

The Path to Healing: Approaches to Reconciliation after Mass Atrocities

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Mass atrocities such as genocide and ethnic cleansing raise important questions about processes of reconciliation, including how to move forward while preventing future rights abuses. Reconciliation attempts are frequently viewed as crucial for building back lost trust and supporting survivors so they can feel heard and safe. In a sense, reconciliation is the restoration of fractured relationships. This paper uses three case studies to assess reconciliation processes and to better understand how a society can move forward following mass atrocities. It examines three approaches – transitional justice, restorative justice, and reparative justice – and puts those approaches into context with discussion of responses to the 1994 Rwandan Genocide, South African Apartheid, and the Bosnian War. Reflecting on those reconciliation efforts, this paper argues that a combination of approaches is necessary to achieve healing and forward progress following mass atrocities.

The reconstruction of Stari Most – a culturally significant bridge in Mostar, Bosnia and Herzegovina, that was destroyed in November 1993 – was an important step toward national healing after the Bosnian civil war and genocide. To Josip Tito, former President of what was once the Federal Republic of Yugoslavia, this bridge was meant to be a representation of “brotherhood and unity” (quoted in United States Holocaust Memorial Museum, 2013). Despite the bridge’s well-publicized reopening in 2004, Bosnia continues to struggle with tensions among its citizens. Attempts to reconcile and rebuild a unified nation, as illustrated by the rebuilding of the Stari Most, show that reconciliation after mass atrocities¹ is not an easy task. Indeed, post-atrocity countries that have embraced reconciliation efforts tend to still struggle with violent crime (Hill, 2023), ethnic tensions (Genocide Watch, 2021), or an overall lack of coexistence (Clark, 2009).

¹ The term “mass atrocities” includes genocide, war crimes, crimes against humanity, and ethnic cleansing (Global Centre for the Responsibility to Protect, 2018).

The continuation of mass atrocities raises important questions about processes of reconciliation – including how to recover from horrific mass violence, and how to prevent future rights abuses. The end of World War II and the Holocaust in Europe led to a collective promise of “Never Again,” but atrocities such as genocide and ethnic cleansing continue worldwide. Recovering from such suffering requires far more than rebuilding bridges or other physical structures; “it is the interpersonal ruins, rather than the ruined buildings and institutions, that pose the greatest challenge for rebuilding society” (Halpern & Weinstein, 2004, p. 563). Attempts to rebuild a society after mass atrocities are often complicated by distrust in governments and society more broadly. Reconciliation attempts are frequently viewed as crucial for building back lost trust and supporting survivors so they can feel heard and safe within their home communities once again. In a sense, reconciliation is the restoration of fractured relationships (Community Toolbox, n.d.), and it requires individuals or groups to address instances of injustice, inequality, or violence – both past and present (United States Institute of Peace, n.d.). After mass atrocities, reconciling fractured relationships can occur at various levels: neighbor to neighbor, family to family, citizen to its government, and more. Yet reconciliation processes are often not seen as being entirely fair or effective; they may even pose risks of dividing communities, marginalizing certain groups, disappointing hopes for justice and accountability, and worsening tensions. Evaluating reconciliation processes is necessary to prevent harm and to avoid future conflict (Cilliers et al., 2016, p. 146).

This paper uses three case studies to assess reconciliation processes and to better understand how a society can move forward following mass atrocities. It examines three approaches – transitional justice, restorative justice, and reparative justice – and puts those approaches into context with discussion of responses to the 1994 Rwandan Genocide, South African Apartheid (1948-1994), and the Bosnian War (1992-1995). These case studies, including how reconciliation processes were implemented and whether they were successful, help us to better understand how a society might recover from mass rights abuses and suffering. Ultimately, this study finds that there is no single “best” approach but rather that effective reconciliation requires an appropriate combination of transitional restorative, and reparative justice tailored to each unique situation.

Reconciliation in Action: Types of Justice Approaches

This paper centers on three types of justice approaches: transitional justice, restorative justice, and reparative justice. The *transitional justice* approach is the most widely known and accepted, with an emphasis on punishing perpetrators for their crimes. Whether through a judicial (criminal court system)

or non-judicial (truth commission) approach, transitional justice efforts aim to reinforce knowledge and respect for human rights, promote rule of law, and provide recognition to victims – all with the goal of promoting trust in state institutions and reconciliation (United Nations Human Rights Office of the High Commissioner, n.d.). This justice process focuses on three main questions: what laws have been broken, who committed the crimes, and what does the crime warrant in response? (Zehr, 2002, p. 21). This justice approach also focuses on uplifting victims through storytelling and bringing about justice to perpetrators; for instance, by offering survivors the opportunity to share their feelings and experiences, or by focusing on identifying bodies and giving them proper burials according to local customs. The International Center for Transitional Justice (n.d.) explains:

Transitional justice is more like a map and network of roads that can bring you closer to where you want to go: a more peaceful, just, and inclusive society that has come to terms with its violent past and delivered justice to victims. There is no one route. Instead, different societies take different routes, depending on the nature of the atrocities that occurred and the particularities of that society, including its culture, history, legal and political structures, and capacity, as well its ethnic, religious, and socioeconomic makeup.

