

Tackling impunity: Self-empowerment of survivors of international crimes

INTRODUCTION

Survivors, affected communities and civil society play a crucial role in the fight against impunity for human rights violations. Often, powerful actors bear responsibility for these crimes. Equally often, however, their actions go unpunished and impunity prevails. Institutions designed to ensure the protection of human rights and provide redress when international crimes occur are frequently instrumentalized in the service of prevailing powers' political agendas. In most cases, ending impunity is a fight left up to civil society. On a national level, civil society actors can contribute to peace processes and conflict transformation, as well as prevent the resurgence of conflicts or the emergence of new ones. In contexts where human rights violations have been committed, however, those directly affected and their communities often lack the resources and opportunities necessary to ensure that their voices are not only heard, but that they drive the ensuing fight for justice and accountability. As the needs and struggles for justice of those affected are often ignored or suppressed, their fight becomes a transnational issue.

In September 2019, human rights lawyers, activists and survivors of human rights violations gathered in Berlin to discuss the issue of self-empowerment in the context of conflict transformation processes and struggles to tackle impunity for international crimes. For two days, participants from Chechnya/Russia, Sri Lanka, Syria and Turkey exchanged lessons learned and developed strategies on how survivors of human rights violations and their communities can actively contribute to legal, social and political transformation processes. The workshop "Self-empowerment for survivors of human rights violations and their communities" formed part of a broader series funded by the Robert Bosch Foundation and was carried out by the European Center for Constitutional and Human Rights (ECCHR).

At the outset of the workshop, participants were hesitant about the potential value of sharing their strategies and lessons learned. Situations in Chechnya/Russia, Sri Lanka, Syria and Turkey seemed too divergent and the needs of the respective local communities too diverse to jointly develop strategies building on past and ongoing experiences. The only common denominator seemed to be the fight against prevailing impunity for international crimes committed in these countries, which ECCHR and its partners pursue by using legal means to demand accountability of those most responsible. The participants' first exchanges quickly revealed, however, that contrary to initial expectations, similarities between the different backgrounds and areas of work do exist. This text aims to provide insight into the participants' discussions.

BACKGROUND

Grave international crimes are human rights violations that not only concern those directly affected, but also have broader social, political and economic implications for the international community as a whole. Most often, international crimes are perpetrated by powerful actors who, rather than ensuring the preservation of fundamental rights, frequently instrumentalize law to legitimate injustices like torture, enforced disappearance and arbitrary detention. In the contexts of Chechnya/Russia, Sri Lanka, Syria and Turkey, international crimes have been, and are still being committed. Whether through complicity or self-interest, prevailing power politics in these four countries repeatedly trump law and justice.

Different fora are available for fighting impunity for international crimes. Where access to the domestic court system is blocked, recourse can be sought outside the country. At the international level, the International Criminal Court (ICC) may come into play. Established in 2002, the ICC has jurisdiction to investigate and prosecute individuals responsible for committing genocide, crimes against humanity, war crimes and—as of 2018—the crime of aggression. The court’s jurisdiction comes with limitations, however, especially regarding the time when the crimes were committed and the situations in which the court can intervene. Due to its strict jurisdictional parameters, the ICC does not provide a realistic avenue to justice for many affected by international crimes. Moreover, neither Russia, Sri Lanka, Syria nor Turkey are States Parties to the ICC. Unless the United Nations Security Council votes to refer the situations in these countries to the court, which is extremely unlikely, it remains inaccessible to those affected in these countries.

The UN system and regional human rights bodies can offer alternative paths to accountability for grave crimes. Within the UN system, the UN Human Rights Council offers various avenues to pursue human rights remedies, as do specific human rights treaty bodies like the Committee Against Torture and the Committee on the Rights of the Child. At the regional level, the European Court of Human Rights is an option for affected individuals and states to oppose violations of the European Convention on Human Rights by States Parties to the convention. ECCHR and its partners have used this path to intervene against crimes committed in Turkey and Russia, for example. However, these bodies have specific access requirements that often limit their ability to provide survivors and affected communities with redress.

On the (trans-)national level, universal jurisdiction has proven a successful tool in fighting impunity for international crimes. The principle of universal jurisdiction is

guided by the idea that serious international crimes concern not just those directly affected, but the international community as a whole. If enshrined in the respective national jurisdiction, it allows for national institutions to investigate and prosecute individuals responsible for grave international crimes, even when no direct link to the commission of the crime and the forum state exist. Germany adopted universal jurisdiction provisions in 2002, when it incorporated the ICC Statute into its domestic legal framework. ECCHR and its partners have since used this legal avenue to seek redress with regard to torture by the government of President Bashar al-Assad in Syria and with regard to war crimes and sexualized violence by the army in Sri Lanka’s civil war.

CHECHNYA/RUSSIA

For many years, civil society in Chechnya has been the target of severe human rights violations by Chechen officials. Head of the Chechen Republic Ramzan Kadyrov and his close allies have repeatedly deployed military and police forces to terrorize the civilian population in order to “ensure political stability” in the region. Towards this aim, local state authorities have subjected hundreds of Chechens belonging to different social groups to unlawful arrests, detention, torture, enforced disappearances, and killings.

