

6.20 DDR and Transitional Justice

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6.20 DDR and Transitional Justice

Summary

DDR and transitional justice are closely interlinked. Not only do they share some of the same long-term goals – in particular, preventing further violence and promoting sustainable peace – they may also be understood to be part of each other. From a DDR perspective, transitional justice is one aspect of a holistic approach to reintegrating former combatants into civilian life.¹ From a transitional justice perspective, DDR constitutes a component of an effective strategy to prevent a recurrence of further violations and abuses.² How DDR and transitional justice measures interact in practice can vary widely depending on the country context and the manner in which the conflict was fought, the agreement reached between the former warring parties (if one exists), the level of involvement by the international community and other factors.

This module explores the relationship between DDR and transitional justice and provides concrete guidance on how interventions in the two fields can mutually reinforce each other (see especially section 6). In particular, the module explores ways in which transitional justice can help DDR to achieve its objectives more effectively.

Whatever the contextual conditions, DDR practitioners should integrate a transitional justice perspective into DDR processes – be they DDR programmes, DDR-related tools or reintegration support programmes – in order to contribute to the goals of both DDR and transitional justice. The design and implementation of distinct DDR and transitional justice measures should be closely coordinated so that they complement each other to the greatest extent possible. DDR practitioners should seek to coordinate the timing of DDR and transitional justice processes and promote comprehensive prevention strategies.

DDR and transitional justice practitioners should consult with each other to promote transitional justice mechanisms and measures that incentivize participation in DDR processes. During the implementation of DDR processes, both types of practitioners should regularly interact to promote complementarity and address potential tensions between the two fields.

Affected communities, including local authorities and civil society organizations, particularly those representing victims, marginalized groups and women-led organizations, should participate in and be consulted throughout to tailor DDR and transitional justice processes to their needs. Gender-responsive transitional justice processes can help overcome the barriers women face to participate in DDR and can facilitate the reintegration of women associated with armed forces and groups. Gender-responsive DDR and transitional justice processes also contribute to the transformation of gender inequality, which often is a driver of recruitment into or involvement in armed groups and a root cause of violent conflict.

Child-sensitive transitional justice approaches can help overcome barriers to the reintegration of children associated with armed forces and groups. Children accused

of crimes allegedly committed while they were associated with armed forces or groups should be considered primarily as victims, not as perpetrators. Wherever possible, they should be treated in a framework of restorative justice and social rehabilitation, and alternatives to judicial proceedings should be sought.

DDR processes shall not be gateways for impunity for international crimes or create a rewards system for the worst perpetrators, nor should they be, for serious human rights violations and abuses. In contexts where DDR processes are being implemented, there must always be a strong focus on ensuring accountability for serious crimes and justice for victims. UN DDR practitioners should seek to ensure that DDR processes are aligned with the UN's overall anti-impunity advocacy and support programmes and promote compliance with the State's international legal obligations to hold perpetrators of international crimes accountable and provide victims of serious human rights violations and abuses with an effective remedy. UN DDR practitioners should assist in the development of strategies to address the possibility that there may be perpetrators of international crimes and serious human rights violations and abuses among those who are otherwise eligible to participate in the DDR process. Together with legal advisers, they shall advise the host State on applicable legal and policy restrictions regarding the eligibility of suspected perpetrators of international crimes in DDR processes and means to ensure full compliance with such restrictions. UN DDR practitioners should seek legal and political advice to determine an appropriate stance, including possible disengagement, when there is a risk of supporting a process that is in violation of the State's legal obligations or that carries significant reputational risk to the Organization.

DDR programmes can relate in numerous ways to truth seeking, criminal prosecutions and other accountability efforts, reparations and guarantees of non-recurrence. Community violence reduction (CVR) provides various opportunities to complement transitional justice processes, thereby reinforcing its own goals of community security and social cohesion. Linking support to the reintegration of former combatants with transitional justice can help reduce resentment by others affected by the conflict, particularly victims who are inadequately supported. The module provides numerous examples of how DDR programmes, CVR, reintegration support and transitional justice processes can mutually reinforce each other.

DDR and transitional justice can not only complement and bolster each other but can also impede and negatively affect each other. This module emphasizes the importance of close consultation and ongoing coordination between DDR and transitional justice practitioners to minimize the risks of negative interactions and maximize the opportunities for mutual reinforcement.

1. Module scope and objectives

This module provides DDR practitioners with information on the linkages between DDR and transitional justice and guidance on how to design and implement DDR and transitional justice processes so that they complement and reinforce each other in a human rights-compliant, gender-responsive and child-sensitive way.

The module briefly describes transitional justice and then explores the linkages between DDR and transitional justice. While this module cannot analyse in full detail the many ways in which DDR and transitional justice relate to each other, it provides

general guidance on linking the two fields, focuses on specific situations in which the two fields regularly interact, and provides guidance to DDR practitioners on mutually reinforcing approaches to DDR and transitional justice.

The module is addressed mainly to DDR practitioners working for the United Nations in mission and non-mission settings. Generally, their role is to advise and support national actors in designing and implementing DDR processes in accordance with international law and international DDR standards. Such national actors may include conflict parties negotiating a cessation of hostilities or peace agreement; government officials and representatives of armed groups designing and implementing DDR processes; members of a national legislative assembly drafting laws related to DDR; civil society organizations, including women-led and youth organizations, supporting DDR processes; representatives of local communities devising CVR projects; representatives of victims' groups and minority organizations advocating for their rights; and any other national stakeholders involved in the design and implementation of DDR processes.

UN DDR practitioners should seek advice from UN transitional justice practitioners to support national actors in coordinating distinct DDR and transitional justice measures with each other and in integrating transitional justice concerns into DDR processes.

2. Terms, definitions and abbreviations

A complete glossary of all terms, definitions and abbreviations used in the IDDRS series is given in IDDRS 1.20. In the IDDRS series, the words 'shall', 'should', 'may', 'can' and 'must' are used to indicate the intended degree of compliance with the standards laid down. This use is consistent with the language used in the International Organization for Standardization standards and guidelines:

- a. 'shall' is used to indicate requirements, methods or specifications that are to be applied in order to conform to the standard;
- b. 'should' is used to indicate the preferred requirements, methods or specifications;
- c. 'may' is used to indicate a possible method or course of action;
- d. 'can' is used to indicate a possibility and capability; and
- e. 'must' is used to indicate an external constraint or obligation.

Transitional justice comprises the full range of processes and mechanisms associated with a society's attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation. These may include both judicial and non-judicial mechanisms, with differing levels of international involvement (or none at all).³ Transitional justice is generally understood to comprise four elements: truth seeking, criminal justice (prosecutions), reparations, and guarantees of non-recurrence (institutional reform, vetting, etc.). It is rooted, in large part, in the international legal obligation of States to provide victims of human rights violations with justice and an effective remedy.

Large-scale abuses refer here to international crimes, in particular crimes against humanity, war crimes and genocide. They also encompass gross violations or abuses of international human rights law⁴ that were committed on a large scale.

3. Guiding principles

IDDRS 2.10 on The UN Approach to DDR sets out the main principles that guide all aspects of DDR processes. This section outlines how these principles apply to the linkages between DDR and transitional justice.

3.1 People centred

3.1.1 Criteria for participation/eligibility

Determination of eligibility for DDR (DDR programmes, DDR-related tools and support for reintegration) should be undertaken by relevant national and local authorities with support from UN missions, agencies, programmes and funds, as appropriate.

Generally, DDR processes aim to be as inclusive as possible and to reintegrate as many combatants and persons associated with armed forces and groups as possible, including abductees/victims and dependants/families, in order to prevent further conflict and promote sustainable peace. A particular challenge may arise regarding individuals who are suspected of having committed international crimes or serious human rights violations or abuses. It is important to ensure that DDR processes do not constitute gateways for impunity for international crimes or serious human rights violations or abuses, or create a rewards system for the worst perpetrators. Sections 6.5 and 7.2 of this module discuss strategies to mitigate this risk without undermining the overall goals of DDR.

3.1.2 Unconditional release and protection of children

DDR processes shall address the specific needs and capacities of children. Children associated with armed forces and groups represent a special category of protected persons under international law. The unconditional and immediate release of children should be a priority in any DDR process. Section 6.3 of this module describes how child-sensitive transitional justice can contribute to the reintegration of children into receiving communities (see IDDRS 5.30 on Children and DDR).

3.1.3 In accordance with international standards and principles

The main points of reference for UN-supported DDR processes are the mandates given to the concerned UN system actors by their respective governing bodies, which will determine the scope of activities that can be taken. UN system actors are also governed by their international rules, policies and procedures. Given that DDR processes are also undertaken in the context of a broader international legal framework, DDR processes should be implemented in a manner that ensures that the relevant rights and obligations under that broader legal framework are respected (see IDDRS 2.11 on The Legal Framework for UN DDR). Transitional justice is based on legal obligations, which are enshrined in various international instruments as applicable in the context (see section 4.1). UN-system supported DDR and transitional justice processes shall be implemented in a manner that ensures that the relevant rights and obligations under the international legal framework, which includes international humanitarian law, international human rights law, international criminal law and international refugee law, as well as the international counter-terrorism and arms control frameworks, are all respected. The rights of victims of serious violations and abuses, participants in

DDR processes and the communities into which the participants reintegrate shall be respected.

3.2 Gender responsive and inclusive

Women, men, boys and girls are likely to have played different roles in armed forces and groups (see IDDRS 2.10 on The UN Approach to DDR, sections 8.2.2 and 8.3). They may also suffer from different forms of abuse during conflict and may experience abuse differently, resulting in different needs. Furthermore, people may have specific needs based on their sexual orientation or gender identity. The design and implementation of DDR processes, like transitional justice processes, should aim to address the differentiated needs of men, women, boys and girls, and account for the ways in which their gender, gender identity and sexual orientation may intersect with other aspects of personal identity, including age; disability; marital status; membership in an ethnic, political or religious group; and indigeneity. Section 5 elaborates how a gender-responsive approach may be incorporated into the design and implementation of a transitional justice process. Section 6.2 describes how gender-responsive transitional justice measures can facilitate the participation of women and girls in DDR processes (see also IDDRS 5.10 on Women, Gender and DDR).

3.3 Context specific

Both DDR and transitional justice processes shall be designed to address the unique needs and specific conditions of a particular context. Transferring templates of DDR and transitional justice measures from one context to the next without considering the new context's particular circumstances will undermine the effectiveness and credibility of these measures. Justice and reconciliation practices that are used in a particular context may provide useful avenues to link DDR and transitional justice.

UN DDR and transitional justice practitioners shall consult local Government, civil society and other local expertise to raise understanding of the contextual conditions and inform UN support to DDR and transitional justice processes. Section 5 describes how to support the design and implementation of context-specific transitional justice processes. Section 6 illustrates how to consider contextual particularities when linking DDR and transitional justice processes.

