, such as political or economic reintegration. Problems in each type of process can lead to problems in the others, while success in one can lead to success in the others. In cases such as those cited above, the mistrust directed from the communities toward the ex-combatants because of generalized perceptions of their past

⁶ For a review of the literature on social capital and its links to violent conflict, see Nat J. Colletta and Michelle L. Cullen, *Violent Conflict and the Transformation of Social Capital: Lessons from Cambodia, Rwanda, Guatemala, and Somalia* (Washington, DC: World Bank, 2000), 6-16.

⁷ Ian Douglas et al, *Disarmament, Demobilisation and Reintegration: A Practical Field and Classroom Guide* (Frankfurt: German Agency for Technical Cooperation, Norwegian Defence International Centre, Pearson Peacekeeping Centre, Swedish National Defence College, 2000), 19.

⁸ *Ibid*, 46.

⁹ Nat J. Colletta, Markus Kostner and Igo Wiederhofer, *Case Studies in War-to-Peace Transition: The Demobilization and Reintegration of Ex-combatants in Ethiopia, Namibia, and Uganda*, World Bank Discussion Paper No. 331, Africa Technical Department Series (Washington, DC: World Bank, 1996), 280-281.

¹⁰ Sasha Gear, “Wishing Us Away: Challenges facing ex-combatants in the ‘new’ South Africa,” *Violence and Transition* series, Vol. 8, 2002.

behavior can directly affect their ability to integrate economically, which in turn can reinforce the difficulty of reintegrating socially. “A community where suspicion reigns will welcome a returning veteran with suspicion,” explains the World Bank. “It will find many ways to disgrace veterans, from accusing them of crimes to confiscating their investment goods.”¹¹

In South Africa, for example, ex-combatants from both the African National Congress’s (ANC) military wing, Umkhonto we Sizwe (MK), and the SADF believe that their military backgrounds count against them in the job market. “Most MK cadres are untrustable to all other people,” claims one ex-combatant. “We were regarded as terrorists, as people who are terrible, who can terrorize everybody else. So now, if [somebody] has knowledge that this is an MK cadre he won’t take you to come and work with him, because he doesn’t trust you.” Several respondents in the 2002 study reported being fired from their jobs when their employers discovered their status as an ex-combatant.¹²

According to the World Bank, “postconflict reconstruction and the establishment of lasting peace require the building or rebuilding of social cohesion.”¹³ By helping to promote trust between ex-combatants, their communities, and the State, transitional justice measures can play an important role in rebuilding social cohesion in post-conflict societies. This, in turn, can facilitate social reintegration and enable a society to better manage conflict before it becomes violent.

Transitional Justice Measures and Social Reintegration

Prosecutions

Criminal prosecutions can have both a positive or negative impact on the process of social reintegration. As Kees Kingma has noted, the question of how to handle past and ongoing human rights violations of members of the armed forces can affect DDR programs through its impact on the confidence and security perceptions of citizens, including ex-combatants. “However,” he writes, “this is not a simple matter and often creates substantial dilemmas.”¹⁴

On the positive side, an effective prosecution policy can help to combat a culture of impunity amongst ex-combatants. Official or unofficial amnesties, or weak prosecutions, on the other hand, can create or reinforce a culture of impunity. In Kosovo, for example, where the United Nations and NATO have governed the autonomous territory since June of 1999, there were initially no prosecutions of former members of the Kosovo Liberation Army (KLA) for crimes and human rights abuses committed during the war. Instead, explain Andreas Heinemann-Grüder and Wolf-Christian Paes, “KFOR [Kosovo Force] and UNMIK [UN Mission in Kosovo] swapped an amnesty for

¹¹ Colletta et al, *Case Studies*, 283.

¹² Gear.

¹³ Colletta et al, *Social Cohesion*, 4.

¹⁴ Kees Kingma, “Demobilization, Reintegration and Peacebuilding in Africa,” *International Peacekeeping* 9, no. 2 (2002): 189.

the KLA for post-war reintegration.”¹⁵ While suggesting that some kind of amnesty might in fact be a necessary compromise for successful demobilization and reintegration, these two authors argue that one so vague and informal might be counterproductive. “In view of the lack of amnesty legislation, the expectation of a blanket amnesty is very likely to stimulate insurgents to relapse into a violent or criminal pursuit of interests.”¹⁶ In this case, the argument is that a formal amnesty that established some degree of accountability would be preferable to the absence of an amnesty law, which, coupled with the complete absence of justice measures, can be interpreted as a de facto blanket amnesty.

The issue of amnesty and its relationship to the success of the DDR process is contested. The demobilization and reintegration process in Mozambique, for example, which was implemented following the conclusion of the country’s 16-year-long civil war in 1992, took place in the context of a complete lack of a transitional justice prosecutions policy. The war was extremely brutal and damaging. More than one million Mozambicans became war refugees in neighboring countries, two million were internally displaced, another two-and-a-half million were directly affected by the war, and approximately one million died from war-related causes.¹⁷ According to Human Rights Watch, the war “involved widespread violence against civilians, including both the systematic use of mutilations and killings and indiscriminate violence during sweeps through contested areas.”¹⁸ Despite such widespread human rights abuses, a blanket amnesty was issued as part of the peace agreement in 1992.

Three years after its official end, the demobilization and reintegration program was generally considered to be a “resounding success.” According to surveys, 85 to 90 percent of the ex-combatants themselves felt that they were fully reintegrated into society.¹⁹ Many observers, including members of the UN and international agencies, still consider Mozambique to be one of the most successful post-war transitions.²⁰ Others, however, feel differently. According to Chris Alden, interviews with community leaders in a number of provinces reveal that 35 percent of them believed that former soldiers were still “a problem.”²¹ According to Jaremey McMullin, a conception of reintegration that does not focus just on avoiding a return to conflict, suggests some limitations to the success of Mozambique’s DDR program. “First,” he writes, “there is entrenched involvement in organized crime among certain former combatants (including trafficking of drugs and arms). Second, the highly politicized nature of reintegration issues has

¹⁵ Andreas Heinemann-Grüder and Wolf-Christian Paes, *Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation Army* (Bonn: Bonn International Center for Conversion, 2001), 24.

¹⁶ *Ibid.*, 39.

¹⁷ Carolyn Nordstrom, *A Different Kind of War Story* (Philadelphia: University of Pennsylvania Press, 1997), 40.

¹⁸ Africa Watch, *Conspicuous Destruction: War, Famine and the Reform Process in Mozambique* (New York: Human Rights Watch, 1992), 3, quoted in Helena Cobban, “The Legacies of Collective Violence: The Rwandan genocide and the limits of law,” *Boston Review: A Political and Literary Forum*, April/May 2002.

¹⁹ Chris Alden, “Making Old Soldiers Fade Away: Lessons from the Reintegration of Demobilized Soldiers in Mozambique,” *The Journal of Humanitarian Assistance*, 29 January 2003.

²⁰ Jaremey McMullin, “Reintegration of Combatants: Were the Right Lessons Learned in Mozambique?” *International Peacekeeping* 11, no. 4 (2004): 626. See also Cobban, 27.

²¹ Alden.

fueled further distrust and animosity in an already highly-charged political atmosphere.”²² It seems reasonable to suggest that a prosecutions policy for crimes committed during the war could have contributed to reducing problems related to organized crime and distrust between groups.

Some authors have also drawn links between the amnesty provided by the South African Truth and Reconciliation Commission and the “rocketing crime figures”²³ in the late 1990s and “extreme levels of violence that are part of contemporary life in South Africa.”²⁴ In part, this link could be represented by ex-combatants who committed crimes during the conflict continuing to commit crimes today. According to one observer, “You find that there are those guys who have serious criminal records; they deserve to be behind bars. But because of the political set, they are still around and they have the criminal connections around the township, and now they are unemployed.”²⁵ At the same time, others have pointed to a larger crisis of confidence in the institutions of the state in terms of their ability to enforce the law, and traced this in part to the lack of transitional justice prosecutions. Richard Wilson, for example, writes that “the TRC’s version of human rights as reconciliation did little to challenge the prevalence of revenge in the townships because it could not meaningfully engage with a punitive view of justice. Further, it could be argued that the TRC’s amnesty for human rights offenders exacerbated an already existing situation of judicial impunity and a trend towards violent retribution.”²⁶ In this culture of impunity, it may be common for ex-combatants who return to their communities to be singled out as the object of violent revenge, whether they are involved in crime themselves or not.

