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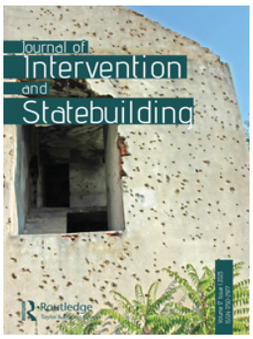

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Transitional Justice and Inclusiveness: Where Does Disability Fit In?

Janine Natalya Clark

ABSTRACT
It is striking that the field of transitional justice has thus far given little attention to persons with disabilities. Addressing this significant gap, this article reflects on what a more disability-inclusive transitional justice might look like. It does so by examining two particular dimensions of inclusiveness – accessibility and storytelling. While there are few explicit discussions within transitional justice research about accessibility, storytelling, in contrast, is a prominent theme. What this article specifically accentuates is the need for inclusive storytelling spaces within transitional justice processes and it highlights in this regard the unexplored significance of multi-sensory storytelling.

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Introduction

Discussing the ongoing war in Ukraine, the organisation International Disability Alliance (2022) has noted that:

> Persons with disabilities cannot reach metro stations and bunkers. In many cases, shelters are inaccessible for persons who use wheelchairs to enter and navigate … Information on emergency evacuation, location of shelters and how to seek assistance are not provided in accessible formats.

The preamble of United Nations (UN) Security Council resolution 2475 (on the protection of persons with disabilities), moreover, refers to the 'disproportionate impact' of armed conflict on individuals with disabilities (UN Security Council 2019). The experiences of disabled people, however, are often overlooked in coverage and reporting about wars and armed conflict, just as they are consistently marginalised in many discussions about transitional justice – meaning the range of judicial and non-judicial approaches to dealing with the legacies of large-scale human rights abuses (UN 2008). As the field of transitional justice continues to grow and expand, scholars and practitioners have become 'increasingly concerned with ensuring active participation from a wide range of actors' (Mollica 2017, 373). It is striking, thus, that persons with disabilities remain largely absent from these discussions about inclusiveness – a critical gap that needs to be acknowledged and remedied.

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In directly addressing the issue, this article – the basic idea for which developed from the author's own experiences of disability – makes an important and original contribution to transitional justice scholarship that is also relevant, relatedly, to wider debates about international intervention in conflict-affected societies (see, e.g. Young 2023, 413). Underscoring the need for 'a truly inclusive transitional justice paradigm' (Viaene and Brems 2010, 224) – and the fact that we are still a long way from achieving this – the article has the core aim of exploring what a more disability-inclusive transitional justice might look like. To this end, it emphasises two aspects of inclusiveness. The first is accessibility. Some scholars have discussed accessibility issues, especially in relation to outreach work (Hinton 2013; Ramírez-Barat 2012), archives and new technologies (Gavshon and Gorur 2019; Viebach 2021). It is also important to acknowledge instances where specific decisions and practical steps taken have contributed, at least to some extent, to enhancing the accessibility of particular transitional justice processes. One salient example relates to the Truth and Reconciliation Commission (TRC) in Sierra Leone (2002–4), which was 'the first to produce a report *specifically* for children' (Bond 2022, 423; emphasis in the original). Overall, however, the accessibility of transitional justice processes – from their design and operationalisation to the physical settings in which they take place and the materials that result from them – has not received substantive (or explicit) attention within research or praxis.

The second aspect of inclusiveness that the article foregrounds is storytelling. This is an important element of transitional justice (Viebach, Hovestädt, and Lühe 2021, 393) – even if it does not always fulfil victims' expectations (Bangura, Lonergan, and Themnér 2023, 10) – and it has been extensively discussed within extant scholarship (see, e.g. Baines and Stewart 2011; Hackett and Rolston 2009; Porter 2016). What this article strongly accentuates is the need for inclusive storytelling within transitional justice, meaning, inter alia, that disabled people have opportunities not only to tell their stories, but to do so in storytelling spaces that respect diversity in the sense of *how* stories are told. In making these arguments, the article invokes the concept of multi-sensory storytelling, which refers to stories 'we look at, listen to, smell and taste, feel and experience' (Sitter and Grittner 2021, 43). While multi-sensory storytelling has primarily been discussed in the context of intellectual disability (see, e.g. Lambe, Miller, and Phillip 2012; Ten Brug et al. 2015), this research maintains that the concept has a wider relevance and application to transitional justice. In the words of Alex Garcia (2023, 27), a writer and Deafblind Person, 'I dream that one day … Humankind will recover its wisdom and will understand my communication'. It is similarly important that transitional justice processes acknowledge, allow for and understand different forms of communication and storytelling.

