

LESSONS IN LEADERSHIP: CRIMINAL JUSTICE APPROACHES
FOR PREVENTING MASS ATROCITIES

**MODULE 8: Redress for Mass Atrocities:
The After Stage**



UNITED STATES
HOLOCAUST
MEMORIAL
MUSEUM



MODULE 8: REDRESS FOR MASS ATROCITIES: THE AFTER STAGE

The purpose of this module is to discuss

1. How redress efforts in the wake of mass atrocities relate to atrocity prevention
2. Structural and institutional limitations and challenges to redress efforts as well as the challenges of pursuing accountability and societal healing in an environment where large sectors of society have been involved in perpetrating or permitting mass atrocities
3. How transitional justice tools (involving the criminal justice system) can further atrocity prevention efforts, and whether, and how, they interact with urgent needs for security, food, shelter, medical care, education and livelihood opportunities, or other issues communities may face after mass atrocities

Participants will be introduced to the concept of transitional justice and key transitional justice tools. Through discussion of a video that features testimony from two criminal justice professionals involved in redress efforts after mass atrocities and a representative from a community that has suffered mass atrocities, participants will consider their own role in transitional justice efforts, the perspectives of those most affected by mass atrocities and accountability processes, as well as potential challenges to carrying out these efforts. Participants will be encouraged to consider potential benefits and drawbacks of various transitional justice tools in terms of providing redress and preventing future mass atrocities. This module may be extended by including one or both of the optional add-on exercises: the transitional justice tools exercise and a memorial site visit.

Guiding questions for this module

- Why is pursuing justice and redress after mass atrocities important?
- What are the challenges?
- What role can criminal justice professionals play in the after stage to prevent recurrence?

Module objectives

- Identify the purpose of redress efforts after mass atrocities.
- Identify potential challenges and roadblocks to pursuing redress efforts and possible solutions.
- Display a basic understanding of key transitional justice tools, the benefits and potential drawbacks of each, and the potential role for criminal justice professions in implementing these tools.

MODULE 8: REDRESS FOR MASS ATROCITIES: THE AFTER STAGE

Module length: 1 hour, plus 30–120 minutes if including optional add-on exercises

SEGMENT	LENGTH
Introduction	2 minutes
Discussion: Redress and Transitional Justice Tools	37 minutes
Video and Discussion: Transitional Justice After Mass Atrocities	20 minutes
Conclusion	1 minute
Optional Add-On: Transitional Justice Examples Exercise	30 minutes
Optional Add-On: Memorial Site Visit	60–90 minutes

Required materials

- Module #8 PowerPoint
- Module #8 Handout
- Video: “[Transitional Justice After Mass Atrocities](#)”
- Chart paper and marker

Further reading

- Key Resource: United States Holocaust Memorial Museum, [Guide to Criminal Justice and Preventing Mass Atrocities](#) (2023), Chapter 3
- United States Holocaust Memorial Museum, [Pursuing Justice for Mass Atrocities: A Handbook for Victim Groups](#) (2021)
- United States Department of State, Office of Global Criminal Justice, [Transitional Justice Policy Paper Series](#)

LESSON PLAN

Introduction (2 minutes)

Slides 1–2

Explain: “This session will provide a general overview of the stage after mass atrocities and redress efforts. Redress is the means or possibility of seeking a remedy for past wrongs.¹ This session includes testimony from criminal justice professionals who have worked on justice and accountability efforts in situations where atrocities have taken place and where there was ongoing risk. It also includes testimony from someone whose community has been targeted in mass atrocities.

“In this session, we will cover the following topics

- Why is pursuing justice and redress after mass atrocities important? Who is involved?
- What are the challenges to pursuing justice? (This includes challenges related to devoting sufficient time and resources for consulting with victims and other stakeholders to discern needs and manage expectations, institutional roadblocks, lack of capacity, the need for special skills and resources, dealing with political will and interference, and avoiding re-traumatization of survivors.)
- How can criminal justice professionals support social healing and prevent recurrence? (This will include a review of transitional justice tools.)

“What we do after atrocities matters for reducing risk of future violence and stopping a cycle of instability and violence.”

Discussion: Redress and Transitional Justice Tools (37 minutes)

Slides 3–11

Slide 3

Say: “Simon Wiesenthal was a Jewish Holocaust survivor. After the war, he worked to gather evidence for the War Crimes Section of the US Army that was subsequently used in trials. He created an organization whose purpose was to apprehend Nazi perpetrators and bring them to trial.