Criminal prosecutions can also serve to assign individual guilt to perpetrators of human rights abuses and therefore help to break down the assignment of collective guilt, stereotypes, and stigmatization to ex-combatants as a group. Even in cases of massive human rights violations, the majority of ex-combatants are most likely not guilty of committing atrocities. As is clear from the statements of ex-combatants above, however, the reintegration process is hindered by misperceptions and stereotypes that most or all of them are guilty. These misperceptions stem from a lack of information. If prosecutions can help to sort out the guilty from the innocent, or the guilty from the less guilty, and punish those who deserve it most, then communities should have less reason to fear or resent the return of ex-combatants. In Sierra Leone, where a civil war claimed approximately 75,000 lives and displaced one-third of the population, the Lomé Peace Agreement of July 1999 provided a blanket amnesty for all ex-combatants. After the war started up again in June 2000 and then officially ended in January 2002, an agreement between the Government of Sierra Leone and the United Nations established the Special Court for Sierra Leone. This court was mandated to try “those bearing the greatest responsibility” for serious violations of international human rights law and certain violations of domestic law committed after November 30, 1999.²⁷ It started trials in June

²² McMullin, 626.

²³ Richard A. Wilson, *The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-Apartheid State* (Cambridge: Cambridge University Press, 2001), 160.

²⁴ Gear.

²⁵ Ibid.

²⁶ Wilson, 161.

²⁷ International Center for Transitional Justice, “The Special Court for Sierra Leone: The First Eighteen Months,” ICTJ Case Study Series, March 2004, 1.

2004, but had issued several important decisions previously, including that the blanket amnesty in the Lomé Accord did not form a bar to its jurisdiction. While the trials began after the official DDR program in Sierra Leone had been concluded, the Court's work still may contribute positively to the reintegration process. According to a study by the Post-Conflict Reintegration Initiative for Development and Empowerment (PRIDE) and the ICTJ, 59 percent of ex-combatants supported the Court, a figure which rose to 79 percent after they had been sensitized with accurate information about its functioning.²⁸ Furthermore, a majority of Civil Defence Forces (CDF) commanders in Freetown stated that they had done nothing wrong, had nothing to hide, and wanted to see more of the perpetrators of human rights abuses held accountable by the Special Court. Similarly, in Makeni, rank-and-file Revolutionary United Front (RUF) also believed the Court would bring justice and wanted to see their commanders held accountable.²⁹ It should be pointed out that these ex-combatants generally felt that, due to the amnesty, they were in no danger of being indicted themselves. They most likely would have felt differently had there been no amnesty.

On the negative side, aggressive prosecutions policies can also foster resentment among ex-combatants as a group. As Kingma observes, "It is generally felt that soldiers and ex-combatants who violated human rights should be appropriately punished. But harsh punishments might increase tensions, for example, between ex-soldiers and the rest of society. In addition, some groups might believe that the violations they perpetrated during the war are treated differently to those of others."³⁰ Increased tensions and the belief that prosecutions represent 'victor's justice' may reduce ex-combatants' ability and desire to reintegrate and lead them to behave in ways that will reduce the likelihood of community acceptance. Harsh or selective trials may be considered as revenge by ex-combatants, as may the absence of due process in trials or the lack of respect for human rights standards during the detention of accused. Even the perception that trials may be overly harsh, selective, or unfair, whether this perception is legitimate or not, may have a negative impact on reintegration and reconciliation in general. This may be true for both ex-combatants and civilians alike. A lack of clarity about the role and functions of prosecutions can contribute to this. According to one study, for example, many Bosnian Serbs believe that the International Criminal Tribunal for the former Yugoslavia (ICTY) is "politically biased against them, basing their views on the misinformation that the ICTY had indicted only Serbs."³¹ Some people may be against any prosecutions at all. Arguments in favor of amnesties sometimes point to the instability and insecurity of transitional periods and the danger that retributive justice may pose in such contexts. They also contend that the political negotiations that end civil wars often require an amnesty as a necessary compromise for a peaceful end to the violence and a peace agreement that makes DDR possible.

²⁸ PRIDE, "Ex-combatants Views of the Truth and Reconciliation Commission and the Special Court in Sierra Leone," Freetown, 12 September 2002, 16.

²⁹ Ibid, 21

³⁰ Kingma, 189.

³¹ Laurel E. Fletcher and Harvey M. Weinstein, "A world unto itself? The application of international justice in the former Yugoslavia," in *My Neighbor, My Enemy: Justice and Community in the Aftermath of Mass Atrocity*, Eric Stover and Harvey M. Weinstein, eds. (Cambridge: Cambridge University Press, 2004), 40.

Prosecutions may have a particularly negative effect on the reintegration of child ex-combatants. While international law does allow for children under the age of 18 who are accused of infringing on the law to be prosecuted in a court of law, it calls upon States to look for alternatives. Article 40 of the Convention on the Rights of the Child requires States to ensure, “Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.” States must also respect a number of minimum guarantees and take into account “the desirability of promoting the child’s reintegration.” Article 37 prohibits capital punishment or life imprisonment for those children tried and found guilty.³²

There are a number of reasons for such special treatment of children, even those who may have committed atrocities as members of armed groups. While conflicts often involve significant numbers of children who commit atrocities, many of these children have been coerced, kidnapped, drugged, or traumatized into participating. According to Amnesty International, “It is highly unlikely that those who were drugged against their will would be prosecuted, as it is not in the interests of justice to prosecute someone who, clearly, on the evidence, was not in control of their actions.” Furthermore, “Those who were threatened would be able to argue that they acted under duress.”³³ There is also the argument that even those child soldiers who voluntarily committed atrocities should not be criminally prosecuted in the same way as adults. These child ex-combatants can be considered as both perpetrators and victims. As one study explains, the “story of child soldiers in many African conflicts...is the story of deliberate creation of perpetrators using the raw ingredients of the most vulnerable and malleable part of the population: disadvantaged children.”³⁴ Finally, as a report by the Save the Children Fund argues:

there is worldwide evidence that detention and custodial sentences do not serve children’s best interests or, in the longer term, those of society. As far as ex-combatant children are concerned, trial by court is considered incompatible with their reintegration, and is likely to undermine it. Trial by court further stigmatises ex-combatant children by drawing attention to their past; there is also a possibility that they could be singled out for retribution. Children still in fighting forces may be reluctant to demobilise because they fear prosecution, or those who have already left may drop out of reintegration programmes.³⁵

Child soldiers may be particularly susceptible to exaggerated fears of punishment. In Sierra Leone, for example, some of them were told to expect drowning at sea and mob justice.³⁶ There may, then, be more appropriate transitional justice measures for

³² Convention on the Rights of the Child, Articles 37, 40.

³³ Amnesty International, “Child Soldiers: Criminals or Victims?” Amnesty International, December 22, 2000.

³⁴ Laura Stovel, “When the enemy comes home: Restoring justice after mass atrocity.” Paper prepared for the Restorative Justice Conference, Vancouver, June 1-4, 2003, 27.

³⁵ Isobel McConnan and Sarah Uppard, *Children Not Soldiers: Guidelines for Working with Child Soldiers Associated with Fighting Forces*, The Save the Children Fund, December, 2002, 199.

³⁶ *Ibid*, 126.

addressing human rights abuses committed by child soldiers, which may have a more positive effect on their reintegration.

Truth Telling

Truth telling and truth commissions can also affect the social reintegration process in both positive and negative ways. Positively, truth commissions can provide to the public an even-handed account of a conflict and reduce stigmatization. Negatively, it may be possible for truth commissions to reinforce stereotypes and stigmatization and foster resentment by excluding both ex-combatants and community members from the process.

Truth-telling efforts can provide society with an even-handed account of a past conflict, as well as the patterns and structures of the violence it contained, thereby possibly sensitizing both perpetrators and victims and reducing some of the stigmatization that might otherwise accompany a public silence. In some cases, truth commissions can help to individualize guilt, provide ex-combatants who are guilty of committing abuses the opportunity to acknowledge their guilt and apologize to victims and communities, and provide an avenue of participation for victims and community members. In general, it may be in the interest of anyone who seeks to reintegrate into a community or reconcile with one's former enemies that society engages in such a truth-telling effort. Because in most cases the vast majority of ex-combatants will not be guilty of committing abuses, the revelation of the truth should, in theory, help and be welcomed by them.