3.4 Nationally and locally owned

National ownership of DDR and transitional justice processes ensures that these processes are informed by local needs and demands, effectively operate under local conditions, and enjoy credibility and legitimacy among national stakeholders. National ownership refers here not only to ownership by government authorities and by the parties to the conflict, but also to ownership by civil society organizations, victims' and minority groups, women-led organizations, child and youth organizations, human rights defenders, religious leaders, traditional authorities and any other local stakeholders. Important tools to achieve such ownership include broad-based and nationally led consultations, participatory processes, and outreach and communication campaigns.

The role of UN DDR and transitional justice practitioners is to support national DDR and transitional justice processes – in particular, to supply technical assistance, training and financial support to national and local stakeholders. UN DDR practitioners should seek advice from UN transitional justice practitioners to support national actors in coordinating distinct DDR and transitional justice measures with each other and in integrating transitional justice concerns in DDR processes.

3.5 Coordinated

DDR and transitional justice measures may coexist alongside each other or follow each other in temporal proximity, which may lead to synergies and tensions. Transitional justice concerns may also arise within a DDR process. Close coordination between DDR and transitional justice is necessary so that DDR and transitional justice measures reinforce each other, and transitional justice concerns are integrated into DDR processes.

UN DDR and transitional justice practitioners should regularly consult with each other and closely coordinate their support to promote integration of DDR and transitional processes and encourage unity of effort within the UN system. UN DDR and transitional justice practitioners should also coordinate their support efforts with other international partners. Section 6.1 provides guidance on how to coordinate UN support during mediation, design and implementation of DDR and transitional justice processes.

4. The range of transitional justice measures

The United Nations defines transitional justice as “the full range of processes and mechanisms associated with a society’s attempts to come to terms with a legacy of large-scale past abuses”.⁵ Large-scale abuses refer here to serious violations of international humanitarian law and gross violations or abuses of human rights that were committed at a large scale, in particular crimes against humanity, war crimes and genocide.

Transitional justice encompasses all efforts that a society undertakes to deal with its abusive past. It is not limited to judicial processes but comprises an open-ended range of judicial and non-judicial measures. These may be implemented by formal, State-led mechanisms or performed by traditional authorities and other non-state actors. Transitional justice processes and measures can, therefore, vary greatly from one context to another. A more detailed elaboration of the concept and practice of transitional justice can be found in the Guidance Note of the Secretary General on Transitional Justice: A Strategic Tool for People, Prevention and Peace (United Nations, 2023).⁶

Each individual transitional justice measure pursues distinct immediate goals to deal with the abusive past. Criminal prosecutions, for instance, aim to hold individual perpetrators to account and overcome impunity. Truth-seeking initiatives seek to reveal and acknowledge the large-scale serious violations and abuses that occurred. Reparations aim to acknowledge victims and redress the harms they suffered. Guarantees of non-recurrence seek to prevent the violations and abuses from happening again.

Beyond these distinct immediate goals, transitional justice measures share several common long-term goals. In particular, transitional justice measures affirm the validity of fundamental norms and values, provide recognition to victims, help dismantle

abusive networks, foster inclusion and promote civic trust. In doing so, transitional justice facilitates social cohesion and reconciliation, and strengthens the rule of law.⁷ By helping to break cycles of violence, deliver a sense of justice to victims and disable abusive structures, transitional justice contributes to sustaining peace and sustainable development.⁸

4.1 Legal framework and elements of transitional justice

Transitional justice is based on legal obligations enshrined in various international instruments, as applicable in each specific context.⁹ In the aftermath of serious violations and abuses, States have obligations to reveal and acknowledge facts and circumstances of past violations and abuses (the right to truth);¹⁰ to investigate human rights violations and violations of international humanitarian law and prosecute perpetrators (the so-called right to justice);¹¹ to provide restitution, compensation, rehabilitation and satisfaction to victims (the right to reparation);¹² and to prevent violations and abuses from happening again (the guarantees of non-recurrence).¹³

The following sections provide examples of measures and mechanisms that societies have adopted to address their abusive past. These measures and mechanisms can be grouped into four broad dimensions of transitional justice, though it should be noted that the elements do not always neatly separate. Depending on the perspective adopted, a measure may belong to one or another element.

4.1.1 Truth seeking

Truth-seeking efforts aim, in various ways, to reveal and acknowledge serious violations and abuses that occurred during the conflict. They aim to empower victims by giving them a voice. Truth-seeking mechanisms such as truth commissions may also identify and formulate concrete recommendations addressed to national authorities and international organizations to prevent serious violations and abuses from happening again.¹⁴

Truth-seeking efforts include formal truth commissions and unofficial, civil society-led truth-seeking processes; national, regional or local mechanisms, including traditional, community-based reconciliation ceremonies; international commissions of inquiry and fact-finding missions; mechanisms to reveal the fate of missing and disappeared persons; forensic investigations to locate mass graves and exhume and identify bodies; opening archives of intelligence and security services; archiving evidence and reports about serious violations and abuses; historical research; art-based initiatives dealing with past violations and abuses; and public apologies.

Truth commissions are non-judicial bodies that help a society understand and acknowledge a contested or denied history and help bring the voices of victims to the public at large. They may also make recommendations about prosecutions, reparations, memorialization, institutional and legal reforms, and other measures to prevent a recurrence of violations and abuses.

4.1.2 Criminal justice

Criminal prosecutions and trials hold perpetrators to account for the crimes they committed, contribute to the fight against impunity, help dismantle criminal networks, and demonstrate that no one is above the law.¹⁵

Trials can be conducted, *inter alia*, before domestic courts (including in third States in application of the principle of universal jurisdiction), hybrid courts, *ad hoc* international tribunals and the International Criminal Court.

National courts usually have jurisdiction over all crimes committed within the State's territory, even when there are international criminal accountability mechanisms with complementary or concurrent jurisdiction over the same crimes.

Criminal prosecutions comprise investigations and proceedings against an alleged perpetrator of a crime, which should be in accordance with international standards for the administration of justice. Prosecutorial strategies can be broad in scope, or they can focus more narrowly on those individuals who bear the most responsibility for the crimes committed.

Prosecutions may be combined with various forms of amnesty. International humanitarian law encourages, in the aftermath of internal armed conflicts, granting the broadest amnesty possible to persons who have participated in the armed conflict, or those deprived of their liberty for reasons related to the armed conflict.¹⁶ States have, however, an obligation to investigate and prosecute genocide, war crimes, crimes against humanity and gross violations of human rights, including conflict-related sexual violence (CRSV).¹⁷ It is a long-established policy that the UN will not endorse provisions in a transitional justice process that include amnesties for genocide, war crimes, crimes against humanity and gross violations of human rights. For more on amnesty, particularly on its application, see section 7.2.

4.1.3 Reparations

Reparations are material and symbolic measures to redress serious violations and abuses, providing acknowledgment and remedy to victims for the harm they have suffered. Serious violations and abuses are generally devastating to the victims, their families and affected communities and can cause long-lasting negative repercussions across generations. Reparations aim at remedying these effects to the maximum extent possible.¹⁸

Reparation measures fall into five categories: restitution to restore victims to their original situation; compensation for economically assessable damage; rehabilitation providing medical and psychological care, as well as legal and social services; satisfaction covering a broad range of measures (including symbolic acts, truth seeking, and judicial and administrative sanctions); and guarantees of non-repetition.¹⁹

Reparations may come in the form of individual reparations that deliver concrete benefits to specific victims, a collective reparations programme targeting a larger universe of victims, or both. Comprehensive reparations programmes usually provide a combination of material benefits (e.g., monetary compensation, health care, psychosocial support for victims, educational and housing benefits) and symbolic measures (e.g., memorials, monuments, museums, reburial ceremonies, apologies, rehabilitation measures). In almost all cases, it will be impossible to fully repair the harms suffered in serious violations and abuses. A combination of benefits is generally more effective in providing recognition to victims, acknowledging their experiences and fostering a sense of trust in State institutions.²⁰ On reparations for CRSV, see also the Secretary-General's guidance note on reparations for conflict-related sexual violence (ST/SG(02)/R425).

4.1.4 Guarantees of non-recurrence

Guarantees of non-recurrence (or non-repetition) refer to all deliberate efforts a society undertakes to prevent serious violations and abuses from happening again.²¹

Such prevention measures may include, for instance, repealing or reforming laws that contribute to violations and abuses, including laws that discriminate against marginalized groups or on the basis of gender; disabling abusive institutions and structures; establishing effective external oversight and internal disciplinary mechanisms, particularly in the security sector; vetting and other screening mechanisms that help undo criminal networks and build trust in public sector institutions;²² measures to enhance the human rights protection capacities of State institutions; interventions in the spheres of civil society and culture (such as history education and memorialization); and programmes to overcome economic, social and political root causes that led to the conflict. Eliminating legal and practical barriers that prevent the effective access of all victims to transitional justice mechanisms and measures, including those traditionally marginalized on grounds of sex and gender, age, ethnicity, religion or social background, also contribute to the non-recurrence of violations. In conflict and post-conflict contexts, DDR constitutes an important element of a comprehensive prevention strategy. See section 7.4 for a more detailed discussion of measures to prevent recurrence.

5. Practicing transitional justice

The measures described in section 4 represent examples of transitional justice efforts that societies have adopted to come to terms with their abusive past. Measures applied in one context do not necessarily function well in another. While lessons can be learned from other contexts, each society should develop its own transitional justice approaches, taking into account the society's unique needs and conditions, and with due regard of justice practices that are used in the particular context.

Victim centredness is a core concern of transitional justice. A victim-centred approach focuses not only on remedying harms but proactively promotes the active participation and leadership of victims and affected communities in the design and implementation of transitional justice processes. Victims are, however, often not a homogenous group, but may have different, at times competing, views and needs. Victim-perpetrator identities can change over time. Victims may also be manipulated for political purposes, and categorizing them may fuel identity conflicts. Considering various overlapping social and political identities of victims, such as ethnicity, social class, religion and gender, helps identify and address the root causes of serious violations and abuses. Adopting such an intersectional approach can also help victims to identify commonalities between them, overcome their victim identities, and develop joint agendas for change, as well as help develop support measures tailored to their specific needs.

Gender-specific considerations require tailored attention in any transitional justice process. A gender-responsive approach should be incorporated into all phases of a transitional justice process, from consultations to design to implementation. Gender-responsive transitional justice measures and mechanisms ensure the meaningful participation of women and persons with different sexual orientation or gender identity. They adopt a gender perspective in their procedures; promote conditions for

equal access to justice; take on gender-based violations and abuses, including – but not limited to – sexual violence; identify the social, political and economic root causes of gender-based violations and abuses; and recommend remedies to address these root causes. Inclusive in this approach is an understanding that women and girls and men and boys can be victims of CRSV, including rape. Embedding gender advisers or dedicated gender units in transitional justice mechanisms, and ensuring they have adequate financial and human resources to fulfil their mandates, can help integrate gender both in procedural and substantive terms, and can raise the gender responsiveness of transitional justice processes.

