

TRANSITIONAL JUSTICE TOOLS TO ADDRESS RADICALISM AND VIOLENT EXTREMISM: POLICY PAPER

**THE GLOBAL INITIATIVE FOR
JUSTICE, TRUTH, AND RECONCILIATION**

In 2014, the International Coalition of Sites of Conscience (ICSC) launched the Global Initiative for Justice, Truth, and Reconciliation (GIJTR), a consortium of nine international organizations focused on offering holistic, integrative and multidisciplinary approaches to issues of truth, justice and reconciliation. GIJTR works primarily with local populations, civil society organizations, survivors and governments to develop transitional justice approaches that are victim centered and collaborative and support dignity, respect, inclusion and transparency in societies emerging from conflict or periods of authoritarian rule. Since its founding, GIJTR has engaged with people from 78 countries, worked with 801 CSOs, and has conducted 588 community-driven projects, and supported 8,000 initiatives dealing with human rights violations. For more information, please visit gijtr.org.

INTRODUCTION

Transitional justice addresses human rights abuses that occur during conflict and authoritarianism and examines the consequences on communities and victims. Violent extremism can derail the success and sustainability of transitional justice processes before, during and after their mandates expire as extremists continue to perpetuate

violence. These groups are often excluded from transitional justice mechanisms; when they are included in accountability mechanisms, such as national criminal justice systems, it is usually in ways that fail to recognize the gravity of their crimes. The threat of terrorism and related offenses are often met with militarized responses that attempt to contain and combat their reach and influence, as opposed to community-level approaches. As has been observed in conflict settings, there are some people associated with these groups that are driven to do so by economic, survival-driven needs and not ideological association, such as forcibly married women, kidnapped children, drivers, doctors, or communities that are unwillingly under a group's territorial control. This nuance is where transitional justice mechanisms can offer multi-layered approaches to justice and accountability for communities and states. Furthermore, the community-level approaches to guarantees of non-recurrence and truth-telling can provide further insight into the root causes that violent extremist groups use to form and recruit in the first place and disrupt and discredit harmful narratives used by extremist groups.

SUMMARY AND KEY FINDINGS

The threat of violent extremism is rising globally. While securitized responses are necessary to combat the threat of extremism, such a response on its own is not adequate. In the Sahel region, 2019 saw a significant resurgence of violent extremism, with thousands of deaths of civilians attributed to attacks by various violent extremist groups. The framework of justice in Burkina Faso, Mali, and Niger is heavily reliant on the military apparatus. As the armies increasingly justify their coups as necessities in order to counter the extremist insurgency. Hence, the state response to violent extremism has seen disproportionate resources diverted to fund the military. Consequently, this has been accompanied by human rights violations including but not limited to summary executions and extrajudicial killings of civilians suspected to be sympathizers and supporters of violent extremist groups. These military excesses and the unjustifiable breach of international and national legal norms for combatting terrorism add to the “push and pull” factors that contribute to the joining of violent extremist groups in the Sahel. These factors can drive conflict and prompt transitional justice processes to address marginalization by the state, lack of access to state power and resources, and violations of human rights by state actors. Inversely, in some contexts, a lack of transitional justice or a flawed or non-inclusive transitional justice process can result in some of the driving factors of violent extremism and radicalization.

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Countries in the Balkan region are particularly uncomfortable examples of the correlation between flawed transitional justice processes, unstable democracies, and radicalization, as recent years have seen the decline of democracy and rising authoritarianism. This involves genocide denial, glorification of perpetrators of war crimes, and recognition of only one group of victims while not acknowledging the suffering of others. War narratives inform politics, atrocities are subject to manipulation, and judicial facts are ignored. The public sphere is occupied by stereotypes, extremely one-sided interpretations, and denial promoted by state actors that can further exacerbate radicalization. In such a transitional justice context, concerns regarding the issue of radicalization and extremism are all too real.