In Sierra Leone, for example, many ex-combatants feared rejection from their communities and put a "great deal of hope in the TRC to act as an effective and essential mechanism from promoting integration."³⁷ Support for the TRC rose from 53 percent to 85 percent once ex-combatants understood its design and purpose, while those who believed that it would bring reconciliation rose from 52 percent to 84 percent. As one former combatant explained, the "truth will help families and victims to forgive us."³⁸ For those ex-combatants who did commit a crime, or those who did not but feel that, as an ex-combatant they are implicated in the wrongs done in their names, truth-telling processes may offer an opportunity to acknowledge guilt and apologize. As the PRIDE report puts it, "They want to confess to the TRC because they think it will enable them to return to their communities."³⁹ In the words of one soldier, "We did pretty bad things which we are sorry for and want to say so. All we want now is peace and reconciliation which will bring development for all."⁴⁰

There is good reason to believe that truth-telling can in fact facilitate the reintegration process. The experiences of ex-combatants, however, suggest that truth-telling can, or can be at least perceived to, undermine social reintegration. In South Africa, for example, this stems from some ex-combatants' beliefs that the TRC was, for them, not a neutral institution. Some former SADF members viewed the truth-telling process as a "witch-hunt." According to one, the "TRC serves no purpose at all and is nothing more than an ANC orchestrated witch-hunt. It has got nothing to do with

³⁷ PRIDE, 11.

³⁸ Ibid, 12.

³⁹ Ibid, 23.

⁴⁰ Ibid, 14.

reconciliation at all! It has to do with revenge!” As a result, they feel stigmatized even more. According to a study by the Center for the Study of Violence and Reconciliation, some ex-combatants claim that the TRC “is a fundamental factor in the stigmatization of ex-combatants who were part of the apartheid security forces. Those who have been ‘hunted’ down suffer the consequences of notoriety, and this hinders their reintegration into society.”⁴¹ They speak of the TRC process contributing to the sense of being “thrown to the wolves” and the “demonisation of ex-SADF combatants.”⁴² Other ex-combatants felt that the truth-telling process actually put their safety at risk. By personalizing the conflict, they feared, truth telling might lead to further violence motivated by revenge. “I told them what I did,” said one ex-combatant, “and there are people who hate me now because I gave an order to kill his younger brother.” According to another, “if I killed your brother and went to the TRC, well [it] doesn’t count that I went to the TRC...[It] can lead you to hurt me because now you know what I did to your brother.”⁴³ While none of the ex-combatants who felt this way had any proof that such revenge violence was actually occurring, the suspicion and mistrust that such fears can generate would certainly not help the social reintegration process. Finally, some ex-combatants in South Africa felt bitterness toward the TRC because they believed that it had excluded them. “They felt that they had been left out of the process.”⁴⁴ A limited mandate and reach, a focus on leaders and elites, transportation costs, and bureaucratic delays can leave “‘ordinary’ soldier experiences largely invisible.”⁴⁵

Reparations

In the context of a DDR program, reparations for victims of human rights abuses, as with prosecutions and truth-telling efforts, can serve to both facilitate and undermine the social reintegration process. Reparations programs can contribute to reintegration by reducing the resentment that victims and communities may feel in the aftermath of conflict and by minimizing fear of rejection amongst ex-combatants. At the same time, however, reparations programs, depending on their design and implementation, may foster mistrust and further resentment.

It is not uncommon for the benefits of a DDR program for ex-combatants to dwarf the benefits of a reparations program for victims, if one exists. This discrepancy can add to the perception that ex-combatants, who as a group will include perpetrators of human rights violations, are receiving ‘special treatment.’ Not only are they receiving more benefits than other members of communities, but also they are receiving more benefits than the most war-affected groups of people, including the victims of abuses themselves. As the International Peace Academy (IPA) explains, “offering special treatment to ex-combatants runs the risk of breeding resentment within the community.”⁴⁶ In Sierra Leone, for example, radio ‘phone-ins’ have received comments full of resentment, such

⁴¹ Gear.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ International Peace Academy, *A Framework for Lasting Disarmament, Demobilization, and Reintegration of Former Combatants in Crisis Situations*, Workshop Report (New York: International Peace Academy, 2002), 5.

as, “those who have ruined us are being given the chance to become better persons financially, academically and skills-wise.”⁴⁷ Such resentment may undermine the purpose of any reparative measures toward the victims of human rights abuses and their willingness to accept ex-combatants into their community. In such cases, the positive effect of DDR provisions on ex-combatants’ economic reintegration may be somewhat off-set by the negative impact of the lack of reparations for victims.

A fairer balance between DDR benefits and reparations would go a long way toward reducing such resentment. It also sends signals to other groups in society, symbolizing very centrally the way in which the State will handle the myriad of competing claims, as well as its commitment to certain norms and values, in a post-conflict situation. Ex-combatants in Sierra Leone, for example, believed that compensation for victims would facilitate their reintegration into the community. Support for such compensation rose from 71 percent to 77 percent after information sessions on the issue. In focus groups, ex-combatants believed that justice in the form of reparations would “soften the aggrieved heart for forgiveness.”⁴⁸

Even reparations efforts more fairly balanced with DDR benefits will not necessarily go without contentions. In Rwanda, the Rwandan Demobilization and Reintegration Program demobilized 18,692 Rwandan Patriotic Army soldiers from 1997 to 2001, and, as of April 2003, had demobilized 15,202 RDF personnel and 4,534 repatriated ex-combatants from Rwandan armed groups in an ongoing program. 12,258 ex-FAR (Forces Armées Rwandaises) soldiers receive assistance through the program.⁴⁹ While not part of a larger reparations program, from 1995 to 2000 the government and donor-sponsored Fund for Genocide Survivors paid school fees for children who had survived the genocide, and whose Tutsi fathers had been murdered, school fees that in Kigali could almost equal the amount that ex-FAR soldiers receive as demobilization installments. According to Philip Verwimp and Marijke Verpoorten, former FAR combatants complained about being unable to pay such fees. “This problem is not only pressing for the children of former combatants,” they write, “but for many combatants themselves, especially for those young people whose schooling ended in 1994 and who joined the ex-FAR or Interhamwe in the Congo.” In this particular case, ex-combatants see their access to education, which “forms the basis for both jobs and mobility,” and is a key issue in terms of social reintegration, limited.⁵⁰ There may indeed be all kinds of perceived injustices that accompany transitional justice efforts such as reparations, and, clearly, their mere existence does not make them well grounded. It may be worth noting them, however, and considering the implications they may have for the design of DDR programs themselves.

Institutional Reform

⁴⁷ Jeremy Ginifer, “Prioritising Reintegration,” in Mark Malan et al, eds., *Sierra Leone: Building the Road to Recovery* (Pretoria: Institute for Security Studies, 2003), 46.

⁴⁸ PRIDE, 14.

⁴⁹ Multi-Country Demobilization and Reintegration Program, “Country Profile: Rwanda,” May 11, 2004.

⁵⁰ Philip Verwimp and Marijke Verpoorten, “‘What are all the soldiers going to do?’ Demobilisation, reintegration and employment in Rwanda,” *Conflict, Security and Development* 4, no. 1 (2004): 55.

As with other measures of transitional justice, vetting and institutional reform, depending on their design and implementation, can serve to reinforce or undermine the goals of reintegration programs. Effective vetting procedures that screen current and new members of the armed forces and other security institutions, many of which may come from the armed groups that previously waged the conflict and are now being demobilized, can serve to promote trust between those institutions and civilians and former victims. A lack of vetting procedures, or ones that do not adequately screen for and exclude past human rights abuses, can undermine that trust.

In post-conflict situations, and despite frequent downsizing, the security forces of the State often provide an important avenue of employment for ex-combatants.⁵¹ In many cases, the multiple armed groups that fought the war are combined in some shape and form into a new, and smaller, national armed forces. Many former combatants are demobilized and many are reintegrated into the new military. Social reintegration, therefore, could be conceived of as including this process. This process too will involve establishing new social relationships both with other members of the military and the civilian public. “In considering the suitability of an ex-combatant for re-deployment in the armed forces, or any other area,” notes the IPA, “it is important to take into account not only individual health and educational standards, but also his or her human rights record.”⁵²

In fact, however, DDR programs sometimes operate alongside, but not connected with, security forces vetting processes. Without coordinated policies of reintegration and vetting, ex-combatants can be vetted from the security forces and sometimes reinserted in the very same, or transformed, forces through reintegration programs. In such a case, the reintegration of human rights abusers into the security sector reduces trust in that sector’s institutions,⁵³ thereby undermining as well one of the aims of vetting considered as a transitional justice measure. Public institutions will have serious problems winning the trust of citizens whom they serve if they reintegrate perpetrators of serious human rights abuses.

