

# Do People in the Middle East and North Africa Want Retributive Justice for Atrocities?

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Retributive justice, often pursued through the punishment of those who perpetrate harms, is one approach to seeking to repair the wrongs caused by human rights violations. While some victims and communities strongly desire retributive justice, others are against it. This brief explores how people in the Middle East and North Africa (MENA) think about retributive justice for past atrocities. What are their demands for accountability, and what are their attitudes toward retribution, amnesty, and forgiveness? What types of punishments do they think are appropriate, and how do they think retributive justice should be carried out?

Research on attitudes toward transitional justice (TJ) is a burgeoning area of research, with many scholars conducting surveys and qualitative work with communities and direct survivors of war crimes, genocide, and crimes against humanity. However, there are still relatively few studies conducted in the MENA region. Valuable research in this area has typically been led by international and civil society organizations. This review focuses on both scholarly and policy research on attitudes toward TJ, primarily in Iraq, Lebanon, and Syria, supplemented with studies from Algeria, Iran, Libya, and Tunisia.

Despite perceptions that some populations in MENA seek retributive justice and harsh punishments,<sup>1</sup> research paints a more nuanced picture. Broadly, people in the MENA region who have been affected by past atrocities want to seek justice and generally do not want to “forget the past.” While retribution is often a key motivating factor, most people support accountability processes that respect the rule of law, and studies demonstrate support for due process rights. Support for the death penalty remains high. Domestic criminal trials are generally preferred to international tribunals, and international involvement in TJ is often viewed with suspicion. Amnesties or forgiveness are generally seen as acceptable for lower-level perpetrators. Importantly, this literature suggests there are both opportunities and challenges for communal reconciliation in MENA countries that have experienced armed conflict. Though some observers have criticized retributive justice measures for not being victim-centered,<sup>2</sup> evidence from MENA suggests these approaches are desired by many victims. Understanding such attitudes is necessary for designing TJ mechanisms that bring survivors a sense of justice and help to prevent continuing cycles of violence.

## Research suggests:

People in MENA want to seek justice for past atrocities through the rule of law, rather than through extra-legal means.

Desires for retribution and non-repetition are key motivators for seeking justice, and retributive TJ mechanisms are strongly supported.

Support for the death penalty remains relatively high.

There is some support for amnesty or forgiveness of lower-level perpetrators or associates of perpetrators.

Domestic trials are generally preferred, and international involvement is viewed with suspicion, though minority ethnic or religious groups may prefer international prosecutions.

<sup>1</sup> For example, see Mojtahedi, M.H., & J. van Wijk. 2021. “Islamic Law and the Balancing of Justice and Peace in Iraq’s Post-IS Landscape.” *International Journal of Transitional Justice* 15(2):407–427.

<sup>2</sup> For example, see Robins, S. 2012. “Challenging the Therapeutic Ethic: A Victim-Centred Evaluation of Transitional Justice Process in Timor-Leste.” *International Journal of Transitional Justice* 6(1):83–105.

## Studies on MENA Attitudes

The 14 studies included in this review are summarized in the table below. These studies were identified through a targeted search strategy, covering both academic and policy literature, for methodologically rigorous studies on attitudes toward TJ in MENA countries. These are not all studies on this topic, but are those that contribute particularly robust evidence.