In 2017, the violence took a new turn when Chechen authorities started deliberately targeting LGBT+ persons living in the region. In a violent crackdown between 2017 and 2019, the Chechen military and police forces arbitrarily arrested, detained and severely tortured more than 100 people, mainly gay and bisexual men, targeted for their non-conformity with prevailing norms of Chechen hetero-patriarchal masculinity. In addition to these grave crimes, local organizations also documented cases of enforced disappearance and the killing of gay and bisexual men by Chechen authorities.

Given the absolute impunity at the national level for these and other crimes committed by Chechen authorities, alternative legal avenues for redress must be pursued. To achieve access to courts, ECCHR works closely with its partner organizations from the region, and provides direct support to survivors of these crimes. ECCHR has monitored the human rights situation in Chechnya since 2007, when Ramzan Kadyrov officially resumed office as head of the Chechen Republic. Since then, ECCHR and its partners have proceeded on two fronts. On the one hand, they have attempted to hold Kadyrov and other Chechen officials individually accountable for international crimes committed in the region.¹ On the other hand, they have tried to hold

the Russian Federation responsible for its ongoing failure to investigate and prosecute the serious violations committed in the Chechen Republic, thereby violating its obligations under international and regional human rights law.

SRI LANKA

From 1983 to 2009, Sri Lanka was torn by a civil war between the Sri Lankan army and the rebel group Liberation Tigers of Tamil Elam (LTTE). According to the UN, the last phase of the conflict alone, which lasted from the end of 2008 until May 2009 and led to the destruction of the LTTE, cost the lives of 40,000 to 70,000 civilians. During this last phase of the civil war, the Sri Lankan army is alleged to have deliberately attacked hospitals, civilian protection areas, and distribution points for basic necessities like food and milk powder. It is also accused of committing sexual violence, torture and enforced disappearances.² The end of the civil war did not stop the commission of international crimes in Sri Lanka. Until today, political opponents and members of minority groups are still persecuted. Largely unnoted by the international community, torture, sexual violence and arbitrary arrests by the police and military persist.

No one has been held accountable for the civilian deaths or international crimes alleged within the context of Sri Lanka's civil war. On the contrary, alleged perpetrators have often returned to power. Indeed, the commanders of the five military divisions thought to be most responsible for the crimes committed during the conflict now hold influential political positions. In the most recent setback for those struggling against impunity, the November 2019 presidential elections brought former Defense Minister Gotabaya Rajapaksa to power, thought to be one of the primary perpetrators of international crimes committed during the civil war.

Following the armed conflict, Sri Lankan civil society has played a leading role in the country's transformation process. In close partnership with Sri Lankan lawyers, activists and civil society organizations, ECCHR has monitored the human rights situation in the country since the end of the war. In 2009, General Jagath Dias, former commander of the Sri Lankan army's notorious 57th division and allegedly involved in the commission of numerous war crimes, was sent to Berlin as a high-ranking diplomat in the Sri Lankan embassy. ECCHR and its partners intervened, filing a comprehensive dossier documenting the allegations against him. Dias' diplomatic status protected him from criminal proceedings, but the action eventually led to his withdrawal from Germany.³

In 2012, ECCHR and a group of survivors used the principle of universal jurisdiction to refer the issue of prevailing impunity for grave international crimes committed in Sri Lanka to the German Federal Public Prosecutor's Office. Following the submission, the prosecutor's office opened structural investigations into the Sri Lankan situation. Since then, German authorities have been securing evidence for potential individual investigations and possible prosecutions.

SYRIA

For decades, the government of Syrian President Bashar al-Assad has committed numerous war crimes and crimes against humanity, including the systematic torture of political dissidents and activists. In 2011, peaceful protests against Assad's authoritarian regime turned into a violent conflict. The Syrian military joined forces with pro-regime armed groups to fight armed opposition groups. To date, almost all parties to the conflict have committed numerous human rights violations, some of which can be characterized as international crimes. Torture, executions and disappearances of civilians, as well as deliberate attacks on civilian infrastructure, indiscriminate bombings, genocide, and sexualized violence against Yezidi women are only some of the crimes that have been committed in Syria since 2011.

From the beginning of the conflict, Syrian activists have documented these crimes in order to one day bring those responsible to justice. In 2012, ECCHR joined its Syrian partners in investigating crimes committed by all parties to the conflict with the aim of holding those most responsible to account.

So far, however, impunity for the numerous international crimes committed prevails. On the international level, prospects to end impunity are close to non-existent. Syria is not a State Party to the Rome Statute of the ICC, making any attempt to subject the country to the court's jurisdiction dependent on a referral by the United Nations Security Council. Attempts to achieve such a referral have failed

¹ For more information on ECCHR's work to hold Kadyrov to account, see: www.ecchr.eu/en/case/kadyrov-and-massive-human-rights-violations/ (last accessed 27 December 2019).

² For insight into the extent of the crimes committed during the last phase of the Sri Lankan armed conflict, see the documentary "No Fire Zone," www.nofirezone.org (last accessed 16 December 2019).