The article is divided into three core sections. The first section explores the theme of inclusiveness and how it has been approached within transitional justice scholarship. It demonstrates that existing discussions about inclusiveness have largely overlooked disabled people, even though war, conflict and human rights abuses can be a major cause of disability. It further notes that disabled people frequently face stigma in 'transitioning' societies and it links this, in part, to persistent ideas associated with the so-called medical model of disability, which 'pathologize[s] disability as a problem located in "abnormal" bodies and minds that should be "fixed" through individualized medical intervention' (Jaffee 2016, 117). The second section centres on the issue of accessibility. In so doing, it draws on the social model of disability (Oliver 2004), to argue that

transitional justice processes should not themselves be part of the wider environments that contribute to experiences of disability. The third section focuses on storytelling, which it links to the human rights model of disability (Degener 2017). It underscores the rights of persons with disabilities – like anyone else – to share their own stories and to do so in their own chosen way, and it foregrounds the untapped potential of multi-sensory storytelling in this regard.

As a brief note on terminology, the UN Convention on the Rights of Persons with Disabilities (CRPD) – which was adopted in 2006 and entered into force in 2008 – refers to 'persons with disabilities' (UN 2006). This terminology puts the person first, rather than the disability. The term 'disabled people', in contrast, is an identity-first approach and 'comes from the perspective that the disadvantages experienced by disabled people are an outcome of society's exclusion of disabled people' (Aidley and Fearon 2021, 23). To respect the fact that some individuals and communities may prefer one approach over the other (Potts, Bednarek, and Watharow 2023) – which highlights important contextual and political issues interwoven with the issue of terminology (Suharto et al. 2016, 695) – this article uses the terms 'persons with disabilities' and 'disabled people' interchangeably. In accordance with article 1 of the aforementioned CRPD, it defines these individuals as including 'those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others'. These impairments and disabilities may be congenital or acquired, including through injuries and harms suffered during periods of war and armed conflict.

Thinking critically about the 'inclusiveness' of transitional justice

Dimensions of inclusiveness

Inclusiveness is a growing thematic within transitional justice scholarship. Haider (2017, 346), for example, has underlined that narratives of violence and human rights abuses should seek to be inclusive of victims, perpetrators and civilians, to facilitate 'a broad understanding of the context and mutual recognition of suffering'. Adopting a regional focus, Van der Merwe and Masiko (2020, 3) point out that 'Over the past three decades, there has been a significant normative shift towards support for inclusivity and diversity in transitional justice processes in Africa'. However, they also note that translating such support into actual practice has proven to be far more challenging (Van der Merwe and Masiko 2020, 3), and this is particularly the case when essential political backing is absent or lacking (Moody 2021, 123).

Issues of inclusion inevitably arise in discussions about victims' participation in transitional justice, from the limitations of such participation (Menzel 2020, 303; Robins and Wilson 2015, 222) to the importance of involving victims in the design of transitional justice processes and mechanisms (Méndez 2016, 1; Orentlicher 2007, 19). Some scholars and researchers, moreover, have focused heavily on the gender dimensions of inclusiveness (see, e.g. Aoláin 2009; Schulz 2020) or on particular groups, such as Indigenous populations (Luoma 2021; McAuliffe 2013) and children/youth (Ladisch 2013; Mitra 2022). Some have further addressed inclusiveness in the sense of critiquing the narrowness of transitional justice and what it leaves out, including colonial legacies and injustices

(Rolston and Aoláin 2018), structural violence (Balint, Evans, and McMillan 2014), socio-economic wrongs (Lai 2016) and more-than-human harms (Clark 2022).

The issue of inclusiveness has also frequently arisen in the context of discussions about the dynamics of transitional justice and the need for bottom-up approaches that reflect local preoccupations and concerns, rather than external policy agendas or the goals of a privileged elite (Firchow and Selim 2022; Lundy and McGovern 2008). Based on his research in Nepal, for example, Robins (2012a, 6) has argued that 'Post-conflict efforts to create transitional justice mechanisms continue to be elite led and to marginalize victims and their agendas, and to be dominated by a narrow legalism that neglects the priorities of victims'. In his research in Sierra Leone (in the town of Makeni), Millar found that there were significant differences in how local elites and ordinary people viewed the work of the country's TRC. His explanation for why educated elites positively assessed the TRC illuminates, in turn, another important dimension of inclusion; these elites were included 'within an interconnected global discourse' from which ordinary people in Makeni remained marginalised (Millar 2010, 493).

What about disabled people?

Within the broad framework of these multi-dimensional discussions about inclusiveness and transitional justice, it is striking that the issue of disability is rarely mentioned. This is even more surprising in view of the myriad examples, contemporary and historical, of war, armed conflict and large-scale violence exacerbating the effects of existing disabilities or creating impairments. In their research focused on Vietnam, for instance, Palmer et al. (2019, 872) found 'a significant link between wartime bombing and district level disability prevalence approximately 40 years after the war'. During the Libyan armed conflict (2012–7), the disability rate, according to Daw, El-Bouzedi, and Dau (2019), 'increased from a little over 1/1000 population in 2012 to slightly over 6/1000 in 2016'. For her part, Meekosha (2011, 668), whose work situates disability in the larger context of power relations between the global North and the global South, has stressed that 'Impaired people are "produced" in the violence and war that is constantly provoked by the North, either directly or indirectly, in the struggle over the control of minerals, oil and other economic resources'.