Citation	Country	Population	Methodology
Akhavan, P., S. Ashraph, B. Barzani, & D. Matyas. 2020. "What Justice for the Yazidi Genocide? Voices from Below." <i>Human Rights Quarterly</i> 42(1):1–47.	Iraq	Displaced Yazidis and other minority groups in Erbil and Dohuk, Iraq	Survey (N=850), purposive sample; qualitative interviews (N=50)
Al Tuma, A. 2018. <i>A Will to Punish: The Shia View of Dealing with ISIS Suspects in the Hands of Iraqi Justice</i> . United Nations University.	Iraq	Residents in 5 Shia-majority provinces in Iraq	Survey (N=1,146), purposive sample
Charney, C. & C. Quirk. 2014. "He Who Did Wrong Should be Accountable": <i>Syrian Perspectives on Transitional Justice</i> . International Center for Transitional Justice.	Syria	Syrian residents of 6 Syrian cities and displaced Syrians in Jordan and Turkey	Qualitative interviews (N=46), purposive sample
Fabbe, K. & T. Sinmazdemir. 2018. "Syrian Refugees in Turkey and the Politics of Postconflict Reconciliation." <i>Review of Middle East Studies</i> 52(2):249–262.	Syria	Syrian refugees in 4 Turkish cities; districts with high Syrian concentration	Survey (N=1,384), random sample
Kao, K. & M.R. Revkin. 2023. "Retribution or Reconciliation? Attitudes Toward Rebel Collaborators in Iraq." <i>American Journal of Political Science</i> 67(2):358–373.	Iraq	Sunni Arab residents of Mosul, Iraq	Survey experiment (N=1,458), random sample
Maleki, A. & P. Tamimi Arab. 2023. <i>Iranians' Attitudes Toward the 2022 Nationwide Protests</i> . The Group for Analyzing and Measuring Attitudes in Iran (GAMAAN).	Iran	Iranians in Iran (nation-wide; literate only)	Survey (N~200,000), nationally representative sample
Mironova, V. & S. Whitt. 2022. "Due Process and Accountability Under TJ: Evidence from Mosul, Iraq." <i>The Journal of Conflict Resolution</i> 66(9):1650–1675.	Iraq	Residents of Mosul, Iraq, and nearby IDP camps	Survey experiment (N=596), random sample
NPWJ & KADEM. 2014. <i>Accounting for the Past in Tunisia: An Assessment of Accountability and Transitional Justice Expectations and Perceptions Across the Country</i> . No Peace Without Justice (NPWJ) and Al-Kawakibi Democracy Transition Center (KADEM).	Tunisia	Residents of 7 cities and surrounding regions in Tunisia	Survey (N=403), purposive sample
Pham, P., N. Bhuta, P. Vinck, & N. Alahmad. 2004. <i>Iraqi Voices: Attitudes Toward TJ and Social Reconstruction</i> . International Center for Transitional Justice.	Iraq	Iraqis in Iraq (nation-wide)	Qualitative interviews and focus groups (N=395), purposive sample
Silva, R., N. Ahmad, N. Al Maghlouth, & T. Guberek. 2014. <i>How People Talk About the Lebanon Wars: A Study of the Perceptions and Expectations of Residents in Greater Beirut</i> . International Center for Transitional Justice.	Lebanon	Lebanese and Palestinian residents of 5 neighborhoods of Beirut, Lebanon	Qualitative focus groups (N=113), purposive sample
TDA. 2014. <i>Pilot Survey on Transitional Justice</i> . The Day After (TDA).	Syria	Residents of 14 areas of Syria, displaced Syrians in refugee camps in Jordan and Turkey	Survey (N=1,602), purposive sample
TDA. 2019. <i>Conditions of Victims and their Attitudes towards Accountability and Reparations</i> . The Day After (TDA).	Syria	Residents of 7 governorates of Syria, displaced Syrians in 4 countries	Survey (N=2,131), purposive sample
UNDP. 2017. <i>National Reconciliation in Libya: A Baseline Survey</i> . United Nations Development Programme.	Libya	Libyans in Libya (nation-wide)	Survey (N=2,086), random sample
Zeraouia, F. 2022. "National Reconciliation in Algeria from a Bottom-up Approach: Analysing Victims' Narratives." <i>The Journal of North African Studies</i> 27(5):862–893.	Algeria	Residents of Jijel, Algeria	Ethnographic study (9 months)

Ten of these studies used surveys (or survey experiments) to collect data. Due to the challenges of reaching specific survivor groups, displaced persons, and residents in conflict-affected areas, few surveys used random sampling. When underlying population parameters are known, findings of surveys using random samples may be generalized to the population; however, in most of the included studies using random sampling, such parameters were unknown. Most of the surveys instead used a purposive sampling approach, in which researchers aim to include participants from key ethnic and/or religious groups, age groups, genders, and other relevant identities; most of the surveys also employed large sample sizes. While these steps provide some support for generalizing substantive findings, it is important to recognize that surveys with non-random samples do not statistically represent the characteristics of the underlying population and point estimates should not be applied to the population as a whole.

