

# GENDER IN TRANSITIONAL JUSTICE

Edited by  
SUSANNE BUCKLEY-ZISTEL AND RUTH STANLEY

GOVERNANCE  
AND LIMITED  
STATEHOOD



# Gender in Transitional Justice

Edited by

**Susanne Buckley-Zistel**

*Professor of Peace and Conflict Studies,  
Center for Conflict Studies,  
Philipps University Marburg, Germany*

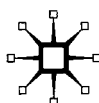
and

**Ruth Stanley**

*Research Associate,  
Center for Conflict Studies,  
Philipps University Marburg, Germany*



palgrave  
macmillan



Selection and editorial matter © Susanne Buckley-Zistel and Ruth Stanley 2  
Individual chapters © contributors 2012

All rights reserved. No reproduction, copy or transmission of this publication may be made without written permission.

No portion of this publication may be reproduced, copied or transmitted save with written permission or in accordance with the provisions of the Copyright, Designs and Patents Act 1988, or under the terms of any licence permitting limited copying issued by the Copyright Licensing Agency, Saffron House, 6–10 Kirby Street, London EC1N 8TS.

Any person who does any unauthorized act in relation to this publication may be liable to criminal prosecution and civil claims for damages.

The authors have asserted their rights to be identified as the authors of this in accordance with the Copyright, Designs and Patents Act 1988.

First published 2012 by  
PALGRAVE MACMILLAN

Palgrave Macmillan in the UK is an imprint of Macmillan Publishers Limited, registered in England, company number 785998, of Houndmills, Basingstoke Hampshire RG21 6XS.

Palgrave Macmillan in the US is a division of St Martin's Press LLC, 175 Fifth Avenue, New York, NY 10010.

Palgrave Macmillan is the global academic imprint of the above companies and has companies and representatives throughout the world.

Palgrave® and Macmillan® are registered trademarks in the United States, the United Kingdom, Europe and other countries.

ISBN: 978-0-230-24622-5

This book is printed on paper suitable for recycling and made from fully managed and sustained forest sources. Logging, pulping and manufacturing processes are expected to conform to the environmental regulations of the country of origin.

A catalogue record for this book is available from the British Library.

A catalog record for this book is available from the Library of Congress.

10 9 8 7 6 5 4 3 2 1  
21 20 19 18 17 16 15 14 13 12

Printed and bound in Great Britain by  
CPI Antony Rowe, Chippenham and Eastbourne

# Contributors

**Susanne Buckley-Zistel** is Professor of Peace and Conflict Studies at the Center for Conflict Studies, Philipps University of Marburg. She has previously held positions at King's College London, the Peace Research Institute in Frankfurt, and the Free University of Berlin. She has published on issues pertaining to transitional justice and conflict transformation, with a particular focus on Rwanda and Uganda. Her research interests include dealing with the past, gender, post-structural theory, and the nexus between peace and development assistance. She is the author of *Conflict Transformation and Social Change in Uganda* (2008) and co-editor of the volume *Nach Krieg, Gewalt, und Repression: Von schwierigen Umgang mit der Vergangenheit* (2011).

**Louise Chappell** is Professor and Australian Research Council Future Fellow in the School of Social Sciences and International Studies at the University of New South Wales. She researches and teaches in the areas of human rights, gender and political institutions, and comparative Australian politics and has published widely on gender and politics. Her current research project focuses on an evaluation of gender justice and the International Criminal Court. She is the author of *Gendering Government: Feminist Engagement with the State* (2002), *The Politics of Women's Interests* (2006, co-edited with Lisa Hill), *'No Fit Place for Women'? Women and Politics in New South Wales 1856–2006* (2006, co-edited with Deborah Brennan), and *The Politics of Human Rights in Australia* (2009, with John Chesterman and Lisa Hill).