Furthermore, just as disabled people may be deliberate targets for acts of violence and human rights abuses in situations of war and armed conflict (Lord 2023, 68), they also often face discrimination and/or stigma in their communities and societies. The use of amputation, for example, was widespread during Sierra Leone's civil war (1991–2002), and Magnusson and Ahlstrom discuss some of the prejudices that amputees have faced. If the latter's wounds constitute embodied reminders of the war, factors such as poverty and cultural beliefs linking disability and witchcraft have additionally played a part in amputees' social exclusion (Magnusson and Ahlström 2012, 2122; see also Berghs 2011, 1402). Women with disabilities often face additional challenges (Cornelsen 2012, 106; Meer and Combrinck 2015, 15; UN 2006, article 6). In Cambodia, as one illustration, Gartrell and Soldatic's (2016, 376) research has analysed how discrimination manifests in culturally rooted stigma that exposes women with disabilities to higher rates of violence, including physical and sexual violence, compared to women who do not have a disability. Tefera et al.'s (2017, 1528) research in Ethiopia, moreover, has demonstrated

how negative societal attitudes about the ability of disabled women to care for their children and families further exacerbate disability-related marginalisation.

The stigmatisation of disabled people can also be linked to the medical mode of disability. While this model, as the name suggests, accentuates the role of the medical profession in managing or 'curing' individual disabilities (Llewellyn and Hogan 2000, 158), it has been shown, in some contexts, to feed into social attitudes that contribute to 'othering' and diminishing disabled people (see, e.g. Samararatne and Soldatic 2019, 324). Fundamentally, the medicalisation of disability, which effectively frames disability as an individual's problem, encourages the idea that disabled people are different and 'biologically inferior to non-disabled people' (Siebers 2019, 40).

The medical model of disability, however, has been heavily criticised (Fisher and Goodley 2007; Shyman 2016), leaving space for other approaches to disability to gain prominence. In particular, the medical model of disability has increasingly given way to the social model, which, as the name suggests, frames disability as a social rather than an individual phenomenon (Beaudry 2016, 211). It is the social model, in turn, that partly informs this article's arguments about making transitional justice processes more inclusive of disabled people.

Inclusiveness through accessibility

The relevance of the social model of disability

The human brain has often been regarded as a mysterious and closed off 'black box' (Reid and Baylis 2005). Developments such as functional MRIs and advances in the field of neurology and neuroscience, however, have steadily challenged this notion, providing crucial insights into the brain's inner workings and complexities. According to O'Connell (2011, 891–892), 'the brain is more accurately acknowledged as both embodied and embedded – embodied because it is inseparable from its functioning within the body, and embedded in its environment and in other people'. In other words, far from being a contained box, the boundaries of the brain are highly fluid and entangled with other systems (O'Connell 2011, 893). There are important parallels between this understanding of the brain and the social model of disability (although neurological diseases and conditions, of course, are only one cause of disability), which is similarly outward looking due to the attention it gives to wider environmental factors.

The social model conceptualises disability as a social construction. Pivotal in this regard is the distinction that the model makes between impairment and disability, a differentiation first introduced in 1976 by one of the early disability rights organisations in the United Kingdom – the Union of the Physically Impaired Against Segregation. In the social model of disability, impairment is understood as referring to the functional limitations that an individual experiences – due, for example, to a progressive neurological disease, such as multiple sclerosis, or a sensory impairment. Disability, in contrast, is viewed as 'a social state understood to be the outcome of social, political and economic processes that affect not only the lives of people identified as disabled but also those considered able-bodied' (Humpage 2007, 217). Viewed in this way, thus, disability is not located in the body. Rather, it is produced through social oppression and exclusion (Shakespeare 2017, 198) and 'externally imposed restriction' (Oliver 2004, 19).

The social model unquestionably represents a significant and 'far-reaching transformation' in how disability is conceptualised (Rembis 2020, 377). However, there are also several issues with it. One of the common criticisms is that it does not give sufficient attention to impairment itself and its effects. Terzi (2004, 150), for example, poses the question: 'if we imagine a society where barriers and discrimination against disabled people were totally overcome and therefore nonexistent, how would the experience of impaired people be configured?' In other words, the removal of oppression – which Owens (2015, 389) describes as a nebulous and under-theorised concept – does not itself change the existence of an impairment or the challenges that it may pose. It will not, for instance, reduce the limitations that a person with a visual impairment might face in recognising and reading non-verbal cues and messages (Terzi 2004, 150); and nor will it alter the four-limb paralysis of someone who is quadriplegic. Quadriplegia, as Anastasiou and Kaufmann (2013, 444) point out, is subject-independent, and this is separate from the issue of how an individual actually experiences quadriplegia, which is subject-dependent.

Another criticism is that the core premise of the model – that disabled people *are* oppressed – assumes precisely what it needs to prove. One of the consequences is that 'A circularity enters into disability research: it is logically impossible for a qualitative researcher to find disabled people who are not oppressed' (Shakespeare 2017, 200). Questions have additionally been raised about the comprehensiveness of the model. Chappell, Goodley, and Lawthom (2001, 46) point out that those committed to the model 'have applied it with great enthusiasm to physical and sensory impairment', while neglecting individuals with learning difficulties. Evans and Baillie, for their part, have queried the range of experiences that the model can accommodate. They give the example of individuals with hearing impairments who are fitted with cochlea implants, noting that 'The resulting impact of this medical treatment on their hearing impairment may then reduce the disability experienced' (Evans and Baillie 2022, 1640).