Five studies used qualitative data collection methods, including interviews, focus groups, and ethnographic research. Qualitative studies typically have smaller sample sizes than surveys due to the resource-intensiveness of data collection, but provide more detailed, nuanced information on participants' experiences and opinions. Researchers typically select participants purposively, aiming to include all or most relevant identity groups within the population. As with non-representative surveys, results should not be generalized to the entire population, but can nonetheless provide important insights into attitudes.

## Attitudes Toward Retributive Justice in MENA

### *People want justice for past atrocities through the rule of law rather than extra-legal means*

Five of the studies asked participants their general attitudes toward justice or accountability for past atrocities. In all, there was overwhelming support for seeking justice through transitional mechanisms (including both judicial and non-judicial processes). While ideas about justice vary, a consistent theme across studies was support for the notion of justice as based in the rule of law and/or with fair trials of perpetrators, as opposed to seeking justice through revenge or other extra-legal means, with only a few studies finding exceptions.

In Iraq after the 2003 U.S.-led invasion, study respondents described a just society in terms of non-discrimination, good governance, transparency, rule of law, and respect for women's and children's rights (Pham et al. 2004). **Across all identity groups, there was strong support for holding perpetrators of human rights violations accountable, particularly through a legal process.** One participant stated: *"They should be tried in an open, public trial, and their punishment should be defined according to law."* Another said: *"They will not be punished the same way they acted with the people; rather, they will be tried by a just judiciary inside Iraq."*

**Later studies in Iraq near or after the military defeat of the Islamic State (IS) also indicate strong support for seeking justice for IS atrocities within the rule of law.** In a 2016 survey of Yazidis in Iraq, 99% said they wanted to seek justice for IS crimes (Akhavan et al. 2020). When asked what justice meant to them, the most common response was "international protection against further harm" (69% of respondents), followed by "fair trial of the perpetrators followed by punishment" (62%). A survey experiment conducted in Mosul and nearby displacement camps demonstrated that respondents care about the fairness of trials for IS members (Mironova and Whitt 2022). They saw hypothetical trials of IS affiliates as less fair when there were due process violations. Respondents, even those who opposed IS, were also less likely to support the sentence (the death penalty) when the trial contained errors. A minority of respondents overall believed trials were motivated by revenge, but this was significantly higher when the hypothetical trial had errors (15% vs. 42%). However, those who *supported* IS typically disagreed with the sentence, regardless of due process, and most believed the outcome was motivated by revenge.

**Findings from research with Syrians show a similar desire for accountability under the rule of law.** In a 2014 study conducted in Syria and with displaced Syrians, most participants, including those for and against the Assad regime, said they wanted those who committed human rights abuses on any side of the conflict to be held responsible (Charney and Quirk 2014). A vast majority rejected the idea of forgiving and forgetting. In response to the option of "forgiving and forgetting," one respondent said: *"Forget the past?... And leave them wandering among us? They should be held accountable for all their crimes, no matter what side they belong to."*

**Most preferred perpetrators to be held accountable by the Syrian justice system.** Many were concerned about Syria's "culture of revenge," and saw institutionalized, legal accountability processes as the alternative. One respondent explained, *"Certainly there are some people who should be held accountable. If they are not held accountable by specialized [bodies] or by the country or from the authorized side, there would be revenge*

*between people.” Another said: “There is judiciary of the rebels and judiciary of the government, and of course after the regime falls we have a judiciary, and we will work with it. I am against taking revenge with my hands. I hate the shedding of blood.”* Nearly all respondents agreed that the rule of law should be paramount in post-war Syria, and those responsible should face a fair legal system that treats all Syrians equally (though pro-regime respondents, in contrast to anti-regime respondents, believed the rule of law already existed). As one person said, *“He who did something wrong should be held accountable, but at the same time, there should be tolerance between them and us. The important thing is accountability because the people who were harmed had no fault in this.”* A later survey, however, found that a significant proportion of Syrian participants supported executions without trial for certain crimes, including genocide and extrajudicial killings of civilians (TDA 2019).