**Nikita Dhawan** is Junior Professor for Political Science at the Goethe University of Frankfurt, with a research focus on gender and postcolonial studies. In spring 2008, she was a visiting scholar at Columbia University, New York. In 2006–7 she was Maria-Goeppert-Mayer Guest Professor at the Carl von Ossietzky University of Oldenburg. She has written extensively on the ethics of non-violence, postcolonial feminism, queer diasporas, and decolonization and democratization. She is the author of *Impossible Speech: On the Politics of Silence and Violence* (2007) and *Postkoloniale Theorie: Eine kritische Einführung* (2005, with María do Mar Castro Varela) and co-editor of *Hegemony and Heteronormativity: Revisiting 'the Political' in Queer Politics* (2011, with María do Mar Castro Varela and Antke Engel).

**Rirhandu Mageza-Barthel** is working on gender and postcolonial studies in the Cluster of Excellence 'The Formation of Normative Orders' at the Goethe University of Frankfurt. She is a doctoral candidate in the Faculty of Social Sciences. Amongst other things she has conducted extended research visits to Rwanda and has also been a Visiting Researcher at the Primedia Unit for Holocaust and Genocide Studies, University of South Africa. Her focus areas are international politics, peace and conflict studies, and gender and women's studies, with an emphasis on the socio-political relations of countries in the Global South.

**Fionnuala Ní Aoláin** is the Dorsey and Whitney Chair in Law at the University of Minnesota Law School and Professor of Law at the University of Ulster's Transitional Justice Institute in Belfast, which she co-founded. She has been a visiting professor at the University of Minnesota Law School (2003–4), Harvard Law School (1993–4), Columbia Law School (1994–6), and the School of International and Public Affairs, Columbia University (1996–2000), as well as an associate professor of law at the Hebrew University in Jerusalem (1997–9) and a visiting fellow at Princeton University (2001–2). Her teaching and research interests are in the fields of international law, human rights law, national security law, and feminist legal theory, and she has published extensively on emergency powers, conflict regulation, transitional justice, and sex-based violence in times of war, including *Gender and the Post-Conflict Process* (2010, with Naomi Cahn and Dine Francesca Haynes), *Law in Times of Crisis: Emergency Powers in Theory and Practice* (2006), and *The Politics of Force: Conflict Management and State Violence in Northern Ireland* (2000).

**Catherine O'Rourke** is Lecturer in Human Rights and International Law and Gender Research Coordinator at the Transitional Justice Institute, University of Ulster. She has been a visiting scholar at the American University School of International Service, Washington DC, and a visiting researcher at the law schools of Universidad Diego Portales in Santiago, Chile, and Universidad de los Andes in Bogotá Colombia. Her doctoral work examined feminist engagement with, and gendered outcomes of, transitional justice in Chile, Northern Ireland and Colombia, and she was awarded the 2010 Basil Chubb Prize by the Political Studies Association of Ireland for the best thesis produced in an Irish university in any field of politics. Her research interests include gender and transitional justice, the human rights of women, women's movements in transitional societies, peace agreements, and socio-legal

research methodologies. She has published widely, including in the *International Journal of Transitional Justice*, *International and Comparative Law Quarterly*, and *International Political Science Review*.

**Elisabeth Porter** is Professor and Lecturer in Politics and International Relations at the University of South Australia. Before this she was head of the School of International Studies at the University of South Australia. She has been research director at the International Conflict Research Centre (INCORE) in Northern Ireland, a centre linked with the UN University. She has also taught at Flinders University of South Australia, the University of Ulster, and Southern Cross University. Her books include *Women, Peace and Security: Good Practices* (forthcoming), *Peacebuilding: Women in International Perspective* (2007, 2008), *Feminist Perspectives on Ethics* (1999), *Building Good Families in a Changing World* (1995), and *Women and Moral Identities* (1991). Her co-edited books include *Mediation in the Asia-Pacific Region: Transforming Conflicts and Building Peace* (2009), *Activating Human Rights* (2006), and *Researching Conflict in Africa* (2005).