³ See for example the case of Jagath Dias: www.ecchr.eu/en/case/sri-lanka-war-crimes-and-gender-based-sexual-violence/ (last accessed 16 December 2019).

twice, after both Russia and China vetoed the resolutions. In 2011, the United Nations Human Rights Council established the Independent International Commission of Inquiry on Syria, which is mandated to investigate all alleged violations of international human rights law committed in Syria from March 2011 onward. In December 2016, the UN General Assembly established the International, Impartial and Independent Mechanism to assist in the investigation and prosecution of persons responsible for the most serious crimes under international law committed in the Syrian Arab Republic since March 2011 (IIIM). Another part of the IIIM's mandate is to gather and analyze evidence and information on international crimes committed in Syria. Neither body, however, is equipped with prosecutorial powers; they were both established only to assist criminal proceedings in national, regional or international courts.

Because prospects of attaining accountability at the international level are rather limited, ECCHR and its partners decided to make use of the principle of universal jurisdiction legally enshrined in many European states. In close cooperation with survivors, they submitted criminal complaints against members of the Assad government before courts in Germany, Sweden,⁴ Austria⁵ and Norway.⁶ In response to these complaints, the relevant authorities in several states have initiated investigations. In Germany, for instance, the German Federal Prosecutor's Office initiated a structural investigation into the situation in Syria in 2011 that began to bear fruit in 2018, when the German Federal Court of Justice made public that it had issued an arrest warrant against Jamil Hassan, who served as the head of the Syrian Air Force Intelligence Service until July 2019. Similarly, France also issued arrest warrants against Hassan and two other high-level suspects. In January 2019, investigations by German and French authorities led to the arrest of former officers of Assad's government. Two of the arrestees, who were part of Assad's Syrian General Intelligence Directorate, were indicted in Germany in fall 2019. Their trial, which will be the first criminal trial worldwide on state torture in Syria, is expected to start in Germany in 2020.

TURKEY

In 2015, the conflict between Turkish security forces and paramilitary units of the Kurdistan Workers' Party (PKK), ongoing since the mid-1980s, took a violent turn for the worse when Turkish President Recep Tayyip Erdoğan launched an armed offensive against the PKK. Turkish security forces began to attack the PKK and other Kurdish forces in the predominantly Kurdish provinces of Mardin, Şırnak

and Diyarbakır. Within months, the entire southeast of the country became embroiled in a spiral of violence. Different from previous rounds of violence, in which the fighting had predominantly concentrated in the country's mountain region, these violent clashes mainly took place in urban areas, such as Cizre. After protests led to violent street fights, Turkish governors began to impose curfews, lasting anywhere from several hours to several weeks. In the context of these curfews, grave human rights violations were allegedly committed.

Several of the human rights violations committed in the Kurdish regions of Turkey appear to constitute international crimes. The shelling of residential houses, the targeted killing of civilians by snipers during curfews and the destruction of civilian infrastructure are among the war crimes alleged. During the curfews, Turkish forces repeatedly prevented physicians and paramedics from accessing the wounded. ECCHR and its partners are working to document these crimes.

In another situation, the Turkish military has repeatedly launched airstrikes targeting the Kurdish regions at the country's eastern and southern borders with Iran, Iraq and Syria. Numerous civilians have been killed in these strikes and cultural sites like cemeteries and memorials destroyed. Most recently, after the withdrawal of US troops from north-eastern Syria, the Turkish Air Force launched airstrikes on several towns along the Turkish-Syrian border. Carried out as part of the Turkish military action dubbed "Operation Peace Spring," these airstrikes led to numerous human rights violations, believed to amount to international crimes. ECCHR is monitoring these violations with the aim of ensuring their documentation and, eventually, accountability for those most responsible.

⁴ For more information, see: <https://www.ecchr.eu/en/case/sweden-criminal-complaint-against-assads-intelligence-officials/> (last accessed 27 December 2019).

⁵ For more information, see: www.ecchr.eu/en/case/the-path-to-justice-leads-through-europe-eg-austria/ (last accessed 27 December 2019).

⁶ For more information on ECCHR's work on Syria, see www.ecchr.eu/fileadmin/Sondernewsletter_Dossiers/Dossier_Syria_2019December.pdf (last accessed 27 December 2019).

TOOLBOX: CREATING CHANGE IN DYNAMIC CONTEXTS

Transformations in the aftermath of large-scale human rights violations take time. The transformation processes currently under way in Chechnya/Russia, Sri Lanka, Syria and Turkey share a number of similarities. In all of these contexts, powerful actors committed staggering violence. In each context today, primary perpetrators of that violence remain in power. Similarities also exist in the tools and measures still used by the powerful to suppress and silence their opponents. These latter similarities, in particular, suggest that members of civil society facing violent suppression by powerful perpetrators in these contexts may benefit from jointly strategizing in their fights against ongoing impunity and injustice. In Chechnya/Russia, Sri Lanka, Syria and Turkey, activists face situations that are constantly changing, with those in power continuing to violate human rights. Creating change by ending impunity, ensuring accountability, and finding ways to come to terms with the past in such contexts require targeted but flexible strategies.

In the fight to end impunity for international crimes, ECCHR and its partners mainly draw on legal tools. Yet legal processes are not an end in themselves. Strategies that aim for justice rather than narrow legal victories involve further elements, such as documentation, communication, and outreach to affected communities, important stakeholders and the public. They may also involve interventions on the political and societal levels. Lawyers, in particular, must remind themselves of the powerful potential of transformation processes that go beyond purely legal strategies. In many situations, initiating legal proceedings may take significant time, while non-legal efforts can be pursued earlier. By implementing alternative initiatives prior to legal action, crucial groundwork can be laid and thinking pushed forward. Strategies combining legal and non-legal tools may initiate new debates or influence ongoing ones. They can also set agendas and further develop litigation.