Vetting procedures that do not effectively screen for human rights violators can also lead to potential distrust within the new armed forces themselves, between former members of opposing factions, and between ex-combatants not selected for continued service. In East Timor, United Nations Transitional Administration for East Timor (UNTAET) and East Timorese leadership decided to make the former independence fighters, the Armed Forces for the National Liberation of East Timor (FALINTIL), the core of a new institution, the East Timor Defense Force (FDTL). The FDTL was established on 1 February 2001 and the Falantil officially retired. The FDTL initially consisted of 1500 regulars and 1500 reservists, but the first battalion only required 650 ex-Falantil soldiers. According to an International Organization for Migration evaluation of the reinsertion assistance program in East Timor, the criteria by which commanders selected members of the first battalion were technical, including experience, capacity, and health, and political, including suitability and potential commitment.⁵⁴

⁵¹ International Peace Academy, 5.

⁵² Ibid, 5.

⁵³ Ginifer, 47.

⁵⁴ John McCarthy, *Falintil Reinsertion Assistance Program (FRAP) – Final Evaluation Report* (Geneva: International Organization for Migration, June 2002), 33.

As it was the pro-Indonesian militias who were responsible for the human rights violations committed in the aftermath of the independence referendum in 1999, vetting for human rights violations was not a major concern for the new armed forces. Interestingly, according to the IOM, however, there were some among those “deemed eligible by the High Command who were reliably reported to have been functionaries during the time of the Indonesians and others who had been forcibly recruited by the militias. The latter sub-group reportedly fled to FALINTIL in the mountains after having been forced to witness—or coerced to participate in—the violence attributed to militias. Some of the young clandestinos who became new recruits, as well as a few of the former bureaucrats, were selected for the ETRDF; something that has not escaped notice of at least some long serving veterans in focus group meetings who regretted not being selected for the new armed forces.”⁵⁵

Delays in implementing institutional reform can also disrupt reintegration. In El Salvador, the 1992 Peace Agreement called for the creation of an Ad Hoc Commission that was to contribute to the “purification of the armed forces” by evaluating members of the military’s officer corps and recommending discharge for, among other things, human rights violations. Part of the officer corps was in fact evaluated, and a number of officers were eventually purged. Delays in the process, however, combined with other factors, contributed to growing resentment amongst ex-combatants from the Farabundo Marti National Liberation Front (FMLN). According to Denise Spencer, as a result of “the inability of the government to fully comply with the peace agreements, many disgruntled ex-combatants began reorganizing to express their frustrations. Some armed organized groups posed a threat to security and the peace process while others encouraged reconciliation.”⁵⁶

Local Justice and Reconciliation

Transitional justice and reconciliation initiatives that operate at a local or community level can promote trust between ex-combatants and society in many of the same ways as the more formal measures. Ranging from informal courts and hearings to traditional ceremonies, locally-based processes in countries such as Rwanda, East Timor, Sierra Leone, Mozambique and Uganda, are usually referred to as either justice measures or reconciliation measures, and, more often than not, both. One observer writes that, in Rwanda, the gacaca system’s “overarching goal is to promote reconciliation and healing,”⁵⁷ while others describe the system as “a promising alternative to achieve not only justice, but reconciliation.”⁵⁸ In East Timor, the Commission for Reception, Truth and Reconciliation (CAVR) facilitated a community reconciliation process, in which hearings were held for former militia members returning from exile in West Timor. Fausto Belo Ximenes argues that “the process was not only a Community-based Reconciliation Process, but it was indeed a Community-based *Justice* and Reconciliation

⁵⁵ McCarthy, 41-42.

⁵⁶ Denise Spencer, *Demobilization and Reintegration in Central America* (Bonn: Bonn International Center for Conversion, 1997), 48.

⁵⁷ Eugenia Zorbas, “Reconciliation in Post-Genocide Rwanda,” *African Journal of Legal Studies* 1, no.1 (2004): 36.

⁵⁸ Peter Uvin and Charles Mironko, “Western and Local Approaches to Justice in Rwanda,” *Global Governance* 9 (2003): 219.

Process.”⁵⁹ These types of processes are, in fact, often considered themselves to be mechanisms for reintegrating ex-combatants into their communities.

In terms of reconciliation, specifically, both the informal courts and the traditional ceremonies are often described in terms of their ability or aim to improve social relations within communities. Amnesty International, for example, has described the gacaca system in Rwanda as an “attempt to restore the Rwandese social fabric torn by armed conflict and genocide.”⁶⁰ Similarly, Chris Alden writes about a “body of literature that identifies with Robert Putnam’s famous ‘social capital’ thesis. In analyzing the Mozambican case it echoes this argument, suggesting that the key to understanding the surprisingly enduring reintegration of ex-soldiers in the wake of a brutal civil war lay in recognizing the importance of traditionalism in the reintegration process.”⁶¹

In terms of justice, specifically, these local processes are often described as or compared to ‘restorative justice,’⁶² in that, much more than retributive justice, they attempt to address and balance the needs of the victim, the needs of the offender, and the need to restore the community.⁶³ While local justice and reconciliation processes do contain elements of restorative justice, however, they also overlap with the functions of other transitional justice measures –prosecuting or punishing perpetrators, making reparations to victims, truth-telling, and institutional reform. This is true for both community-based court systems, such as gacaca, and reintegration ceremonies, such as those practiced in Mozambique, Angola, and Uganda.⁶⁴

Local processes can sometimes be more efficient than formal measures, such as national courts, in that they can deal more quickly with large numbers of perpetrators. Some processes, such as reintegration ceremonies, can be particularly appropriate for child ex-combatants as an alternative to criminal prosecutions for the reasons explained above. While avoiding the problems associated with prosecutions of children, these ceremonies can allow them to “benefit from acknowledging their previous actions, as part of the process of coming to terms with the past and preparing for civilian life.”⁶⁵ Furthermore, the community-based nature of local processes may make them more accessible and add to their legitimacy. They often encourage the participation of the local population and draw upon existing local structures, customs, and values and philosophies.

In terms of both justice and reintegration, however, these local processes can be very problematic. First, and most frequently pointed out in the literature, local processes, due to the fact that they operate outside formal legal systems and often outside any kind of state control, do not always respect national or international legal or human rights

⁵⁹ Fausto Belo Ximenes, “The Unique Contribution of the Community-Based Reconciliation Process in East Timor,” paper prepared as part of the Transitional Justice Fellowship Programme, co-hosted by the International Center for Transitional Justice and the Institute for Justice and Reconciliation, May 2004, 4.

⁶⁰ Amnesty International, “Rwanda: A question of justice,” Amnesty International, December 2002, 2.

⁶¹ Alden.

⁶² See, for example, Peter Harrell, *Rwanda’s Gamble: Gacaca and a New Model of Transitional Justice* (New York: Writers Club Press, 2003), 83-96; Cobban, 12.

⁶³ Stovel, 5.

⁶⁴ See Alcinda Honwana, “Children of War: Understanding War and Cleansing in Mozambique and Angola,” in *Civilians in War* (Boulder, CO, London: Lynne Rienner Publishers, 2001); Angela Veale and Aki Stavrou, *Violence, Reconciliation and Identity: The Reintegration of the Lord’s Resistance Army Child Abductees in Northern Uganda*, Monograph No 92 (Pretoria: Institute for Security Studies, 2003).

⁶⁵ McConnan and Uppard, 198.

standards; in particular, they do not always afford due process.⁶⁶ Second, it can reasonably be argued that local processes are simply not appropriate for dealing with serious human rights violations, such as abductions, amputations, rape, and murder, particularly when these represent war crimes, crimes against humanity, or genocide. Third, the use of local justice processes may reinforce gender or other biases that are embedded in local practices and structures.⁶⁷ Finally, there is the concern that local justice processes will be conceived as substitutes for, rather than complements of, other transitional justice measures.

