



The CPS approach: dealing with the past

In many Civil Peace Service (CPS) partner countries, society is deeply divided after years of war and violent conflict. Hatred and mistrust have become the norm, and there is a high probability that violence will erupt again, which significantly hampers the peace and development processes in these countries.

The CPS therefore supports local efforts to recognise and deal with violence and injustice and to promote peaceful coexistence. By analysing the causes of past conflicts and their relevance to current conflicts, the CPS creates links between past experiences and current manifestations of violence. Building trust, restoring social relationships and promoting a shared value system underpin the measures it implements.

The work of the CPS is based on concepts such as transitional justice and dealing with the past. The basis of its approach are the 'Joinet principles', which focus on four key areas: the right to know; the right to justice; the right to reparation; and the guarantee of non-recurrence.¹

This understanding of the work of dealing with the past involves recognising that:

- The focus is on long-term political and social processes centred on all those affected, victims and perpetrators alike
- The work of dealing with the past needs to be planned holistically and should address all four key areas
- Retributive justice and restorative justice measures should be combined and exert a mutual influence
- Dealing with the past involves rights and obligations that are asserted or realised whether individually or collectively, materially or figuratively, and by the state or by individuals

- Dealing with the past helps to create non-violent relationships and to establish the rule of law, democracy, reconciliation, peace and development
- Measures are planned and implemented participatively, in a conflict- and cross-culturally sensitive way, and recognise local forms of the work of dealing with the past

Starting points and approaches

The long-term, process-oriented nature of the CPS's commitment reflects this understanding. CPS experts work with local partners – from both civil society and state organisations – and their diverse procedures to support processes underpinning a comprehensive approach to dealing with the past, demonstrating a high degree of professionalism and an external perspective but also a human presence alongside their partners on the ground.

The CPS focus is on local processes. Its approach is based on the assumption that changing the attitudes and behaviour of actors at local level helps to achieve medium- to long-term changes at societal and structural level.

At the interface between human rights work and conflict transformation, the CPS works with groups on a cross-party basis. This requires openness to dialogue with all parties to conflict. The CPS is committed to the principles and standards of human rights.

¹ See final report on the Question of the Impunity of Perpetrators of Human Rights Violations' by UN Special Rapporteur Louis Joinet, 1996. [http://www.unhcr.ch/huridocda/huridoca.nsf/\(Symbol\)/E.CN.4.sub.2.1.997.20.Rev.1.En](http://www.unhcr.ch/huridocda/huridoca.nsf/(Symbol)/E.CN.4.sub.2.1.997.20.Rev.1.En)

On the basis of a participatory analysis of existing power relationships and imbalances in power, and depending on the specific context, the CPS strengthens the weaker party or parties to conflict in line with its/their needs. This enables these groups to become involved in the process of conflict resolution or even to campaign for and support the development of just and participatory relationships, institutions and mechanisms in the first place. At the same time, and also depending on the context, it promotes capacity development in state institutions in their role as responsible organisations, creating the conditions for dialogue between a range of stakeholders.

The priority areas for CPS's work are:

- Work on remembrance and memory, which helps to create an inclusive account of history and a culture of memory that embraces all former parties to conflict
- Psychosocial counselling and support and work with trauma
- Documentation, systematisation and investigation of human rights violations, including exhumations
- Advice on efforts to secure reparations
- Training for relevant stakeholders in implementing human rights standards in relation to the work of dealing with the past
- Conflict-sensitive reporting and media work on issues of dealing with the past
- Peace education with a focus on dealing with a violent history and overcoming the consequences of violence; non-violent conflict resolution and anti-discrimination
- Creating and strengthening safe spaces for encounters, sharing and dialogue in relation to individuals' experience of violence with the aim of combating its consequences, reducing violence, and building trust between different civil society actors and between those actors and state actors
- Promoting non-violent social relationships
- Promoting South-South exchange between stakeholders in the area of work on dealing with the past involving international standards and recognised institutions to stimulate the national debate.



Guatemala

The CPS approach: dealing with the past

The signature of the 1996 Peace Accords brought to an end 36 years of armed conflict between the state security forces and rebel groups in Guatemala. This period saw more than 200,000 people – the majority of them from the indigenous population – subjected to political assassination, kidnapping, massacre and other major human rights violations. Little has so far been done to deal with this violent past: Guatemalan society continues to be characterised by high levels of violence, structural impunity for the perpetrators, and systematic discrimination against the indigenous population.

The Civil Peace Service (CPS) has for many years been supporting initiatives to deal with this violent past. Working with local organisations, primarily from civil society, it promotes the processes of establishing the truth, bringing criminals to justice, and giving victims back their dignity, building on these processes to prevent fresh violence.

For example, with the aim of contributing to peace and justice, the CPS partner organisation CAFCA (Centro de Análisis Forense y Ciencias Aplicadas, or Centre for Forensic Analysis and Applied Sciences) exhumed the bodies of civil war victims from illegal graves across the country. Supported by a CPS expert with specialist skills in anthropological forensics, CAFCA also introduced scientific quality standards. CAFCA's expertise is now sought by a range of institutions embarking on exhumation processes.

A milestone in the search for truth and justice was the discovery in 2005 of the historic police archive, comprising more than 80 million files documenting 115 years of police history. From the outset, the CPS has helped to restore, archive and digitise this historic collective memory: in addition to many administrative details, these documents also contain coded information about human rights violations during the civil war. A CPS expert has supported the systematisation and evaluation of archive documents and, in particular, has

advised CAFCA on making use of the material to launch judicial investigations of human rights violations and war crimes.