At the outset, any good strategy needs clear goals and strong anchor points. When aiming to create change in settings that are themselves constantly changing, not all initial goals can or will be reached. Nevertheless, establishing a set of intermediary and final objectives serves as a guide to stay focused and keep the broader strategy in perspective. Intermediary goals allow crucial check-ins and reflections on progress, while a constant focus on the final goal(s) helps keep the long-term aspects of the project in view.

While developments in the political sphere are often

rapid and unpredictable, human rights law, albeit rarely recognized by those shaping the political landscape in violent contexts, provides a relatively stable benchmark. It can therefore serve as a useful point of orientation and legitimacy from which those hoping to create change can base their actions. At the same time, however, interdependencies between law and politics must be kept in mind. Legal systems are inevitably influenced by the political circumstances in any given context. This both allows and requires a certain level of flexibility and creativity in using and further developing existing human rights law for broader strategic change.

A successful strategy to create change while empowering survivors and their communities to actively contribute to the process in which legal actions are planned, framed and contextualized must include several elements regardless of the specific context. In conceptualizing these elements, the discussion among workshop participants in Berlin showed that survivors, activists and lawyers from different contexts can indeed learn from each other's experiences. The following sections will elaborate some of these elements, namely the importance of: (a) having a survivor-centered approach; (b) cultivating solid partnerships; (c) engaging in constant self-reflection; (d) maintaining persistence, flexibility and creativity; and (e) ensuring good external communication.

A SURVIVOR-CENTERED APPROACH

Whenever working toward creating change in a setting where serious human rights violations have been committed, survivors and affected family and community members should be at the center of the work. They should be the driving force behind all efforts to seek justice and combat impunity. When sharing their experiences as survivors, affected family members or those working with survivors, workshop participants established a number of guiding principles:

Dealing with expectations and limited resources

Legal proceedings are often lengthy and have uncertain outcomes. Therefore, it is important to set realistic expectations from the very beginning. Survivors and dependents need to be informed about what is possible and what is not. To avoid creating overly high expectations, participants in Berlin shared the practice of focusing the communication with survivors on the strategy to achieve justice through

legal action. Thus, they can contribute to changes in the respective society in full support of survivors' needs and demands, the various actors involved in it and their specific roles.

To facilitate open exchange, transparent communication must be implemented from day one of the contact between activists, survivors and affected communities. Regular check-ins should be held and updates communicated throughout the process. Workshop participants shared several means to do this, such as holding regular meetings or sending newsletters with case updates. Contact persons should also be installed who stakeholders can directly address with questions beyond the scope of regular case or project communication.

In addition to the potential limitations of an envisioned project, the personal limitations of those initiating the process of seeking change through transnational litigation work must also be kept in sight. Ambitious change-makers need to critically assess their own resources and capacities, and carefully evaluate realistic possibilities before starting a project. A survivor-centered approach must also factor in resource considerations beyond the direct scope of project activities, such as the potential need among survivors and affected community members for assistance in accessing psychosocial support services or legal aid in asylum processes. All parties must carefully assess what type of engagement, if any, is necessary and possible beyond explicit project activities. This must be made clear at the outset to avoid conflicting expectations, with clear and open lines of communication maintained throughout.

Resource restrictions may mean that only a limited number of survivors can actively participate in certain activities within the process of seeking accountability and justice for grave human rights abuses. Given the vast number of people usually affected by atrocity crimes, such concerns will not be wholly avoidable. This underlines the importance of ensuring the participation of a representative group of those affected, with factors like age and gender taken into account. Ultimately, however, partners must acknowledge and respect survivors' agency and choice in deciding who should be most actively involved.

Meaningful interaction and engagement with those not actively or directly involved in the process of discussing, planning and submitting cases transnationally, such as broader grassroots victims' groups, is also important to create and maintain trust. Especially when legal processes are initiated in another country, communication between foreign lawyers/activists and local members of affected communities is essential—not just to ensure that those on the

ground are informed about any proceedings, but also to see if and how they can contribute to them.

Interacting on equal terms

Survivors must be able to share their ideas, experiences and expertise in safe spaces. Partners, in turn, must create conducive environments that allow open interactions on equal footing. At all times, partners must understand survivors and affected community members as agents, not merely informants and seek a constant level of exchange at every step of the way. Professional relationships require active cultivation to develop into strong, long-term, genuine partnerships based on mutual trust. Only in this way can interaction on equal terms be ensured.

As in any interpersonal relationship, those between survivors, affected communities and project partners will most likely entail disparities and privileges on different sides. It is crucial to be aware of such factors and adapt the work accordingly. To ensure that survivors are treated as equals, partners must acknowledge and incorporate their expertise into the work to the greatest extent possible. Partners should not undermine survivors' agency. Clear and open communication sensitive to others' needs can help all involved to recognize such disparities and privileges, and deal with them in an appropriate way. Further, to ensure that the work always remains in the best interests of the survivors and affected community members, critical self-reflection is key (which will be further elaborated in part 2c).