It is important, however, to emphasise that Oliver, the first person to use the term 'social model of disability', made very clear that he did not regard the model as providing all of the answers. In his words, 'At no point did I … claim that the social model was an all-encompassing framework within which everything that happens to disabled people could be understood or explained' (Oliver 2013, 1024). This article argues that the model, notwithstanding its various limitations, offers a useful starting point for thinking about how to make transitional justice more inclusive of disabled people and their experiences, due to the emphasis it puts on disabling environments. The critical follow-on point is that transitional justice processes should not themselves in any way create or exacerbate conditions that limit the participation of disabled people. This necessarily brings into sharp focus important questions about the accessibility of these processes.

Accessibility issues in transitional justice

UN Security Council Resolution 2475, adopted in June 2019, recognises 'the particular barriers faced by persons with disabilities in accessing justice, including access to effective remedies and, as appropriate, reparation, in relation to violations of international humanitarian law' (UN Security Council 2019). Relatedly, the introduction to the 2020 International Principles and Guidelines on Access to Justice for Persons with Disabilities accentuates that 'While access to justice is fundamental for the enjoyment and fulfilment

of all human rights, many barriers prevent persons with disabilities from accessing justice on an equal basis with others' (UN Special Rapporteur on the Rights of Persons with Disabilities et al. 2020, 6). These include attitudinal barriers (True-Frost 2022, 80) and physical barriers (e.g. inaccessible buildings, such as police stations or courtrooms), as well as economic barriers linked to the fact that poverty levels are disproportionately high among disabled people (UN Division for Social Policy Development and Department of Economic and Social Affairs 2016, 7). Issues of accessibility have nevertheless received relatively little attention within the field of transitional justice.

There has been some research on the public accessibility of archives, including court transcripts and audio-visual records (Anderson 2019; Viebach 2021). These archives are an intrinsic part of the legacy of transitional justice processes, including criminal trials and TRCs. For example, the archives of the International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Tribunal for the former Yugoslavia (ICTY) – which completed their mandates in 2015 and 2017 respectively – include thousands of documents, exhibits, photographs and maps. The UN International Residual Mechanism for Criminal Tribunals (IRMCT), established in 2012 to carry out various 'essential functions' previously undertaken by the ICTR and ICTY, is responsible for the archives of these tribunals. The IRMCT has an access policy relating to the records it holds. This policy states that:

> The overall approach to the provision of access to the records and information provided by the Mechanism is that the work of the Mechanism shall be open and transparent, except where the nature of the records and information concerned is deemed classified. (IRMCT 2019)

It is interesting to note, however, that there is nothing in the policy about the accessibility of the archives to disabled people, such as individuals with visual impairments or learning difficulties.

Related to the issue of archives, some scholars have discussed the significance of new technologies for transitional justice (Bernasconi, Lira, and Ruiz 2019; Pham and Aronson 2019), and there has been some acknowledgement of accessibility issues in this regard. While exploring what data visualisation techniques can bring to the field, for example, Gavshon and Gorur (2019, 89) point out that not all visualisation is beneficial in the sense of aiding an individual's comprehension of the information provided. They specifically raise concerns about 'the accessibility of visualization for users with varying abilities relating to sight and understanding of numeracy' (Gavshon and Gorur 2019, 90). The existence of vast disparities and inequalities in individuals' access to technology, moreover, underscores the need for larger debates about accessibility in transitional justice contexts. Important issues include the physical accessibility of transitional justice processes (which often take place in urban areas) to poor and rural communities (Robins 2012b, 94), and the political, contextual and practical accessibility of victims' rights, including the right to reparations (Baker and Obradovic-Wochnik 2016, 292; Gilmore and Moffett 2021, 472).

If transitional justice is yet to substantially engage with questions of accessibility, the larger and related point is that there have been relatively few concrete actions taken to make transitional justice processes more inclusive of and accessible to disabled people. At best, there have been isolated piecemeal developments (and not always in the context of actual transitional justice processes), although they are important steps in

the right direction and should be acknowledged as such. In March 2021, as one example, MINUSCA, the UN peacekeeping mission in the Central African Republic (CAR), organised a workshop on transitional justice for the visually impaired. The aim of the workshop, which included 50 participants in the capital city Bangui, was to open a space for discussion about the law underpinning the CAR's Truth, Justice, Reparation and Reconciliation Commission (CVJRR). According to the UN Peacekeeping website (2021), 'Spreading the word on the CVJRR will help improve access to justice for victims of armed conflict, conflict-related sexual violence, gender-based violence and many other human rights violations'. Relatedly, Pentelovitch (2008, 456) has noted that the Outreach section of the Special Court for Sierra Leone, which completed its mandate in 2013, employed '"a visually impaired person to serve as a consultant" on how to address the specific needs of people with disabilities'. This ultimately led to the Court producing materials in Braille.