Transitional justice measures should not be understood as interchangeable alternatives, but mutually reinforcing elements of a comprehensive transitional justice strategy. The different elements of transitional justice (truth seeking, prosecution, reparation and guarantees of non-recurrence) cannot be traded off against each other. If implemented piecemeal, individual measures cannot adequately address the immense task of redressing a legacy of serious violations and abuses. A comprehensive transitional justice strategy – one in which various measures complement and reinforce one another – constitutes a more robust effort to provide justice in the aftermath of large-scale serious violations and abuses and can more effectively contribute to prevention.

Approaching transitional justice comprehensively does not mean that its elements can or should be implemented all at once. Transitional justice is often contested because powerful actors and their constituencies stand to lose influence, positions and privileges, and may even risk jail terms or other sanctions. Transitional justice mechanisms may also require significant financial, material and human resources, which may not be immediately available. The level of political will, institutional capacities and resources available at a specific time in a specific context will affect the operationalization of transitional justice mechanisms and measures. These realities underscore the importance of adopting transitional justice strategies with a long-term perspective.

Dealing with a legacy of serious violations and abuses is particularly challenging in the midst of violent conflict or in societies emerging from violent conflict. Commonly, actors from all conflict parties have been involved in serious violations and abuses. Following repeated cycles of violence, the numbers of victims and perpetrators are often immense. Victims may have turned into perpetrators and perpetrators may be victimized, making it difficult to draw lines between them. The participation in violence was often widespread, evidence is usually hard to find, and witnesses are generally reluctant to come forward due to continued insecurity.²³ The different forms of violations and abuses may build on and/or exacerbate pre-existing forms of discrimination and violence, including on the basis of gender, adding to the complexities of addressing the legacy of conflict and widespread violations. In addition, transitional justice processes often compete with other humanitarian, peacebuilding and development activities over scarce resources in conflict and post-conflict settings, such as elections, security sector reform and/or housing assistance.

Even a State with well-functioning institutions may feel overburdened by such challenges. In conflict and post-conflict societies, however, these challenges are compounded by the reality that State institutions are often weak, critical institutions may have collapsed, and some institutions may cover only a part of the State's territory. Additionally, State institutions are frequently dominated by one societal group, were often themselves involved in serious violations during the conflict and may enjoy lit-

the trust. In some regions of a conflict or post-conflict country, non-state actors may be more powerful, may provide better services, and may be more trusted than State institutions. Not all groups may have signed a peace agreement, and the conflict may continue or flare up again in parts of the country. Such conditions make it difficult to move transitional justice forward.

This is not to say that transitional justice cannot be advanced in conflict and post-conflict settings. Careful analysis and planning are needed to understand what is politically possible and practically feasible in a specific context at a given time. Particular attention should be paid to the weakness of public institutions in most conflict or post-conflict States, both in terms of the functional effectiveness and the geographical coverage of these institutions.

Initial steps in conflict and post-conflict settings may include sensitizing the population about the concept and practice of transitional justice; consulting the population, particularly victims and marginalized groups, about their needs; building transitional justice expertise of Government, legislature, judiciary, traditional authorities and representatives of armed groups; strengthening the capacities of civil society; documenting violations and abuses for use in future transitional justice processes; promoting “gateway” rights such as legal identity; devising prioritization strategies for prosecutions and other transitional justice mechanisms; and focusing on reforms with direct preventive impact.²⁴ Particular attention should be paid to not establish any steps that render future transitional justice efforts more difficult or perhaps even impossible. This also means coordinating transitional justice with other peacebuilding processes, including DDR, and incorporating transitional justice concerns into these processes.

6. Linking DDR and transitional justice

While this module cannot explore in full detail the extent to which DDR and transitional justice relate to each other, it provides general guidance on linking the two fields and focuses on specific situations in which the two fields regularly interact. This section discusses five issues that are relevant in all DDR processes, including in DDR programmes, DDR-related tools and reintegration support programmes.

6.1 Coordinated UN support

Whatever the contextual conditions, DDR and transitional justice relate to each other in two ways: (a) distinct DDR and transitional justice measures may coexist with each other, or (b) transitional justice concerns can arise within a DDR process.

6.1.1 Coexisting DDR and transitional justice measures

Distinct DDR and transitional justice measures that coexist alongside each other or follow each other in temporal proximity may impede or reinforce each other. On the one hand, the short-term goals and target groups of distinct DDR and transitional justice measures may differ. For instance, whereas DDR programmes primarily target former combatants and persons formerly associated with armed forces and groups to stabilize the security situation, a reparations programme aims to provide recognition to victims as rights holders and benefits for the harm they have suffered. In such situations, DDR

and reparations programmes may compete for scarce national resources and limited external support. Or a former combatant being subjected to a criminal investigation and, potentially, prosecution as part of a transitional justice process may discourage former combatants and persons formerly associated with armed forces and groups from coming forward and joining a DDR programme.

On the other hand, a DDR programme may, for instance, contribute to the stability necessary to set up a formal transitional justice mechanism such as a truth commission. Or transitional justice measures – particularly reparations programmes – may strengthen the legitimacy of DDR processes from the perspective of victims and may contribute to the willingness of communities to accept returning former combatants and persons formerly associated with armed forces and groups, thereby contributing to prevention and reconciliation.

The design and implementation of distinct DDR and transitional justice measures should be closely coordinated so that they reinforce each other to the greatest extent possible.

6.1.2 Transitional justice within a DDR process

Transitional justice concerns can also arise within – or may be addressed by – a DDR process. For instance, a CVR programme may include a dialogue element that could contribute to truth seeking, or a CVR programme may foresee benefits that pay particular attention to the needs of victims. Or a reintegration project could include a reparatory element to benefit the community.

An integration of transitional justice concerns into DDR processes is necessary throughout all stages in order to contribute to the goals of both DDR and transitional justice, in particular preventing further violence and promoting sustainable peace.

6.1.3 Guidance for UN DDR practitioners on coordination

DDR practitioners advising mediators and/or conflict parties on when and how to include DDR provisions in a comprehensive peace agreement (see IDDRS 2.20 on The Politics of DDR) should:

- Integrate human rights and transitional justice material, including from a gender perspective, into the training programmes and support materials for mediators and conflict parties.
- Highlight the importance of linking DDR and transitional justice processes, allowing for the development of mutually reinforcing DDR and transitional justice strategies.
- Encourage the participation of victims and affected communities in peace negotiation processes.
- Promote the effective participation of women and girls and of the most marginalized segments of the population.
- DDR practitioners advising on the design of a DDR process should:
- Seek input from transitional justice practitioners and promote joint DDR–transitional justice analysis of the conflict, the contextual conditions, and the needs of former members of armed forces and groups, receiving communities, victims and other marginalized groups, as well as women and girls.
- Promote national ownership and encourage commitment of national and local authorities to both DDR and transitional justice processes.

- Encourage the establishment of a transitional justice focal point in the DDR process.
- DDR practitioners advising on the implementation of DDR processes should:
- Promote close and regular coordination with the actors in charge of, and those supporting, transitional justice processes to swiftly address any tensions and ensure that the two processes do not obstruct but rather complement each other as much as possible.
- Promote a coordinated approach to public information and outreach of the DDR and transitional justice processes.
- Encourage bilateral and multilateral partners to make comparative commitments to reparations for victims before or while the DDR process proceeds.

6.2 Women and girls in DDR and transitional justice

Women, men, boys and girls suffer different forms of violations and abuse during conflict. They may experience the same violations and abuses differently, may have played different roles in armed forces and groups, or may have experienced the same roles and responsibilities in different ways (see IDDRS 2.10 on The UN Approach to DDR, sections 8.2.2 and 8.3). The roles of women and girls in conflict, including the different roles they have played – either voluntary or coerced/forced – in armed forces and groups, and the motivations for them to join or engage with armed groups, as combatants, supporters, wives, messengers or cooks, are frequently under-assessed and under-addressed. In addition, women and girls involved in armed forces and groups may be victims and survivors of CRSV, including sexual violence committed by members of their own armed group.²⁵

Gender-sensitive analysis of and responses to the causes and impact of conflict, violations and abuses can enhance the effectiveness of DDR and transitional justice processes. The design and implementation of DDR and transitional justice processes should aim to address the different experiences of men, women, girls and boys, the varying impact of conflict on them, and the specific, gendered needs of all people associated with armed forces and groups.

Women and girls associated with armed forces and groups often face particular barriers to participation in a DDR process and returning to civilian life. Armed forces and groups may refuse to release women. Women may suffer further stigmatization when returning to their communities or may not have faith in DDR processes to address their specific needs. Women associated with armed forces and groups, or women in the wider community, may also have experienced empowerment and may become leaders for transformation and peace. Women’s meaningful participation, including at the decision-making level, at all stages of DDR and transitional justice processes is essential to ensuring a gender-sensitive approach, and also enhances the effectiveness of these processes (see also section 6.1; IDDRS 5.10 on Women, Gender and DDR; and IDDRS 2.10 on The UN Approach to DDR).

Gender-responsive transitional justice processes can help overcome the barriers women face to participate in DDR processes and can facilitate the reintegration of women associated with armed forces and groups. For instance, women who were forcibly recruited may more easily participate in DDR processes if those who are responsible for their forcible recruitment and who resist their release are criminally prosecuted and if the crimes committed against these women, particularly CRSV, are recognized

(see also section 7.2).²⁶ The participation of female combatants in truth-seeking processes can help to illuminate the different roles they played in the armed forces and groups and can help expose the abuses they may have suffered. Acknowledging the specific reintegration needs of female combatants and women associated, and creating understanding of the many dimensions of their involvement in the conflict, may, in turn, improve community receptivity of female combatants and other women and girls associated with armed forces and groups (see also section 7.1 and IDDRS 5.10 on Women, Gender and DDR). At the same time, reparations that recognize the particular needs of female victims in receiving communities may help reduce negative sentiments about the preferential treatment of former female combatants and facilitate their reintegration (see also section 7.3).

Gender-responsive DDR and transitional justice processes, which include women and girls from diverse backgrounds as beneficiaries and decision-makers, help ensure effective reintegration and redress for all of society. Gender-responsive DDR and transitional justice processes also help prevent conflict and sustain peace by contributing to the transformation of gender inequality, which is often a root cause or driver of violent conflict.²⁷

6.2.1 Guidance for UN DDR practitioners on women and girls in DDR and transitional justice

DDR practitioners advising national actors should include gender experts and ensure gender mainstreaming at all levels.

- DDR practitioners advising during mediation should involve transitional justice practitioners and gender experts, should encourage the participation of women leaders and female combatants in the negotiations, including young women, and should seek mutually reinforcing gender-responsive approaches in DDR and transitional justice processes.
- DDR practitioners advising on the design of DDR processes should regularly consult with transitional justice practitioners and gender experts to promote gender-responsive transitional justice approaches that help overcome barriers to the reintegration of women and girls associated with armed forces and groups, including women and girls who may be victims and survivors of sexual and gender-based violence (SGBV).
- DDR practitioners advising on the implementation of DDR processes should encourage regular consultations with transitional justice practitioners and gender experts to identify and analyse the barriers women and girls face in DDR processes and how transitional justice can help to overcome these barriers.