Even when cautionary measures are taken to keep expectations realistic, disappointment can almost never be fully avoided. Direct, honest and long-term communication is the best method to limit disappointment as much as possible. Activists and lawyers working on legal cases need to be aware that survivors' attitudes may shift over the course of lengthy proceedings. Regular check-ins are required to see whether all involved are still on the same page. Lawyers, in particular, tend to get tunnel vision once they have their legal glasses on. As a consequence, other actors in the process may feel, or in the worst case actually are, left behind.

When lawyers engage survivors in legal cases, they must ensure that survivor's personal well-being and security remain the top priority at all times. Factors to be discussed in the planning of the work are, for example, benefits and potential consequences of talking to the public and/or the media. If necessary, relevant training should be offered to all participants. It may also be necessary to prepare and sensitize family members who may face consequences from their relative's work, including related external communication.

People working with survivors also require training. Learning how to professionally engage with survivors,

honestly assess one's capacities and limitations, and where and set boundaries, is essential. While this requires time and resources in the short term, it contributes to a productive and positive collaboration between lawyers, activists, survivors and affected communities in the long run. Engaging with external supervisors during the process is equally important, as they can help put the work into perspective, and contribute to ensuring mutually respectful professional relationships.

Cooperation between lawyers and survivors is rarely bilateral. Third-party actors like national or international organizations, informants or translators often serve as intermediaries, offering lawyers contact and access to survivors. Interaction with such intermediaries, even if only indirect, should follow the standards outlined above. Importantly, all partners must respect the same standards of engagement with the survivors.

CULTIVATING GENUINE PARTNERSHIPS

The above section identified some of the potential shortcomings of working in partnerships. Bringing more voices to the table inevitably requires more delegating and coordinating of tasks and responsibilities. Not everything is likely to go according to plan. However, the benefits of working in genuine partnerships almost always outweigh the challenges.

The benefits of working in partnerships

Addressing past and preventing future human rights violations is a broad project, which needs to be undertaken by societies as a whole. In transforming contexts, change processes benefit when they are informed and supported by experts and experiences from different backgrounds. Collaboration between different actors at both national and international levels toward a shared aim can create a network of experiences and insights. People can complement each other's knowledge, experiences and personal capacities. Increased interconnectedness and constant exchange also improve the safety of both the project and those engaged in it.

External actors seeking to combat impunity for grave international crimes should pursue partnerships with survivor organizations, whose input should substantially inform any transnational or international work in this vein. Engaging with local organizations and actors helps ensure that external players respect the priorities of survivors and affected communities in their struggles for justice, and helps ensure they remain sufficiently informed about local

realities. For survivors, affected community members and other national actors, whether active locally or in diaspora, engaging with international civil society organizations can lend a degree of impartiality to their work and, ideally, also give them opportunities to expand their outreach, influence discourses and gain further empowerment.

The essentials of a good partnership

Good partnerships cannot be overrated. But what makes a partnership good? From the outset, partners must share similar values and goals. The process of creating change in transforming contexts in which serious human rights violations have been committed by powerful actors is bound to be long and complex. All sides must be willing to enter into a long-term commitment to bear and share the responsibilities involved.

Ensuring that a partnership is characterized by a collaborative spirit and engagement on equal terms requires sensitivity to each other's needs. As communication is essential to a good partnership, the question of language must be considered and discussed openly. Partners should establish what language they will use in their communication with each other, as well as with other stakeholders, third parties and the public. Especially when partners communicate in a language that is foreign to only some of them, sensitivity about language issues is crucial. Communication strategies may need to be adapted accordingly.

Cultural sensitivity is equally important. Differences and similarities must be acknowledged and respected, without assigning values or judgment. As clashes over differences tend to occur more frequently in times of crisis, it is important to establish mutual understanding of each other's backgrounds at the start of the collaboration, and to be sensitive to frictions that arise along the way. Self-awareness regarding one's own beliefs, and open, transparent communication are important ingredients for good partnerships.

Workshop participants furthermore agreed that in-person meetings are important. Electronic means of communication risk misinterpretation and details getting lost. Thus, if resources allow, meetings in person should be arranged at different stages of the cooperation. The extra time and resources needed for these meetings are usually a well-spent investment in the project's long-term success. Convening in person allows on-the-ground actors to take a step back and reflect, while offering actors located elsewhere crucial insights into local realities. When meeting in person, different locations should be chosen to prevent any perceived imbalance of position and power. Differences in resources

may come into play here, requiring sensitivity to the needs and capacities of others.

To keep expectations realistic, the roles of different actors should be clearly outlined from the very beginning. Where the involvement of experts is required, their role and place should be clearly defined. Participants in the Berlin workshop agreed that issues like affiliation with certain political parties or religious groups are not necessarily impediments to a good partnership. On the contrary, the experiences shared suggest that engagement across political or religious lines can contribute to a more inclusive approach for different communities sharing by and large a similar objective of coming to terms with a violent past.

Even the best partnerships are not immune to friction

Carefully constructed preventive measures cannot rule out the emergence of problems in even the best partnerships. No matter how amicably the relationship may have started, problems based on competition, power hierarchies and internal politics may arise. A (perceived) lack of access to, or understanding of, the local situation can risk imbalances in a partnership, or alienation may spring from a perceived lack of acknowledgement and recognition of each other's contributions. Another potential source of friction may be the need to constantly compromise and coordinate, which can be frustrating and take up valuable time and resources. Prior awareness of potential sources of conflict can help partners deal with such friction professionally.