Restorative justice also seeks to hold perpetrators accountable for their crimes while striving to address the dehumanization that sometimes occurs within the transitional criminal justice system (University of Wisconsin Law School, n.d.). This approach has a more direct focus on reconciliation because it deliberately works to rebuild damaged interpersonal relationships, specifically that of the victim and the perpetrator. It focuses on questions like: Who has been hurt, what are their needs, and who is responsible for these needs? (Zehr, 2002, p. 21). This approach has five principles: (1) Acts of violence and atrocities not only hurt individual victims, but also the community and the perpetrators. Because of this, repairing harm and rebuilding fractured relationships is the focus of the restorative process. (2) All parties are involved in the restorative process, including perpetrators. (3) The two main focuses of this process are addressing the needs of the victims, specifically by determining what they need to recover from the harm done to them, (4) as well as restoring community through the disbursement of responsibility – including perpetrator to victim, community to its members, and all involved to one another. (5) The ultimate focus of this process is that all human beings have dignity and worth, meaning that both victim and perpetrator should be able to move forward and reintegrate into the community (University of Wisconsin Law School, n.d.).

Although transitional and restorative justice are the two most common reconciliation processes, there are some crucial differences between them. The biggest difference is who is responsible for

addressing mass atrocities and promoting reconciliation. In the transitional approach, it is the state's responsibility to determine blame and impose punishment for the crimes committed. The punishment is meant to essentially deter future wrongdoers while uplifting victims (International Center for Transitional Justice, n.d.). When it comes to the restorative justice approach, however, this responsibility is given to all members of the community; victims, perpetrators, and previously uninvolved citizens work together to address crimes, heal and reconcile, and prevent future acts from occurring (University of Wisconsin Law School, n.d.). The transitional justice approach views a mass atrocity crime as a violation of the law and the state, while the restorative justice approach sees it as a violation of people and their relationships. While violations viewed through a transitional justice lens are meant to create a sense of guilt, the restorative justice approach creates a sense of obligation.

Reparative justice is an approach that is entirely victim focused, rather than addressing perpetrators through the contexts of justice or amity. This approach is defined as a justice and reconciliation mindset that centers on those who have been harmed, with a focus on recovering from the past harm they have experienced. With its focus on victims and their healing, reparative justice approaches are enacted with the hope of stopping present harm and preventing its reproduction in the future. This approach addresses the needs of the victims solely, and can include actions such as financial support, the providing of therapeutic intervention, and access to aid assistance (New England Board of Higher Education, n.d.). In its discussion of justice for Black, Indigenous, and people of color (BIPOC) people in American higher education, the New England Board of Higher Education (n.d) offers three useful pillars within the reparative justice approach: Transformation, Restoration, and Nourishment and Uplifting. The Transformation pillar promotes the leveraging of power and resources to survivors to ensure that harmful practices are not repeated. The Restoration pillar encourages taking steps to address and repair damage done to culture and self-identity. The Nourishment and Uplifting pillar calls for investments into services and programs to support survivors directly, specifically with the goal of creating spaces for healing (New England Board of Higher Education, n.d.).

Case Studies: Histories of Atrocity and Reconciliation Efforts

Although this paper's three case studies are each unique in important ways, they share certain commonalities: Divisionism and dehumanization occurred in all three cases – genocide in Rwanda, apartheid in South Africa, and civil war and ensuing mass atrocities in Bosnia – and they resulted in a pressing need to reinstate trust and rebuild lost relationships. In Rwanda from April to July 1994, an estimated 800,000 to one million people were slaughtered; most were from the country's Tutsi ethnic

minority, but they also included Hutu moderates and other vulnerable people (United Nations, n.d.). South Africa's apartheid was a legal system for racial separation from 1948 until 1994 (Stanford University, n.d.). In Bosnia and Herzegovina, simmering ethnic and religious tensions erupted into civil war and mass atrocities against Bosnian Muslims after the country declared its independence from the former Yugoslavia (United States Holocaust Memorial Museum, 2013).

Each case study has its own distinct social and political complexities, as the following sections seek to explain, but these conflicts and resulting reconciliation processes offer far broader lessons. Rwanda took mainly transitional and restorative justice approaches to recovering from the 1994 genocide, though there were some attempts at reparative justice. South Africa's Truth and Reconciliation Commission is one of the most well-known examples of restorative justice. Bosnia and Herzegovina also pursued reconciliation through a transitional justice approach with the International Criminal Tribunal for the Former Yugoslavia. The Tribunal brought notorious war criminals to justice and helped recognize gender-based violence such as rape as a weapon of war.

