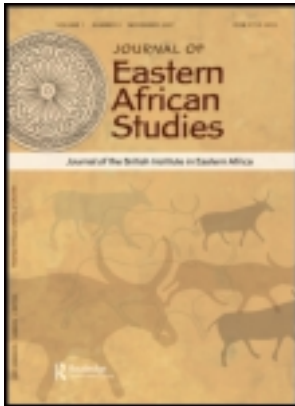


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## Truth under the avocado trees. Local needs and Burundi's TRC: whither the truth?

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Decades of cyclic violence have been met with a near total absence of meaningful redress in Burundi leading to a festering culture of impunity and entrenched divisions. Transitional justice has traditionally been a non-starter. A proposed Truth and Reconciliation Commission (TRC) slated to commence work in 2012 will thus constitute the country's first systematic attempt to deal with its past. Attempting to contextualize this development at the grassroots level, this article seeks to understand whether the objectives and the truth likely to emerge will be meaningful and relevant to ordinary people affected by violence. Using evidence from interviews conducted in Burundi, together with an analysis of the truth commissions in Sierra Leone and South Africa, key themes are introduced to offer a sobering and critical assessment of the likelihood that truth, reconciliation and the restoration of the dignity of victims will be realizable through the TRC. By questioning the truth likely to emerge, the analysis suggests that at present there is an acute risk that the TRC will repeat many shortcomings of the past and become disconnected from the communities it purports to serve.

**Keywords:** Burundi; transitional justice; truth commissions; dealing with the past; impunity; post-conflict reconstruction; reconciliation; grassroots

### Introduction

Burundi is facing the latest in a succession of critical moments in its short history of independence. The impending establishment of a truth and reconciliation commission (TRC) may well prove to be a litmus test for whether the country will finally begin to address its widespread culture of impunity. Yet the challenges facing Burundi as it embarks on this process are not confined to the inherently difficult task of dealing with a legacy of violence. The proposed TRC will take shape within a field of transitional justice confronting its own dilemmas, worryingly underdeveloped in certain important respects. Though a discernible shift in thinking has slowly taken root, the hitherto practice of transitional justice has consistently marginalized the perspectives of those communities that have borne the brunt of violence. If truth, justice, reparations and the non-recurrence of violence are genuine objectives, these communities cannot be disconnected from the design, practice and aftermath of dealing with the past.

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Informed by a literature analysis of the local experience of truth commissions in Sierra Leone and South Africa and interviews conducted in Burundi in 2011, this article seeks to examine the objectives set forth by Burundi's upcoming TRC through a localized lens. Contextualizing the proposed mandate of the Commission in one local community, certain key themes will be addressed that attempt to shed light on the issue of whether these objectives and the truth likely to emerge will be meaningful and relevant at the grassroots in Burundi.<sup>1</sup> Distilled from the literature analysis, the key themes will be used to answer questions including the following. Do the objectives of the TRC match the needs expressed in one local community? Does the national approach reflect opinion in this community? What dangers exist for such communities when an expansive, ambitious set of objectives is promoted? The article ultimately seeks to examine whether the proposed TRC will avoid becoming disconnected from the very communities it purports to serve, simultaneously offering a contribution to the growing discourse arguing for greater attention to the grassroots impact of transitional justice.<sup>2</sup>

The majority of the interviews that inform the analysis were conducted in a rural, Hutu-dominated community in the Bubanza province of Burundi and thus represent the opinions of a particular population. Though time and resources prevented further testing, this should not detract from the validity or the weight of the perspectives that the findings offer. Their representativeness is derived from the very fact of the community's experience of 15 years of impunity after a massacre in their central marketplace. The myriad similar events throughout Burundi's history imply that this experience of violence and its enduring aftermath is broadly shared by many other communities. Issues of ethnicity and other contextual factors notwithstanding, the insight from the interviews will remain important for a 'thick' consideration of the meaning and relevance of transitional justice in Burundi and pertinent to its practice elsewhere.

### **Burundi: a history of violence and a culture of impunity**

Like many of its neighbours in the Great Lakes Region of Africa, Burundi has suffered decades of violence since gaining independence in 1962.<sup>3</sup> The country's current instabilities, institutional weaknesses and lack of human security are direct consequences of this violent past. So too are constitutional requirements for consociational power-sharing between the two main ethnic groups: Hutu and Tutsi.

Following years of violent and divisive colonial rule, independence led to an almost instant scramble for power dividing Burundi's ethnic groups at the political level. Just three years into independence the country was plunged into violence as the new Hutu prime minister was assassinated, prompting a group of Hutu military officers and gendarmes to stage an attempted coup that was brutally put down by the Tutsi-dominated army, led by Captain Michel Micombero. The army went on to commit reprisal attacks against Hutu civilians, before Micombero staged a coup in 1966 declaring himself president of a new Burundian Republic. In an episode of violence commonly acknowledged to have constituted genocide, Micombero's military systematically massacred Hutu civilians in 1972 in response to a violent Hutu uprising. For around four months, educated Hutu were targeted, leading Lemarchand to conclude that by its end the entire elite were 'either dead or in exile'.<sup>4</sup>