Problems like these need to be taken seriously. If issues are not addressed, even a small conflict can jeopardize the best relationship. Any friction that arises should be addressed as soon as possible, taking care to avoid making a mountain out of a molehill. Here, open and honest communication is key. Methods to deal with conflicts and problems should be established at the start of any partnership. Regular check-ins between partners can help identify possible conflicts, and allow them to be addressed in due time. Should all internal measures fail, actors should not hesitate to involve an external expert to mediate. Solving misunderstandings should be guided by a shared commitment to the greater good.

While most partnership conflicts hinge on subjective feelings and intuition, participants in the Berlin workshop also identified some objective red flags. Without question, bad practices, unnecessary competition, and opaque or stagnant communication flows were cited as no-goes for good partnerships. When a stage is reached that makes

collaboration on equal terms no longer possible, it may be better to end the cooperation. Neither the work nor any actor involved will benefit from keeping a bad partnership alive. To prevent a partnership from ending poorly, it is helpful to plan an exit strategy at the beginning of the cooperation.

EXTERNAL COMMUNICATIONS STRATEGY

Any strategy to create political, social or legal change needs a good, long-term external communications plan. Only this can ensure the work's continuous visibility and that all relevant stakeholders are reached at the right time. At the outset, partners must identify the audiences they wish to target before beginning to define the content and means of communication needed to attain their goals.

Various tools can be used to distribute information about objectives, methods and action taken in seeking justice and accountability, including art, technology, or a combination of both. Participants in the Berlin workshop agreed that no medium or idea can be too creative when it comes to successfully spreading a message. Before using any tools, however, partners must thoroughly study and understand them, taking their potential and limitations into account. When possible, tools should build on existing or already proven strategies, and partners should use them in a professional manner.

As with many aspects of a successful strategy, timing is also essential when communicating externally. Achieving ideal timing, in turn, requires constant exchange and updates between partners on current developments. Project actors who are not located in the regions affected by the human rights violations at the heart of the project should frequently exchange with partners in the country to ensure that the communication strategy adapts to changing local realities. Vice versa, external partners can assist local actors in finding the right momentum and strategy to initiate and influence discourses at the international level.

When discussing external communications strategies, workshop participants again found many similarities in their work. They exchanged best-practice examples and strategies, all of which demonstrate once more the importance of close cooperation between survivors and other partners. The examples described show how the need for clear and open communication—both internal and external—runs like a thread through all areas of a strategic process.

Workshop participants engaged in struggles for justice in Chechnya/Russia referred to, *inter alia*, protests, animated movies and support postcards for refugees and

survivors as successful ways to spread their messages. Through these means, activists have been able to reach a broad public and inform them about specific crimes committed by the Russian government. Meanwhile, participants working for justice in Turkey cited the “Saturday Mothers” as a successful mode of external communication in their struggle. Supposedly influenced by the Mothers of the Plaza de Mayo in Buenos Aires (Argentina), the Saturday Mothers have been convening in the streets of Istanbul on Saturdays for years to bring public attention to the enforced disappearances and political murders perpetrated by the Turkish government during the 1980s and 1990s. According to workshop participants fighting impunity in Sri Lanka, a similar movement has also formed there, involving mothers of the disappeared actively protesting for more information about their family members’ whereabouts, and drawing public attention to the injustices they continue to experience.

Participants from Turkey also underlined the importance of making information easily accessible to a broader audience. Since a large part of the public in Turkey does not read lengthy documents or attend court hearings, Turkish activists decided to produce chronologies of the peace process and relevant legal proceedings. In this way, they were able to spread the information widely among the public and even reach those unaware of the ongoing transformation processes. Similar practices were reported by Sri Lankan participants, who explained how the online platform Twitter became a successful tool for informing a broad audience about what was happening in court rooms. Activists were able to break down legal arguments into short tweets, complemented by infographics depicting chronologies of the legal process. In this way, they successfully managed to keep court proceedings that had started ten or twenty years ago in the public eye.

As a general rule, workshop participants highly valued visual means of external communication. To keep the fate of those forcibly disappeared in Syria fresh in people’s minds, activists hung hundreds of photos of detained or disappeared individuals on a bus. This bus then traveled through major European cities to inform the public about human rights violations in Syria, demand freedom for the detainees and call for justice more broadly. Sri Lankan participants shared their experience of using documentaries to inform broad audiences about legal processes. In these documentaries, they found it valuable to focus the reporting not only on the relevant legal proceedings, but also on the social processes and changes that accompanied them. To enhance the reach of the material, the filmmakers used local film festivals to engage with the public. According to the Sri

Lankan participants, this was a more powerful catalyst for change than winning a case before the Supreme Court. Sri Lankan participants also reported positive experiences with visual campaigning techniques to combat Islamophobia in the country. In response to widespread claims linking halal food (compliant with Islamic dietary laws) to reproductive sterilization, activists launched campaigns showing popular cricket champions eating the decried food, thereby invalidating the Islamophobic falsehoods.