6.3 Children in DDR and transitional justice

A child associated with armed forces and groups refers to any person below 18 years of age who is or has been recruited or used by an armed force or group in any capacity, including but not limited to children used as fighters, cooks, porters or spies, or for sexual purposes.²⁸ Girls associated with armed forces and groups face intersecting forms of discrimination and impact, due to gender- and age-specific considerations.²⁹ Children associated with armed forces and groups represent a special category of pro-

tected persons under international law. In all actions, the best interests of the children shall be a primary consideration.³⁰

Children must not be recruited into armed forces or groups.³¹ The unconditional and immediate release of children associated with armed forces and groups, their reintegration and the prevention of their (re-)recruitment must be sought at all times, without condition. Their release must not depend on any parallel DDR process (see IDDRS 2.10 on The UN Approach to DDR, section 8.2.2; and IDDRS 5.20 on Children and DDR).³² When DDR processes are implemented, children shall be separated from armed forces and groups and handed over to child protection agencies.³³ The different experiences of girls and boys should be taken into account in the reintegration process, including the need to protect and offer special assistance to child victims of sexual violence and child mothers.

Recruiting children under the age of 15 into armed forces and or using them to participate actively in hostilities is a war crime.³⁴ Those suspected of having committed crimes against children should be prosecuted.³⁵

Children accused of crimes allegedly committed while they were associated with armed forces or groups should be considered primarily as victims, not perpetrators. Wherever possible, they should be treated in a framework of restorative justice and social rehabilitation, and alternatives to judicial proceedings should be sought (see IDDRS 5.20 on Children and DDR).³⁶ The prosecution of commanders who recruited children accused of crimes may help build understanding of why these children should primarily be considered victims.

Where truth-seeking and reconciliation mechanisms are established, the involvement of children should be promoted and supported, and their rights protected throughout the process. Their participation must, however, be voluntary. Special procedures such as confidential hearings, the use of pseudonyms or pre-recorded testimonies should be permitted to protect the identity of child witnesses and minimize greater susceptibility to distress.³⁷ Truth-seeking and reconciliation mechanisms may also contribute to the reintegration of children who are accused of having committed crimes. Such processes may create means for children to express remorse and make reparation for past abuses, and for a community to better understand their experiences.

Reparation programmes should not focus exclusively on children associated with armed forces and groups but adopt a comprehensive perspective and encompass all child victims, to prevent resentment against children associated with armed forces and groups and facilitate their reintegration.

Generally, child victims should be regarded not just as victims but also as agents of change whose views and participation contribute to the effectiveness and impact of DDR and transitional justice processes.³⁸

A passive victim image of girls associated with armed forces and groups risks revictimizing them by reinforcing gender stereotypes. A gender-sensitive approach will ensure the meaningful participation of boys and girls in all phases of DDR and transitional justice processes.

6.3.1 Guidance for UN DDR practitioners on children in DDR and transitional justice

- DDR practitioners advising during mediation should involve transitional justice practitioners, child rights experts and gender experts, and seek mutually reinforcing child-sensitive approaches in DDR and transitional justice processes.
- DDR practitioners advising on the design of DDR processes should encourage consultations with transitional justice practitioners, child rights experts and gender experts to promote child-sensitive transitional justice approaches that help overcome barriers to the reintegration of children associated with armed forces and groups. Particular attention should be paid to intersecting forms of discrimination, including those based on gender.
- DDR practitioners advising on the implementation of DDR processes should encourage regular consultations with transitional justice practitioners, child rights experts and gender experts to identify barriers children face in DDR processes and how transitional justice can help overcome these barriers.

6.4 Gathering, analysing and sharing information

DDR and transitional justice processes both gather and analyse information on individuals involved in or affected by the armed conflict. Any DDR activity, be it a DDR programme, a DDR-related tool or a reintegration support programme, collects and analyses data on its prospective participants to effectively implement its mandate. On the other hand, no transitional justice mechanism or measure, be it a truth commission, a special tribunal, a missing persons office, a reparations programme, a vetting process, a documentation centre or other mechanisms, can function without reliable documentation.

Generally, individual transitional justice and DDR measures focus on gathering information for their proper purposes without considering the needs of other DDR or transitional justice efforts.³⁹ More often than not, opportunities for coordinating information collection and sharing information between DDR and transitional justice are not explored. As a result, potential synergies between different information gathering systems may be missed. A lack of coordination may also lead to overlapping information gathering activities, and sources of information may be approached repeatedly by different actors, which may create unnecessary distress and may be detrimental to the quality of the information collected.

Information collected in the course of a DDR process may potentially contribute to the implementation of a transitional justice process, and vice versa, without violating international standards or national legal obligations. For instance, information collected during the intake phase of a DDR programme could potentially be provided in an anonymized manner to a truth-seeking mechanism to facilitate its conflict analysis (see section 7.1). In the course of a CVR project, information may be gathered on a population's level of legal identity registration (birth certificates, residency registration, citizenship certificates, property certificates, etc.), which may be needed to pursue other rights such as obtaining reparations or raising property claims. During the reintegration phase of a DDR programme, information may be collected on the numbers, needs and expectations of victims and their communities, including on gender-related issues, which may help tailor a reparations programme and thus enhance community

receptivity. Data gathered on the general mental health of combatants and community members may facilitate the design of mental health and psychosocial support programmes, which may help to prevent further violence and contribute to combatants' social rehabilitation within their communities. Information on missing persons and mass graves could feed directly into various truth-seeking efforts, as well as inform reparations programmes for their families.

Information-gathering strategies that look beyond the scope of a particular measure can promote the goals of both DDR and transitional justice, which in turn can contribute to sustaining peace. The options provided above are just examples of the potential benefits of more coordinated information-gathering and -sharing strategies. What approaches can actually be adopted will depend on the specific context, including on the conditions under which information is gathered and the national laws of the State concerned, e.g., those it may have adopted to implement its obligations under international human rights law with respect to the right to privacy. A gender perspective that takes into account the different types of violations and abuses experienced by women, men, boys and girls should be incorporated into any documentation effort.

Where information is gathered by the UN, it is important to be aware that the Organization can share non-public documents, at least without adequate protective measures, only when they do not contain sensitive information. The Secretary-General's bulletin on information sensitivity, classification, and handling (ST/SGB/2007/6) details what information is sensitive – for example, when the information was received under an expectation of confidentiality, when disclosure would endanger the security of an individual or a Member State, or when disclosure would violate an individual's rights. A complete list of what the UN deems to be sensitive information is provided in IDDRS 2.11 on The Legal Framework for UN DDR.⁴⁰

The UN also has a policy against the sharing of information for use in criminal proceedings in which capital punishment will be sought, imposed or carried out (see IDDRS 2.11 on The Legal Framework for UN DDR.)

6.4.1 Guidance for UN DDR practitioners on information sharing

- DDR practitioners should be aware of the Secretary-General's bulletin on information sensitivity, classification and handling (ST/SGB/2007/6).
- DDR practitioners should seek legal advice when asked to produce or disclose documents or information generated by or in possession of the UN.
- DDR practitioners advising on information gathering in DDR processes should consult with transitional justice practitioners to identify and promote ways in which the goals of both DDR and transitional justice can be served.
- DDR practitioners advising on information gathering in DDR processes should consult with transitional justice practitioners to promote information-gathering strategies that incorporate a gender perspective and disaggregate data according to sex and age as a means to assess the needs of women and girls, develop gender-responsive interventions, and promote the meaningful participation of women in DDR and transitional justice processes.

6.5 Supporting the fight against impunity for serious crimes and violations

DDR is not an accountability process, though if effectively conducted, it can be a powerful complement to broader accountability objectives. DDR primarily seeks to contribute to security and stability so that other elements of a political and peacebuilding strategy, such as elections and power sharing, security sector reform, as well as criminal accountability and broader transitional justice and reconciliation processes can proceed and succeed.

However, precisely because DDR is part of a broader peacebuilding strategy, it must be aligned with all its elements, including those that pursue criminal accountability. This means that DDR shall not be a gateway for impunity or an obstacle to justice. Member States, whatever their current domestic circumstances, must at all times comply with the full range of their international legal obligations, which include a duty to investigate allegations of international crimes and to prosecute suspected perpetrators. Similar considerations apply to serious violations of human rights that fall short of international crimes. Member States also have legal obligations under Security Council resolutions and/or international counter-terrorism instruments to ensure that terrorists are brought to justice (see IDDRS 2.11 on The Legal Framework for UN DDR).

Even though DDR processes do not – and legally cannot – remove the possibility of criminal accountability, there can be a perception among victims and the wider population that a DDR process rewards atrocities if suspected perpetrators of international crimes and serious human rights violations and abuses participate in a DDR process and receive corresponding benefits. It is therefore important to consider appropriate mitigation strategies to minimize the risk of such negative perceptions, which may undermine community support for the DDR process and its overall success, as well as for wider rule of law and good governance investments.

The cornerstone of such mitigation efforts consists of a strong parallel focus on combatting impunity for serious crimes and violations and full compliance with the State's legal obligations in this regard. To be genuinely effective, a DDR process should be accompanied by effective criminal accountability processes and efforts to satisfy the rights of victims of human rights violations and abuses to truth, justice, reparation and non-recurrence, as part of comprehensive national anti-impunity strategies and policies. Criminal justice authorities must duly investigate allegations of international crimes and prosecute suspected perpetrators. Relevant criminal justice actors must arrest and detain suspected perpetrators of international crimes, including individuals who may otherwise be eligible to participate in a DDR process (or who may already be participating). Similar considerations apply to serious violations of human rights that fall short of international crimes.

For UN DDR practitioners, it will be important to fully support such strong parallel focus on combating impunity. This has at least five key implications:

- UN DDR practitioners should be aware that it is the primary duty of States to investigate and prosecute those responsible for international crimes, and consistently emphasize to their national counterparts the need to fully comply with these obligations, regardless of the identity or affiliation of concerned individuals.
- UN DDR practitioners should work in close coordination with UN leadership and other UN components and offices (particularly human rights and rule of law) to ensure that the UN has a consistent anti-impunity message and accompanying

support programmes, and that the UN's support to DDR is in full alignment with those.

- Whenever UN DDR practitioners come across credible information that suggests that a potential or actual DDR participant has committed international crimes (or serious human rights violations or abuses), UN DDR practitioners shall report any such suspected perpetrators to their legal adviser for potential referral to the competent national authorities.
- UN DDR practitioners shall advise their national counterparts to fully cooperate with (international and national) judicial authorities. For example, when UN DDR practitioners are notified that a participant in a DDR process has been placed under judicial investigation or that their arrest is sought for having committed international crimes (or serious human rights violations or abuses), they should engage with their counterparts to arrange for the suspension of that person's participation in the DDR process until the case is resolved according to law. UN DDR practitioners should also actively advocate for the handover of such persons to the relevant judicial or prosecutorial authorities, as required by law.
- DDR processes should include effective public information campaigns and consultation processes with victims, survivors, families and affected communities to clearly communicate the goals, parameters and scope of the DDR process vis-à-vis justice and accountability efforts.