The ICTY's architecture included a Victims and Witnesses Section (VWS). The VWS prepared an Information Booklet for ICTY Witnesses (although it is unclear from the Tribunal's website whether this was available in accessible formats), which briefly addressed the issue of special needs and stated:

> We may also be able to assist you with special services if you suffer from any disabilities or conditions that cause you difficulty in travelling or being away from home, or if you require a family member or friend to travel with you. (ICTY VWS 2007)

The support that the VWS offered, however, appeared to place a greater emphasis on the vulnerability of persons with disabilities than on their rights to access and participate in transitional justice processes. Illustrating this, a report by the University of North Texas and the VWS (2016, 83 n86) stated:

> In specific cases it is important that VWS ensures that more vulnerable witnesses are accompanied by a support person for the duration of time that they are required to stay in The Hague. The VWS determines vulnerability of the witness by witnesses' age, psychological condition, risk of re-traumatization, health condition or disability requiring intensive daily support, or any other particular witness' circumstances requiring specific support.

More recently, the issue of disability arose directly in the criminal proceedings against Dominic Ongwen, a former child soldier who stood trial at the International Criminal Court in The Hague for crimes against humanity and war crimes committed in northern Uganda between 2002 and 2005. The *amici curiae* ('friends of the court') stressed the CRPD's significance to the case (and to Ongwen's appeal), asserting that: 'The CRPD is relevant in this matter because the issues include whether Mr. Ongwen should be relieved of criminal responsibility because of "mental disease or defect"' (Prosecutor v. Ongwen 2021, para. 4). Ultimately, they argued that the provisions of the CRPD require an 'alternative' approach to criminal responsibility, meaning one that 'is framed and applied to take account of the lived reality of persons with disabilities on an equal basis with others' (Prosecutor v. Ongwen 2021, para. 38). They also underlined the need for 'inclusive design of the legal framework in contrast to approaches that further stigmatize persons with disabilities and reinforce their social exclusion' (Prosecutor v. Ongwen 2021, para. 56). This international criminal law example is also pertinent to transitional justice and speaks to both the social and human rights models of disability (the latter is discussed below).

The above developments, while important, fall short of a systematic approach to addressing the general neglect and marginalisation of disability, and disabled people, within transitional justice processes. Hollander and Gill (2014, 224) have underscored the need for disability mainstreaming in transitional justice contexts. Yet, disability mainstreaming can easily become mere empty rhetoric that does not carry through into concrete actions on the ground. In their work in Sierra Leone, for example, Asiedu and Berghs (2012, 145) argue that 'Contrary to the policies of disability mainstreaming professed by international humanitarian agencies, amputees were segregated in special camps after the conflict on the promise of special medical and counseling services'. A genuine commitment to disability mainstreaming could be demonstrated if all transitional justice processes, from their inception and design to their operationalisation, were to explicitly include discussions about, and attention to issues of accessibility, as part of a wider debate within the field about inclusiveness.

Simply ensuring that transitional justice processes are accessible in the sense that disabled people are able to participate in them, however, is not enough without greater attention to the question of what this participation might look like – and what persons with disabilities can potentially contribute to transitional justice. In this regard, the article highlights a crucial linkage between inclusiveness and storytelling – the focus of the final section. Smith and Sparkes (2008, 18) argue that 'We live in story-shaped worlds'. Transitional justice processes can themselves be seen as story-shaped worlds. The issue is whether these worlds are sufficiently inclusive of, and able to accommodate, storytelling in all its diversity.

Inclusiveness through storytelling

The relevance of the human rights model of disability

Described as offering 'a formidable basis for a newly minted disability discourse based in rights as non-negotiable, authoritative and universal' (Flynn 2022), the human rights model of disability recognises the inherent dignity and equality of all peoples, irrespective of disability or difference (Kanter 2003, 247). According to Degener (2016, 3), moreover, 'Only the human rights model can explain why human rights do not require absence of impairment'. While this model places a strong accent on persons with disabilities as rights holders, it also acknowledges the significance of wider environments in contributing to disability (Waddington and Priestley 2021, 3). In other words, there are synergies between the human rights and social models of disability, and the aforementioned CRPD exemplifies this. Its definition of persons with disabilities, referred to in the article's introduction, very much reflects a social model of disability (see, however, Degener 2016, 19). At the same time, the Convention makes prominent the human rights of persons with disabilities. Its Preamble, for example, recognises 'the importance of accessibility to the physical, social, economic and cultural environment, to health and education and to information and communication, in enabling persons with disabilities to fully enjoy all human rights and fundamental freedoms' (UN 2006, para. v).

The nexus between the social and human rights models of disability – which others have examined in detail (see, e.g. Berghs et al. 2019; Lawson and Beckett 2021) – is beyond the scope of this article. What this section accentuates, rather, is the relationship

between the human rights model of disability and storytelling. Indeed, Dawes (2009, 394) maintains that at its very core, human rights work is about storytelling. In his words, 'for those in need of rescue and care, the hope of being able to tell the story is sometimes the only hope' (Dawes 2009, 394). Further linking human rights and storytelling, Limbu (2018, 75) describes the latter as a 'supplement or technology' that makes legible the human in human rights.