Most participants in a 2014 study of Lebanese and Palestinians wanted to seek justice for crimes committed in Lebanon’s war (Silva et al. 2014). Those with direct experience of the Lebanese Civil War overwhelmingly wanted to “face the past” through historical clarification and were skeptical about the idea of “forgiving and forgetting” (Silva et al. 2014). Younger participants without direct war experience were more mixed in their attitudes, with some expressing strong support, worrying that a continuing cycle of violence would result from failure to address past injustices. Others disagreed, fearing that addressing the past would damage fragile social and political relations in the present. Still, **there was general agreement across all groups that accountability should be based in the rule of law and not used to carry out revenge.** Most comments about justice also advanced ideas of legal equality and challenged sectarian-based discrimination. All participants – younger and older, with direct and indirect experiences of violence, and from different sects – spoke against the injustices and tensions caused by sectarianism in political, economic, and social institutions. As one participant explained, *“Justice is being treated like you’re Lebanese, irrespective of your sect. If you’re referred to as Christian or Muslim or Shiite, you’ll continue to feel like you’re being discriminated against.”*

**Limited research on TJ preferences in North African countries finds similarly high support for seeking justice and the rule of law.** A study from Tunisia asked respondents about TJ mechanisms following the post-authoritarian transition; institutional reforms were the most strongly supported (84% of respondents), then “bringing accountability” through legal prosecution of perpetrators (80%) and reinforcing the rule of law (78%) (NPWJ and KADEM 2014). In Libya, researchers presented a number of TJ mechanisms, finding the highest levels of support for establishing the truth about crimes committed after the 2011 revolution (87% of respondents) and before the revolution (76%), dissolving post-revolutionary armed groups (81%), and ending the militia impunity (69%). Respondents strongly supported holding elections, organizing political life according to Islamic Law, and improved rights for women (UNDP 2017). In Algeria, an ethnographic study indicated high resentment due to impunity and the lack of justice pursued after the civil war in the 1990s (Zeraoulia 2022).

*Desires for retribution and non-repetition are key motivators for seeking justice; there is relatively high support for the death penalty, but many also support limited amnesty or forgiveness*

Of the 14 studies, nine asked respondents about various TJ mechanisms; in all these, the majority of respondents supported retributive mechanisms, namely trials and/or lustration. Furthermore, support for the death penalty, particularly for perpetrators that killed civilians or committed other serious abuses, remains high; six studies addressed capital punishment (as a punishment following trial, not extra-legal execution), and it was supported by the majority of respondents in four studies and a substantial minority in two studies. In three studies, respondents thought retributive justice was important primarily for its role in non-repetition of violations (though this was not specifically asked in most studies). In most settings and among most stakeholder groups, amnesties or forgiveness were considered acceptable for those that have been merely associated with perpetrator groups or for those that committed lesser crimes, and in some cases respondents believed amnesty or forgiveness to be necessary for peace. Notably, however, desires for collective punishment, in which members of one group support punishment of others solely for membership in a (perceived) perpetrator

or opposing group, have been found in some settings. These appear to be influenced by histories of ethnic exclusion or ethnic-based targeting and have been found, for example, among ethnic minority groups in Iraq toward the Ba'ath party and among Shia Arab Iraqis toward IS affiliates.

**Research from Iraq suggests that preferences for retribution motivate people to seek justice, and Iraqis often support harsh punishments.** However, they generally want punishments to be proportional to the crime and are open to amnesty or forgiveness in some cases. In a 2003 study, researchers found strong support among Iraqis of all ethnic, religious, and political backgrounds for legal prosecution of perpetrators that had committed the most serious crimes and overwhelming support for the death penalty, justified in reference to Islamic law (Pham et al. 2004). However, they generally thought perpetrators of lesser offenses should receive lighter punishments. Amnesties were not seen as acceptable for those that had committed serious human rights abuses, but most thought they were acceptable or even necessary for lesser crimes. Iraqis also supported lustration of perpetrators from government positions, but most thought it was unfair to do so solely on the basis of membership in Saddam's Ba'ath party. Participants from northern Iraq, home to most of the country's ethnic minorities, were typically more supportive of a complete purging of Ba'athists.

In survey experimental research conducted after the military defeat of IS, Kao and Revkin (2023) found that the vast majority (91%) of Sunni Arabs in Mosul wanted IS fighters to receive either long prison sentences or the death penalty, and many (though to a lesser extent) wanted IS civilian associates to receive similarly harsh punishments. However, among respondents that did not prefer the death penalty, a majority (59%) said they would be willing to forgive the accused. The study also demonstrates that people's preferences over the harshness of punishment for IS affiliates is most strongly linked to the accused's level of collaboration with IS, which was a much stronger predictor than social identity – including the accused's membership in the respondent's own tribe. Another study found that Yazidi survivors of IS abuses in Iraq also value retributive justice; when asked what would be justice for them, “fair trials and legal punishment of perpetrators” was second only to “survivors than receiving protection against future violence,” chosen by 62% and 69% of respondents, respectively (Akhavan 2020). Desires for retaliation and collective vengeance were expressed by relatively few Yazidi respondents; as one said, “[all] I wish for is that whatever happened to us, happens to [IS's] women and girls.” This was, however, a relatively uncommon sentiment.