In addition, DDR practitioners should be mindful of the possibility that among those who are in principle eligible to become beneficiaries of a DDR process, there may be perpetrators of international crimes or serious human rights violations or abuses who must be held accountable but may not yet be under criminal investigation, much less at the point of arrest and detention. DDR practitioners may learn about such a possibility because allegations have been levelled against certain individuals or because there have been reports of abuses by certain groups or units (without naming specific individuals as responsible). The participation in a DDR process of suspected perpetrators would raise legal, political, reputational and/or practical challenges that must be addressed from the outset. UN DDR practitioners should therefore consult with other relevant UN components and offices (particularly human rights and rule of law) to consider and accordingly advise national counterparts on appropriate mitigation strategies.

Advising national counterparts on such mitigation strategies requires reflection on four connected sets of issues: legal, contextual, operational and procedural.

6.5.1 Legal considerations

The applicable legal context always needs to be clearly understood as the fundamental baseline and point of departure. This means, first, that a full analysis of the legal framework at both national and international levels needs to be undertaken to determine the extent to which there are legal obstacles to the participation of any persons in a DDR process. For example, a peace agreement or domestic legislation applicable in the country may exclude certain suspected perpetrators from DDR. Similarly, relevant Security Council resolutions or international donor agreements may impose restrictions on the participation of certain suspected perpetrators or categories of persons, including those suspected of having committed a terrorist offence and of belonging to

a UN-designated terrorist group, in UN-supported DDR processes. In each context, it will need to be established which categories of persons are to be excluded, the specific scope, and what standard of proof is required. UN DDR practitioners shall advise national counterparts accordingly. In cases where domestic legal requirements may not be in line with international norms, legal advice should be sought.

Second, the country's policies and practices regarding the investigation of allegations of serious human rights violations and abuses and the prosecution and punishment of perpetrators need to be carefully examined and understood by UN DDR practitioners when supporting any DDR processes. This includes issues such as prosecutorial discretion and strategy; pre-trial arrangements (pre-trial detention, conditional release, bail, etc.); applicable procedures for amnesties and pardons; and the substantive and procedural rights of victims. Additionally, in some contexts, there will be screening and vetting procedures in the context of SSR efforts⁴¹ that are aimed at preventing former combatants suspected of international crimes or serious human rights violations or abuses from being integrated into the armed forces, police or other security services (see IDDRS 6.10 on DDR and Security Sector Reform, section 6.2.6).⁴² Any inclusion within the DDR process of a screening procedure to identify suspected perpetrators must be aligned with such anti-impunity efforts within the criminal justice system or otherwise.

6.5.2 Contextual considerations

An effective DDR process incentivizes combatants and persons associated with armed forces and groups to leave these forces and groups and to durably reintegrate into civilian life, in order to promote sustainable peace. Screening may enhance community receptivity, if receiving communities are reassured that returning combatants do not and will not include alleged perpetrators. It can also prevent damage to the reputation of the UN and other partners because they are not seen to be providing support to alleged perpetrators.⁴³ However, incorporating a screening mechanism into a DDR process may be problematic in some contexts because of concerns that it may deter combatants from entering the DDR process and laying down their weapons, thereby potentially contributing to further insecurity. The actual exclusion of former combatants who have already demobilized may also incentivize them to re-join an armed group or form new such groups, and re-engage in violence.

DDR practitioners, in close cooperation with other relevant UN components and offices, should therefore analyse the political and conflict dynamics, community expectations and perceptions, as well as potential reputational and other risks to the Organization. These factors will have to be considered while bearing in mind applicable parameters – most prominently, the legal obligation of the State to hold perpetrators of international crimes accountable (see IDDRS 2.11 on The Legal Framework for UN DDR), provide victims of serious human rights violations and abuses with an effective remedy, and the State's responsibility to guarantee the security of the population and adopt appropriate measures to prevent further violations.⁴⁴

6.5.3 Operational and procedural considerations

Screening procedures are complex undertakings that require time and resources, particularly when large numbers of former combatants and persons formerly associated with armed forces and groups are eligible to participate in the DDR process. This com-

plexity may be in tension with the usual expectation that a DDR programme starts quickly to improve the security situation and prepare the ground for further peace-building initiatives. Once a DDR process is launched, decisions about the participation of combatants and persons associated with armed forces and groups need to be taken expeditiously.

A poorly designed or implemented procedure to identify and exclude suspected perpetrators risks not only being ineffective but may also end up legitimizing or white-washing perpetrators and undermining the credibility of the entire DDR process. Such processes may easily be manipulated for political purposes, deter participation and undermine good governance. Such procedures should be avoided.

Advising national counterparts on a screening mechanism as part of a DDR process and its design should therefore be informed by an assessment of the operational and procedural complexities in the country concerned. Such an assessment should consider, at least, the following factors:

- **Number of potential participants.** Typically, large numbers of individuals will be eligible to join a DDR process. This means that a comprehensive background screening during the intake phase of a DDR process may be unrealistic. If legally permissible, mitigation measures to meet this challenge may include an initial screening at intake, but also screening conducted throughout the DDR process, whereby certain participants may be subsequently excluded from the DDR process if new information arises as to their inadmissibility in the DDR process, or the inclusion in the screening procedure of some form of prioritization strategy (e.g., focusing first on commanders and superiors, or those units and individuals against whom there are particularly egregious allegations).
- **Determining authority.** The entity making determinations regarding whether the criteria for exclusion are met should be capable of making such determinations (i.e., with the mandate and authority to access relevant information and the appropriate expertise and resources to evaluate it).
- **Standard of proof and availability of information.** As indicated above, the standard of proof required to screen an individual out of a DDR process needs to be clearly established. While there is considerable room for country-specific considerations in this respect, excluding an individual from a DDR process should, at a minimum, require more than mere allegations, and meet at least a basic level of plausibility or credibility. This is important to bear in mind when a screening policy is developed, given that in conflict and post-conflict settings, reliable information is generally scarce and scattered among various actors. While some information on relevant incidents might have been collected, information on perpetrators is usually difficult to obtain. Collecting and substantiating information on perpetrators takes time and may involve security risks.⁴⁵ The availability and quality of information on perpetrators, and the time and resources needed to obtain such information, need to be evaluated before a screening procedure can be set up. This will include getting a picture from relevant actors, including the country's judicial authorities, UN peace operations and other UN entities (e.g., the human rights component), and civil society actors (e.g., human rights organizations), on what type of information may be available to support a credible and effective screening process.



- **Procedural fairness.** The screening procedures should be clearly defined and not be discriminatory. Background information on a participant may come from any source, including the UN. Further investigations may be needed to substantiate an allegation. DDR participants should be given an opportunity to review and respond to allegations against them.
- **Consequences.** The operational consequences of a screening mechanism as part of the DDR process need to be carefully examined. When an exclusion decision is made, is there a competent authority to “receive” the concerned individual? Is there a process and procedure in place to refer the individual to, and coordinate with, the relevant prosecutorial and judicial actors? Are the screening criteria and process aligned with national strategies and capacities? For example, if a participant in a DDR process is excluded on the ground of being a suspected perpetrator, it is important that this determination does not lead to their “release” (e.g., if the prosecutorial or judicial authorities are unavailable, uninformed or deem the existing information insufficient to warrant pre-trial detention) and potential re-joining of an armed group, risking undermining the public’s sense of security and support for the peace process.

Ultimately, it is for the national authorities to decide how to navigate these complexities. If the national authorities decide against a screening mechanism as part of a DDR process, DDR practitioners should consult with other relevant UN components and offices to consider and propose alternative mitigation measures. However, UN officials will have to be vigilant to not lend support to any process that is in violation of the State’s legal obligations or that carries significant reputational risk to the Organization. If there is a risk that such a scenario could unfold, UN DDR practitioners should seek legal and political advice to determine an appropriate stance, including possible disengagement.

6.5.4 Guidance for UN DDR practitioners on supporting the fight against impunity for serious violations

- DDR practitioners should work in close cooperation and coordination with UN leadership and other UN components and offices to ensure that the UN has a consistent anti-impunity message and corresponding support programme, and that proposed DDR processes are aligned with those.
- When DDR practitioners come across credible information that suggests that a potential or actual DDR participant has committed international crimes (or serious human rights violations or abuses), they shall report any such suspected perpetrators to their legal adviser for potential referral to the competent national authorities.
- DDR practitioners shall advise their national counterparts to fully cooperate with (international and national) judicial authorities.
- DDR practitioners (together with their legal advisers) shall advise the host State on applicable legal and policy restrictions regarding the eligibility of suspected perpetrators of international crimes in DDR processes and means to ensure full compliance with such restrictions.
- DDR practitioners should duly consider the applicable legal requirements and contextual, operational, and procedural factors when advising on the design and

implementation of a screening mechanism as part of a DDR process to identify and exclude suspected perpetrators of international crimes and serious human rights violations and abuses.

7. DDR programmes and transitional justice

A DDR programme consists of three main elements: disarmament, demobilization and reintegration. For the effective implementation of a DDR programme, four preconditions should be met: the signing of a negotiated ceasefire and/or peace agreement that provides the framework for DDR; trust in the peace process; willingness of the parties to engage in DDR; and minimum guarantees of security (see IDDRS 2.10 on The UN Approach to DDR). DDR-related tools and reintegration support, on the other hand, can be applied when the preconditions for DDR programmes are not in place.

This section considers how DDR programmes may relate to, and should be coordinated with, the four elements of transitional justice: truth-seeking initiatives; criminal prosecutions and other accountability efforts; reparations; and guarantees of non-recurrence. At the end of this section, concrete guidance is offered to enhance the coordination between DDR programmes and transitional justice processes.

The five general issues discussed in section 6 (coordination; gender responsiveness; child sensitivity; gathering, analysing and sharing of information; and supporting the fight against impunity for serious violations) apply to all DDR processes, including DDR programmes.

7.1 DDR programmes and truth seeking

Truth-seeking initiatives, be they formal truth commissions, unofficial truth-seeking efforts or otherwise (see section 4.1.1), and DDR programmes can complement each other in various ways. On the one hand, DDR programmes can facilitate truth-seeking initiatives. Information collected from former combatants and persons formerly associated with armed forces and groups during the intake phase of a DDR programme can be useful to a truth-seeking mechanism when it is established and begins work. Having access to such information in an anonymized manner could help the truth-seeking mechanism to analyse the structures of armed groups, recruitment patterns, illicit flows of arms and ammunition, etc. Such information may also contribute to a mapping of serious violations and abuses, which can facilitate documentation efforts.

Conditioning DDR benefits on participation in a truth-seeking process may benefit truth-seeking and enhance community receptivity. However, such a condition could also discourage combatants from leaving armed groups, so it needs to be carefully considered and designed.

On the other hand, truth commissions and other forms of truth seeking may facilitate DDR programmes in various ways. Former combatants and persons formerly associated with armed forces and groups may be offered amnesty or reduced sentences (in compliance with international norms and standards) in exchange for contributing to a truth-seeking mechanism and participation in a DDR programme, which may facilitate their reintegration (on amnesties see section 7.2).