Gender Justice

One issue that cuts across all of the transitional justice measures discussed above is that of gender justice. Whether we are talking about prosecutions, truth-telling, reparations, vetting, or local justice, any justice measure that fails to adequately incorporate a particular gender perspective in its work may undermine the true reintegration and reconciliation of ex-combatants by fostering resentment among female victims or failing to build trust between them and their society. A reparations program, for example, that does not incorporate gender sensitive definitions of the harms that need reparation, a gender sensitive determination of reparation measures and beneficiaries, and a gender sensitive design of procedures in the creation and implementation of the program, is both fundamentally unjust and may have a negative impact on the reintegration of ex-combatants.⁶⁸ How will victims of sexual violence at the hands of soldiers feel if a reparations program does not address those crimes, does not involve their participation, or does not account for the stigmatization associated with acknowledging such crimes, while returning soldiers receive immediate benefits regardless of their past behavior? How will these victims feel if truth commissions, prosecutions, and vetting procedures do the same?

The effects of transitional justice measures failing to incorporate a gender perspective may be compounded for some by the parallel failure of DDR programs to adequately include female ex-combatants as beneficiaries and decision-makers. Females who served in armed forces and were the victims of gender-based crime are often in such cases excluded from both initiatives. On top of this, points out Vanessa Farr, women who have participated in active combat, which may not fit well with predominant gender ideologies, may experience even more marginalization than other women.⁶⁹ At the same time, it is also important that transitional justice measures acknowledge women not only as victims but also as perpetrators. As Farr explains, “Recognizing women’s potential for complicity in organized violence is an important step on the road to deconstructing commonly-held stereo-types of gender-appropriate behavior. In a variety of ways, from

⁶⁶ Amnesty International, 2.

⁶⁷ Aisling Swaine, “Traditional Justice and Gender Based Violence,” Research Report, International Rescue Committee, August 2003, 2-3; Amnesty International, “East Timor: Justice past, present and future,” Amnesty International, July 2001, 39-42; Chris Dolan, “Reconciliation with Justice? The East Timor Experiment in Transitional Justice and Reconciliation,” report for International IDEA, March 2004, 23.

⁶⁸ The ICTJ is currently running a multi-year project on gender and reparations examining precisely these issues.

⁶⁹ Vanessa Farr, “Gendering Demilitarization as a Peacebuilding Tool,” Bonn International Center for Conversion, 2002, 8.

the achievement of transitional justice in which women, too, are held accountable for crimes committed during the conflict period, it has important implications for the long-term success of demilitarization and peacebuilding, and for women's political position in a post-conflict society."⁷⁰

Mechanisms Linking Transitional Justice Measures and DDR Programs

As discussed in the previous section, transitional justice measures can impact the social reintegration of ex-combatants in a number of different ways, both positively and negatively. There can be a relationship between the two types of initiatives even when there are no direct connections between the two different types of programs. The relationship exists to the extent that transitional justice measures affect the levels of trust and social capital between ex-combatants and their communities, both locally and nationally. The relationship can also exist, however, at a more direct, programmatic level. This section of the paper will examine some of the mechanisms that may be thought to connect transitional justice measures and DDR programs, including the legal framework, conditionality, information sharing, and funding. One important theme connecting all of these mechanisms is that of incentives and disincentives. Most DDR programs operate on a voluntary basis, and, therefore, providing ex-combatants with the right incentives to participate in the process, while addressing the needs of justice, accountability, and fairness, is a central challenge.

Legal Framework

The legal framework of a post-conflict society provides the context within which both transitional justice measures and DDR programs operate and relate to each other. This legal framework can consist of international law, the peace agreements that ended the conflict, the United Nations resolutions concerning the deployment of a peacekeeping mission or transitional administration, and the national legislation establishing the initiatives, as well as other domestic laws.

Peace agreements, for example, can clearly determine some of the limits of transitional justice efforts. Many DDR programs are implemented in the context of some sort of amnesty agreement. A complete, blanket amnesty for all crimes committed by all combatants during the conflict may rule out the possibility of criminal prosecutions in the transitional period, limiting the pursuit of justice to, but increasing the importance of, a truth commission, a reparations program, administrative justice in the form of institutional reform, or local justice and reconciliation initiatives. Incomplete amnesties may apply to only one side of the conflict or to specific crimes, excluding, for example, crimes of genocide or against humanity. In either case, the existence of an amnesty can serve as an incentive for ex-combatants to participate in a DDR program if it is pointed to as reassurance that they will not be charged with a crime. A registration form used by Sierra Leone's National Committee on Disarmament, Demobilization and Reintegration, for example, states in its first term of acceptance that, "In accordance with the Amnesty Conditions you will be exempted from criminal prosecution, with regards to any crimes

⁷⁰ Farr, 17.

committed prior to your surrender.”⁷¹ Note that amnesty here is not dependent on participation in the program, but is just used as reassurance. In Uganda, the Amnesty Act of 2000 established an Amnesty Commission whose functions include granting amnesty certificates, which give immunity from prosecution for anyone engaged in fighting the government since 1996, and demobilizing and reintegrating former combatants.⁷²

Nevertheless, whether there exists an amnesty or not, peace agreements and the rest of the legal framework provide an opportunity to link transitional justice and DDR programs right from the beginning of the process. Historically this opportunity has not often been exploited. One example where they have explicitly linked is El Salvador, where the 1992 Peace Agreement called for both the demobilization of the military and the reintegration of soldiers into the newly created armed forces. The agreement states that “troops belonging to units that are to be abolished and disbanded shall be redeployed within the armed forces where such redeployment is compatible with...the conclusions and recommendations of the ad hoc Commission.” The ad hoc Commission, also created by the agreement, was to perform an evaluation of the officer corps of the armed forces as part of a “process of purification.” Part of the criteria used in this evaluation is a “record of observance of the legal order, with particular emphasis on respect for human rights” and the “capacity to function in the new situation of peace, within the context of a democratic society.”

In Colombia, where there are ongoing negotiations regarding a legal framework for the demobilization of right-wing paramilitaries, whose members have “massacred tens of thousands of people and have grown rich stealing the land of hundreds of thousands more,”⁷³ competing government proposals do make direct connections between justice efforts and demobilization. These connections will be discussed in more detail below. While the paramilitaries so far have refused to accept any agreement calling for their punishment, the government is being pressured domestically and internationally to enact a strategy that includes justice for both perpetrators and victims. The International Crisis Group, for one, recommends a “legal framework with clear provisions for punishing war crimes and crimes against humanity, for victim reparation, for return of illegally obtained assets and for reintegration of former combatants.”⁷⁴

Interestingly, one of the potential benefits for DDR programs that are formally linked to justice and international human rights standards could be greater generosity on the part of donors. Both national and international donors may be more willing to fund a DDR program from its beginning if its legal framework incorporates human rights standards. After a recent meeting between the Colombian government and 24 countries from which it has requested aid to assist its demobilization program, those governments “put the onus on Colombia’s Congress to first pass measures to ensure a full accounting of the militias’ crimes as well as justice and reparations.”⁷⁵ *The New York Times*, moreover, recently wrote that the Colombian government “needs to come back to its

⁷¹ United Nations Department of Peacekeeping Operations, *Disarmament, Demobilization and Reintegration of Ex-Combatants in a Peacekeeping Environment*, Annex B2 (New York: United Nations, 1999), 109.

⁷² The Amnesty Act, 2000.

⁷³ *The New York Times*, “Dismantle Colombia’s Paramilitaries,” February 3, 2005.

⁷⁴ International Crisis Group, “Demobilizing the Paramilitaries in Colombia: An Achievable Goal?” Latin America Report No. 8, Bogota/Brussels, 5 August 2004, ii.

⁷⁵ Hugh Bronstein, “Colombia is told new laws first, then aid,” Reuters, 4 February 2005.

donors with a firm law that will require the real dismantlement of paramilitary groups and real reparations in exchange for reduced jail time.”⁷⁶

Information

DDR programs can prove valuable to justice efforts because of their contact with and access to information about ex-combatants, and therefore, human rights abusers. The question of how this information is gathered, used, and shared, then, can determine whether transitional justice becomes an incentive or a disincentive for ex-combatants to participate in DDR programs.