In contrast, a survey of Shia Arabs in Iraq demonstrated preferences for punitive responses to a broader array of associations with IS (Al Tuma 2018). Of those surveyed, 77% believed that mere membership in IS, regardless of the type of collaboration, should merit the most severe punishment. Only 21% thought that it must be proven an IS associate committed a serious crime to deserve severe punishment. Furthermore, 54% outright rejected an unconditional amnesty of IS fighters or associates that were shown not to have committed murders or rapes. However, about 31% accepted the possibility of unconditional amnesty, while 15% were undecided. Preferences were for harsh punishments; 43% of respondents thought IS fighters should receive the death penalty, while 40% preferred life imprisonment and the remainder preferring shorter imprisonment. These preferences appeared to be rooted at least partially in beliefs about non-recurrence: 71% thought that harsh punishments would be a deterrent for future terrorists.

**Research with Syrians suggests that many support retributive measures because of their potential to deter future violence, by “teaching a lesson” to would-be abusers.** Study respondents were presented with the TJ trials, truth commissions, and reparations; among these, trials were the most favored (Charney and Quirk 2014). The application of a fair judicial process was often seen as supporting non-repetition; as one respondent argued: *“Syria needs laws that are applied to everyone, especially war criminals... When people know there is a fair law to judge them, they will not do criminal or destructive acts.”* Only a small number of respondents (both pro- and anti-regime) advocated for accountability through vengeful violence. In another 2014 survey of Syrians, 98% of Alawite respondents, 87% of Kurdish respondents, and 86% of Sunni respondents said that fair trials of the most responsible persons were very important for justice (TDA 2014). A later survey found that majority of Syrians thought most types of international crimes committed during the war

should be addressed by trial and punishment under the law (TDA 2019). A survey of Syrian refugees in Turkey, most of whom oppose the regime, found that 98% wanted IS fighters and 97% wanted regime members and fighters to be punished (Fabbe and Sinmazdemir 2018). The study also found support for harsh punishments: about 50% of respondents said they wanted execution of IS fighters, and 40% wanted the same for opposition fighters who killed civilians; surprisingly, only about 20% believed regime fighters should be executed. The authors suggest that the relatively low figure for regime fighters was due to respondents distinguishing between those involved in violence *directly* and those tacitly *associated* with it.

**In Lebanon, direct victims of conflict-related violence stressed the importance of criminal accountability for war crimes.** The overwhelming majority of participants preferred a pragmatic approach of evidence-based lustration in government, with those most responsible for the violence being prohibited from holding elected office (Silva et al. 2014). Most older participants with direct experience of war saw pursuing justice as preventative, with some suggesting that attempting to forget the country's past would project the legacy of past violence onto future generations. Some younger participants saw TJ as broadly promoting accountability and responsibility, while others saw its importance primarily in promoting non-repetition.

A study from Iran similarly demonstrates high support for retribution towards officials that oversaw or committed violence against civilians during the country's 2022 nationwide protests. In a large representative survey of Iranians across the country, 29% of respondents supported the death penalty if a verdict was reached in a fair trial, while 24% preferred punishments other than the death penalty; only 3% supported forgiveness and amnesty, while 27% said that legal experts should decide what justice should be pursued. Notably, 16% supported revolutionary execution of perpetrators without trial (Maleki and Tamimi Arab 2023).

*Domestic trials are generally preferred, and international involvement is viewed with suspicion, though minority ethnic or religious groups may prefer international prosecutions*

Of the 14 studies, seven asked participants about their preferences regarding holding TJ prosecutions in domestic courts compared to international courts (some also asked about hybrid tribunals). Four of these found clear **majority support for locally-led or locally-owned processes**, one found majority support for local processes among two of the largest ethnoreligious groups in that context, and one found majority support for prosecution of regime members (but not opposition fighters) in domestic courts.