Research has explored the importance of storytelling as a support to end-of-life preferences and decisions in the context of people with profound intellectual and multiple disabilities (Watson, Voss, and Bloomer 2019); the use of story-centred advocacy campaigns in promoting disability rights (Trevisan 2017); and the success of members of the Deaf community in challenging flawed social-cultural representations of deafness – and thereby asserting their rights – through the use of online storytelling (Maia and Garcêz 2014). Of particular significance to the discussion that follows, however, is Rioux and Cerbert's (2003, 2) argument – even if it is not specifically about storytelling – that:

> a rights model of disability perceives variation in human characteristics associated with disability, whether in cognitive, sensory, or motor ability, as inherent to the human condition. Such variations do not limit potential contributions to society, but rather diversify the range of potential contributions and the range of mechanisms to ensure individual potential is realized.

The final part of this article submits that to demonstrate their normative and practical commitment to inclusiveness, transitional justice processes should not only give more attention to the issue of disability but should also recognise how the 'variation' to which Rioux and Carbert refer affects how individuals may tell – and wish to tell – their stories. To be clear, it does not associate diversified forms of storytelling only with disabled people, but it seeks to show how they – as important and neglected transitional justice actors – can potentially contribute to new and enlarged storytelling spaces within the field.

Storytelling and transitional justice

According to Cavarero (2000, 33), 'Each one of us knows that who we meet always has a unique story [*storia*]. And this is true even if we meet them for the first time without knowing their story at all'. One of the oft-cited justifications for undertaking transitional justice work is to give those who have suffered violence and human rights abuses the opportunity to tell their own unique stories. The website of the former ICTY, as one illustration, includes a 'Voice of the Victims' section; this notes that 'The Tribunal's courtrooms have heard hundreds of victims tell what are often painful and tragic stories about what they saw and experienced' (ICTY, n.d.). To take a different example relating to the South African TRC, which was established in 1995 following the end of apartheid, 'Posters featuring a portrait photograph of an elderly, black, unnamed woman alongside an invitation to people to "Tell Your Story", made by the Centre for the Study of Violence and Reconciliation, advertised the Commission's work prior to the first hearings' (Ross 2003, 328). In Northern Ireland, in contrast, transitional justice work has largely been undertaken by grassroots organisations, which, as Schmidt et al. (2022) observe, 'have long used storytelling as a form of peacebuilding work, making it one of the dominant forms for dealing with the past'.

Storytelling can take highly creative and expressive forms, as growing research on art and transitional justice demonstrates (see, e.g. Garnesy 2016; Jeffery 2021; Kurze and Lamont 2019). Indeed, Shefik (2018, 321) insists that creativity 'should not be seen as a luxury at the edge of transitional justice, but rather as a necessity at the heart of the work'. Storytelling can also be formal – such as courtroom testimonies and statements given to TRCs – or more informal. As an example of the latter, the Voices of Memory project in Tunisia – which included a graphic novel and an art exhibition – brought together a group of women, as a collective, to collaboratively explore whether and how their experiences should be shared both within Tunisia and further afield. A central motif in the project – reflecting its recurrence in the women's narratives – was the *quffa*, a traditional basket in Tunisia used to take food to prisoners. According to Ladisch and Yakinthou (2020, 96), the *quffa*, as a common everyday object, 'helped to open up the space for more stories and to highlight previously invisible violations'.

Within transitional justice literature, many benefits of storytelling have been identified. The process has been variously associated with healing (Androff 2012, 44), closure (Fox and Cunningham 2022, 253), relationship-building (Al-Hassani 2021, 519) and resilience (Bamidele 2017, 83). Scholars have also highlighted, however, some of the limitations of storytelling and the challenges that it poses. Hackett and Rolston (2009, 356), for example, juxtapose the 'simple truth' that victims should have opportunities to tell their stories and to be heard with the reality that 'establishing mechanisms to enable that to happen is difficult and complex'. Henry (2009, 125–126) underlines that in criminal trials, where courtroom dynamics and the exchanges between Prosecution and Defence necessarily interrupt and fragment storytelling, 'Witnesses are rarely permitted to tell the court their stories in their words'. Ross (2003, 329), reflecting on the South African TRC, has pointed out that while some individuals who gave testimony were 'consummate tellers', others found the process far more difficult; 'the setting was intimidating and the suffering of which they spoke too great to bear easily in words'.

The experiences of persons with disabilities are extremely meaningful to these many discussions about storytelling and transitional justice – from which they remain conspicuously absent. For example, life-changing injuries that alter the physicality or function of the body – and, by extension, body-environment interfaces (Ripat and Woodgate 2012, 910) – will potentially shape what the storytelling body desires to tell and how. Reflecting on a woman in Sierra Leone whose limbs were severed during the country's civil war, Mensch (2009, 77) underlines that 'What is mutilated is not just her body, but also her body-dependent projects. The mutilation extends to her pragmatic understanding of the world and her being in it'.