The 1994 Rwandan Genocide

Many argue that the story of the 1994 Rwandan genocide began around 1919, when Rwanda was administered by Belgium after becoming a mandate territory of the League of Nations after World War I (see College of Liberal Arts – Holocaust and Genocide Studies, n.d.; United Nations, n.d.). The racialization of Rwandan ethnic groups began under Belgian rule; three groups (the Hutu, the Tutsi, and the Twa) were often compared to and pitted against each other by the ruling government. The Tutsi were seen as being more elegant and desirable by the Belgians, and they were granted more political power and control within the country. The Hutu majority gained power after Rwanda gained independence in 1962, and a buildup of ethnic tensions led to years of discrimination and violence against the Tutsi. These tensions were at an all-time high by the 1990s, when Rwandan President Juvénal Habyarimana's airplane was mysteriously shot down. Theories about his death were (and still are) widespread; although it was never proven who shot down the plane, the event was used as a spark for launching a 100-day genocidal campaign against the Tutsi minority (College of Liberal Arts – Holocaust and Genocide Studies, n.d.; United Nations, n.d.).

During the 1994 genocide, many victims turned to their faith for protection. More than 90% of Rwandans identified as Christian at that time, and the majority practiced Roman Catholicism (Jacob, 2022). Many people turned to clergy for protection and sought shelter on church grounds, believing the *Interahamwe* (a Hutu paramilitary organization) would pass them by. This was a common

misconception; the role of churches and church officials during the genocide were often categorized by passivity, at best, and at worst by their encouragement and participation in the slaughter (Jacob, 2022). Despite knowing their churches were a sanctuary for vulnerable Tutsi, some clergy members gave permission for killing squads to enter holy grounds or even guided the *Interahamwe* to those hiding (Jacob, 2022). Some church leaders played other crucial roles in the genocide, such as creating roadblocks and patrols that would prevent people from escaping (Jacob, 2022).

The use of rape and other forms of sexual violence was recognized by the International Criminal Tribunal for Rwanda as being an “integral” aspect in the genocidal process (Denov & Kahn, 2019, p. 155). An estimated half a million women and girls were subject to forms of sexual violence, including rape (Denov & Kahn, 2019). While the exact number of children born to genocidal rape is unknown, we know that those children and their mothers often experienced stigma and abuse – and that children born of wartime rape are often not discussed in many justice-seeking approaches (Carpenter, 2010). In Rwanda, many of those mothers sought abortions, engaged in infanticide, or abandoned babies at birth to avoid ostracization from their families and communities, and even to avoid further acts of violence (Denov & Kahn, 2019). Children born of rape by the perpetrators of genocide are often seen as the enemy, “as the embodiment of violence and loss” (Denov & Kahn, 2019, p. 152). In an interview with researchers, a person born of wartime rape explained: “[E]veryone in the family was rejecting me. People were saying that my father’s family killed members of my mother’s family during the genocide” (quoted in Denov & Kahn, 2019, p. 161). “Children born of the genocide are victimized and rejected not only based upon their birth origins, but also because of their identity,” explain Myriam Denov and Sara Kahn (2019). “In Rwanda specifically, the position of these children within the post genocide context is complex because their very existence represents the identity politics that the RPF is working to eradicate” (p. 164).

The 1994 genocide ended when the Tutsi-led Rwandan Patriotic Front (RPF) – led by current Rwandan President Paul Kagame – intervened and took control of the government, but the country’s pain continued. Major changes began with the aim of unifying ethnic groups, including a ban on ethnic labeling that meant categories such as Hutu, Tutsi, or Twa were no longer included on government documentation and ID cards (Denov & Kahn, 2019). Instead of identifying by ethnic group, people were encouraged to see themselves as being simply all Rwandan. Today the use of ethnic labeling in Rwanda is not only socially frowned upon, but could also be punishable as the crime of “divisionism” (Denov & Kahn, 2019, p. 154). Yet these measures did not erase the trauma and anger associated with certain ethnic groups, especially among survivors and children born of genocidal rape. The genocide had widespread implications for health, including both physical and mental wellbeing; one study found that

26.1% of survivors fit the diagnostic criteria for post-traumatic stress disorder, while 80% showed symptoms of at least one other mental health disorder, such as depression (see Jacob, 2022, p. 39). Survivors often struggle with everyday impairments such as insomnia and an inability to feel pleasure, as well as dependency on substances such as tobacco, alcohol, or drugs (Jacob, 2022). Children born of genocidal rape also deal with mental health trauma that is often passed down through their families and is worsened by isolation and ostracization. Specifically, these children report feelings of intense guilt and shame, and struggle with a loss of identity that can be associated with poor interpersonal relationships (see Jacob, 2022, p. 47-48).