“Wiesenthal and his team helped track down numerous perpetrators, including Adolf Eichmann, one of the central organizers of the Holocaust, and Karl Silberbauer, the German SS official who arrested Anne Frank.

¹ Adapted from Merriam-Webster.

MODULE 8: REDRESS FOR MASS ATROCITIES: THE AFTER STAGE

“Years later, Wiesenthal described the purpose of his work by saying, ‘My cause is justice, not vengeance. My work is for a better tomorrow and a more secure future for our children and grandchildren who will follow us.’”

Ask: “Why do you think it is important for a society to address mass atrocities after they have occurred?”

Note: Instructor may give participants a few minutes to answer and may wish to record participants’ answers on chart paper (*5 minutes for discussion*).

Say: “Wiesenthal is saying that justice is broader than vengeance. Justice looks at the health and stability of society as a whole. His notion of justice is forward-looking, about a ‘more secure future for our children and grandchildren.’ He too was a survivor, directly involved in seeking justice for the mass atrocities he and his community suffered. His example underscores the importance of transitional justice approaches involving those most affected by mass atrocities and that the transitional justice strategy responds to what communities want and how they understand justice.”

Slide 4

Say: “You have identified some of the reasons why it is important to address mass atrocities after they have occurred, and here are a few more. These are some of the goals that scholars and practitioners have identified over time for justice and accountability mechanisms.”

Key points to address

- While we typically think of justice and accountability efforts as something that takes place in the after stage, they also play a role in prevention.
 - Since World War II, at least 68 percent of mass atrocities occurred where there was violent conflict.² Given the often-cyclical nature of violence, efforts to heal or move forward as a society after mass atrocities also play a key role in prevention.
- Justice and accountability efforts are not limited to criminal justice, but can also include other forms of repair, reparation and compensation, reform, and rehabilitation to promote stability and societal healing.
- While some measures take place in the immediate aftermath of mass atrocities, others might take place decades later—justice and accountability efforts are an ongoing process.

² Task Force on the EU Prevention of Mass Atrocities, “[The Distinction between Conflict Prevention and Mass Atrocity Prevention](#)”

Slide 5

Say: “As you may recall, one of the risk factors for future mass atrocities is a history of past violence.”

Key points to address

- In the stage after atrocities, risks for future violence may still be present.
- The after stage can look similar to and even worse than the before stage, as many lives have been lost; survivors suffer displacement, trauma, and challenges in accessing basic services—the cyclical nature of violence that needs to be broken.

Slide 6

Say: “Atrocity prevention encompasses the whole cycle, as every stage carries atrocity risk.”

Slide 7

Say: “We know, however, that the reality of trying to pursue justice and accountability after mass atrocities is challenging. Mass atrocities involve crimes of a serious nature, attracting significant public attention. You may have been involved in an especially difficult or high-profile case at some point in your career that involved serious harm to victims—perhaps related to organized crime, public corruption, terrorism and extremism, or ethnic division.”

Ask: “Think about a time when you handled a case that attracted significant public (or even international) attention. This could be a case that was complex, high profile, or involved serious harm to victims. What pressures or challenges did you face? What were the sources of pressure? How did you respond?”

Note: This is a chance for participants’ expertise to inform the discussion—in facilitating the discussion, the instructor should draw out their experiences handling high-profile cases and the pressures faced—for example, pressure from the public, media attention, demands by victims’ families who want justice, and issues of political will when dealing with powerful and influential defendants (*10 minutes for discussion*).

Ask: “Based on the experiences you described, how might the challenges in dealing with mass atrocities compare to other high-profile cases?”

Possible answers: Can discuss structural issues of cost, domestic capacity, and consulting with victims and managing expectations. Mass atrocities require the involvement of society as a whole—this is different from “ordinary” crimes in this sense. How do you achieve justice and move forward as a society when a whole society has been involved in perpetrating or permitting mass atrocities? When an entire or large part of a community has suffered mass atrocities? How do you deal with the fact that the communities who have suffered may still be marginalized? How do you avoid re-traumatizing survivors

MODULE 8: REDRESS FOR MASS ATROCITIES: THE AFTER STAGE

who have to retell their stories multiple times for documentation and legal testimony? Instructor may wish to remind participants of the leadership principles discussed in Module 6, in particular the discussion about positional and personal power (*5 minutes for discussion*).

Slide 8

Say: “In the field of mass atrocity prevention, we talk about transitional justice. *Transitional justice* refers to a range of measures—judicial and nonjudicial, formal and informal, retributive and restorative—employed by countries transitioning out of armed conflict or repressive regimes to redress legacies of atrocities and to promote long-term, sustainable peace.”