Smith's (2007, 395) broader argument that 'we tell stories about, in, out of, and through our bodies' also illuminates the importance of thinking about storytelling and bodies with disabilities and impairments, including developmental disabilities that might affect how the storyteller communicates and interacts with others (Hydén and Antelius 2011, 589). Norris, Crane, and Maras (2020, 1507), for example, note that 'Autistic people often experience difficulties in recalling specific personal episodic memories'. They accordingly propose, based on their own research findings of working with adults with autism in the criminal justice system, that 'flexibly employing different methods of questioning support may be valuable in supporting recall by autistic and TD [typically developing] people in different contexts' (Norris, Crane, and Maras 2020, 1516). These points are clearly germane to

transitional justice. Unfortunately, however, growing research on autism and other forms of neurodiversity in the context of criminal justice systems (see, e.g. McVilly et al. 2022; Shea, Cooper, and Wilson 2021) has not yet carried over to the field of transitional justice. This is just one example that powerfully spotlights the need for transitional justice scholars and practitioner to give critical attention and thought to the inclusiveness of storytelling spaces within transitional justice practice – and the extent to which these spaces acknowledge and support neurodevelopmental and other forms of diversity.

Towards multi-sensory storytelling

Highly pertinent to this discussion about storytelling and transitional justice is the concept – introduced at the start of this article – of multi-sensory storytelling, a type of storytelling that draws on multiple senses (Young et al. 2011, 128). In his work on war ethnography, Al-Masri (2017, 37) argues that 'Methodical attention to the sensory […] is one of the ways that can help in capturing the experience of "living-in" violence'. This 'living in' violence is often a multi-sensory experience that variously involves and attacks our visual, auditory and olfactory senses. It follows, therefore, that individuals may similarly engage and use multiple senses in communicating their stories. Like any type of storytelling, moreover, multi-sensory storytelling can take many forms. It might, for example, involve a drawing or a piece of music, the description of a memorable smell or taste or the re-creation of a distinct sensation using fabric. In this way, multi-sensory storytelling can be viewed as part of the wider 'web of connections constituting the relationship between transitional justice and art' (Garnesy 2016, 474).

The concept has particular – although by no means exclusive – relevance in relation to individuals with sensory impairments. When one sense is lost, other senses take over, in a process of 'neural redeployment' (Eagleman 2021, 42). The neuroscientist Eagleman (2021, 38), for example, notes that 'in the deaf, the auditory cortex becomes employed for vision and other tasks'. In other words, sensory impairments can enhance the criticality of other senses in individuals' storytelling processes. It is also instructive to underline in this regard that 'Hearing, deafness, and seeing operate as ideal types, which downplays continuums between and multiplicities of sensory capabilities' (Friedner and Helmreich 2012, 74). These 'multiplicities', in particular, have an unexplored significance for transitional justice.

As previously mentioned, multi-sensory storytelling has mainly been discussed and explored in relation to individuals with profound intellectual disabilities. Operationalisation of the concept in transitional justice contexts, however, would lay the foundations for more inclusive forms of storytelling and, by extension, contribute to fostering deeper and 'thicker' accounts of individual experiences of violence and suffering. It would also enable courts and TRCs, for example, to tap into the 'the multisensory nature of memory and grief' (Hammett, Harrison, and King 2020, 261). This would be particularly useful in situations where victim-witnesses were struggling to recall certain details or to verbalise their memories in a 'conventional' format. It is interesting to note, therefore, that the Extraordinary Chambers in the Courts of Cambodia (ECCC):

> has admitted paintings as forms of evidence and drawn on traditional and contemporary art forms, ranging from classical Khmer dance to photography and interactive theatre, as modes of outreach and means of providing complementary justice in the form of reparations. (Jeffery 2021, 336)

Such examples offer a possible starting point for developing multi-sensory forms of storytelling – which must be acknowledged as such – that are inclusive and have the potential to substantially enrich transitional justice mechanisms, including the 'truths' that they establish and document.

People with disabilities have a crucial part to play in making multi-sensory storytelling a recognised part of transitional justice. It is also important to acknowledge, however, that they have already, in some cases, actively created their own storytelling spaces. An interesting example in this regard is Hartley's research with a group of former militia members in Lebanon who became disabled during the country's civil war from 1975 to 1990 and were living in a rehabilitation hospital. She notes that through their storytelling – in which war and disability were intersecting themes – the residents at the rehabilitation hospital supported each other and found meaning in what they had gone through. In her words, the hospital 'provided a "safe" space within which stories of heroism and sacrifice could be told and where the residents did not have to justify their past actions' (Hartley 2012, 191). She adds that if these individuals were to leave the hospital, they would thus have to 'leave behind the very thing that made their disability meaningful and instead join the ranks of "naturally" disabled people' (Hartley 2012, 191). In other words, these former militia members with acquired impairments had actively used their current situation to forge their own storytelling spaces – in the informal setting of the rehabilitation hospital – that were helping them to deal with their experiences.