**Romi Sigsworth** is Senior Researcher in the Gender Based Violence Programme at the Centre for the Study of Violence and Reconciliation (CSVR), South Africa. Before joining CSVR she worked as the managing editor of the medical ethics journals *Bioethics* and *Developing World Bioethics*. Her research interests include the gendered nature of xenophobia in South Africa, the attrition of rape cases in the South African criminal justice system, the nature and causes of sexual violence in South Africa, and the impact of culture on sexual offending in South Africa. She is the author of *Gender-Based Violence in Transition* (2008) and the co-author of *The Gendered Nature of Xenophobia in South Africa* (2008).

**Ruth Stanley** is Research Associate at the Center for Conflict Studies, Philipps University of Marburg. Prior to this she was Reader in Politics at the Institute of Political Science, Free University of Berlin, where she also directed a research project on security sector reform and on the governance of public security in Argentina and Mexico, funded by the German Research Association. Following the first democratic elections in the German Democratic Republic (GDR), she was a member of the Policy Planning Staff of the GDR Foreign Ministry, and prior to that, she worked at the Peace Research Centre CIP-FUHEM in Madrid. Her doctoral thesis, a historical study of the effects of scientific migration on weapons proliferation, was awarded the Rudolf Kellerman Prize for

the best German-language work in the field of technology history. Her research interests include democratization and human rights, peace and conflict research, security governance, and gender issues, and she has published widely on these topics.

**Silke Studzinsky** has worked for more than 17 years as a criminal defence lawyer and as a legal representative for civil parties before criminal courts in Germany and elsewhere in Europe. One of her main areas of work is fostering the rights of victims of sexual violence, sexual abuse, trafficking, and racial discrimination inside and outside the courtroom. She joined the Association of European Democratic Lawyers in 2000 and acted as their secretary general from 2005 until the end of 2007. She organized and participated in several human rights missions and trial observations and delegations in Turkey, Spain, Greece, Israel, South Korea, and Kashmir. Since February 2008, she has been working with the support of the Civil Peace Service of the German Development Organization in Cambodia to represent civil parties before the Extraordinary Chambers in the Courts of Cambodia (ECCC).

**Nahla Valji** is Programme Specialist on the Rule of Law at UNIFEM (United Nations Development Fund for Women, now part of UN Women). She was a senior project manager in the Transitional Justice Programme at the Centre for the Study of Violence and Reconciliation in Cape Town, South Africa, where she managed the African Transitional Justice Research Network. She is the co-founder and managing editor of the *International Journal of Transitional Justice*. Her recent publications include the UNIFEM report *A Window of Opportunity: Making Transitional Justice Work for Women* (2010).

**Angelika von Wahl** is Associate Professor in the Program of International Affairs at Lafayette College. She studies comparative and international politics with an emphasis on social policy and gender in post-industrial states. Her recent comparative research focuses on human rights and reparations. She has published three books, and numerous articles in journals, such as *West European Politics*, *Social Politics*, *German Politics and Society*. One forthcoming article in *German Politics* (Special Issue) discusses intersectionality and female leadership. One of her recently published articles is 'The Politics of Reparations: Why, When and How Democratic Governments Get Involved' (*Historical Justice in International Perspective*, 2008).

**Magdalena Zolkos** is Research Fellow in Political Theory with the Centre for Citizenship and Public Policy at the University of Western Sydney.

She holds an MA in Scandinavian Studies from the University of Danzig and a PhD from the Department of Political Science of the University of Copenhagen. She researches and teaches within the areas of contemporary political theory, gender and politics, and discourse theory. Her publication record includes book chapters and academic articles in *European Legacy*, *Studies in Social and Political Thought*, *International Journal of Transitional Justice* on the critique of reconciliation, collective trauma, testimony and witnessing, postmodern subjectivity, and post-apocalyptic political thought. She is the author of *Reconciling Community and Subjective Life: Trauma Testimony as Political Theorizing in the Work of Jean Amery and Imre Kertesz* (2010).