Slide 9

Note: Instructor may refer participants to the Module #8 handout at this point.

Say: “Many of the tools employed in transitional justice are adapted from tools already in use by domestic criminal justice systems, although operating on a different scale.”

Key points to address

- Give a brief explanation of each of the tools (mechanisms) mentioned (refer to the Module #8 Handout).³
- Highlight which tools might involve criminal justice professionals (both obvious and not-so-obvious—for example, criminal justice actors may be involved in truth-telling bodies, as in the case of the South African Truth and Reconciliation Commission).
- Refer participants to United States Holocaust Memorial Museum’s handbook on pursuing justice for mass atrocities for more information.⁴

Slide 10

Note: Instructor may remind participants of the chart with criminal justice tools for prevention shared in the Module #4 Handout. While these are listed as prevention tools, many of them are relevant to the after stage as well.

³ More information on the transitional justice tools can be found in chapter 3 of the [Guide to Criminal Justice and Preventing Mass Atrocities](#). See also the “About Transitional Justice” article on the United States Holocaust Memorial Museum’s website: <https://www.ushmm.org/genocide-prevention/simon-skjodt-center/work/ferencz-international-justice-initiative/transitional-justice> or the US Department of State website: <https://www.state.gov/transitional-justice-policy-paper-series/>.

⁴ Sarah McIntosh, *Pursuing Justice for Mass Atrocities: A Handbook for Victim Groups* (United States Holocaust Memorial Museum, 2021), <https://www.ushmm.org/genocide-prevention/reports-and-resources/pursuing-justice-for-mass-atrocities>.

MODULE 8: REDRESS FOR MASS ATROCITIES: THE AFTER STAGE

Say: “These tools are about protecting people, especially members of vulnerable or potentially targeted groups, and ensuring equality and respect for the rights of everyone.

In deploying these tools after atrocities, criminal justice professionals can support justice, including restorative justice, at a local or domestic level, in ways that have significant impact. Examples include

- Participating in truth-telling commissions to share evidence or acknowledge personal responsibility for complicity or neglect that led to mass atrocities, as they did in the South African Truth and Reconciliation Commission
- Establishing documentation centers not only to collect evidence for potential prosecution, but also to help survivors find out what happened to missing relatives, as Simon Wiesenthal did
- In close consultation and coordination with affected communities, offering official apologies for institutions’ past misconduct or failure to prevent violence, as an American police chief did in connection with the racially motivated murder of a young African American man decades earlier, or as the British prime minister David Cameron did after the release of a commission report on the military’s excessive force in Northern Ireland in the early 1970s
- Taking opportunities to resolve legal injustices that perpetuated a group’s marginalization, as the Bangladesh High Court did in its 2008 decision confirming the citizenship rights of a linguistic minority
- Conducting systematic community outreach to collect restorative justice ideas from survivors, as nongovernmental organizations did in Guinea, and where the community recommended reparation from the state in the form of paving a road to the local market to support livelihoods and renaming the road as a memorial to victims
- Connecting communities with other resources and philanthropic initiatives through which they can obtain economic development assistance, as a Nigerian police official did when he engaged an organization to assist with repairing a dam in a state struggling with herder-farmer violence⁵

Slide 11

Say: “Transitional justice tools can be used together and within the bigger context of peacebuilding and political transition or reform.”

Ask (*10 minutes for discussion*):

- “What tools suit your particular situation? Which tools—if any—have been used in the past, and what was their impact?”
- “Which tools could further the goals of stability and societal healing, or potentially exacerbate tensions or increase risks?”
- “What is the risk of implementing transitional justice tools? How do you balance this risk with trying to make progress within a community?”

⁵ References can be found in Chapter 3 of the [Guide to Criminal Justice and Preventing Mass Atrocities](#).

Video and Discussion: Transitional Justice After Mass Atrocities (20 minutes)

Slides 12–13

Say: “After World War II, in 1949, Germany became two countries on opposite sides of the Cold War. West Germany underwent significant democratic and legal reform while criminal prosecutions of suspected war criminals took place in international and domestic courts. This included a new constitution enshrining fundamental human rights, restoration of citizenship to victims, efforts to remove Nazis from government positions, and financial reparations, among other measures. In practice, some of these reforms and their implementation met with controversies and challenges. Administrative processes for restoration of citizenship and financial reparations have been burdensome, many government officials who served under the Nazi regime were once again restored to their positions, and so on. However, Germany’s postwar reforms and political practices are noteworthy in seeking to shape an order based on fundamental rights, nondiscrimination, democratic values, and rule of law that is more resilient than past systems against atrocity risk.