Offering former combatants the opportunity to tell their stories in truth-seeking processes may also help break down rigid perceptions of perpetrator and victim identities and enable a more nuanced understanding of why former combatants and persons formerly associated with armed forces and groups joined armed groups, how they may have been forced to join, what actions they were involved in, how they operated, and why they did not leave their armed groups earlier. In this way, truth-seeking processes can support former combatants and persons formerly associated with armed forces and groups to retain or gain their dignity and can build understanding in the receiving communities for the concerns of former combatants and persons formerly associated with armed forces and groups, thereby enhancing community receptivity and facilitating their reintegration.

For various political and practical reasons, DDR programmes and truth-seeking initiatives may in practice not be timed in a way that allows them to complement each other. But these reasons may not be compelling. A DDR programme and a truth-seeking initiative may not complement each other merely because those responsible for designing and implementing these processes fail to inform one another and do not coordinate with each other. Better communication and coordination between DDR and transitional justice practitioners can help uncover synergy effects and benefit both DDR programmes and truth seeking.

7.2 DDR programmes, accountability and amnesties

The pursuit of criminal prosecutions and other mechanisms of accountability (see section 4.1.2, as well as IDDRS 2.11 on The Legal Framework for UN DDR) can positively contribute to DDR programmes but may also create tensions with DDR. Positively, prosecutions and other accountability mechanisms may serve to individualize the responsibility of specific perpetrators and lessen the public perception that all former combatants and persons formerly associated with armed forces and groups are guilty of international crimes and serious human rights violations. Accountability mechanisms may also help to sideline spoilers who oppose a DDR programme and seek to discourage others from participating. Most importantly, accountability efforts may facilitate the reintegration process by providing communities with some assurance that those whom they are asked to admit back into their midst do not include the perpetrators of the most serious crimes.

Such positive effects of prosecutions on DDR depend on the effectiveness of the prosecution efforts themselves, as well as on communication of these efforts to victims and affected communities. Without effectively prosecuting at least a relevant number of key perpetrators of serious violations and abuses, prosecutions are unlikely to sideline the main spoilers, will not improve public perceptions of former combatants and persons formerly associated with armed forces and groups, and are not likely to assure communities about the integrity of returning former combatants.⁴⁶

Regarding potential complications to DDR efforts, the possibility of prosecution may discourage certain former combatants and persons formerly associated with armed forces and groups from laying down their weapons and may prompt leaders of such groups to refuse cooperation and possibly form new armed groups. Such a situation not only makes it considerably harder to implement a DDR programme, but also increases the risk of further violence and undermines efforts to prevent further

violations and abuses, a core goal of both DDR and transitional justice. Such tensions may be reduced by linking prosecutorial prioritization strategies with permissible amnesty policies. International humanitarian law encourages, in the aftermath of internal armed conflict, granting the broadest amnesty possible to persons who have participated in the armed conflict.⁴⁷ The UN supports the use of carefully drafted amnesties that are in line with international law.⁴⁸ As part of a DDR process, weapons amnesties may be undertaken allowing for the voluntary surrender of illicit weapons and ammunition on the condition of anonymity and immunity from prosecution related to the illegal possession of weapons or ammunition.⁴⁹ Certain targeted amnesties for political offences such as treason or rebellion may act as an incentive for demobilization while still allowing for prosecution of those most responsible for serious human rights violations and abuses.⁵⁰

Genocide, war crimes, crimes against humanity and gross human rights violations must not be amnestied.⁵¹ Nevertheless, reduced, commuted or alternative sentencing in exchange for contributing, for instance, to a truth-seeking effort or a reparations programme may be an option, provided that the sentence remains proportionate to the gravity of the crimes committed and that the rights of victims, including to remedy and reparation, are fully respected.⁵²

DDR programmes, criminal prosecutions and amnesties may be connected through various forms of conditionality to reinforce each other's objectives. For example, former combatants and persons formerly associated with armed forces and groups may be offered amnesty or reduced sentences in exchange for laying down arms and/or for providing information in a truth-seeking process. Or, instead of serving a prison sentence, former combatants may participate in a communal labour programme as a form of material contribution to a reparations programme. While amnesty for genocide, crimes against humanity, war crimes and gross human rights violations is impermissible, a range of options to combine DDR with criminal prosecutions, amnesties and other transitional justice measures is available within the framework of international law and should be considered to mutually reinforce DDR and transitional justice.

Regarding the role of UN DDR practitioners in supporting the fight against impunity for serious violations, see section 6.5, and in particular the importance of UN DDR practitioners (together with legal advisers) advising the host State on applicable legal and policy restrictions regarding the eligibility of suspected perpetrators of international crimes in DDR processes, and available options to ensure full compliance with such restrictions. For specific considerations regarding terrorism-related offences, see IDDRS 2.11 on The Legal Framework for UN DDR.

7.3 DDR programmes and reparations

Reparations provide redress to victims for the harm they have suffered and acknowledge the violation of their rights, thereby recognizing them as rights holders. While reparations in post-conflict settings often come in the form of collective programmes that aim to address the rights and needs of a large universe of victims, individual reparations should also be considered (see section 4.1.3). DDR can intersect in various ways with reparations programmes, in particular when reinsertion assistance⁵³ and reintegration support⁵⁴ are provided to former combatants and persons formerly associated with armed forces and groups.

In practice, DDR programmes targeting former combatants and reparations programmes for victims are often developed in isolation from one another. Support to former combatants and persons formerly associated with armed forces and groups is motivated principally by the concern that without such assistance they will re-associate themselves with armed groups and threaten the peace process. In the short term, victims rarely represent the same threats, and reparations programmes may be politically challenging and expensive to design and implement. The result may be that former combatants and persons formerly associated with armed forces and groups receive aid in the form of cash, counselling, skills training, education opportunities, access to microcredit loans and/or land as part of the benefits of DDR programmes, whereas no programmes provide redress to the victims.

Providing benefits to former combatants and persons formerly associated with armed forces and groups while ignoring the rights and immediate needs of victims can give rise to new grievances and raise resistance against the reintegration of former combatants. The absence of reparations programmes for victims in contexts in which DDR programmes provide various benefits to former combatants may create the sense that former combatants are receiving special treatment and that abusive behaviour will be rewarded. Such outcomes are not merely inequitable; they may also undermine a DDR programme's reintegration efforts and may threaten the entire peace process. The provision of reparations to victims may contribute to the reintegration of former combatants by reducing resentment that victims and communities may feel against former combatants in the aftermath of violent conflict.

Former combatants may also directly contribute to a reparations programme by participating in a labour programme to rehabilitate communal infrastructure such as bridges, schools and hospitals. Such programmes facilitate the reintegration of former combatants because they receive professional training and income, and because their active contribution to the reconstruction of communal infrastructure enhances community receptivity.

Where former combatants and persons formerly associated with armed forces and groups have massively enriched themselves during the conflict at the expense of communities, they could be required to return ill-gotten wealth as a precondition for their participation in the DDR programme, funds that in turn could be used towards reparations. This approach would constitute recognition of the harm suffered by and the needs of victims, counter the perception that criminal and abusive behaviour will be rewarded, and contribute to the affirmation of the rule of law.

In some cases, the reintegration component of DDR programmes includes funding for local development that benefits individuals in the community beyond former members of armed forces and groups (see IDDRS 4.30 on Reintegration). While the objectives of reparations programmes are distinct, most importantly in that they aim to acknowledge victims as rights holders, such development efforts in communities where former combatants live may not only contribute to their effective reintegration, but also address certain needs of victims and other war-affected populations.

7.4 DDR programmes and guarantees of non-recurrence

Guarantees of non-recurrence refer to all deliberate efforts a society may undertake to prevent serious violations and abuses from happening again (see section 4.1.4).⁵⁵ A

well-designed DDR programme can make an important contribution to preventing recurrence of such acts; however, neither a DDR programme nor a transitional justice process on their own can build and sustain peace. Instead, both processes should be integrated into a comprehensive prevention strategy.

A framework approach that recognizes the need to broaden engagement on prevention and upstream prevention work can help practitioners design a comprehensive prevention strategy.⁵⁶ This framework approach suggests that prevention work should be considered across four spheres: official State institutions, civil society, culture and personal dispositions.

Activities in the sphere of official State institutions include, *inter alia*, promoting legal identity; ratifying and incorporating human rights treaties; carrying out legal reforms to ensure that criminal law, emergency laws and counter-terrorism legal frameworks are fully compliant with human rights standards; implementing judicial reforms to strengthen the independence of the judiciary and to increase its competencies in topics relevant to prevention, including international human rights law; strengthening the technical and operational capacities of criminal justice chain actors more broadly (police, judiciary and prison system) to comply with and uphold human rights norms and standards; considering constitutional reforms, including the adoption of a bill of rights and the establishment of a constitutional court; and security sector reform, encompassing a range of measures including vetting of police, military and other security personnel; a constitutional definition of the role of security institutions (including the intelligence services); the rationalization of security institutions; the strengthening of mechanisms of civilian oversight in the security sector; and the elimination of military prerogatives.⁵⁷

Activities in the sphere of civil society may include, for instance, the repeal of legislation that hampers the operation of civil society organizations; the implementation of legal empowerment programmes; the establishment by civil society actors of platforms, coalitions, alliances and networks; the adoption of laws that enable meaningful participation by civil society in different forums, including legislative ones; and the cultivation of an environment conducive to civil participation, with adequate protection of the rights to association and expression.⁵⁸

Activities in the sphere of culture and in the domain of personal disposition may include formal and informal education, particularly history education; interfaith dialogue; arts and other cultural activities, including memorialization and museums; investments in archives and documentation; and mental health and psychosocial support for victims, former combatants and members of security institutions.⁵⁹

The activities mentioned above are merely a sampling of prevention measures across the four spheres. A comprehensive prevention strategy will always be tailored to the specific context.

7.5 Guidance for UN DDR practitioners supporting DDR programmes

DDR practitioners advising mediators and/or conflict parties in preparation for and during negotiations should:

- Promote the participation of and consultation with communities affected by DDR, including local authorities (community, religious and traditional leaders) and civ-

il society organizations, particularly those representing victims, marginalized groups, women peacebuilders and female former combatants in deliberations on DDR.

- Advise mediators and/or conflict parties to tailor DDR and transitional justice measures to the needs, challenges and opportunities of the context in question.
- Promote the inclusion in a peace agreement of provisions on DDR that reinforce the goals of both DDR and transitional justice, thereby contributing to prevention and sustaining peace.
- Promote the inclusion in a peace agreement of provisions on truth seeking that incentivize participation in a DDR programme (see section 7.1).
- Consult with transitional justice practitioners to promote approaches to accountability and amnesty in the peace agreement that do not violate international law, do not discourage participation in the DDR programme, enhance community receptivity and contribute to preventing further violence (see section 7.2).
- Promote the inclusion of a reparations programme in a peace agreement to counter perceptions of favouring former combatants, enhance community receptivity and facilitate the reintegration of former combatants (see section 7.3).
- Consult with transitional justice practitioners and other peacebuilding experts to promote the inclusion of a comprehensive and contextualized prevention strategy in the peace agreement that foresees prevention efforts in the spheres of State institutions, civil society, culture and personal dispositions (see section 7.4).