# Contents

<i>Notes on Contributors</i>	vii
Introduction: Gender in Transitional Justice <i>Susanne Buckley-Zistel and Magdalena Zolkos</i>	1
<b>Part I Retributive Justice and Gender Justice</b>	
1 The Role of the ICC in Transitional Gender Justice: Capacity and Limitations <i>Louise Chappell</i>	37
2 Gendered Under-Enforcement in the Transitional Justice Context <i>Fionnuala Ní Aoláin</i>	59
3 Neglected Crimes: The Challenge of Raising Sexual and Gender-Based Crimes before the Extraordinary Chambers in the Courts of Cambodia <i>Silke Studzinsky</i>	88
<b>Part II Transitional Justice and Social Change</b>	
4 Continuities of Violence against Women and the Limitations of Transitional Justice: The Case of South Africa <i>Romi Sigsworth and Nahla Valji</i>	115
5 Transitioning to What? Transitional Justice and Gendered Citizenship in Chile and Colombia <i>Catherine O'Rourke</i>	136
<b>Part III Potentials and Limits of Agency</b>	
6 Asserting Their Presence! Women's Quest for Transitional Justice in Post-Genocide Rwanda <i>Rirhandu Mageza-Barthel</i>	163
7 How Sexuality Changes Agency: Gay Men, Jews, and Transitional Justice <i>Angelika von Wahl</i>	191

**Part IV Politics of Justice and Reconciliation**

8	Gender-Inclusivity in Transitional Justice Strategies: Women in Timor-Leste <i>Elisabeth Porter</i>	221
9	Frau Mata Hari on Trial: Seduction, Espionage, and Gendered Abjection in Reunifying Germany <i>Magdalena Zolkos</i>	241
10	Transitions to Justice <i>Nikita Dhawan</i>	264
	<i>Index</i>	285

# Introduction: Gender in Transitional Justice

*Susanne Buckley-Zistel and Magdalena Zolkos*

‘I cannot even kill a chicken. If there is a person who says that a woman – a mother – killed, then I’ll confront that person’ (Pauline Nyiramasuhuko, cited in Landesman, 2002). These are the words of Pauline Nyiramasuhuko, who currently stands trial before the UN International Criminal Tribunal for Rwanda (ICTR), which has been established to prosecute crimes committed during the 1994 genocide. Together with her son, she is accused of genocide, crimes against humanity, and rape. Nyiramasuhuko is the first woman to be tried by the ICTR.

Nyiramasuhuko’s case is challenging on a number of counts. First, it draws attention to the rampant violence against women during conflict and to the specific forms of violence to which women, in particular, are subjected. Secondly, the charges against her challenge the conventional view that women have been solely the victims, and not the perpetrators, of massive human rights abuses and genocidal events – a view that reflects deeper assumptions about gender roles and that is echoed in Nyiramasuhuko’s own words cited above. The aim of this volume is to explore these multifaceted and interrelated roles of women, and men, and how they manifest themselves in the context of transitional justice (TJ).

Transitional justice refers to processes of dealing with the aftermath of violent conflicts and systematic human rights abuses in order to provide conditions for a peaceful future. It makes use of a number of instruments and mechanisms, including national and international tribunals, truth commissions, memory work, reparations and institutional reforms, which aim at uncovering the truth about past crimes, putting past wrongs right, holding perpetrators accountable, vindicating the dignity of victims-survivors and contributing to reconciliation (Minow, 1998).<sup>1</sup>

In regard to its temporal focus, TJ is at one and the same time oriented towards the past, present, and future. As a past-oriented practice, it addresses wrongs that have been committed during a conflict; as a present-oriented practice, it establishes a new ethical and institutional framework of post-authoritarian and/or transitional politics for interpreting the past and, through this, it seeks to prevent the *future* occurrence of gross injustices and violence. In recent decades the concept of TJ has acquired a central place in transitional and democratic discourses, as well as in sociological, political and legal academic research.

In the initial stages of the development of the TJ field, its gendered dimensions were largely unrecognized and they have remained under-researched. The relatively few studies that exist on the question of gender in TJ have focused almost exclusively on women as victims of sexualized violence. As critics of that tendency have pointed out, this has created the problematic possibility that women's and men's experiences of violence and repression would be reduced to a single thematic aspect, and stereotypical gender categories would be perpetuated, rather than identified and challenged, within the TJ literature.