“In the next segment, we will view a short video that features criminal justice professionals speaking about their own participation in efforts to pursue justice and accountability in the wake of mass atrocities, as well as a representative from a community that suffered mass atrocities.”

Ask: “As you watch the video, consider these questions

- What reasons did the interviewees give for pursuing transitional justice efforts? How might the motivations of criminal justice professionals and victims vary in pursuing transitional justice efforts?
- What are the challenges of the transitional justice tools described?
- How might the transitional justice efforts described in the video have contributed to reducing the risk of future violence or mass atrocities?”

After watching the video, the instructor may select from the questions above for a facilitated discussion; however, the instructor should ensure that there is adequate discussion time for the last question (How might these efforts have contributed to reducing the risk of future violence or mass atrocities?) to emphasize the connection between redress efforts and atrocity prevention. Instructor may wish to have participants divide into small groups to discuss the questions before reporting out to the larger group (*15 minutes for discussion*).

Conclusion (1 minute)

Slide 14

Ask: “In this session, we have shared a number of transitional justice tools that can be used to promote justice and accountability in the aftermath of mass atrocities, as well as to prevent future atrocities. You know your country and community the best—from your personal and professional experience, what tools do you think you could use to promote reconciliation in your own community?”

Note: This is not intended to be a discussion question—instead, the instructor should encourage participants to take a few minutes to reflect on this question individually and write down their answers. Tools may be those mentioned in the session or another tool that comes to mind for participants. Instructor should encourage participants to think about why they chose that specific tool, to revisit their answer to this question during the subsequent action planning session (Module 9), and to save and revisit it after the course as well.

Optional Add-On: Transitional Justice Examples Exercise (30 minutes)

Slides 16–21

This exercise is intended to allow participants to engage more deeply with the various transitional justice tools and may be inserted after the tools are introduced on slide 11. The video examples of each transitional justice tool may be viewed and discussed together as a large group, or the instructor may choose to divide participants into smaller groups and assign each group one of the four videos to discuss, followed by reporting out to the larger group. The video clips range in length from roughly 3 to 6 minutes.

While participants view the video clip(s), the instructor should ask them to jot down their notes in response to the following question:

Ask: “What are the potential challenges and benefits of this tool for leaders trying to respond to mass atrocities?”

Participants may then share their responses to this question either in their small groups or with the larger group, or both. Some additional considerations the instructor may choose to highlight during the discussion include

- Consideration of how soon specific tools should be implemented in the aftermath of mass atrocities—will they further the goal of promoting societal healing and preventing recurrence, or will they potentially exacerbate divisions or spark further violence? How can they be implemented in a way that avoids re-traumatizing survivors?
- What are the cultural considerations for these tools?

- Consideration of how these tools might be implemented in a way that helps survivors overcome social stigmas associated with speaking out, encourages the meaningful participation of women and other marginalized groups, or combats ongoing barriers for affected groups, such as children of sexual violence who might have trouble receiving papers and accessing education.
- What is the cost, political viability, and so on?
- Can they think of examples in their own country or other examples they are familiar with where the community wanted something in addition to or instead of criminal trials? What role, if any, might criminal justice professionals play in pursuing transitional justice efforts beyond trials?

Optional Add-On: Memorial Site Visit (60–90 minutes)

Instructor may wish to augment the course content by arranging for a visit to a memorial site or museum that commemorates victims of a mass atrocity. Examples include Holocaust memorial sites or museums, the Kigali Genocide Memorial, or other local monuments, memorial sites, or museums to victims of mass atrocities. In the absence of an appropriate local site, the instructor could also consider a virtual tour of a memorial site or museum. The purpose of this optional add-on session is to provide an experience that maximizes the “power of place,” demonstrates the human impact of mass atrocities on victims and communities, and opens discussion for participants about how societies commemorate mass atrocities. When used in conjunction with Module 8, this add-on session is designed to help participants engage more deeply with benefits and challenges of memorialization as a transitional justice tool. It can also be used in conjunction with Module 3 or Module 6 to provide additional historical background about the Holocaust (if visiting a Holocaust memorial site or museum) and to empower participants to discuss the role of the criminal justice system, especially before and during mass atrocities. The session should be conducted in a way that encourages dialogue among participants and critical engagement with the history presented.