To systematically develop local expertise in dealing with the past, the CPS has also supported training and courses in archival research. The participants have included experts from civil society organisations and state institutions, such as the Ombudsman's office and the public prosecution authorities.

One major resource for dealing with the past is the witness statements that form part of the truth reports. As well as the report of the UN's Historical Clarification Committee (Comisión para el esclarecimiento histórico, or CEH) mission, the Recovery of Historical Memory report (Recuperación de la Memoria Histórica or REMHI) of the Human Rights Office of the Archdiocese of Guatemala provides information that is vital to the reconstruction of human rights violations during the civil war. The CPS has supported the digitisation of REMHI's archives to secure the data and to make it publicly available. Secure access to the archives also helps victims personally to reconstruct the events affecting them, thereby restoring their dignity.

The CPS is also supporting victims through its cooperation with a local social research and counselling organisation, Asociación Equipo de Estudios Comunitarios y Acción Psicosocial (ECAP), which provides psychological and social support in particular to Mayan women who are survivors of sexual violence during the civil war. From the 1980s, sexual violence was perpetrated against women on a massive scale as a form of warfare. This affected indigenous women in rural regions of Guatemala in particular. Working with ECAP, the CPS's 'Breaking the Silence' project promotes psychosocial support for these women, who are assisted in processing their traumatic experiences, networking with other victims, and identifying and asserting their rights. ECAP is also involved in implementing claims for compensation before national and international tribunals.

The process of dealing with a violent past both personally and socially also helps prevent fresh violence and future human rights violations. This is the focus of the work done by another CPS partner, the human rights organisation 'Memorial para la Concordia'. This organisation uses the many different realities that victims represent as the starting point for encouraging memory and remembrance by all civil war victims, regardless of their political views. Citizens engage actively in memory work: festivals of memory, local and intergenerational dialogue, and networking of stakeholders involved in dealing with the past are just some of the activities this CPS partner undertakes. In future, a virtual platform will bring together the initiatives taken by the various stakeholders and offer scope for involving citizens in the processes of dealing with the past.

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Cambodia

The CPS's role in dealing with the past

The Khmer Rouge's rule of Cambodia between 1975 and 1979 was one of the bloodiest episodes in the country's history. Some 30 years on, the surviving perpetrators are on trial for the massacre of 1.7 million people in a UN-supported tribunal, the Extraordinary Chambers in the Courts of Cambodia (ECCC). A unique feature of the ECCC is that survivors of the Khmer Rouge regime are able to take part in the process as joint plaintiffs. In the first substantive hearing, the director of the former S-21 prison, Kaing Guek Eav, alias 'Comrade Duch', was sentenced to 30 years' imprisonment in July 2010 for crimes against humanity and war crimes.

At the end of 2011, the second trial opened against the surviving leading members of the Khmer Rouge: Nuon Chea, 'Brother Number Two' after Pol Pot, Khieu Samphan, former President of the State Presidium, and Ieng Sary, former Foreign Minister. The charges against them were crimes against humanity as a result of the forced displacement of the civil population and the assassination of former soldiers of the Lon Nol Government. After more than two years, well over 200 hearings, and hundreds of witness statements, two of the accused were sentenced to life imprisonment on 7 August 2014; Ieng Sary died in March 2013 while the trial was still in progress. An appeal is expected.

In the second partial proceedings (case reference 002/02 or Case 002), the same individuals stand accused, among other crimes, of genocide against Vietnamese and

Muslim minorities, forced marriage, and the setting up of torture centres. The accused are now aged 83 and 88 respectively. Proceedings against further individuals are being hampered by the Cambodian Government.

The Civil Peace Service (CPS) works with 10 international experts locally – lawyers, psychologists, political scientists, and journalists – who share the aim of using the ongoing proceedings to cooperate with local, state and civil society partners to support the process of dealing with the past at all levels. As well as criminal proceedings, the focus of the CPS's involvement is on restoring the victims' dignity and preventing further violence.

CPS experts support their partners, including the ECCC, in planning and implementing collective and symbolic restitution projects for survivors of the Khmer Rouge regime. For example, a German psychologist is advising and training the staff of the Transcultural Psychosocial Organization (TPO) in providing psychosocial support for joint plaintiffs and other survivors and enabling them to better deal with traumatic experiences. Further CPS experts are promoting processes of memory and education work and dialogue between survivors of the Khmer Rouge regime and subsequent generations

The CPS's systematic and networked action in Cambodia has been a major factor in securing ECCC recognition for almost 4,000 joint plaintiffs, who have been able to play an active part in Case 002. Members of ethnic and religious minorities who were victims of genocide are represented appropriately in the hearings as joint plaintiffs.

On the basis of the ongoing work by CPS experts and partner organisations, the evidence of forced marriage was also considered as a crime against humanity in the second partial proceedings running since September 2014. All of the restitution projects supported by the CPS were named and, therefore, recognised in the ECCC's judgment. The lessons from the court proceedings in the area of psychological support for witnesses and joint plaintiffs, and judicial aspects of the joint plaintiff mechanism, also feed into the work of the CPS, including its focus on education and youth. Through support for local memorial initiatives, the CPS is contributing to reconciliation and social reconstruction both as part of the criminal proceedings and outside them.

In particular, given Germany's own history, the CPS experts are considered to have the necessary expertise and to be authentic, and their experience is seen as very valuable in the context of dealing with Cambodia's past.

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