



WINDOWS OF OPPORTUNITY FOR MEANINGFUL ENGAGEMENT OF IRAQI CIVIL SOCIETY IN TRANSITIONAL & RESTORATIVE JUSTICE PROCESSES

BACKGROUND

During the past 30 years, large parts of the population of Iraq have been exposed to severe and continuous human rights violations. Baath regime oppression, insurgency and sectarian violence that erupted following the toppling of Saddam Hussein, the so called Islamic State of Iraq and the Levant (ISIL) created conflict, lethal force used against protesters in 2019/20, to name but a few. The direct or indirect experiences of such large-scale violence have led to an alarming trend of fragmentation and disintegration of different social groups. Contact and interaction between these diverse communities is often limited and marked by tension and prejudice. The recent conflict with ISIL only deteriorated the situation, and this poses a threat to peaceful coexistence in the region. Finally, negative impact of a continuum of corruption, misadministration and violations of economic and social rights of individuals, families and communities seems to have reached a critical level.

ABOUT US

[Jiyan Foundation for Human Rights](#) is a charitable organization supporting survivors of human rights violations, defending fundamental freedoms, and promoting democratic values throughout Kurdistan-Iraq, Iraq, & Syria. [Coalition for Just Reparations](#) (C4JR) is an alliance of Iraqi NGOs calling for comprehensive reparations for civilian victims of atrocity crimes perpetrated during the Da'esh/ISIL conflict in Iraq.

OBJECTIVES OF THE PROJECT

From October 2021 until August 2022 Jiyan Foundation for Human Rights implemented a project whose principal aim was to build capacities of Iraqi civil society organizations (CSOs) to identify and develop inclusive, bottom-up and conflict-sensitive approaches to transitional and restorative justice (TJ/RJ). This project, supported by the German Agency for International Cooperation (GIZ), had set groundwork for broader community-based reconciliation efforts and processes leading to positive peace. Such processes should diffuse ethnic/religious tensions, facilitate safe return of those still displaced, set the ground for sustainable peace and promote social cohesion and inter community harmony. Civil society actors, community leaders, state authorities, survivors groups all have a role to play, as restorative engagement can create preconditions under which a relapse into conflict would be if not impossible then at least unlikely. These preconditions are to be created through combating conflict drivers including but not limited to hate speech, glorification of violence, revisionist narratives, sectarian and divisive rhetoric in public space.

WHAT HAS BEEN DONE?

Process of identifying project beneficiaries (relevant Iraqi NGOs, active in the TJ/RJ field, the so-called TJ/RJ champions) was informed by a number of stakeholders such as the International Organization for Migration (IOM), GIZ, Coalition for Just Reparations (C4JR), PAX, Impunity Watch, Iraqi Al-Amal Association etc. A one-day informative session was held on November 30, 2021 in Erbil. During this session the project was presented to more than 30 Iraqi CSOs and discussions initiated on transitional and restorative justice needs in Iraq. The initial list of potential partners, which consisted of more than 30 NGOs meeting previously defined eligibility criteria, was downsized to 15 through administering a structured questionnaire and conducting follow-up interviews. In March 2022 a three-day capacity building was held in Erbil where foundations of transitional and restorative justice were explained, with a specific overview of TJ/RJ processes in Iraq. Furthermore, an introduction to designing restorative justice projects on the local level with comparative examples (documentation, oral archives, hearings, conferences and circle meetings) was provided and initial discussion on potential entry points for restorative justice activities within their communities carried out. In May 2022 two workshops, in Kirkuk and Mosul, focusing on involving women and youth organizations in peacebuilding and TJ/RJ processes have taken place. In addition to TJ/RJ champions active in Kirkuk and Mosul, a range of local human rights, women rights and youth activists were invited to broaden the scope and inform the discussion by highlighting Kirkuk/Mosul specific concerns, grievances and needs. The discussions held were informed by the findings of the [in-depth qualitative study](#) conducted by the Iraqi based non-profit research institution Social Inquiry in Salah al-Din, Kirkuk, and Diyala governorates examining community

grievances & windows of opportunity for restorative justice in a transitional justice context. The final workshop was organized on June 15 in Erbil where representatives of 15 NGOs were briefed on the outcomes of roundtables and brainstormed ideas on meaningful engagement in transitional and restorative processes in Iraq. Finally, a toolkit on transitional and restorative justice has been developed by the experts in the field from Iraq and abroad as well as Jiyan Foundation experts to inform, provide access to resources and guide the TJ/RJ champions in developing projects. Toolkit, whose content not only highlights best international practices, but also mirrors views and opinions of local NGOs, activists and community representatives, will be made available to the wider public in English, Arabic and Kurdish language.

POTENTIAL WINDOWS OF OPPORTUNITY FOR RESTORATIVE JUSTICE INTERVENTIONS AT THE LOCAL LEVEL

Basic assumptions.

For any TJ/RJ initiative to be implemented on the ground security for all those involved must be ensured. This requires a security analysis of a certain city, area or governorate, but also a separate analysis of whether a specific location provides optimal conditions for hosting events with vulnerable individuals, including both survivors and persons perceived to be associated with ISIL, including family members of ISIL suspects. Also, before engaging in any activity a do no harm analysis needs to be undertaken as well as assessment of potential benefits or improvements the proposed action may bring about. Finally, for any TJ/RJ activity to realize its full potential there should be clear readiness and support on the part of the state officials to participate and engage with CSOs before, during and after the events and activities (follow-up phase). For any TJ/RJ activity to take place at least a tacit approval (in some cases also security guarantees) of relevant authorities is necessary.