Information gathered during DDR processes regarding the past behavior of ex-combatants may be used in criminal prosecutions and investigations, or it may be used to refer suspected perpetrators to the courts. One of the main issues regarding the use of information, then, is the fear of punishment. As discussed above, for some ex-combatants transitional justice can facilitate the social reintegration process by rebuilding social capital and trust. While most ex-combatants in any given post-conflict society will most likely not be guilty of atrocities, many will be guilty, and many others will fear that they will be punished for their association with abusers or their membership in a group that has committed abuses. If information gathered by DDR programs can be used in the pursuit of transitional justice, some ex-combatants will have less incentive to participate. Registration of person-related data carried out in assembly areas, explains a recent handbook on DDR, “can be a sensitive issue, as personal and military data can be used against an individual or group. If there is any suspicion that data surveyed during demobilization may be used for prosecution or discrimination, the registration process could be endangered.”⁷⁷

Fear of punishment can hinder DDR programs at different stages of the process and for different groups of ex-combatants. Once a link is openly established between a DDR program and justice efforts, and rank-and-file ex-combatants are aware that disarming and demobilizing may require them to provide information about their past conduct, which may be used for criminal investigations or other justice efforts, they may decide not to enroll. Recent DDR efforts in the Great Lakes region of Africa, as part of the World Bank’s Multi-Country Demobilization and Reintegration Program, such as in Rwanda and the Democratic Republic of Congo (DRC), have been screening ex-combatants for past human rights abuses, including crimes of genocide, as part of the registration process.⁷⁸ This is in accordance with the World Bank’s Greater Great Lakes Regional Strategy for Demobilization and Reintegration, which states that “screening of ex-combatants for war crimes would be an important activity and would be undertaken by national programs in coordination with relevant national and international authorities

⁷⁶ *The New York Times*, February 3, 2005.

⁷⁷ Douglas et al, 55.

⁷⁸ The World Bank, “Technical Annex for a Proposed Credit of SDR 20 Million (US\$ 25 Million Equivalent) to the Republic of Rwanda for an Emergency Demobilization and Reintegration Program,” March 25, 2002, 14; The World Bank, “Technical Annex for a Proposed Grant of SDR 68.1 Million (US\$100 Million Equivalent) to the Democratic Republic of Congo for an Emergency Demobilization and Reintegration Project,” May 3, 2004, 19.

(for example, MONUC, the International Criminal Tribunal for Rwanda).⁷⁹ Ex-combatants disarmed in Rwanda who are suspected of participating in the 1994 genocide are to be turned over to the gacaca courts, while those disarmed by MONUC in the DRC and suspected of organizing the 1994 genocide are to be handed over to the ICTR.⁸⁰ According to one official from the Rwandan Demobilization and Reintegration Commission, “Those who are [considered] guilty of committing any atrocities are not spared at all. They are taken over by the police and the prosecutors to answer their charges.”⁸¹

The extent to which screening for human rights violations and referrals to institutions of justice actually discourage the ongoing demobilization in Rwanda and the DRC is unclear. Interestingly, in Liberia, when in 1994 the United Nations managed to demobilize a small number of combatants, interviews of 3,449 fighters in an official demobilization questionnaire revealed that 11 percent of them “admitted to raping with violence more than ten times.”⁸² While this information was not used for any sort of investigation, prosecution, or other justice effort, it does suggest that ex-combatants will not necessarily shy away from confessing to having committed crimes.

Fear of punishment can lead the leaders of armed groups to prevent those below them from participating in DDR programs, or to prevent transitional justice and demobilization from being linked in the first place. In the ongoing negotiations over the demobilization in Colombia, for example, paramilitary leaders have refused to agree to any demobilization legislation in which they are punished for past crimes. The leaders of the United Self-Defence Forces of Colombia (AUC) have said they are not willing to spend “one minute, one second in prison, nor within nor outside [Colombia’s] borders.”⁸³ They will not, they say, even negotiate under the threat of being “brought to justice” or “subject to the judicial process.”⁸⁴ According to one Colombian Senator, this fear extends beyond the paramilitaries themselves to the country’s elite who may be implicated if the demobilized are investigated. “Confession means truth,” he said, “But truth is not desired by people who have supported the guerilla or the paramilitaries financially or have collaborated with these groups in other ways.”⁸⁵

Such fear may be particularly relevant in the demobilization of child soldiers. According to international law, the forced recruitment of children under the age of 18 into the armed forces is illegal, and, according to the Optional Protocol to the Convention on the Rights of the Child, “armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years.”⁸⁶ The Rome Statute of the International Criminal Court states in Article 8 that “Conscripting or enlisting children under the age of fifteen years into the national

⁷⁹ The World Bank, *Greater Great Lakes Regional Strategy for Demobilization and Reintegration*, Report No. 23869-AFR, March 25, 2002, 20.

⁸⁰ The World Bank, Rwanda, 14.

⁸¹ IRIN, “Rwanda: The state of demobilization, reintegration of ex-combatants,” Kigali, 8 January 2004.

⁸² Kenneth Cain, “The Rape of Dinah: Human Rights, Civil War in Liberia, and Evil Triumphant,” *Human Rights Quarterly* 21, no. 2 (1999): 276.

⁸³ International Crisis Group, 6.

⁸⁴ *Ibid.*, 8.

⁸⁵ Bronstein.

⁸⁶ Optional Protocol to the Convention on the Rights of the Child, Articles 2 and 4.

armed forces or using them to participate actively in hostilities” is a war crime.⁸⁷ Commanders in charge of child soldiers, then, can be implicated simply by registering them in a DDR program, a fact that may partially explain the low number of child soldiers who participate in DDR programs relative to the number who participate in conflicts.

There are also the ethical issues that concern the sharing of information by DDR programs and transitional justice measures. These issues often revolve around the ex-combatants’ understanding, or lack thereof, of how their personal information will be used. As noted above, in Sierra Leone and Uganda the existence of an amnesty has been used specifically as an incentive for ex-combatants to demobilize. In Sierra Leone, most ex-combatants supported the function of the Special Court because they believed that they would never have to appear in front of it. In many such cases, amnesties exist but do not include certain serious human rights abuses. If these amnesties are not fully understood by ex-combatants, how ethical is it to use them as an incentive? If some ex-combatants believe that amnesties apply not only to criminal prosecution, but also involvement in truth-commissions and institutional reform, how ethical is it to use them as incentives and share information? How ethical is it to share information if ex-combatants are not fully aware that what they provide to DDR programs may be used immediately or sometime in the future to incriminate them? In many cases, transitional justice initiatives may be established years after DDR programs are concluded.

There are a number of ways, however, in which information gathered in DDR programs can contribute to transitional justice efforts, without creating the disincentive for ex-combatants to demobilize that prosecutions might. As discussed above, the strength of truth commissions often lies in their ability to provide an even-handed account of the conflict and the structures and patterns of its violence. This function does not necessarily require the ‘naming of names,’ although this is rightly pursued in many cases. Information gathered during a DDR process concerning the crimes committed by ex-combatants, then, could be provided to a truth commission without the names of the perpetrators. DDR registration and information management processes could be designed in such a way as to make this possible. The information would still be valuable in creating a picture of the patterns and nature of abuses.

Truth-telling efforts can also, however, benefit from much information gathered by DDR programs that does not require ex-combatants to discuss or confess to individual crimes. In East Timor and Peru, truth commissions have made efforts to map the nature of the conflict by meeting with local leaders to discuss their community histories and how they were affected by the conflict. Similar efforts could be based on data provided by ex-combatants through DDR programs. Information regarding ex-combatants’ military histories and experiences could, then, contribute to providing an account of the conflict, how society and communities were affected by the violence, and understanding and perhaps dismantling and preventing the structures of violence. This could include information about the number of ex-combatants in each group, their command structures, their geographical distribution, their patterns of movement, their length of service, how they lived and survived, numbers of dead and wounded, among many other things. In Sierra Leone, for example, the Truth and Reconciliation Commission received a submission and heard testimony from the National Committee for Disarmament,

⁸⁷ The Rome Statute of the International Criminal Court, Article 8.

Demobilisation and Reintegration (NCDDR). Similarly, vetting efforts in post-conflict societies often suffer from a general lack of information concerning the numbers and identity of security sector personnel. As a first step to improving vetting procedures, then, this type of data gathered during DDR registration could be shared with later vetting efforts.