The international community – who many Rwandans felt had failed them during the genocide – formed the International Criminal Tribunal for Rwanda (ICTR) in 1995 in the pursuit of transitional justice. The goal of the ICTR was to prosecute perpetrators of the genocide, promote reconciliation, prevent the effects of the genocide spreading to neighboring countries, and ultimately prevent future atrocities from occurring (Humphrey, 2003). Despite its good intentions, the ICTR faced many criticisms; many felt that its judicial process was very individualized and selective, and that it utilized language that was too formal and inadequate for conveying the level of cruelty the genocide involved (Humphrey, 2003). Constraints on time, resources, funding, and evidence meant that not all perpetrators could be prosecuted. In fact, only 93 individuals were indicted by the ICTR – generally those considered to be “higher ups” and decision makers during the genocide, such as those who helped plan, promote, or lead attacks. These were often military officials and important religious figures (United Nations, n.d.). The ICTR prosecutions fulfilled symbolic functions, telling a broader story of an “administrative massacre” – a large-scale violation of the human rights to life and liberty in a systematic manner – and were meant to criminalize individuals and the previous regime that had allowed such crimes to occur (Humphrey, 2003, p. 500). The ICTR and other national court approaches did not win the confidence of many survivors, especially because it failed to address the everyday participants of genocide who went mostly unpunished. “What reconciliation means is the acceptance, by the survivors of ‘ethnic cleansing’ and ‘genocide’ respectively, that they should live with those who were either directly responsible for atrocities or had colluded with them,” notes Michael Humphrey (2003). “They must set the premises for reconciliation, which must then be deepened within national forums for justice and reconciliation” (p. 502).

The need to punish everyday participants of the genocide spurred the creation of Rwanda’s gacaca courts, a revolutionary community-led justice system that constitutes a restorative justice approach. The gacaca courts heard almost two million cases of genocides and associated crimes, with an

86% conviction rate (Denov & Kahn, 2019). Crimes of rape and sexual violence were classified as first-class offences and were treated with the same severity as the crimes of planning, organizing, and implementing the genocide (Denov & Kahn, 2019). The gacaca courts, which closed in 2012, created a detailed record of the planning and implementation of the genocide. They helped uncover the fates and even the locations of missing or murdered loved ones, providing a clearer understanding of what had occurred and allowing families to properly grieve (Denov & Kahn, 2019). While the gacaca courts allowed survivors and families to hold perpetrators accountable, they also allowed them to hear stories of Hutus who helped Tutsi by hiding them or standing up to killers, even in the face of violence or death. This helped lessen some of the negative attitudes between ethnic groups and dismantle the misconception that all Hutus were participants in the genocide, which was a major steppingstone in reconciliation (Denov & Kahn, 2019). The gacaca courts were not without criticism, however. Survivors were encouraged to make claims and testify, but perpetrators did not receive public assistance or representation – calling into question whether perpetrators received fair trials. Court jurisdiction centered on geographic zones, meaning that cases could not be heard if someone currently resided in an area that was different from where a crime occurred (Denov & Kahn, 2019). There was little regulation for selecting gacaca court judges; in fact, some were not qualified with legal education or training. There were some cases where judges had to be removed after it was discovered that they themselves had been perpetrators (Denov & Kahn, 2019).

Other approaches also occurred following the genocide, including those that stressed the need for reparative justice. *Ndi Umunyarwanda* (“I am Rwandan”) was a campaign launched in 2014 that promoted a form of national unity that was more consistent with everyday Rwandans, especially young people, and was less aligned with government-sponsored, formal identities. *Ndi Umunyarwanda* and other youth groups argue that Rwanda can further improve reconciliation via reparative approaches by combatting stigma and abuse. For example, they note that there is a lack of formal policy to address post-genocide stigma, such as the abuse directed against children born of rape, and that public acknowledgement of how genocide has impacted their rights is necessary (Denov & Kahn, 2019). While the ICTR and the gacaca courts focused on transitional and restorative justice, they have not quelled ethnic tensions; some argue that stronger efforts at reparative justice can make a key difference. “In transitional justice processes, ‘acknowledgement’ is a necessary part of post-violence society, recovery, and an important step towards the reconciliation process,” Denov and Kahn (2019) explain. “Furthermore, reparative justice initiatives have been recognized by genocide scholars as a necessary, if

not sufficient, component of psychological healing for survivors in the aftermath of mass trauma” (p. 156).

Apartheid in South Africa

Much like Rwanda, South Africa’s history is marked by European colonization and resulting division among its citizens. South Africa was colonized by English and Dutch settlers during the seventeenth century, and many white Dutch people moved to South Africa to create new colonies there. The country gained independence in the 1940s, when a power struggle between the Dutch (Afrikaners) and the Black Indigenous populations began (Chokshi et al., 1995; Stanford University, n.d.). An upsurge of support for the Afrikaner National Party helped white Afrikaners take control of the government, which in turn led to the creation of the apartheid system – a brutal process that institutionalized racial discrimination and heavily limited the rights of Black and colored populations with the goal of maintaining white domination (Chokshi et al., 1995; Stanford University, n.d.). In the 1960s, the so-called “Grand Apartheid” began, which was marked by territorial separation and political suppression (Chokshi et al., 1995).