Interaction between actors from different disciplines also bears great potential and should be encouraged. Applying an interdisciplinary approach to the work in strategically planning litigation enables insights from diverse perspectives, and ideally opens actors’ minds to thinking beyond their familiar horizons. Bringing lawyers and artists together, and combining their views on impunity and grave crimes, for example, has the potential to reach a broader audience, thereby strengthening societal awareness of, and offering new perspectives on, injustices. Including actors from the arts or other (cultural) disciplines in addressing a human rights crisis situation with a combination of legal, political and cultural interventions allows more radical, fundamental questions to be broached beyond the potentially narrow scope of law. Artists can help to ensure that the fight for justice acquires the necessary depth and significance to reach and inspire reflection among wider sections of society. Furthermore, art can offer those affected by injustices a chance to collectively address the legacies of conflict.

CONSTANT SELF-REFLECTION

Most of what was outlined above regarding survivor-centered partnerships in developing and carrying out strategies to seek accountability and justice for international crimes can only be successfully implemented when all of the actors involved engage in continuous self-reflection on the work and their contributions to it. As easy and obvious as this sounds, workshop participants from across the different country contexts agreed that it can actually be one of the toughest tasks involved in such work. Whether it gets lost in the heat of the moment or due to a lack of awareness of its importance, the need for self-reflection is not always self-evident. Thus, any strategy seeking justice for international crimes must establish regular check-ins for actors to critically assess their work, collaborations, position and privileges throughout the process.

The term “self-reflection” implies that this process needs to start with thinking about oneself. In professional

contexts, this applies to each member of the team directly involved in the project, such as lawyers, case managers, researchers, or spokespersons. It is equally important to take time to reflect with external partners who also participate in the work, both on the work itself and on the quality and terms of the collaboration. Ideally, the reflection process emerges from within. If this is not the case, a slight nudge may be needed to get all team members and partners to participate in this process.

Self-reflection serves several goals. First, it ensures a constant debate about dynamics and changes resulting from evolving developments as the work is carried out. Such developments may necessitate that actors reconsider their actions and communication strategies. Sometimes, smaller remedial actions may suffice, such as incorporating new technological developments, or entering into new partnerships. At other times, actors must adapt or reframe entire strategies and/or goals. To realize the need for such measures in due time, self-reflection is indispensable.

Second, cooperation between survivor groups and other partners is highly sensitive and requires constant reflection. To ensure that survivors and their communities are the drivers of the work, it is crucial that all other actors stay up-to-date with their struggles both inside and outside of the place(s) where the human rights violations were, or are still being, committed. Constant reflection on one's own work while remaining aware of local realities assures that partners sufficiently include all voices and counterbalance potential power hierarchies.

Lastly, but no less importantly, self-reflection is also key for actors to remain aware of their own well-being and the well-being of their colleagues and partners. Regular self-reflection affords actors the chance to address potential frustrations and fatigue in time, and to organize external support when necessary.

Third parties, or even the public, can and sometimes should be included in the reflection processes of groups working to achieve justice for international crimes. For organizations, advisory boards with regularly changing members are an important tool to evaluate organizational performance. Creating a network of specialists can also be helpful to receive external input. Moreover, through reports and regular newsletters, survivors, affected community members and their partners can keep the public informed about any progress made. They can also take the public's reaction to their work into account, which they should do at least from time to time.

FLEXIBILITY, CREATIVITY AND PERSISTENCE

The long process of working toward justice and change in dynamic contexts in the aftermath of serious human rights abuses bears great potential for frustration. Just as interpersonal relationships do not always go according to plan, cooperation between survivors and partners can lead to frustration. In all of this, it is important that actors do not to lose sight of their mutual goals, and retain a professional approach in their collaboration. Processes seeking to create change are never linear, meaning that even with the most elaborate planning, not all obstacles can be anticipated. Actors require flexibility and creativity to adapt strategies and work plans. Leaving room at the outset for deviations and alterations can help limit the impact of setbacks.

Along with flexibility and creativity, persistence is also an important quality for strategically pursuing transformational change. Participants in the Berlin workshop repeatedly cited examples illustrating this. When representatives from Syria, for instance, expressed their disappointment with the constitutional reform process currently taking place in their country, Sri Lankan partners were quick to share their own experience in such processes and encourage persistence. The constitutional reform process in Syria was initiated not too long before the workshop in Berlin, and was led by a committee that mostly took its cues from the Syrian government. Interventions and contributions from civil society organizations were discouraged and seemed unwelcome. After the end of the civil war in Sri Lanka, civil society organizations were significantly involved in the transitional process. This, however, was not a matter of course. It was the result of persistent pressure from civil society and only happened over time. Compared to Sri Lanka, Syria is still in the very early stages of transition, if current developments can be labelled a transition at all. Sri Lankan participants urged Syrian human rights defenders not to let such setbacks discourage them from maintaining focus on creating long-term political change.

ECCHR'S WORK

Conscious of Europe's colonial legacy, ECCHR was founded to address some of the continent's enduring responsibility for colonial injustices, including those that remain ongoing until today. In close cooperation with survivors and other partners, especially from the Global South, ECCHR uses its privileged position in the Global North to further the enforcement of human rights. The organization uses legal tools to fight

human rights violations and their systemic causes. The core of this fight is directed at double standards and selectivity in the enforcement of human rights law in line with prevailing global power relations—be it in the context of corporate complicity in human rights violations, Europe’s deterrence and repulsion policies in the context of migration, or powerful actors’ impunity for atrocity crimes.