Conditionality

Transitional justice measures and DDR programs can be linked together by the use of conditionality. On the one hand, the provision of benefits from DDR programs can be made conditional upon an ex-combatant not being suspected of or charged with committing any human rights abuses, or upon an ex-combatant who is guilty of committing human right abuses cooperating with transitional justice efforts. On the other hand, the provision of sanctions can be made conditional upon a human rights abuser's participation in a DDR program.

One of the main functions of a DDR program is to provide various forms of benefits to ex-combatants. These benefits, and the end goal of social, economic, and political reintegration into civilian society, provide the incentives for ex-combatants to participate in the program. One way of linking DDR programs to transitional justice is to completely deny these benefits to anyone who is guilty of committing human rights violations during the conflict. According to the World Bank's strategy document for demobilization and reintegration in the African Great Lakes region, "Ex-combatants who are found to have committed war crimes would not be eligible for assistance in any national program or special project."⁸⁸ This type of exclusion was proposed for the DDR program in the DRC.⁸⁹ Another way of linking transitional justice and DDR programs is to condition benefits on cooperation with a specific justice effort. In Colombia, for example, among competing proposals for a legal framework for the demobilization of paramilitaries, Senator Piedad Cordoba's would make the provision of benefits conditional on confession of crimes before a truth commission.⁹⁰

One of the problems with conditioning DDR benefits on an ex-combatant's past human rights conduct, however, is the challenge of actually determining an individual's guilt or innocence. A full investigation into an ex-combatant's past conduct could take weeks, months, or years. Cooperation with or participation in a trial or truth commission could take equally as long a time. Where DDR programs are screening for human rights violations, this raises the issues of both fairness and time. In the DRC, for example, those who are "suspected of crimes against humanity will be excluded from the program."⁹¹ A determination of guilt must wait for a trial, but the withholding of benefits begins immediately. In Colombia, where in recent demobilizations members of paramilitary groups go through a three-stage process lasting 48 days, the government determines in the second stage, lasting two to ten days, whether or not individuals are responsible for the commission of an atrocity. This determination is based on whether or not the ex-

⁸⁸ The World Bank, *Great Lakes*, 20.

⁸⁹ The World Bank, DRC, 16.

⁹⁰ Human Rights Watch, "Colombia: Letting Paramilitaries off the Hook: A Human Rights Watch Briefing Paper," January 2005.

⁹¹ The World Bank, DRC, 16.

combatant is the subject of an ongoing prosecution or conviction. As Human Rights Watch notes, “There is no further effort to carefully investigate each individual to determine whether he might be linked to crimes against humanity or other abuses,” and “it is questionable whether the government’s brief demobilization schedule even allows enough time for an adequate check of existing prosecutions and convictions.”⁹² During the implementation of a DDR program, time is usually a scarce and very important resource. In what is often an unstable, uncertain, and suspicion-filled atmosphere, delays in the immediate stages of a DDR process can endanger the whole process. Determining an ex-combatant’s qualifications and eligibility for a DDR program are already occurring under much time pressure and inadequate resources, such as personnel records for guerilla forces.⁹³ Determining human rights abuses and conditioning the provision of benefits upon it, therefore, could lead to dangerous delays, inadequate investigations, and unfair exclusion.

As discussed above, just as the provision of benefits from DDR programs provide ex-combatants incentives to demobilize and reintegrate, the possibility of being sanctioned provides a disincentive. One way of addressing this issue is to make punishment for human rights abuses committed by ex-combatants conditional upon their demobilization. In Colombia, again, both the Government and Senate proposals for demobilization offer “significant sentence reductions to paramilitaries who demobilize.” Both proposals involve sentences for perpetrators of atrocities of between five and ten years, while the Government proposal allows for additional reductions down to three years, and allows for the time spent in concentration zones to count as time served.⁹⁴ The obvious potential problem with this type of conditionality is that sanctions are reduced to the point at which perpetrators of serious human rights violations escape with nothing more than a “slap on the wrist,” and do little to combat impunity.

Conclusions and Recommendations

This paper has offered a preliminary examination of some aspects of the relationship between transitional justice and social reintegration. It suggests that transitional justice and social reintegration can be conceptualized as having the same ultimate goal—the reestablishment of trust and the rebuilding of social capital between individuals, groups, communities, and institutions in war-torn societies. One of the goals of transitional justice efforts is to promote trust through action, in particular, through criminal prosecutions, truth-telling efforts, reparations programs, and vetting and institutional reform. At the same time, one of the goals of DDR programs is to socially reintegrate ex-combatants into civilian life, their communities, and their society, which depends in part on trust. That ex-combatants will be one of the groups in a post-war environment most likely to include perpetrators of human rights abuses, means that levels of trust between them as a group, and individually, and the rest of society will need repair. Transitional justice, therefore, can serve to reinforce the goals of DDR, which are in the end peace and reconciliation.

⁹² Human Rights Watch, 7-8.

⁹³ Douglas et al, 45.

⁹⁴ Human Rights Watch, 10.

Much more research is required on this topic before a clearer and more fully developed picture of the relationship between these two types of post-conflict initiatives can be drawn. It is possible, however, at this stage to make some preliminary recommendations for designing and linking transitional justice and DDR efforts in such a way as to balance the positive and negative aspects of the relationship and best promote reintegration. There are, to begin, three recommendations that cut across all of the transitional justice measures discussed here.

First, in most transitions, it would be beneficial to include both transitional justice measures and DDR programs, in terms of their design, implementation, and possibly even linkages, in the peace negotiations and in the peace agreement. This could be achieved by negotiators emphasizing the possible benefits of transitional justice measures for ex-combatants from all sides of the conflict and their reintegration into society. It could also be achieved by, as mentioned above, negotiators emphasizing the possible link between demonstrating respect for international human rights standards, through transitional justice measures, and increased or more reliable funding for the DDR and peace processes. Second, the positive impact that transitional justice measures can have on the social reintegration process in each case depends upon efforts to inform and sensitize ex-combatants and the rest of society. As demonstrated in the case of Sierra Leone, once ex-combatants were informed of the nature and role of the truth commission, the Special Court, and reparations, their support for these efforts increased significantly. This is crucial to managing the levels of resentment, which are often based on misperceptions and a lack of information, in a post-conflict society. Finally, as explained above, incorporating a gender perspective into each transitional justice measure will help to reinforce its positive effects on reintegration and minimize the negative effects.

A number of recommendations can also be made for each transitional justice measure, based again on balancing its positive and negative impacts on social reintegration. Prosecutions can serve to combat impunity, re-establish the rule of law, individualize guilt, and reduce stereotypes and stigmatization. If they are aggressive, however, they can foster resentment, tension, and instability; on the other hand, if they are weak or non-existent, they can be interpreted as a de facto blanket amnesty. If trials are selective, lack due process, or are generally unfair, or merely perceived as such, they may be interpreted by ex-combatants as a form of 'victor's justice.' Prosecutions may be particularly harmful for the reintegration of child ex-combatants. While DDR programs, and in particular the registration process, may provide an opportunity to screen for human rights violators and gather information and evidence for use in current or future prosecutions, linking the two initiatives in this way may create strong disincentives for ex-combatants to demobilize. Furthermore, conducting investigations of and withholding benefits from suspected perpetrators may be unfair and could delay and possibly endanger the DDR process.

A prosecutions policy, then, can be designed with an eye to these issues. In terms of reinforcing reintegration, it could be most effective to prosecute military leaders and those most responsible for human rights violations as early as possible in the transition, while leaving the prosecution of rank-and-file combatants and those less responsible until later in the DDR process when the greatest danger of disruption has passed. Screening procedures applied at the time of registration could seek out ex-combatants for whom investigations are already underway, thereby avoiding dangerous delays. Any amnesty

should be clearly defined by the peace agreement and should be consistent with international law, not applying to the worst kinds of human rights violations. Otherwise, it may lead to a culture of impunity and increased crime and violence. In order to minimize tension and resentment among ex-combatants, all prosecutions should respect international law and standards of due process and fairness. They should also treat child ex-combatants according to international law, applying more moderate sanctions and considering their status as possible perpetrators and victims. In some cases, consideration should be given to making the reduction of sanctions conditional on demobilization.