In most of these studies, **respondents expressed distrust of international involvement in transitions in general or prosecutions in particular.** Research in Lebanon found that most respondents were skeptical of international courts (Silva et al. 2014). Those who wanted to address past atrocities typically supported nonpartisan community groups and NGOs as credible leaders in advancing intercommunity conversations about justice, accountability, and institutional reform. In Libya, qualitative interviews frequently mentioned that reconciliation approaches must be "Libyan-led" and there was distrust of foreign state involvement, particularly with respect to the overall goals of the process (UNDP 2017). Similarly, a 2003 study in Iraq found broad distrust among Iraqis of U.S. involvement in TJ, and of international interventions through the ICC or other mechanisms (Pham et al. 2004). There were instead strong preferences for an Iraqi-controlled accountability process and decision-making around any TJ activities. In both the Iraq and Libya studies, there was nonetheless openness to international technical assistance.

However, limited findings suggest **ethnic or religious minorities in MENA may prefer the involvement of international courts, potentially due to distrust in their own government.** A study of Yazidis in Iraq, following the military defeat of IS, demonstrated a lack of trust in Iraqi and Kurdistan regional courts among respondents; they overwhelmingly supported prosecution by the ICC (Akhavan et al. 2020). In Syria, Kurdish survey respondents generally preferred international tribunals over domestic ones (TDA 2014). Among Syrians, pro- and anti-regime respondents differed as to whether TJ trials should occur in existing Syrian courts or new ones (Charney and Quirk 2014). However, **most respondents — including regime**

**supporters and many opponents — strongly believed post-conflict trials should be conducted by Syrian courts and judges, seeing international involvement in TJ as unwanted foreign meddling.**

Another 2014 study found differential support for various types of criminal courts among Syria's largest ethnoreligious groups (TDA 2014). Alawites, the group from which Bashar al-Assad hails, and Sunni Arabs were most likely to support the establishment of a national tribunal for TJ trials, with 100% of Alawites and 67% of Sunni Arabs agreeing these were "very important" for lasting peace. Kurds were most likely to support special international tribunals (63%) or permanent international tribunals (58%). No group strongly supported hybrid courts, which integrate international legal mechanisms into domestic courts. A survey of Syrian refugees in Turkey found that a majority (53%) wanted regime members to be tried by Syrian domestic courts, but fewer thought this was appropriate for opposition fighters (33%) or IS fighters (25%). This may be because they perceive opposition groups, particularly IS, to be composed of foreign fighters (Fabbe and Sinmazdemir 2018).

## Implications and Recommendations

*Align TJ mechanisms with both domestic and international law:* Populations across MENA support justice processes that work within the rule of law, though different groups may have competing views on its meaning. While the death penalty retains support in the region, it contravenes international law; TJ advocates and policymakers should approach these conversations with sensitivity and understanding of local attitudes. Further, governments should not tolerate or promote paramilitary groups carrying out vigilante justice.

*Incorporate retributive justice:* Retributive justice mechanisms, such as criminal trials or lustration policies, should be incorporated into an overall TJ approach. Retributive approaches should focus on perpetrators of serious human rights abuses over perpetrators of lower-level crimes.

*Prioritize domestic prosecution when possible:* TJ trials should be conducted in domestic courts or special domestic tribunals, when possible, but international prosecution should be pursued in cases where minority survivor groups lack trust in domestic mechanisms.

*Consider amnesty for low-level perpetrators and associates:* Amnesties should be considered for individuals who have not committed serious human rights abuses, and those eligible should be identified through stringent vetting processes.

*Build on existing attitudes of forgiveness to support reconciliation:* Policymakers should establish truth and reconciliation efforts for community cohesion and coexistence, building on people's willingness to forgive. Further, they should address misperceptions about collective responsibility some may hold toward out-groups.

## Limitations

*Research on TJ in MENA is limited and there are countries and populations for which there are few (or no) attitudes studies. Due to methodological limitations of included studies, findings may not be generalizable to the populations under study or to others in the region. Further, due to differing methodologies, including sampling approaches and questionnaire design, findings from different studies, even within the same country or population, are not easily comparable. Finally, these studies largely present aggregated data that may overlook variation within groups or individuals.*