Intro

To make objective of this project a reality, NGOs (TJ/RJ champions) focused on searching for common language to work together to promote restorative approaches to justice. This meant coming up with innovative ideas — from all components of Iraq’s diverse society — to rethink roads to peace and justice currently taken and renew community trust. Every member of society has a role to play and has the power to contribute to realization of a shared vision of Iraqi state and society that respects and protects human rights. A crucial element of building peace is the continued promotion of inclusive and participatory actions on the grassroots level and beyond. Successful TJ/RJ actions build trust and engage all community members in meaningful decision-making, implementation, and evaluation. With all these considerations in mind, TJ/RJ champions generated the following:

Promoting solidarity with and among victims and affected communities across sectarian boundaries

The direct or indirect experiences of large-scale violence, extremist insurgency and sectarian tensions between the different religious and ethnic groups in Iraq have led to an alarming trend of fragmentation and disintegration of different social groups, all eying each other with varying degrees of skepticism and mistrust. Contact and interaction between these diverse communities is often limited and marked by tension and prejudice. Survivors are especially skeptical towards the possibility that individuals belonging to the community from which the perpetrator stems have been harmed and thus entitled to justice, reparations and acknowledgment. This view, though understandable as a consequence of severe trauma, is factually incorrect and can be put right through working on the grassroots level. One prominent example that can serve that cause has been pointed out: Mass killing of members of the Al Bu Nimr tribe (Sunni) in Anbar governorate by ISIL. Currently the families from this tribe are displaced in Anbar and other cities in Iraq. They need to receive adequate reparations including recognition, rehabilitation, compensation etc. Highlighting the plight of such survivors and bringing them in contact with other survivors of ISIL seems as a promising strategy. This should be part of broader acknowledgment, truth and memorialization initiatives highlighting narratives of all ISIL harmed individuals and communities, as well as their experiences of injustice, marginalization and systematic neglect. More concretely, carrying out hearing sessions with individual survivors and their communities targeted by ISIL has been suggested. Separate sessions with minority communities and Sunni

community respectively should be followed by a joint session with selected participants from all communities. The objective is recognition of victimhood and expression of solidarity with all those harmed.

Women's rights and inclusion through monitoring implementation of second National Action Plan of the UN Agenda on women Peace and Security.

At the very heart of the TJ/RJ agenda is the need to promote gender sensitive approaches to dealing with the past. It is often forgotten that women's experiences in war are unique because of their status as women. Therefore, for any TJ/RJ effort to be representative, trusted, and effective, they must include women. The extent of sexual violence deliberately employed by ISIL as a tactic of war aimed at destroying communities, as well as entrenched gender inequality and gender based violence in Iraq, makes the case for empowering women to shape and implement TJ/RJ initiatives on the ground even stronger. This would require not only pursuing gender sensitive aspects of existing and forthcoming reparation programs and criminal trials but also reforming existing national legal framework and practice within which gender-based violence is allowed to be replicated with impunity.

Focusing on youth through reach out events and especially social media.

Through the roundtable in Mosul it became apparent that one of the most promising drivers of change is youth. Namely, as traditional authorities collapsed during the ISIL occupation, the younger generations of Moslawis became less perceptive to uncritically obey the traditional authorities, community elders and religious leaders. It seems that Iraqi youth in Mosul, as a consequence of the brutal ISIL rule, became disillusioned and more keen to push for change outside the boundaries set by family, community, tribal and religious authorities. This might be a promising entry point for a range of project targeting youth to engage in diverse TJ/RJ activities.

Promoting active citizenship

Promoting the concept of citizenship as a legal relationship between an individual and a state by addressing factors not conducive to one's full participation in vital societal processes. These factors may vary but usually include sectarianism, discrimination, corruption etc. Members of different communities are to be engaged in joint activities (events) in universities, museums, community centers and public spaces to discuss issues relevant at communal, regional and national level. Such issues may include: human rights, promoting the rule of law and good governance, combating administrative corruption and misadministration, addressing institutional reforms, activating laws, and enhancing their legitimacy, strengthening formal justice systems (judiciary and the police) as enforcers of law and order and main fora for solving disputes rather than informal justice system such as armed militias, clan leaders or clergy.

Miscellaneous peacebuilding/restorative interventions at the local level

A range of diverse activities at the local level have been suggested in order to strengthen solidarity between communities and combat drivers of conflict.

- Carrying out, in cooperation with the Ministry of agriculture, NGOs and local communities, interventions aimed at replanting trees and crops destroyed in the series of fires in Nineveh, especially around Bashiqa. This would, in addition to supporting livelihood of farmers and their families, demonstrate commitment and good will to address the issue (it is believed that most of the fires were set by ISIL members as new insurgency tactics, while others have been a consequence of tribal disputes). This may be also accompanied by donations of seed grain, and education on innovative agriculture techniques to improve the resilience of crops to drought and climate changes, increase the yields and promote sustainable farming.
- Engaging religious leaders in Nineve to moderate their rhetoric in order to avoid hate speech and deepening the sectarian divide that sustains circles of violence.
- Reducing the tendency to militarism, as arms bearers and the idea of martyrdom are usually glorified. Instead, elevate and commemorate the role of peacemakers