For more than ten years, ECCHR has been operating based on the idea that intervening against crimes committed in singular contexts requires a broader understanding of the relevant social, economic and political context at the national, regional and global levels. This multi-scale contextual approach requires an extensive knowledge base. Only when one’s own knowledge is sufficient can disruptive elements achieve the right momentum. Ideally, well-timed disruptive actions, such as criminal complaints at the right moment, will create (legal) attention, provoke reactions and discussions, and set incentives that can then be incorporated by others into their work beyond the legal filing.

The focus of ECCHR’s interventions against impunity for international crimes is twofold. First, ECCHR intervenes in specific situations after crimes have been committed, though they may still be ongoing, to counter the impunity of those responsible. At the same time, ECCHR’s interventions also aim to address the broader picture in a more preemptive way, by anticipating and attempting to counter the dangers international crimes pose to the human rights system as a whole. As indicated above, on the long road toward accountability for international crimes, several steps need to be taken, not all of which are in the legal field. Litigation takes place besides other measures of documentation and advocacy. As struggles for accountability are often influenced by external factors, such as prevailing political power dynamics, accessibility of judicial institutions, and the quality of available evidence and witnesses, not every step can be planned from the beginning. ECCHR tries to target its actions as precisely as possible, while keeping its thinking as broad and flexible as possible.

The organization’s interdisciplinary approach bolsters this methodology. Although ECCHR focuses on legal tools, it integrates non-legal means into its strategies. The organization operates under the premise that, without the integration of other disciplines into its work—such as academia, art and media—legal proceedings retain limited potential. By designing its work as interdisciplinary and integrative as possible, while being critical of the law and the structural deficiencies inherent in prevailing legal and political systems, ECCHR has repeatedly shown what a significant

instrument the law can be in the fight against powerful perpetrators of injustice. In every step of ECCHR’s work, close partnerships are essential. ECCHR’s partnerships with survivors of human rights violations and their communities are at the center of its work. Indeed, those most acutely affected by injustices influence and inform the organization’s work on individual cases. ECCHR also relies on a broad network of experts, lawyers, activists and NGOs from different regions of the world. It is the constant exchange on current developments within this broad network that allows different partners to recognize the necessary momentum and right strategy for an intervention.

When working with survivors of human rights violations, ECCHR closely cooperates with external specialists, who advise it on issues in which ECCHR lacks expertise. Through targeted trainings and regular supervision sessions, staff members are sensitized to the requirements and responsibilities that this side of the work entails.

All of the participants who convened for the workshop in Berlin are partners of ECCHR. In the different collaboration settings, ECCHR and its partners have utilized different fora and tools adapted to the context and necessities of each situation. Depending on the specific project, ECCHR contributes advice and support on legal strategies and arguments. Where national court systems are blocked, ECCHR can provide expertise on international tribunals or third-state domestic court systems. In the context of Syria, for example, where no access to either Syrian or international courts was possible, ECCHR and its partners successfully made use of the universal jurisdiction principle, with the first trial in Germany to start in 2020, and further investigations underway in Austria, Sweden, and Norway. Besides getting a step closer to accountability for human rights violations committed in Syria, this work has been crucial to increasing the significance of universal jurisdiction as a tool in the fight against international crimes in general.

In all of this, ECCHR’s work remains inherently limited. Restricted resources make it necessary to carefully select cases, situations and partnerships. In view of the increasingly deteriorating situation of human rights worldwide, this part of the organization’s work is highly demanding. ECCHR values the resistance efforts of social movements, NGOs and other actors engaged in struggles against powerful actors who perpetrate abuses worldwide, and tries to incorporate those actions into its own work. When this is not possible, ECCHR tries to function as a hub for others, further developing networks and opening up spaces, especially with and for local actors, to make their voices heard and actions seen.

CONCLUSION

Sharing successes from diverse fights against injustice and impunity, while also reflecting on personal and professional limitations, is extremely valuable when approaching new cases of human rights violations, as it can significantly contribute to strategizing and maximizing opportunities. The potential benefits of such exchange only require that participants remain open to be inspired by the insights and experiences of others.

ECCHR's strategies are significantly influenced by lessons learned from the organization's work in other contexts. However, it sees the benefits of genuine collaborative partnerships as being reciprocal. For local actors often caught up in extinguishing daily fires, without the luxury of taking time to take a step back and reflect on their own strategies, let alone those of others, cooperation with organizations like ECCHR can offer a chance to bring in experiences from other contexts. Through such partnerships, survivors of human rights violations and their communities are ideally empowered to further change and contribute their voices to transformation processes. At the same time, for ECCHR, all of its experience working in different contexts remains an empty shell without the knowledge and insights of those active on the ground.

The workshop in Berlin was an attempt to convene actors from different contexts for a joint strategizing process. The personal exchange on issues like impunity, victimhood and empowerment, and the potential and limits of transnational cooperation revealed common ground on which actors from diverse contexts could inspire and inform each other. In the end, the participants from Chechnya/Russia, Sri Lanka, Syria, Turkey and ECCHR added to each other's toolboxes with means to further empower survivors of human rights violations and their communities to actively contribute to legal, social and political transformation processes.

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