In Sri Lanka, following the ISIS-inspired Easter bombing attacks in 2019, there has been a marked surge of anti-Muslim sentiment and a regression of political, economic and social stability in the country. Given Sri Lanka's history with interreligious and communal violence, the trends are increasingly concerning for civil society and other stakeholders in the country. Furthermore, President Maithripala Sirisena's government passed laws and policies that directly discriminate against Muslims, such as banning the wearing of niqabs in public or abayas in government buildings.¹ Additionally worrisome is the consistent evocation of the 'Prevention of Terrorism Act' by the Sri Lankan government as a pretense for the arrests of protesters and surveillance of civil society groups.

State and non-state actors engaged in addressing radicalism and violent extremism should consider key findings from case studies in various political contexts to best address radicalism and violent extremism:

- It is important to establish a correlation between flawed dealings of the past and the risk of radicalization and violent extremism, as well as to research regions and groups at the highest risk of radicalization. The effectiveness of initiatives to combat violent extremism depends on the vitality of relations between the state and communities. Transitional justice tools provide such links that could enhance these relations and even direct or determine their nature.
- Dialogue within communities, securing justice and responsibility, institutional reforms, and trauma-informed responses are transitional justice mechanisms that should be used in at-risk radicalization.
- After the end of a conflict, certain state actors have a vested interest in maintaining narratives of denial and silence that do not refer to established facts about the conflict. This may be an obstacle in the process of adopting a common narrative, which is necessary to set a path that will also address the threat of radicalization and violent extremism.
- To change the state's attitude toward radicalization and violent extremism, it is crucial to acknowledge the dangers and risks by defining them as such in strategic documents and prioritizing the fight against them.
- Traditions and customs play a mediating role between local communities and administrative authorities in many African countries. If transitional justice is properly implemented, and community practices and traditional authority are effectively valorized, this can greatly help address the root causes of violent extremism and radicalism.
- Victim-centered transitional justice tools shall be approached holistically in a synergy. Adopting a customized and localized approach involving mental health and psychosocial support (MHPSS), economic restructuring and addressing inequities, reparations programs, integration of relevant local actors, and political will is crucial.

- Institutional reform should be addressed; therefore, ensuring institutions' independence, impartiality, and effectiveness of institutions involved in transitional justice processes is essential for fighting impunity and guaranteeing non-recurrence.
- Studies focusing on textbooks show that violence from the past is often portrayed as an unfortunate but unavoidable way to accomplish specific societal goals. This reveals a tendency to downplay and sanitize historical violence and, therefore, affects young people's ability to comprehend violence critically.² Implementing educational programs fostering tolerance, inclusivity and critical thinking is indispensable. Consequently, it is advisable to introduce the existing history textbooks that provide multiple perspectives of past events.

CASE STUDY SUMMARIES

CASE STUDY: SERBIA

The disintegration of Yugoslavia in the 1990s was followed by armed conflicts, leaving the region completely divided, unstable, and economically weak.³ Because of the insufficient suppression of extremism after the overthrow of the autocratic regime in 2000,⁴ far-right groups, movements, and political parties and individuals have been present in Serbia. Common ideological elements that right-wing groups in Serbia share include the glorification of war criminals from the 1990s conflicts, historical revisionism, and the rehabilitation of collaborators with the Nazi regime from the Second World War. Moreover, they actively oppose European integration, shape their identity around their affiliation with the Serbian Orthodox Church, and display animosity toward minority communities.⁵ These groups also resist any idea of multiculturalism or cosmopolitanism, perceived as mixing different religions and nations, thus expressing chauvinism.⁶ The significant presence of right-wing extremists in the Serbian public discourse, where they spread warmongering narratives about past events to legitimize their violence and foster their identity, stems from the state's condoning of these activities. Young people are an easy target for extremists because they lack personal memories of the conflicts in the 1990s. They primarily get informed via social media and online portals/websites full of disinformation, and most of them do not have the opportunity to learn about the past in schools adequately.