Race was an ever-present aspect of social life and public policy within South Africa. In the 1950s, the Population Registration Act racially classified all South Africans, who were placed into three categories: white, black (African), and colored (a population representing mixed race individuals and subgroups such as Indians and Asians). Classifications were based on one’s appearance, social acceptance, and descent (Chokshi et al., 1995). Those classified as blacks were required to carry “pass books” that identified them with copies of their fingerprints and photos, as well as contained information about accessing non-black areas. These regulations and classifications impacted the everyday lives of black citizens, including a prohibition of mixed-race marriages, the sanctioning of jobs that made higher paying positions “white-only,” and the forced movement of Africans into reserves known as “homelands” (Chokshi et al., 1995). The political rights of black Africans were heavily limited; rights such as voting could only be done within their sanctioned homeland. Despite being indigenous to the land, Africans living within the homelands needed passports to enter the rest of South Africa, effectively making them recognized as aliens within their own country (Chokshi et al., 1995). Four homelands were created between 1976 to 1981, which displaced and denationalized roughly nine million South Africans (Chokshi et al., 1995).

Activism aimed at fighting apartheid and white supremacy was met with state violence, but such repression was not politically sustainable. Anti-apartheid activists were arrested and tried, and there

was an attempt to ban political organizations (African Union, 2016). In the 1980s, despite mounting pressure from the international community to end apartheid and create a true democracy in South Africa, the government continued its harsh crack downs and desperately sought to maintain political control (African Union, 2016). The apartheid government eventually fell apart after years of international isolation, and a constitutional democracy was created; by 1994, all political prisoners who had been arrested for combating apartheid were released (African Union, 2016).

Feelings of anger and mistrust endured after the end of apartheid, and South Africa's leaders knew they needed to address those feelings to promote unity and reconciliation. They ultimately opted to pursue the restorative justice approach because it was seen as a less socially damaging option that promoted a strong sense of national reconciliation. Archbishop Desmond Tutu noted that retributive justice is not the only form of justice, and that the central concern of restorative justice "is not retribution or punishment but the healing of breaches, the redressing of imbalances, the restoration of broken relationships" (quoted in Moon, 2009, p. 81). Restorative justice "is being served when efforts are being made to work for healing, for forgiveness and for reconciliation" (quoted in Moon, 2009, p. 81). A negotiation period after the end of apartheid led to the formation of a Truth and Reconciliation Commission (TRC), which was seen as a much-needed steppingstone for a smooth transition between governments. Transitional justice approaches (or what Tutu called "retributive justice") focus on punishing perpetrators and often require victims to be questioned by law enforcement and testify in court, which can lead to revictimization and further traumatization. The TRC sought justice in a different way, prioritizing the needs of survivors through a restorative approach (Verdoolaege, 2006).

The main objectives of the TRC were to promote national unity and reconciliation, while also establishing a clearer picture of the gross human rights violations that occurred. This process included opening space for victim testimonials, holding amnesty hearings, and facilitating recommendations to address survivors' needs and prevent further violations (Verdoolaege, 2006). South Africa's Human Rights Violations Committee gathered 21,519 written statements from victims of apartheid, and almost 2,000 survivors told their stories at 83 hearings between April 1996 and June 1997 (Clark, 2012). "Many voices of this country were long silent, unheard, and often unheeded before they spoke, in their own tongues, at the microphones of South Africa's Truth Commission," writes Janine Natalya Clark (2012, p. 193). The TRC sought to address both individual and national trauma by providing a cathartic space where victims' pain could be purged and transformed into healing. According to Claire Moon (2009), one of the important characteristics of the TRC was its application of therapeutic methods: "People are in need of healing, and we need to heal our country if we are to build a nation which will guarantee peace

and stability” (p. 79). Amnesty hearings granted perpetrators a chance to share their wrongdoings, show remorse, and be forgiven. The confessions were seen as crucial to victim healing, in part because they provided a clearer picture of what crimes were committed and refuted previous denials. The hearings often helped locate missing or murdered loved ones, allowing families to properly grieve (Clark, 2012).²

There is disagreement about whether the TRC truly provided victims with a sense of relief and closure. Some argue that its emphasis on intense emotional displays (suffering or remorse) was a staged “spectacle of victim pain and suffering in order to publicly project the power of the state” (Moon, 2003, p. 83). A study by the Trauma Centre for Victims of Violence and Torture in Cape Town found that roughly 50 to 60 percent of victims who provided testimony felt that the process was extremely difficult, with some even reporting feelings of regret (Clark, 2012). “The victims and survivors responded differently to the TRC hearings,” explains Clark (2012). “Some found solace and catharsis. Others felt their wounds were reopened and left unattended” (Clark, 2012, p. 194). Some victims felt they did not have much choice when it came to forgiving perpetrators; many reported that any desire for retribution was ignored or questioned, and that they were pressured to choose forgiveness (Verdoolaege, 2006). A Christian religious element of the TRC was present, with commissioners frequently using terms such as “forgiveness” and “reconciliation” in ways that aligned with sermons and spiritual texts; content analysis of hearings suggest that this terminology was evoked by facilitators in about 70% of testimonies (Verdoolaege, 2006). Some victims therefore felt pressured to act in a specific way, and critics contend that state and/or religious goals were sometimes prioritized over victims’ well-being.