This volume seeks to move the analysis beyond the tendency to equate gender with questions of (often narrowly understood) sexual violence, and to contribute to the emergence of more inclusive and complex studies of the cross-section of gender and TJ. It builds on the assumption that gender cannot be accommodated within TJ as a descriptive category of the victims, but that it has the potential to transform, or at least reformulate, some of the most rudimentary questions of the TJ field: Whose justice – and for whom? What is the transition to? How can one negotiate between the Western ideas of justice that animate the TJ project (and thus the implied global transmission of hegemonic values) on the one hand and its impact on local needs and the culturally situated understandings and practices of gender on the other? What is the significance of the TJ processes for the shape of social gender relations in post-transitional phases? Is there a need for a broader conception of TJ, which would encompass economic, social and cultural human rights, in order for TJ to contribute to greater gender equality? In short, incorporating a gender perspective not only with regard to the topics of TJ, but also into the very texture of its analytical framework requires a more fundamental reflection on the underlying theoretical, political and ideological premises of the TJ project, as well as an analysis of the gender implications of their alternative formulations. To place the category of gender at the heart of the study of TJ thus implies exposition of (often unarticulated, but

assumed) ideas about the specifically *transitional* nature of justice in this project and its function.

## Historical development of transitional justice

While the genealogy of transitional justice points to the war crimes trials in Nuremberg and Tokyo following the Second World War, the concept first became widely used in 1990s to describe judicial and non-judicial mechanisms of accountability introduced in the period of transformation from authoritarian to democratic government, or from a conflict society to a post-conflict society, in order to address earlier violations of human rights. As such, TJ discussions have dovetailed with the wider debates about democratization, peace-building, socio-economic transformations and state-building, in post-conflict and post-authoritarian societies (Teitel, 2003: 69). The proponents of TJ have argued that the pursuit of past-oriented justice is crucial for the achievement of democratic consolidation. However, others have problematized what they have seen as the politicization of justice within the TJ project (especially some of its more punitive forms) as a potential impediment to the democratization process. Suffice it to say that since its emergence and implementation in a variety of socio-political situations, TJ has been positioned in a close, but complicated relationship to democratic transition (see for example Leebaw, 2008).

TJ is based on the assumption that the transition to peace after violent conflicts or authoritarian rule requires a clean break from past injustices so as to prevent their recurrence. Historically, the concept and the academic discussion of TJ has evolved dialogically. After the Second World War, the objective of the Nuremberg Trials and Tokyo Tribunal (as well as the specific death camp trials, the Nanjing Tribunal, and many others) was to judge Nazi German and Imperial Japanese leaders and officials for war crimes and gross human rights violations committed during the war. The broader intention of the trials was encapsulated by the phrase ‘never again’ – namely to prevent the future recurrence of such genocidal events as the Holocaust. Subsequently, during the Cold War period, defined by the central concerns for regime stabilization and balance of power, there were few continuations of the national and international accountability trend initiated by the post-war tribunals. However, the lost momentum of TJ was regained in the late 1970s and early 1980s with the events in Southern Europe (the 1975 trials in Greece of members of the military juntas and others accused of serious human rights violations during that country’s military dictatorship),

and Latin America (the 1985 Trial of the Juntas in Argentina, against leading members of the military government that held power from 1976 until 1983). The end of the Cold War also marked the growing use of public commissions focused on discovering and disclosing systematic human rights abuses among the affected populations, such as the Argentine Commission on Disappeared Persons (CONADEP). In many cases, this aim was linked with promoting societal reconciliation, such as the Chilean and post-apartheid South African truth and reconciliation commissions. Despite the Greek and Argentine cases mentioned above, criminal trials of the perpetrators of human rights abuses were used rather sparingly, in part because of the very high political costs attached. More recently, with the establishment of the International Criminal Court (ICC) in 2002, this element of TJ has regained prominence, turning criminal justice into a central component of the repertoire of measures employed within the framework. At the same time, while students of TJ were initially concerned mainly with its judicial and non-judicial tools at a macro level, including national or international tribunals and truth commissions, recently the attention has been broadened to include micro levels focusing on victims and their subjective experiences and concerns.<sup>2</sup>