The danger posed by right-wing organizations in Serbia has been largely overlooked. The National Strategy for the Prevention and Countering of Terrorism 2017-2021 only marginally acknowledges their existence. The state's weak response to right-wing activities and the failure to address the past through effective transitional justice processes further strengthen the problem. Serbia has not made significant progress



25 May Museum, part of the Museum of Yugoslavia, in Belgrade, Serbia. Image by Acediscovery

in implementing transitional justice measures because this important topic has not been on the government's political agenda for many years. The reason why it is entirely suppressed from the political and social realm lies in fear of reactions from right-wing extremists who gained significant support among the Serbian population. Denial, silence and lack of political will to address the elephant in the room make coming to terms with the past impossible. At the same time, the prolonged court proceedings and minimal reparations to victims contribute to a culture of impunity and absence of accountability. To address these challenges, it is crucial to prioritize comprehensive reforms. This includes restructuring the formal educational system to promote critical thinking and media literacy among young people while also actively countering online hate speech and intolerance. Thus, state institutions must adopt a stronger stance against right-wing extremism, sanctioning extremist activities and emphasizing accountability for past crimes. Additionally, implementing successful transitional justice processes requires genuine political will, with the involvement of experts and civil society organizations playing a vital role in shaping effective strategies. By acknowledging the complexities and interconnections among frustration, education, state responses, and transitional justice, Serbia can promote a more inclusive, tolerant, and democratic society.



UN International Criminal Tribunal for the Former Yugoslavia. Image by R Boed

CASE STUDY: SRI LANKA

A context of civil conflict, ethnic tensions, and state violence has affected Sri Lanka since its independence in 1948. As a site of conflict, Sri Lanka is particularly complex because of the multiple ethnic, religious, geographic, and political actors involved, including the state, military and allied paramilitary groups and militancy emerging from the Sinhalese, Tamil and Muslim communities.

Key national- and local-level drivers of state and majoritarian violence and persecution, as well as governance by elites, have been met with armed resistance by disenfranchised Sinhalese and Tamil political minorities. This extends from the armed liberation struggle led by the Tamil militancy dominated for the most part by the Liberation Tigers of Tamil Eelam (LTTE), which escalated into civil war between the group and the government of Sri Lanka (1983-2009) and anti-state insurrections in 1971 and between 1987 and 1989 led by the Janatha Vimukthi Peramuna (JVP; People's Liberation Front) comprising Sinhalese youth.⁷ The emergence of these insurrectionary movements have been the direct result of systemic discrimination, authoritarianism, the violent subduing of non-violent resistance, perceived futility of



Support for the Tamils in Sri Lanka. Image by Lisa Cyr

peaceful protest, and unmet demands for truth and accountability. The LTTE and the JVP were met with disproportionate and brutal militarized state violence and terror through the deployment of paramilitary death squads and the weaponization of antiterror legislation. The final years of the Sri Lankan civil war between 2006 and 2009 have been marred by credible allegations of war crimes and crimes against humanity, while investigations into enforced disappearances during the 1987-1989 insurrection have highlighted hundreds of cases of arbitrary detention, torture, and extrajudicial killing.⁸ The postwar period has been marked by significant episodes of communal unrest as well as the explicit violence against and the persecution of Muslim and other ethno-religious minority communities that are in part located in broader regional and global escalation in Islamophobia.⁹ Two key events have transformed Sri Lanka's social, political, economic and security milieu: the Easter Sunday Bombings of 2019 that targeted three churches and luxury hotels in Colombo, Negombo and Batticaloa by the National Thowheeth Jama'ath (NTJ), in which 267 individuals were killed in these attacks with a further 500 injured, and the 2022 mass public uprising known as the Janatha Aragalaya (People's Struggle) in reaction to the dire financial crisis and the shortage of essential goods and services caused by state and political mismanagement and corruption.