The TRC in South Africa faced some similar challenges to justice approaches in Rwanda. Much like Rwanda’s ICTR, only a limited number of people could testify, and the process prioritized more extreme cases of human rights abuse, thereby often overlooking the stories of everyday South Africans (Clark, 2012). There were challenges associated with control – especially in how survivors’ stories would be handled and reported on, leaving some feeling helpless about how their suffering would be processed by the broader public (Clark, 2012). Some felt let down; the TRC’s Rehabilitation and Recommendations Committee could only make recommendations to support survivors, but they had no power to implement those recommendations related to finances, therapy, and other forms of support. The TRC did not have local-level initiatives, such as Rwanda’s community-driven gacaca courts, and

² However, the hearings did not always operate smoothly; they depended on people’s willingness to come forward and participate, and challenges such as time constraints and lingering prejudices often created obstacles (Clark, 2012). The formality of the TRC was seen by many as being confining and limiting, preventing people from fully sharing their stories; some argued that a less formal process could have led to more constructive amnesty hearings (Clark, 2012).

some question whether the TRC and its Rehabilitation and Repatriations Committee would have been more successful if they had worked more closely with victims' associations (Clark, 2012).

Although the international community tends to view South Africa's TRC as a success story – and in many cases, it was – there are still lingering concerns about its effectiveness. Studies show that tensions continue to simmer; some South Africans still do not see apartheid as being a serious crime against humanity, with some still engaging in moderate to severe denial (Humphrey, 2003). According to Archbishop Tutu, the TRC was not meant to achieve reconciliation, but rather to promote it – and that for this to happen, the goals of the TRC must permeate society (Clark, 2012). But according to Clark (2012), the biggest disappointment with the TRC is its limited impact on everyday life in South Africa – and especially how little progress has been made among white South Africans to pursue meaningful reconciliation. She contends that “white people still don't really understand what apartheid did and there are still limited relationships between blacks and whites” (Clark, 2012, p. 200).

War, Ethnic Cleansing, and Genocide in Bosnia and Herzegovina

Longstanding ethnic and religious tensions in the former Yugoslavia contributed to war and genocide in Bosnia and Herzegovina during the 1990s. After World War II, the Federal Republic of Yugoslavia was ruled by President Josip Tito and was comprised of Bosnia, Serbia, Montenegro, Croatia, Slovenia, and Macedonia. Tito, who was reported to have led with an “iron fist,” was able to keep these tensions at bay during a period of unification (United States Holocaust Memorial Museum, 2013). Yugoslavia began to decline following his death in 1980, however, with many of its republics and ethnic groups expressing strong feelings of nationalism and desires to gain independence (United States Holocaust Memorial Museum, 2013). These feelings were strengthened in the mid-1980s with the rise of Serbian leader Slobodan Milosevic. Milosevic gained more control for Serbia in the Yugoslav Constitution, transformed the military so it was 90% Serbian, and extended his control over the country's financial, mass media, and security structures to further support Serbian nationalists in Serbia, Croatia, and Bosnia (United States Holocaust Memorial Museum, 2013). He and other Serbian separatists spread the message among Serbian civilians in Croatia and Bosnia that their Croatian, Bosniak, and Albanian neighbors were a threat to their rights and existence, heightening tensions further (United States Holocaust Memorial Museum, 2013).

Bosnia declared independence from Yugoslavia on 5 April 1992, which in turn led to mass retaliatory violence. In 1992, Bosnia's population was roughly four million people composed of three main ethnic groups: Bosniak (Bosnian Muslim, 44%), Serb (31%), and Croat (17%), as well as a smaller

Yugoslav population (8%) (United States Holocaust Memorial Museum, 2013). Bosnia's independence angered many Bosnian Serbs, and an ensuing military campaign aimed at securing territory and "cleansing" the country of its Muslim population. In this period of ethnic cleansing and genocide, Serbs targeted Bosniak and Croatian civilians with torture, rape, robbery, forced displacement, and murder (United States Holocaust Memorial Museum, 2013). This civil war lasted from 1992 to 1995 and resulted in roughly 100,000 deaths, 80% of which were Bosniaks (United States Holocaust Memorial Museum, 2013). Some of the most notorious massacres occurred in 1995, when the Bosnian Serb army turned its attention to three towns under Bosnian control: Srebrenica, Zepa, and Gorazde. Despite their status as safe havens that were guarded by armed UN peacekeepers, Bosnian Serb forces massacred as many as 8,000 Bosniak men and boys in Srebrenica alone – making this attack one of the largest massacres in Europe since the Holocaust (United States Holocaust Memorial Museum, 2013). The bombing of a UN safe haven in Zepa finally resulted in international intervention; in August 1995, the North Atlantic Treaty Organization (NATO) launched large scale bombings and ground attacks with the aid of Bosnian and Croatian forces. These actions helped to push Serbs back to areas of negotiation, resulting in the ultimate end of the war in December 1995 and the peace agreement known as the Dayton Accords (United States Holocaust Memorial Museum, 2013). By the end of the war, more than 150,000 people had been registered as killed, dead from starvation or hypothermia, or missing (Clark, 2009). Another 170,000 were injured and 2.2 million people were displaced (Clark, 2009).