Truth-telling efforts can provide societies with an even-handed account of the causes, nature, and consequences of a conflict, thereby possibly sensitizing victims, perpetrators and society and diminishing general stigmatization. Sometimes they can individualize guilt and provide perpetrators with an opportunity to acknowledge guilt and apologize. For some ex-combatants, however, truth-telling efforts can increase actual or perceived levels of stigmatization and exclusion and therefore hinder their reintegration. They can also lead to fear amongst ex-combatants that their safety is at risk. In addition to including an information and sensitization campaign, then, truth-telling efforts should make every effort to include the participation and incorporate the voices of ex-combatants, as both perpetrators and victims of human rights abuses. Furthermore, as explained above, truth-commissions can use and benefit from shared information concerning the conflict that does not involve the ‘naming of names’ or confessions from perpetrators. Truth commissions should therefore make every effort to solicit reports and testimony from DDR programs, which themselves could be designed in such a way as to gather more of this type of information about the conflict and its structures of violence.

Reparations programs can reduce the resentment of victims and communities and minimize fear of rejection amongst ex-combatants. If, however, reparations benefits are much smaller than, or distributed long after, those of a DDR program, then this could serve to increase resentment among victims. At the same time, reparations to victims may be contended by ex-combatants. A reparations program should therefore be much more fairly balanced with DDR programs than is often the case. As with other justice measures, the relationship between reparations and reintegration would benefit from an informed and sensitized group of ex-combatants, as well as the incorporation of a gender perspective. In the case of reparations, it may be particularly beneficial to include specific commitments in the peace agreement so that compensation for victims is paid closer to the time when benefits are provided to ex-combatants.

Vetting can serve to promote trust between security institutions and civilians and former victims, thereby increasing a society’s social cohesion. As noted, the new State security institutions often serve as important avenues of employment for ex-combatants. If vetting procedures are ineffective, delayed, or uncoordinated with DDR processes, however, they can undermine trust. Vetting processes should therefore be planned early in the peace process, and implemented as effectively and as soon as is feasible. They should also be coordinated with DDR programs. This does not mean, however, that vetting and exclusion should necessarily be performed at the same time as demobilization; they could instead be appropriately sequenced. It could be the case, for example, that, as with truth-telling efforts, the registration and identification of ex-combatants and the information gathered at this stage of DDR could be shared with those responsible for later implementing vetting procedures. In many cases, vetting efforts

suffer from a general lack of data concerning the identity and number of security sector personnel.

Local justice and reconciliation processes can function in similar ways to other transitional justice measures, while sometimes being used directly as mechanisms of reintegration for ex-combatants. The advantages of local initiatives include their efficiency, accessibility, local legitimacy, and appropriateness for groups such as child ex-combatants. Their possible disadvantages include the failure to respect international or national human rights standards, the inappropriateness for addressing the worst sort of human rights violations, the reinforcement of gender biases, and the attempt to substitute these efforts for other measures of justice. If local processes are to be used to facilitate the reintegration of ex-combatants, then, negotiators should acknowledge and be sensitive to their role and importance in a 'real,' and not just rhetorical fashion. One way of doing this would be to ensure that local and traditional leaders are included in the peace negotiations. At the same time, in order to minimize the problems with local measures, such initiatives could operate under some form of State monitoring and control and in direct connection to the more formal mechanisms of transitional justice, as is the case in East Timor. Furthermore, local processes must always respect minimum human rights standards, and should not necessarily apply to those suspected of committing the worst human rights abuses. They could be used as an alternative to judicial prosecutions for most child ex-combatants, and, as with other measures, should incorporate a gender perspective and should be accompanied by an information and sensitization campaign.

In the end, transitional justice will not ensure social reintegration for ex-combatants. At most, it can make a moderate, but important contribution by promoting trust, and therefore helping to rebuild social capital and social cohesion. The nature of that contribution, however, will depend on the way in which it is implemented and the context in which that is done. Transitional justice measures and DDR programs should be designed and implemented, then, so as to take account of and minimize the potential ways in which they can undermine each other, and maximize the ways in which they can reinforce each other.

Transitional Justice Measure	Potential Positive Effect on Social Reintegration	Potential Negative Effect on Social Reintegration	Recommendations
<p>Prosecutions</p> <ul style="list-style-type: none"> • Combat culture of impunity • Reestablish rule of law • Increase security perceptions of citizens • Assign individual guilt/reduce stereotypes, misperceptions, stigmatization • Reduce occurrences of acts of revenge against ex-combatants • Reduce resentment/increase trust, social capital and social cohesion 	<ul style="list-style-type: none"> • If aggressive, foster resentment, tension, and instability • If weak or non-existent, interpreted as blanket amnesty • If selective, lack due process, unfair, or interpreted as such, seen as 'victor's justice' • Particularly inappropriate for children's reintegration • Screening for human rights violations/sharing information/referring suspects to courts can create disincentive (fear of punishment) for ex-combatants to participate in DDR • Investigations/withholding of benefits can be unfair and/or delay and endanger DDR process 	<ul style="list-style-type: none"> • Prosecute leaders and those most responsible for abuses • Consider sequencing other prosecutions later in DDR process • Amnesty should be well-defined and should not apply to worst human rights violations • Consider reduction of sanctions conditional on demobilization • Consider screening for ex-combatants for whom investigation underway • Respect international human rights standards of due process, fairness, detention • For children, seek alternatives and moderate sanctions • Inform and sensitize ex-combatants and society • Incorporate gender perspective • Link prosecutions/DDR in peace negotiations and agreement/emphasize benefits of prosecutions for social reintegration 	

<p>Truth-Telling</p>	<ul style="list-style-type: none"> • Provide even-handed account of conflict and structures of violence • Reduce stereotypes, misperceptions, and stigmatization • Sometimes individualize guilt, provide opportunity to acknowledge guilt and apologize • Reduce resentment/increase trust, social capital and social cohesion 	<ul style="list-style-type: none"> • Increase actual or perceived stigmatization of ex-combatants • Increase fear amongst ex-combatants • Create feelings of exclusion amongst ex-combatants 	<ul style="list-style-type: none"> • Include participation and voice of ex-combatants • Use DDR process to gather general data about conflict for use by truth commission • Inform and sensitize ex-combatants and society • Incorporate gender perspective • Include and link truth-telling/DDR in peace negotiations and agreement/emphasize benefits of truth telling for social reintegration
<p>Reparations</p>	<ul style="list-style-type: none"> • Reduce resentment of victims and other war-affected groups towards perceived ‘special treatment’ of ex-combatants • Increase trust, social capital and social cohesion 	<ul style="list-style-type: none"> • If smaller and more delayed than DDR benefits, can increase resentment among victims • Awards to victims may be contended by ex-combatants 	<ul style="list-style-type: none"> • Balance fairly with DDR benefits • Implement reparations programs earlier in transition • Inform and sensitize ex-combatants and society • Incorporate gender perspective • Include reparations/DDR in peace negotiations and agreement/emphasize benefits of reparations for social reintegration

<p>Vetting/Institutional Reform</p>	<ul style="list-style-type: none"> • Reduce resentment toward and promote trust in state security institutions, which may be avenue of reintegration for ex-combatants • Increase social capital and social cohesion 	<ul style="list-style-type: none"> • If ineffective, delayed, or uncoordinated with DDR, vetting efforts can undermine rebuilding of social cohesion and capital 	<ul style="list-style-type: none"> • Implement institutional reform as early as feasible • Effectively screen/exclude human rights violators • Coordinate vetting with DDR • Use data gathered in DDR process to register and identify • Inform and sensitize ex-combatants and society • Incorporate gender perspective • Include institutional reform/DDR in peace negotiations and agreement/emphasize benefits of vetting for social reintegration
<p>Local Initiatives</p>	<ul style="list-style-type: none"> • Function as mechanisms of reintegration • Reduce resentment and increase trust, social capital and social cohesion as other TJ measures • Efficiency, appropriateness for children, accessibility, legitimacy, community-involvement 	<ul style="list-style-type: none"> • Failure to respect national or international legal or human rights standards (due process) • Inappropriate for addressing worst human rights violations • Reinforce gender biases • Substitution for rather than complementary with other justice measures 	<ul style="list-style-type: none"> • Acknowledge/respect traditional justice measures • Include local leaders in negotiations/Include local initiatives and DDR in peace negotiations and agreement • Link with State control or monitoring/Complement other justice measures • Apply to child ex-soldiers • Respect minimum human rights standards • Do not apply to worst human rights abuses • Incorporate gender perspective

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