The larger point is that as a consequence of their storytelling and story-sharing, some disabled people have come together to actively campaign for what they need from official processes of dealing with the past. A notable example is the activism of the WAVE Injured Group (part of the WAVE Trauma Centre) in Northern Ireland and its ultimately successful Campaign for Recognition, which included demands for material reparations. According to Gallagher (2021, 355), a member of the WAVE Injured Group and survivor of a Loyalist paramilitary attack:

> My identity, or part of it, before engaging with WAVE, was that of a victim of the Troubles. Upon meeting others, with similar experiences and grievances, this single identity was transformed into a new collective identity as part of the WAVE Injured Group. Solidarity was built. We became politicised. We had new aims, new strategies, and a new focus. Once we started on the campaign, we could not stop until it was over; until we had achieved a successful outcome.

People with disabilities, in short, are important transitional justice actors. Hence, the inclusiveness that this section has emphasised is not only about ensuring that these men and women have opportunities to tell their stories within official processes of dealing with the past (they may create their own opportunities at an informal level). It is also about making sure that their contributions to these processes (which need not involve formal testimonies) are fully credited, acknowledged and made visible, not least because they may inspire other disabled people.

Conclusion

True-Frost (2022, 80) points out that 'Most justice systems still present tremendous challenges to PWD [persons with disabilities], whether as suspects, defendants, witnesses, or victims'. To guard against persons with disabilities being overlooked and marginalised,

moreover, she suggests that 'perhaps the best prospects are for the global community to ensure international recognition of disability-specific crimes against humanity' (True-Frost 2022, 80). As criminal trials are an important component of transitional justice, True-Frost's idea could be one way of potentially addressing the neglect of disabled people within transitional justice processes. Her suggestion, however, would be difficult to operationalise and could conceivably contribute to further 'othering' disabled people.

Rather than advocate for the creation of disability-specific crimes, this article has instead underlined the need for more inclusive ways of dealing with the past. It has focused on the issues of accessibility and storytelling, linking them, in turn, to the social and human rights models of disability. There is little discussion (and certainly not explicit discussion) about accessibility within the field of transitional justice. One important practical step forward would be for all transitional justice processes – and in particular criminal courts/tribunals and TRCs – to have an Inclusion and Accessibility Officer/Office, with responsibility for ensuring that these processes are as comprehensive as possible and do not neglect particular individuals or communities. Such a development would benefit all victims and survivors.

In contrast to issues of accessibility, storytelling is a common and recurring theme within transitional justice scholarship. What this research has uniquely accentuated, however, is the need for storytelling spaces that accommodate and recognise the diverse ways that individuals may relay and communicate their stories, highlighting in this respect the significance of multi-sensory storytelling. According to Kearney (2002, 130), 'There is an abiding recognition that existence is inherently storied. Life is pregnant with stories'. Hence, stories fundamentally matter for transitional justice, including in the negative sense that victim hierarchies (Lawther 2022) can become further entrenched when storytelling is made easier for some than for others – or when some stories are prioritised over others. This article used an example from the work of the ECCC as one suggestion for weaving multi-sensory storytelling into formal transitional justice processes. Additionally, such storytelling could be incorporated into museums – an important part of transitional justice (Mannergren Selimovic 2022) – in the form of multi-sensory exhibits that give visitors the opportunity to experientially learn about and connect with victims' stories. Efforts to create 'a total sensory experience' (Miller 2021, 178) in the context of transitional justice work would be entirely novel and a unique way of engaging all sections of society in processes of dealing with the past.

This article, to reiterate, is not seeking to exceptionalise persons with disabilities. As Lord (2023, 67) argues: 'a disability perspective does not mean creating "special" rights or the prioritization of persons with disabilities … Rather, it is an analytical tool that facilitates the better identification of differential roles, needs, barriers and functions of individuals with disabilities'. This 'tool' has an integral part to play in transitional justice research and praxis. Future research, for example, should examine how people with disabilities experience transitional justice interventions, what challenges they face in accessing transitional justice and whether and how they overcome these challenges. Such research, while valuable in itself, would also provide new insights into some of the structural violence which forms a broader contextual backdrop to many transitional justice processes (Nagy 2008, 284). Jaffee (2016, 117), for example, underlines the entanglement of disability and geopolitics and, 'in particular, how disability injustice is bound up with settler-coloniality'.

The 'tool' to which Lord refers is also extremely useful for exploring some of the ways that disabled people can themselves contribute (just as other victims can) to transitional justice. Goodchild, Ambrose, and Maye-Banbury (2017, 137) distinguish between three types of storytelling: individuals' personal stories; 'learning stories' that draw attention to successes and failures and 'persuasive storytelling' that communicates ideas and can help to generate a consensus on the need for action. All three types are apposite to the issue of disability and transitional justice, which reinforces the pivotal point that disabled people are important yet largely unrecognised transitional justice actors whose 'creative agency' (Sandberg, Tutenges, and Copes 2015, 1171) should be acknowledged and supported. This is one of the key challenges for transitional justice moving forward. It is also consistent with the CRPD (UN 2006) – overlooked in transitional justice research and practice – and in particular with article 8(1)(c), which refers to promoting 'awareness of the capabilities and contributions of persons with disabilities'.

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