After the war and its mass atrocities, Bosnia and Herzegovina and the international community pursued reconciliation through a transitional justice approach with the creation of the International Criminal Tribunal for the Former Yugoslavia (ICTY). This approach brought some notable figures to some form of accountability, including the former Serbian and Yugoslavian president Slobodan Milosevic and Ratko Mladic, the former commander of the Bosnian Serb Army between 1992 and 1996 (World Without Genocide, n.d.). In addition to bringing some notorious war criminals to justice, this approach yielded other notable successes. For example, it established a jurisprudence in relation to victims of gender-based violence such as rape, which helped to recognize rape as a weapon of war under international law, and it created an evidentiary archive of victim testimonies. (Clark, 2009).

Like the reconciliation processes in Rwanda and South Africa, however, the ICTY faced many criticisms. Trials were often criticized as being unfair or biased, since there were multiple victims and perpetrators within a complex political situation. "Defendants from all three sides are treated equally, but prosecuting [Bosniaks] is the most difficult issue politically because it undermines the notion that they were victims," notes Clark (2019). "When they are prosecuted, there is a sense of real grievance.

They like to hold the flag of victimhood, and any prosecution undermines that” (p. 372). Many also felt that the process itself was slow and did not sufficiently punish war criminals. Many did not realize that the ICTY did not have the power to make arrests, and did not appreciate the bottom-up approach to justice it took; smaller-scale offenders were tried first with the goal of gaining international support, then the ICTY shifted its focus to more grievous offenders. It was difficult to appease everyone, since many people wanted the most heinous crimes to be addressed first but then felt frustration if everyday perpetrators were not punished (Clark, 2009). Some also felt that the process was too individualistic, with the role of the country and its institutions not held accountable (Clark, 2009). Few consistent outreach efforts were made to educate citizens about the role of the ICTY; there were some organized trips for community members to visit the Tribunal, along with limited media outreach and five “Bridging the Gap” conferences to share information, but many initiatives were short-lived due to lack of funding, resources, and staff (Clark, 2009).

Shortcomings with the reconciliation process have led to present-day challenges in Bosnia and Herzegovina. There is a distinct lack of shared political identity and community within Bosnia, which was marked by its lack of national trials after the war and little progress in the search for the disappeared or displaced (Humphrey, 2003). Rather than true reconciliation, some argue that in its place is the presence of negative peace – that being simply an absence of physical conflict (Clark, 2009). Simply put, there is little mixing of ethnic groups within Bosnia, with “invisible lines” marking which side of town belongs to who. One Bosnian stated: “People meet each other through business, but they no longer come together for religious holidays, they do not visit each other at their homes and their children do not mix like they used to. It is not like it used to be when nobody cared about a person’s nationality. So, reconciliation is minimal. There are no incidents...but it will take time to have normal communication” (quoted in Clark, 2009, p. 362-363). Another person, a Bosniak, said: “I have contact with Serbs...Everything functions...But there is still something that stands between us. The memories of what happened stand between us, like a wall or a fog” (quoted in Clark, 2009, p. 363). Due to a lack of contact, there is still a lack of trust and reconciliation between groups. This disconnect is worsened for younger generations who are learning through the “two schools under one roof” approach. This process groups students from the two majority ethnic groups within their own classrooms inside the same school building, with their own teachers and administrators. This means there is little mixing of students and staff, which leads to a lack of contact and the persistence of prejudices (Clark, 2009). “Without sustained contact in learning and in social interaction, the youth will be unable to create any bridges to ‘the other’: that, in itself, is a recipe for disaster,” notes Clark (2009, p. 366).

A key obstacle for reconciliation in Bosnia is the continuance of mixed feelings or differing truths about who is at fault for the genocide. While both sides committed crimes against the other, the Bosnia Serb forces are frequently seen as the main aggressors due to their intense level of systematic violence. However, there is a constant “finger pointing” between ethnic and religious groups, while every group downplays or even denies their role in the genocide; each side has “its own truth according to which it was just defending itself while the other were the aggressors” and those truths vary widely within Bosnian society (Clark, 2009, p. 369). Reconciliation requires each side to accept the suffering of the other, which can take generations (Clark, 2009). As such, many feel that a next step for reconciliation in Bosnia would be a truth and reconciliation commission (TRC) that facilitates a restorative justice approach (Clark, 2009, p. 373). Unfortunately, previous attempts to create a TRC failed due to political resistance, institutional rivalry between the ICTY and the TRC project, and the TRC project’s lack of legitimacy (especially among Bosnia’s victim associations) (Dragovic-Soso, 2016).