DDR practitioners advising on the design of a DDR programme shall:

- Remind the Host State of its obligations to investigate and prosecute suspected perpetrators of international crimes and terrorism offences and advise them to include a screening mechanism.

DDR practitioners advising on the design of a DDR programme should:

- Promote, from the outset, the participation of and consultation with civil society organizations in the design of a DDR programme, particularly those organizations representing victims and marginalized groups, women peacebuilders and female former combatants, as well as youth organizations.
- Encourage the inclusion of a commitment to international humanitarian law, international human rights law, international criminal law, international refugee law, and the international counter-terrorism and arms control frameworks into the design of a DDR programme.
- Consult with transitional justice practitioners to promote the establishment of effective coordination mechanisms between DDR programmes and transitional justice processes.
- Consider the development of information-sharing protocols that contribute to the transitional justice effort and facilitate the DDR programme but do not violate the rights of the DDR participants (see section 7.1).
- Consult with transitional justice practitioners to promote – without interfering with the independence of the judiciary – coordination and timing of DDR programmes with criminal prosecutions and amnesty determinations in order to

maximize the extent to which the programmes are mutually reinforcing and prevent them from impairing each other (see section 7.2).

- Consult with transitional justice practitioners to coordinate the timing of DDR programmes with the timing of reparations programmes. Community development that also benefits victims should be included in the reintegration component of DDR programmes (see section 7.3).
- Consult with transitional justice practitioners and other peacebuilding experts to break down silos of expertise and integrate DDR into a comprehensive prevention strategy, in which resources are allocated according to priority needs. Mental health and psychosocial support for victims as well as former members of armed forces and groups should be considered to strengthen their resilience and enable them to withstand, resist and overcome violence in the future (see section 7.4).

DDR practitioners advising on the implementation of a DDR programme should:

- Promote consultation and meaningful participation of victims, marginalized groups, women peacebuilders, female former combatants and children in all phases of DDR programmes.
- Promote broad-based public information about and sensitization on all stages of DDR and transitional justice processes.
- Consult with transitional justice practitioners to facilitate a coordinated implementation of DDR programmes and transitional justice processes, thereby reducing resentment of victims and receiving communities, and contributing to the effective reintegration of former combatants.
- Regularly interact with transitional justice practitioners to promote complementarity and to identify, anticipate and address potential tensions between DDR programmes and transitional justice processes.

8. Community violence reduction and transitional justice

DDR-related tools include pre-DDR, transitional weapons and ammunition management, CVR, DDR support to mediation and DDR support to transitional security arrangements. DDR-related tools may be applied before, during and/or after DDR programmes as complementary measures, as well as when the preconditions for DDR programmes are not in place (see IDDRS 2.10 on The UN Approach to DDR).

The five general issues discussed in section 6 (coordination; gender responsiveness; child sensitivity; gathering, analysing and sharing of information; and supporting the fight against impunity for serious violations) apply to all DDR processes, including all DDR-related tools.

This section focuses on CVR because it is the most significant DDR-related tool for both its versatility and prevalence. The Security Council regularly tasks UN peace operations with implementing CVR within its DDR mandate and ensures that funding from the assessed peacekeeping budget is made available. CVR is a flexible, bottom-up tool to promote security and social cohesion in communities with a presence of active and/or former members of armed groups and associated groups. Local committees with representative participation of community stakeholders and implementing partners decide on the type of projects that would benefit community members. CVR often

provides youth and former combatants with alternatives to (re)joining armed groups and offers coping strategies to resist violence. CVR programmes include, but are not limited to, a combination of weapons and ammunition management; labour-intensive short-term employment; vocational training; infrastructure improvement; community security; mental health and psychosocial support; civic education; and gender transformative projects.

CVR and transitional justice relate to each other in different ways. CVR provides various opportunities to complement transitional justice processes. The following are examples of how CVR may enhance the objectives of transitional justice and thereby reinforce its own goals of community security and social cohesion:

- Local committees selecting a CVR project that include victim representatives, representatives of marginalized groups and members of women-led organizations give them a voice and help design a CVR project that responds to their needs, which in turn reduces opposition to the reintegration of former combatants and persons formerly associated with armed forces and groups.
- A CVR project may directly initiate or promote a local transitional justice initiative such as a communal dialogue process, a truth-seeking effort, or a traditional justice and mediation mechanism in order to promote social cohesion and help prevent further violence.
- Data collected in the course of a CVR project may inform the design of a future reparations programme or other transitional justice measure (see section 6.4).

8.1 Guidance for UN DDR practitioners supporting CVR projects

DDR practitioners advising on the design of CVR projects should:

- Promote the inclusion of victim representatives, members of marginalized groups and representatives of women-led organizations, women peacebuilders and female former combatants in local CVR project selection committees.
- Promote consultations with national authorities, affected communities and victims to ensure alignment of CVR projects with transitional justice measures. DDR and transitional justice practitioners may participate in CVR project approval/review committees.
- Encourage the inclusion of a commitment to international humanitarian and human rights law in the design of a CVR project.
- Consult with transitional justice practitioners to integrate transitional justice concerns and activities in CVR projects, which in turn will reinforce the CVR goals of community security and social cohesion.
- Consult with transitional justice practitioners to advise on options of designing CVR projects that promote a local transitional justice initiative such as a communal dialogue process, a local truth-seeking effort, or a traditional justice and mediation mechanism. Such local transitional justice activities should be in line with national transitional justice strategies and processes.
- Consult with transitional justice practitioners to determine what information could be collected and shared in the course of a CVR project that might be of use for a transitional justice process.

- DDR practitioners advising on the implementation of CVR projects should:
- Promote consultation and meaningful participation of victims, marginalized groups, women-led organizations, women peacebuilders, female former combatants and children at all stages of a CVR project.
- Promote broad-based public information about and sensitization on all stages of CVR projects and related transitional justice efforts.
- Consult with transitional justice practitioners to facilitate a coordinated implementation of CVR projects and transitional justice measures, thereby reducing resentment of victims and promoting security and social cohesion in communities with a presence of active and/or former members of armed groups.
- Regularly interact with transitional justice practitioners to promote complementarity and to identify, anticipate and address potential tensions between CVR projects and transitional justice measures.

9. Reintegration support and transitional justice

Support to the reintegration of former combatants and persons formerly associated with armed forces and groups can not only be part of a post-conflict DDR programme but may also be provided when the four preconditions for a DDR programme are not all in place. Individuals may exit armed forces and groups during all phases of an active conflict. This type of exit will often be individual and can take different forms, including voluntary exit or capture. During conflict, reintegration support should be geared towards preventing the re-recruitment of former combatants and reducing the first-time recruitment of youth (see IDDRS 2.40 on Reintegration as Part of Sustaining Peace).

Early elements of reintegration support can be linked to CVR projects, such as different types of employment and livelihood support, improvement of the capacities of vulnerable communities to absorb returning ex-combatants, and investments in public goods designed to strengthen the social cohesion of communities. Reintegration support can also complement or follow CVR, through more sustainable measures.

Assistance to former combatants and persons formerly associated with armed forces and groups may evoke resentment in others affected by the conflict, particularly victims of abuses committed by former combatants. That resentment may be exacerbated in instances where the victims of abuses are not supported or are inadequately supported and are not provided with reparations for the harm they have suffered. This sense of unfair treatment may be reinforced – and possibly turn into hostility – when the perpetrators are known in the receiving communities but, nevertheless, receive reintegration support. Such a situation is considered unjust not only by the victims, but also by the receiving communities, which may reject the former combatants and resist their reintegration.

Linking reintegration support with transitional justice will help avoid such situations and strengthen community receptivity to returning former combatants. Depending on the contextual conditions and programme requirements, various options are available to link reintegration support with transitional justice:

- Adopting an inclusive, community-based approach that involves victims, other marginalized groups, women-led organizations, women peacebuilders and fe-

male former combatants in the design of reintegration support programmes; allows them to articulate their needs; and provides assistance not only to former members of armed forces and groups but also to victims and affected communities, which can support social cohesion and dialogue.

- Coordinating reintegration support to former combatants with assistance for victims can help to alleviate discriminatory effects of reintegration support and may enhance community receptivity (see also section 7.3).
- Conditioning reintegration support on participation in a truth-seeking process may benefit truth seeking and might enhance community receptivity. However, such a condition could also discourage combatants from leaving armed groups, so it needs to be carefully considered and designed (see also section 7.1).
- Providing amnesties, possibly in exchange for contributing, for instance, to a truth-seeking effort or a reparations programme, may incentivize combatants to lay down their arms and participate in a reintegration support programme. States have, however, an obligation to investigate and prosecute genocide, war crimes, crimes against humanity and gross violations of human rights, including CRSV (see also section 7.2).
- Violence prevention is a goal shared by DDR and transitional justice. Both reintegration support and transitional justice efforts should be embedded in a comprehensive prevention strategy. The prevention of SGBV in receiving communities should be a core component of such a strategy. Additionally, providing mental health and psychosocial support to former combatants as well as victims can significantly strengthen their resilience and enable them to withstand, resist and overcome violence in the future (see also section 7.4).
- Data collected in the course of a reintegration support programme may inform the design of a future reparations programme or of other transitional justice mechanisms and measures (see section 6.4).

These options are examples of how reintegration support programmes and transitional justice processes may be linked and mutually reinforce each other. Which options can actually be adopted and how they can be linked concretely will depend on the specific security, political, social and economic conditions, particularly on how reintegration support and transitional justice measures can be timed in a specific context.

The five general issues discussed in section 6 (coordination; gender responsiveness; child sensitivity; gathering, analysing and sharing of information; and supporting the fight against impunity for serious violations) apply to all DDR processes, including reintegration support.

9.1 Guidance for UN DDR practitioners assisting reintegration support

DDR practitioners advising on the design of reintegration support programmes should:

- Promote community-based approaches that involve victims, other marginalized groups, women-led organizations, women peacebuilders and female former combatants in reintegration support programmes.
- Consult with transitional justice practitioners on how a reintegration support programme may be linked with reparations, truth-seeking, prosecutions and amnes-

ty efforts so that they mutually reinforce each other (see above for possible ways of linking reintegration support with transitional justice activities).

- Encourage the inclusion of a commitment to international humanitarian and human rights law, including women’s and child rights, in the design of a reintegration support programme.
- Consult with transitional justice practitioners to determine what data can be collected in the course of a reintegration support programme and shared so that it may inform the design of a future reparations programme or other transitional justice measure.
- Consult with transitional justice and other peacebuilding practitioners to design a comprehensive prevention strategy.
- DDR practitioners advising on the implementation of reintegration support programmes should:
 - Promote consultation and meaningful participation of victims, marginalized groups, women-led organizations, women peacebuilders, female former combatants and children at all stages of reintegration support.
 - Promote broad-based public information about and sensitization on all stages of reintegration support and related transitional justice activities.
 - Consult with transitional justice practitioners to facilitate a coordinated implementation of reintegration support and transitional justice measures, thereby reducing resentment of victims, promoting community receptivity, assisting reintegration, preventing re-recruitment of former combatants and reducing first-time recruitment of at-risk youth.
- Regularly interact with transitional justice practitioners to promote complementarity and to identify, anticipate and address potential tensions between reintegration support and transitional justice measures.