Recent documentation and reporting have indicated a significant increase in episodes of ethno-religious violence and hate speech, specifically anti-Christian, -Muslim and -Hindu violence in Sri Lanka.¹⁰ Reports reveal the entrenched nature of violence against religious minorities, given the involvement of state officials (including the police), as well as consistent negative bias.¹¹ Successive Sri Lankan governments have successfully passed increasingly repressive legislation to suppress citizen activism and dissent of myriad injustices enabled by or committed by the state, political elites, and the armed forces. Among these, the Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979 (PTA) has been widely condemned as draconian by local and international rights groups, given the mass human rights violations that have taken place under its provisions.¹² The abuse of such legislation has resulted in extrajudicial killings, custodial deaths, and widespread torture.¹³

The response of communities affected by radicalization or violent extremism has been adversely affected by a climate of fear, silencing, and reluctance enhanced by repressive state and security intervention including surveillance and legislation, leading to the breakdown of trust between communities and institutions as well as within and between communities. This has a negative bearing for community-driven transitional justice demands and practices being implemented or replicated beyond. The most consistent community efforts relating to community engagement with violent extremism and terrorism have been in the space of documentation focused on human rights violations, which were also central to recording incidents of intra-group and intergroup violence. Most consistent community efforts relating to community engagement with violent extremism and terrorism have been in the space of documentation focused on human rights violations, which were also central to recording incidents of intra- and intergroup violence. The fragmentation of communities coupled with fears around



Free Tamil. February 2009.
Image by Atheep

surveillance, arrest, and government repression and reprisal have hampered if not wholly restricted such undertakings.

Sri Lanka's Tamil and Muslim minority communities, as well as activist and university student groups, have borne the brunt of broad, ethnicized, and class-derived ascriptions of terrorism and extremism by the state because of generalized vilification and accusations of associations with violent extremist and terror groups. The Sinhalese community has been socialized to regard ethno-religious minority groups as threats and suspects, especially on account of the war and the state actively casting these groups as enemies. This has exacerbated prejudice, discrimination, and anti-minority violence, coupled with a lack of consensus and collective commitment to transitional justice and accountability on matters of state crime. As such, fundamental freedoms must be guaranteed to communities that have been affected by decades of state and majoritarian bias and persecution.

CASE STUDY:

THE SAHEL REGION: MALI/BURKINA FASO/NIGER

The Sahel is a vast semi-arid region that demarcates the Sahara in the North from the tropical Savannahs in the South. It is currently the hotbed for *coup d'états* and violent extremism on the continent—these two phenomena are intrinsically linked. The prevalent forms of radicalism and violent extremism are similar across the Sahel; these are jihadism and self-defense groups. Several such jihadist groups and their affiliates operate in Mali, Burkina Faso, and Niger; and are responsible for orchestrating attacks against both civilian populations and military personnel. They include *inter alia*, *Jamā'at nuṣrat al-islām wal-muslimīn* (JNIM), The Islamic State in the Greater Sahara (ISGS), and Al-Qaeda in the Islamic Maghreb. By exploiting terror, they have been able to gain control over vast areas, threatening the very existence of these states, as they have been forced to concede their territory. One-third of Mali has been beyond state control, while for Burkina-Faso, it is over half. In 2022, the region's terrorism-related death toll surpassed that of South Asia, the Middle East, and North Africa combined. Further data indicates that in 2022, these Sahelian deaths accounted for 43% of all global terrorism-related deaths, up from 1% in 2007.