Discussion

Reconciliation is often viewed as an important step for social healing after war and mass atrocities, but true healing is challenging. War-torn societies are traumatized and require therapeutic management, and one of the post-conflict state's tasks is to attend to the psychiatric health of its citizens and its nation (Moon, 2009). Yet the presence of traumatic memories, including for those with a post-traumatic stress diagnosis, can make it difficult to share experiences as part of justice-seeking approaches (Schimmel, 2023). Other issues such as poverty and lack of social resources can also impact reconciliation processes (Schimmel, 2023). Survivors who are diagnosed with Post-Traumatic Stress Disorder (PTSD), which is common, can struggle with an inability to trust other people or situations due to a fear of revictimization; this can make it hard to restore mental health and ultimately achieve reconciliation (Jacob, 2022).

The three case studies from Rwanda, South Africa, and Bosnia highlight different approaches to reconciliation and justice-seeking that led to varying results. These cases highlight how attention to service and protection gaps must be identified and filled, and that the impact of trauma on individual and social well-being should not be underestimated. These reconciliation attempts were all well-intentioned, but their ability to achieve stated goals was often severely limited. Even in cases that have garnered international praise for their reconciliation efforts – such as South Africa and Bosnia – critics note various shortcomings and warn against politically-motivated biases. In South Africa, for instance, some argued that the TRC’s motives centered on promoting the new government rather than meeting

victims' needs and catered to the country's white minority (Verdoolaege, 2006). Without support from a country's own citizens, the effectiveness of reconciliation approaches is debatable. "Perceptions of international courts are critical. These tribunals must be seen as legitimate by those on whose behalf they operate in order for their work to be accepted within affected societies," explains Clark (2009, p. 374).

The three approaches to justice – transitional, restorative and reparative – have various benefits for post-atrocity societies. First, the transitional justice approach can be useful by creating a sense that perpetrators are held accountable for their actions and that justice is achieved from a more formal, legal perspective. While the desire for retribution can be harmful – for instance, when it spurs violence or discrimination – transitional justice approaches direct that energy toward processes such as TRCs and other justice-seeking endeavors. The need for justice is common, especially for those who lost loved ones or continue to suffer from physical and/or mental pain because of their own rights abuses. When transitional justice is pursued, rates of violence are lowered because justice is achieved in other ways (see Moon, 2009). When the desire for retribution is appropriately controlled and fulfilled through transitional justice approaches, a society can move forward without continuing a cycle of violence (Verdoolaege, 2006).

Second, the restorative justice approach can help rebuild fractured interpersonal relationships by helping perpetrators take responsibility for their actions and providing survivors with the closure they need to heal. While there is a concern that TRCs can undermine the work of transitional justice approaches, many feel that they can fill gaps left by more legal approaches. The restorative perspective places responsibility for reconciliation with the community at large, including perpetrators, survivors, and the families of victims. It is the responsibility of all these groups to work together to promote healing (Clark, 2009). In Bosnia, for instance, the restorative justice approach has been credited with putting a "full-stop on the last war" and ending a cycle of accusations and distrust in many communities; it established key facts about "when, where, and what happened" during the war and framed reconciliation as a "local problem that should be solved by locals" (Clark, 2009, p. 373).

Third, reparative justice is often sorely needed but is the most lacking approach in reconciliation processes. I believe one of the biggest challenges to reconciliation is a lack of communication between victims and the groups that are tasked with supporting them, meaning that reconciliation processes often don't reflect the needs and desires of the survivors themselves. Clark (2012) writes that it is not only the victims' stories that need to be heard, but also their ideas and concerns. With that in mind, reparative justice approaches can complement transitional and restorative processes to fill vital gaps

and address victims' needs. In South Africa, for instance, survivors of apartheid often suffer from a variety of mental, physical, and social issues that make it difficult to meet their basic needs. The government attempted to grant financial reparations to survivors to address these challenges, but those attempts were thwarted due to a lack of funding. Most victims of regime cruelty live under extremely difficult socio-economic conditions after the transition, and truth may be a luxury that doesn't heal wounds or provide for their families (Daly, 2003).

A combination of these three justice approaches is likely necessary to foster reconciliation in post-atrocity societies, yet reconciliation processes frequently lack the resources needed to succeed. People demand justice and accountability for human rights violations, and they also need their needs met so they can rebuild their lives. In countries that are often dependent on international aid and/or are rebuilding their economies after war, funding for reconciliation is often limited. There are also questions of political will, corruption, and other social challenges. Yet inadequate reconciliation can lead to renewed cycles of violence – problems that not only affect people living within the country, but can also lead to regional and international instabilities. It is therefore imperative that reconciliation processes be taken seriously and provided with the resources they need to succeed.

Conclusion

World history is marked by mass atrocities that have resulted in human suffering in places like Rwanda, South Africa, and Bosnia and Herzegovina – but such atrocities are not limited to the past. Ongoing crises in places such as Palestine, the Democratic Republic of Congo, and Sudan remind us that a continued focus on reconciliation is necessary for addressing future needs. The case studies offered in this paper highlight how three approaches – transitional justice, restorative justice, and reparative justice – are crucial to healing and rebuilding damaged societies. Rather than assume there is one best approach for reconciliation, I believe that a combination of approaches is needed; those processes should account for the wishes of survivors and their needs. While reconciliation after mass atrocities will never be easy, it also doesn't have to be impossible.

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