This short historical sketch shows that the emergence of the TJ concept has been contingent upon political changes in the post-war era, which have fuelled its specific development and have made it into a 'global', though not homogeneous, project. In particular, crucial for the current paradigmatic shaping of TJ has been the worldwide trend towards democratization after the Second World War (Germany, Italy, Japan), especially since the mid-1970s (Southern Europe), spreading more widely since the beginning of the 1990s (most of Latin America, parts of Africa and Asia). Not only has the transition from authoritarian rule to democracy created public openings and fora for the investigation of a violent past, but such inquiry has also become part and parcel of the strategies of legitimizing the new regime and underlining its discontinuity with the previous authoritarian rule. In a number of cases, the concept of democratic transition has been closely intertwined with liberal values formed at the conjunction of the approaches of 'dealing with the past' and of enforcing the rule of law (Forsberg, 2001: 57). This includes arguments about accountability for past human rights violations. In the post-Cold War world the 'evangelical optimism of liberalism' (Hazan, 2007: 10) and its (specifically defined) pursuit of justice following violent conflict has thus gained new momentum and widespread validity. Consequently, there has been a need for a critical analysis of TJ that would problematize both its idea of

the subject of justice (and what it means to do *justice* for the *past*), and the assumptions about the democratic implications of TJ. Such a critique by no means implies a rejection of TJ. Rather, while it acknowledges its significance and potential for streaming individual perspectives of human suffering into the field of politics, it seeks to dissect and complicate the ideological assumptions of TJ.

At the same time as the 1990s marked an era of increased human rights focus in international affairs, the decade also witnessed events spurred by violent nationalism and ethnic conflict in the former Yugoslavia, Rwanda, Sierra Leone, and elsewhere (Forsberg, 2001: 57). These events have challenged the liberal 'neutral' idea of the subject of TJ by highlighting the significance of gender, age, race, and ethnicity for understanding specific victimization patterns. Ruti G. Teitel argues that the global dissemination of the TJ idea as an appropriate response to the intensifying political instabilities and violence has nowadays made TJ the rule rather than the exception (Teitel, 2003: 71). Others have even spoken of a 'mantra' of TJ (Hazan, 2007). All this suggests that through the global propagation of liberal norms, practices and institutions, the demand for accountability for past human rights abuses is not solely a domain of national governments, but has become part of the discourse of an international responsibility.

## Gender in transitional justice – state of the art

The field of TJ has been recently enriched through the systematic impact of gender analysis with the effect of problematizing its legal theoretical assumptions, mechanisms of operation and societal outcomes. In that context, the project of *gendering* TJ has defined a number of approaches insofar as it has reflected the polysemy of both the notion of 'gender' and of 'justice'.

First, at the most basic level, *gendering* TJ has connoted critical attempts of identifying and addressing the exclusion, or insufficient inclusion, of women within (inter) national TJ frameworks. Here, gender has been understood as synonymous with the social category of women, and its primary critique has been directed at the systemic acts of privileging and universalizing male perspectives, and, consequently, rendering female perspectives inferior, irrelevant or invisible (Minow, 1998; Valji, 2009; Askin, 2003). As Christine Bell and Catherine O'Rourke have emphasized (2007), the exclusion of women from early and more traditional forms of transitional justice had to do largely with the underrepresentation of women in peace negotiations and peace agreements,

and/or with the male bias in the formation and operation of the justice-seeking institutions in post-conflict contexts. The exclusion meant that not only did women's potential to contribute to reconstructive processes remained unutilized, but also that their suffering during the conflict, which took a variety of forms, was not recognized (Turshen et al., 2001; Chinkin, 2003; Bunch, 2005). In response to the under-involvement and under-representation of women in transitional justice, the dominant liberal institutional approaches advocated policies and practices of gender mainstreaming (Rosser, 2007).