The situation in the Sahel was exacerbated by the aftermath of the Libyan Civil War in 2011. The country fell into chaos, with porous borders facilitating weapons and personnel transfer while also serving as a springboard for jihadist activities in the Sahel. Furthermore, many Sahelians employed in Libya had to return to their countries. Mali, Burkina-Faso, and Niger are among the poorest in the world, with already high unemployment rates, and this additional economic strain serves as the primary driver for radicalism into violent extremism. The economic crisis has



WFP food distribution in Bamako, Mali.
Photo by Derek Markwell/DFID

been worsened by corruption among the elite. Some clerics have also exploited the limited understanding of Islam amongst the population to preach radical interpretations, which have served to radicalize many. Self-defense groups are also becoming a fixture in the exploitation of extremism. With the increasing effects of climate change, Fulani nomads are being forced to come south with their herds in search of pasture, putting them in confrontation with farmers. Both sides have commonly resorted to forming self-defense groups, and the ensuing conflicts have been bloody. Bad governance has also played a crucial role in this case, as some of these conflicts have been poorly managed.

Mali, Burkina Faso, and Niger have predominantly adopted a militarized approach to addressing radicalism and violent extremism. This ranges from the introduction of martial law to full-blown combat operations. Security pacts like the G5-Sahel were formed, even though these countries have recently withdrawn from the pact. Several partnerships with foreign troops were formed and dissolved, yet the scourge persists. The militaries of Burkina Faso, Mali, and Niger all felt dissatisfied with the way their governments were addressing extremism and used this as justification to carry out coup d'états. As a result, several coups and counter-coups have been attempted in this region, with high success rates.

The militarized response has yet to effectively address the fundamental causes of violent extremism. They have instead come accompanied by gross human rights violations, which have served to increasingly radicalize many. Transitional justice tools are thus proffered as being key to finally addressing the root causes of violent extremism in Mali, Burkina Faso, and Niger.

RECOMMENDATIONS

- The influential role of traditional dispute resolutions should be recognized. In the context of preventing radicalization and violent extremism, it is essential to integrate traditional means of conflict resolution. Traditional reconciliation mechanisms between conflicting communities and inter-community dialogues should be encouraged to limit revenge. This is particularly important because traditional reconciliation mechanisms can complement the state in areas without state presence.
- Religious and faith-based leaders may play a vital role in reconciliation. In this sense, they should use adequate language to encourage community dialogue and reconciliation rather than rhetoric that incites violence and division. It is essential to work on leveraging traditional and religious leaders so that they can contribute to the transitional justice process.
- Transitional justice mechanisms shall seek to involve all people, regardless of origin, sex, and religion, in violence prevention initiatives. Particular emphasis shall be given to women, and their engagement should go beyond the traditional role the communities have given to women.

- Youth should be addressed while planning transitional justice strategies. Strategies should guarantee that youths are seen as crucial stakeholders in any policy-making looking to develop an approach to addressing violent extremism.
- Education reform should aim for an educational system open to dialogue and other perspectives. Reform of the educational system that deals with history is fundamental because it can be a powerful tool for radicalization. The educational system needs to emphasize critical thinking.
- Transitional justice should also be victim-centered. Reparations should be designed in consultation with victims and should respond to victims' needs. While formulating reparations policies, decision-makers should be conscious of the trauma of victims of extremism.
- Psychosocial support should be involved in transitional justice mechanisms, especially when it comes to dealing with intergenerational trauma and PTSD. This should also include providing psychosocial support to ex-combatants and victims of human rights abuses.
- As for the prosecution of war crimes and human rights violations, all radical and extremist acts should be included in accountability mechanisms that recognize the gravity of their crimes.
- The transitional justice process should include the reform of the governance of the security system. This should consist of a vetting process and institutional reforms within the military apparatus to achieve accountability for human rights abuses and educate the security forces personnel.
- Community initiatives for truth-telling, remembrance and memorialization, and reconciliation should be supported. This includes encouraging community initiatives for interfaith and interethnic solidarity, intra-community dialogues, and truth-telling endeavors, especially within the majority community.
- Civil society organizations, human rights groups, and victims' associations could vastly help shape and monitor transitional justice processes, which is why support for their capacity-building efforts is crucial.

Further Reading

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