Annex A: Abbreviations

CRSV	conflict-related sexual violence
CVR	community violence reduction
SGBV	sexual and gender-based violence

Endnotes

- 1 A/65/741, paras. 46-49.
- 2 A/HRC/30/42.
- 3 S/2004/616*, para. 8.
- 4 While not formally defined, the category of serious human rights violations includes genocide; slavery and slave trade; extra-judicial, summary or arbitrary executions; enforced disappearances, torture or other cruel, inhuman or degrading treatment or punishment; prolonged arbitrary detention, deportation or forcible transfer of populations; rape and other forms of sexual violence; systematic racial discrimination; and deliberate and systematic deprivation of essential foodstuffs, essential primary health care or basic shelter and housing. See Office of the High Commissioner for Human Rights, *Rule-of-law Tools for Post-conflict States: Reparations Programmes* (United Nations publication, New York and Geneva, 2009), footnote 5; and Takhmina Karimova, "What amounts to 'a serious violation of international human rights law'? An analysis of practice and expert opinion for the purpose of the 2013 Arms Trade Treaty", Academy Briefing No. 6, Geneva Academy of International Humanitarian Law and Human Rights (August 2014).
- 5 S/2004/616*, para. 8.
- 6 Available at: <https://www.ohchr.org/en/documents/tools-and-resources/guidance-note-secretary-general-transitional-justice-strategic-tool>
- 7 A/HRC/21/46.
- 8 A/HRC/37/65, para. 11. See also A/HRC/49/39, discussing the contribution of transitional justice to sustaining peace and the realization of Sustainable Development Goal 16.
- 9 Updated set of principles for the protection and promotion of human rights through action to combat impunity (E/CN.4/2005/102/Add.1).
- 10 See, in particular, the International Convention for the Protection of All Persons from Enforced Disappearance, art. 24; Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (A/RES/60/147), para. 22; and Human Rights Council resolutions 12/12, para. 1; and 9/11, para. 1.
- 11 CCPR/C/21/Rev.1/Add.13, para. 18.
- 12 See, in particular, International Covenant on Civil and Political Rights, art. 2(3); Additional Protocol 1 Relating to the Protection of Victims of International Armed Conflicts (1977), art. 91; and Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (A/RES/60/147).
- 13 See, in particular, International Covenant on Civil and Political Rights, arts. 2(1) and 2(2); CCPR/C/21/Rev.1/Add.13; CAT/C/GC/3, para. 18 (13 Dec 2012); Geneva Conventions, common art. 1; and Additional Protocol 1 Relating to the Protection of Victims of International Armed Conflicts (1977), art. 1.
- 14 A/HRC/24/42; see also Office of the High Commissioner for Human Rights, *Rule-of-Law Tools for Post-Conflict States. Truth Commissions* (United Nations publication, New York and Geneva, 2006).
- 15 A/HRC/27/56; see also Office of the High Commissioner for Human Rights, *Rule-of-Law Tools for Post-Conflict States: Prosecution Initiatives* (United Nations publication, New York and Geneva, 2006).
- 16 Additional Protocol II to the Geneva Conventions, art. 6(5). See also S/2004/616*, para. 32.
- 17 S/2004/616*, para. 10; Office of the High Commissioner for Human Rights, *Rule-of-law Tools for Post-conflict States: Amnesties* (United Nations publication, New York and Geneva, 2009). See 1948 Genocide Convention, art. 5; 1949 Geneva Convention I, arts. 49-50; 1984 Convention against Torture, arts. 4-6; and 2006 Convention on Enforced Disappearance, art. 11(2). Regarding conflict-related sexual violence, see also relevant Security Council resolutions, e.g., S/RES/2467, para. 30.
- 18 A/69/518; see also Office of the High Commissioner for Human Rights, *Rule-of-Law Tools for Post-Conflict States: Reparations Programmes* (United Nations publication, New York and Geneva, 2008).
- 19 A/RES/60/147, Annex, paras. 19-23.

- 20 A/HRC/42/45.
- 21 A/HRC/30/42.
- 22 For more information on vetting, see Office of the High Commissioner for Human Rights, *Rule-of-Law Tools for Post-Conflict States: Vetting: An Operational Framework* (United Nations publication, New York and Geneva, 2006).
- 23 A/HRC/36/50, para. 45.
- 24 A/HRC/36/50, paras. 59-90.
- 25 On reparations for CRSV, see the Secretary-General's 2014 guidance note on reparations for conflict-related sexual violence.
- 26 Conflict-related sexual violence takes multiple forms, such as rape, forced pregnancy, forced sterilization, forced abortion, forced prostitution, sexual exploitation, trafficking, sexual enslavement, forced circumcision, castration, forced nudity or any other form of sexual violence of comparable gravity. Depending on the circumstances, it could constitute a war crime, a crime against humanity, genocide, torture or other gross violations of human rights (see United Nations, *Analytical and Conceptual Framing of Conflict-related Sexual Violence*, May 2011).
- 27 S/2018/900, para. 7.
- 28 Paris Principles. Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (February 2007) [hereinafter: Paris Principles], para. 2.1.
- 29 Paris Principles, para. 4.
- 30 Convention on the Rights of the Child, art. 3(1); Paris Principles, para. 3.4.
- 31 Convention on the Rights of the Child, art. 38; Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, arts. 1-4; Geneva Conventions, Additional Protocol I, art. 77(2) and Additional Protocol II, art. 4(3)(c).
- 32 Paris Principles, paras. 3.4.0 and 3.11.
- 33 Paris Principles, para. 3.12.
- 34 Rome Statute of the International Criminal Court, art. 8(2)(b)(xxvi).
- 35 Paris Principles, para. 3.5.
- 36 Convention on the Rights of the Child, arts. 3(1) and 40(3)(b); Paris Principles, paras. 3.6 and 3.7.
- 37 Paris Principles, para. 3.8.
- 38 Convention on the Rights of the Child, art. 12.
- 39 Frequently, criminal accountability is understood to be the primary goal of transitional justice, and information gathering often narrowly focuses on documenting evidence for criminal prosecution purposes without taking into account the needs and goals of other transitional justice measures. The United Nations has, however, a comprehensive understanding of transitional justice that is not limited to criminal accountability efforts (see section 5).
- 40 At the same time, the UN is required to cooperate with the appropriate national authorities to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connection with the privileges, immunities and facilities of UN officials (Convention on the Privileges and Immunities of the UN, 13 February 1946, art. V, sect. 21). This responsibility is generally reflected in UN host country agreements.
- 41 Not only former combatants considered for integration into the security sector should be vetted but also serving officials (soldiers, police officers, etc.), who might have committed international crimes during the violent conflict. Failing to vet serving officials would not only undermine the trustworthiness of the security institutions but might also discourage former combatants and persons formerly associated with armed forces and groups from disarming and integrating into the security sector.
- 42 Guidance note of the Secretary-General on the United Nations approach to transitional justice, March 2010, 11.
- 43 Generally, balancing DDR benefits with support to victims will be important to overcome community resentment and reduce reputational risks for the UN and other partners funding a DDR process (see section 5.2.3).

- 44 See, in particular, International Covenant on Civil and Political Rights, art. 2; Geneva Conventions, common art. 1; and Additional Protocol I to the Geneva Conventions, art. 1. See also United Nations, Human Rights Committee, “General Comment No. 31 [80]. The Nature of the General Obligation Imposed on State Parties to the Covenant,” CCPR/C/21/Rev.1/Add.13, 26 May 2004, para. 7.
- 45 See also United Nations High Commissioner for Human Rights, *Who’s Responsible? Attributing Individual Responsibility for Violations of International Human Rights and Humanitarian Law in United Nations Commissions of Inquiry, Fact-Finding Missions and Other Investigations* (United Nations publication, New York and Geneva, 2018).
- 46 The starting point for effective prosecutions in post-conflict settings ought to be a prosecutions strategy that sets priorities for how to deploy scarce investigatory and prosecutorial resources. Frequently, a prosecutions strategy will prioritize those with the greatest responsibility. For a detailed discussion of prosecutions strategies, see A/HRC/27/56 and Office of the High Commissioner for Human Rights, *Rule-of-Law Tools for Post-Conflict States: Prosecution Initiatives* (United Nations publications, New York and Geneva, 2006), pp. 5-11.
- 47 Additional Protocol II to the Geneva Conventions, art. 6(5).
- 48 S/2004/616, para. 32. Office of the High Commissioner for Human Rights, *Rule-of-Law Tools for Post-Conflict States: Amnesties* (United Nations publication, New York and Geneva, 2009).
- 49 For detailed information on weapons amnesties, see IDDRS 4.11 on Transitional Weapons and Ammunition Management; MOSAIC 05.40 on collection of illicit and unwanted small arms and light weapons, para. 10.8; and IDDRS 4.10 on Disarmament.
- 50 On amnesty generally, see Office of the High Commissioner for Human Rights, *Rule-of-Law Tools for Post-Conflict States: Amnesties* (United Nations publications, New York and Geneva, 2009).
- 51 S/2004/616, para. 10. States have an obligation to investigate and prosecute genocide, war crimes, crimes against humanity and gross violations of human rights. See, for instance, 1949 Geneva Convention I, arts. 49-50; 1984 Convention against Torture, arts. 4-6.
- 52 See United Nations, Updated set of principles for the protection and promotion of human rights through action to combat impunity (E/CN.4/2005/102/Add.1), Principle 28. See also the Colombian Special Jurisdiction for Peace (JEP), which is a core element of the comprehensive transitional justice architecture of the 2016 Final Agreement to End the Conflict and Build a Stable and Lasting Peace in Colombia. For more information on the JEP, see Anna Myriam Roccatello and Gabriel Rojas, “A mixed approach to international crimes: the retributive and restorative justice procedures of Colombia’s Special Jurisdiction for Peace”, International Center for Transitional Justice, April 2020.
- 53 During the demobilization component of DDR programmes, reinsertion assistance is offered to demobilized combatants and their families to assist with their immediate needs (see IDDRS 4.20 on Demobilization).
- 54 The reintegration component of a DDR programme is the long-term process by which former combatants acquire civilian status and gain sustainable employment and income (see IDDRS 4.30 on Reintegration).
- 55 A/HRC/30/42. See also Alexander Mayer-Rieckh, “Guarantees of non-recurrence: an approximation”, *Human Rights Quarterly*, vol. 39, No. 2 (May 2017), pp. 416-448.
- 56 A/72/523.
- 57 A/HRC/30/42; A/HRC/37/65), paras. 27-57.
- 58 A/HRC/37/65, paras. 58-70.
- 59 A/HRC/37/65, paras. 71-83.