Characteristically, within the initial attempts of gendering TJ, the topic of sexual violence has acquired noticeable significance (Seifert, 1996; Copelon, 1995; Cahn, 2005). While this focus can be seen as a necessary corrective to the general tendency to ignore or de-emphasize sexual aspects of war violence, some feminist scholars have stressed certain problems with it. They have included (a) over-identifying women with the sexual domain and with the category of victims (Campbell, 2004; Mertus, 2004); (b) making a distinction between war-time and peace-time (and domestic) sexual violence; and (c) excluding from the gendered frame of analysis instances of sexual violence against men (Oosterhoff et al., 2004; Sivakumaran, 2007).

At the level of analysis of the international jurisprudence and international legal practice, there have been numerous contributions, coming both from the liberal institutional position and from the critical feminist stance, to the debates on categorizing different forms of sexual violence, including rape, sexual enslavement and trafficking, impregnation, sterilization, and enforced prostitution, as war crimes. This included analysis and discussions of the gendered mandate of the ICTY (International Criminal Tribunal for the Former Yugoslavia) and ICTR (International Criminal Tribunal for Rwanda) (Tiemessen, 2004; Engle, 2005; Campbell, 2007; Wells, 2005); the Rome Statute and the practice of the ICC (Boon, 2001; Oosterveld, 2005); the truth and reconciliation commissions in Haiti, Sierra Leone, East Timor, and others (Shaw, 2005; Bastick, 2008); and gendered violence not only during conflict, but also during the transition phase (Ní Aoláin, 2006). Gendered scholarship of TJ has also identified issues relevant for women's well-being in the functioning of courtrooms and in the legal enforcement mechanisms. These include the questions of the status of victims-witnesses, interviewing methods, admission of evidence, protection and support of victims of sexual violence to prevent re-traumatization, and their social reintegration (Campbell, 2004; Dembour and Haslam, 2004; Kelsall and Stepakoff, 2007).



A further body of analysis, associated above all with the work of Ruth Rubio-Marín, focuses on reparations. It analyses the specific forms of victimization of women (as well as how, even when women are subject to the same violations as men, these violations may impact them very differently in view of cultural gender assumptions), in order to understand their specific needs for redress. Rubio-Marín also addresses the question of why women appear to favour specific remedies over others and the extent to which reparations programmes need to be tailored accordingly (Rubio-Marín, 2006: 7). More recent studies have stressed the need for sensitivity to the differential impact of institutional reforms in the security sector on women and men, with a focus on recognizing and addressing the specific security needs of women (DCAF, 2008; OECD, 2009).

Another approach to gendering transitional justice has focused on discourses of femininity and masculinity, rather than on the socio-political and legal categories of women. It has conditioned the emergence of a sub-field of academic literature on transitional justice that criticizes traditional ('masculine') conceptions of law and accountability, and interrogated different cultural forms of the nexus between masculinity and violence. A number of texts have advocated deeper attunement to more 'feminine' modes of achieving justice and seeking healing, for example through production of familial narratives (Ross, 2003; van der Merwe and Gobodo-Madikizela, 2007). Others have produced studies of violence, both during and after a war or civil conflict, as a social practice deeply embedded in the hegemonic discourses of masculinity (Wetherell and Edley, 1999; Hamber, 2007). Often connected to critical evaluation of the gendered construction of the mandate and practice of the South African Truth and Reconciliation Commission, these approaches have emphasized that the nature of gendered exclusions in transitional justice settings has been conceptual, rather than merely situational. As a result, female experiences, stories and perspectives have been deemed irrelevant (Ross, 2003). Other critical studies have stressed the need for greater intersectional and cultural sensitivity in the analysis of gender issues, especially, but not exclusively, in regard to the victimization of indigenous women, as opposed to statistical identification of women's under-representation (Ní Aoláin and Rooney, 2007).

To sum up, these two gender-centred approaches to transitional justice emphasize the under-visibility and under-privileging of women on the one hand, and the social-discursive constructions of femininity and masculinity on the other. Importantly, they seek to transform transitional justice and critique selected aspects of its implementation,