Selecting a Memorial Site and Planning a Visit

Instructor may select a monument, memorial site, museum, or walking tour experience that commemorates victims of a mass atrocity event. Where appropriate, the instructor may wish to contact the relevant site in advance to arrange for group entry, tours, and so forth. The visit may take place on a date prior to the run of the 8-hour course, or it may be incorporated into the course day itself. While for the purposes of this facilitator guide 60–90 minutes has been budgeted for this exercise, the instructor should communicate with the site to determine the correct length for a visit and, where appropriate, to arrange for meeting/debrief space for a conversation at the end of the visit. Instructor should plan to visit the site on their own prior to the group’s visit to ensure that the site is compatible with the goals of the course.

MODULE 8: REDRESS FOR MASS ATROCITIES: THE AFTER STAGE

Possible criteria to consider when selecting a site include

- Site commemorates a mass atrocity event (as opposed to war memorials, etc.)
- Narrative of the site fits into the overarching narrative of the inquiry question (information on how to develop an inquiry question for this session follows this list)
- Site showcases early warning signs and dynamics that lead a society to mass atrocities
- Ability to highlight criminal justice angle through the content presented at the site
- Spatial requirements—site is located within a reasonable distance for participants to travel to it either individually or through pre-arranged group transportation and is large enough to accommodate the group
- Power and impact of topography—ability to showcase something that you couldn't get in the classroom either through the physical location of the site, the memorial/museum itself, or both
- Ability of the site to create disequilibrium/dissonance for participants (i.e., participants recognize that while the specific historical context might feel foreign, aspects related to the professional functions and roles of the institution contain familiar elements)
- Availability of additional meaningful primary source materials (testimonies, documents, photographs, etc.) linked to the site that may be used to augment the discussion
- Availability of resources in multiple languages (where relevant, if the primary language used in resources at the site does not match the languages spoken by participants)
- Ability to showcase multiple perspectives at one location (victim, perpetrator, criminal justice, witness, etc.)

Prior to the visit, the instructor should develop an inquiry question to frame the visit for participants. This inquiry question may be developed in tandem with educators from the site or shared with them in advance of the group's visit. Possible themes for the inquiry question include

- How the choices of individuals and institutions at various stages influence the trajectory of mass atrocities
- The central role played by criminal justice institutions/actors in mass atrocity scenarios
- The benefits and challenges of memorialization as a transitional justice tool in the wake of mass atrocities

Sample inquiry questions from a walking tour of Holocaust sites in Budapest, Hungary, during the 2022 “Lessons in Leadership” course

1. What factors created an environment that made mass atrocities possible in the 1940s in Hungary?
2. What role did criminal justice professions play in this environment? In what ways did the roles of these professions transform or stay the same during this time?

Facilitating a Debrief/Discussion at the Conclusion of the Site Visit

Where possible, the instructor may wish to work with educators at the memorial site to develop a few questions for a facilitated discussion with participants at the end of the visit. Below are some questions to choose from that may be tailored based on the nature of the site:

Observations and general impressions of the site

- What do you see/observe/feel?
- What are your impressions?
- What catches your attention most?
- What story does this site tell and why?
- As criminal justice professionals, how do you reflect on the story told by this site?

Role of ordinary people and professionals in mass atrocities

- What risk factors, warning signs, or triggers are present in this narrative?
- What does the narrative at this site tell you about individual choices?
- Who is responsible for the mass atrocities that occurred in this case?
- What led people in this community/society to participate in and commit mass atrocities?
- What and who does it take for something like this to happen? What is the role of criminal justice professionals in this?
- How do laws influence what is considered “normal” or “acceptable” in a society? How do the policies and practices of criminal justice institutions affect this?
- Who is considered part of the community, and how does state action shape this understanding?

Memorialization

- Who created this memorial and why?
- How are these events commemorated by this memorial site/museum? What do we choose to remember, and why does that matter?
- Who is missing from this memorial/who is not represented? (Where relevant)
- Who is or should be responsible for preserving memory? Is there a role for criminal justice professionals to play in this?
- What makes dealing with the past difficult/challenging? What is complex about commemorating these events?
- What is the role of memorialization and public dialogue in transitional justice? (Can touch on collective responsibility and guilt—the impact of ignoring society’s guilt/lack of dialogue on cycles of violence)
- Why might dialogue about memorials be important? What can be the consequences of different narratives about these events?
- What does commemorating these events mean for us today? What is the impact of this site on public memory?

Cover: A gravesite in Kigali, Rwanda.
US Holocaust Memorial Museum