After Micombero was deposed in a military coup by Jean-Baptiste Bagaza, a new constitution was established instituting a one-party, Tutsi-dominated state that lasted

for more than 10 violent years. Major Pierre Buyoya staged yet another coup in 1987, reinstating military rule and followed by more violence along a similar pattern, the increasing radicalization of Hutu groups attracting ruthless reprisals against Hutu civilians. Faced with growing international concern, Buyoya, however, began a process that culminated in a Charter of National Unity in 1990 and a new constitution under which multi-partyism was approved by referendum. These developments paved the way for the election of the first Hutu president, Melchior Ndadaye in 1993. Just 100 days into his tenure, however, Ndadaye was assassinated during an attempted army coup. As a longstanding instrument of Tutsi hegemony and the ultimate safeguard against oppression by the majority Hutu, the officers staging the coup likely feared the consequences of the new era of reforms on their control of the army. The violence response to these events began further cycles of violence referred to locally as *la crise* that descended into civil war.

What began as a war between various Hutu rebel groups and the Tutsi-dominated security forces and local Tutsi militia soon degenerated beyond the Hutu–Tutsi paradigm as factional splits led to violence between rebel movements. Among the ensuing chaos, a host of new rebel movements emerged, the two most important of which refused to sign the 2000 Arusha Peace and Reconciliation Agreement. Nevertheless, a new transitional government was formed that later signed a Global Ceasefire Agreement with one of these groups in 2003 (the CNDD-FDD), leading to the approval of a new constitution. Elections held in 2005 brought incumbent President Pierre Nkurunziza to power as leader of the CNDD-FDD, now transformed into a political party. After another peace agreement, the remaining rebels (the FNL) finally disarmed in 2009.

Precise figures of the number of direct victims of the violence are not available, but estimates put the number in the hundreds of thousands with many more thousands of Burundians forced to flee across the borders with Tanzania, Rwanda and the Democratic Republic of Congo (DRC). The question of whether the most intense episodes of violence in the country (specifically 1972 and 1993) constitute genocide is a source of much disagreement among and between both Burundians and international scholars.

### ***Transitional justice in Burundi***

Decades of cyclic violence have been met with total impunity in Burundi. The consequent culture of impunity that now festers as a result of this legacy of abuses both underpins and has exacerbated the socio-economic problems facing Burundi. Hopes that the so-called *spirit of Arusha* would herald a shift towards justice and accountability in the country proved premature.

The 2000 Arusha Agreement in fact laid down a framework under which ‘combating impunity during the transition’ was an important component,<sup>5</sup> with provisions to establish a TRC and an international judicial commission of inquiry. After lengthy negotiations and a 2005 United Nations Report,<sup>6</sup> the idea instead to establish a truth commission of mixed composition and a special chamber within Burundi’s judicial system was proffered, though the latter was eventually replaced by the idea to establish a special tribunal. In the meantime, a system of de facto amnesty had been established, whereby temporary immunity provisions intended to assist the transition from violence, together with a 2003 law ratifying the Rome Statute, were

manipulated to ensure that until today no judicial body is competent to try crimes of the past.<sup>7</sup>

For reasons of the amnesty issue, disagreements over the relationship between the proposed TRC and special tribunal and, as non-signatories to Arusha, an absence of the requisite ownership over the agreement by the CNDD-FDD, the situation concerning the establishment of transitional justice mechanisms stagnated after 2000. By all accounts the negotiations between the United Nations and government of Burundi were laborious, until an agreement was reached in 2007 to resolve part of the impasse by organizing national consultations on transitional justice. Several rounds of protracted negotiations later, consultations were finally held in 2009 and the final report was delivered to the president in April 2010, published the following December. Largely sidelined since publication and absent of any meaningful attempts officially to disseminate and discuss its findings, the report (much like transitional justice generally) appeared peripheral to the priorities of Nkurunziza's government, now into a second term after winning disputed elections in 2010. Taking many by surprise, the government announced in May 2011 that a committee would be established to advise on the set-up of the TRC, slated for early 2012.

### **A TRC in Burundi**

According to the Arusha Agreement, a national TRC should be established to investigate and classify the crimes committed in Burundi, promote reconciliation, and clarify and rewrite the country's entire history.<sup>8</sup> The national consultations revealed support for a TRC with a mandate to investigate the full range of crimes committed from 1962 to 2008. Opinion was also expressed that the TRC should provide space for victims, determine reparations, facilitate reconciliation, and be of mixed national and international composition.<sup>9</sup>

The dominant opinion prior to the government's sudden announcement of its commitment to establish the TRC had been that there was little appetite among the political elite to see a functioning TRC, which would theoretically investigate crimes committed by rebels-turned-politicians. Nevertheless, the government appointed a technical committee<sup>10</sup> that submitted its report and draft law in October 2011.<sup>11</sup> Whilst no law has yet been passed more than a year after the report was promulgated, the draft law has received the government's approval with minor alterations.<sup>12</sup>

### ***The objectives of Burundi's proposed TRC***

According to the draft law, the guiding principles of Burundi's proposed TRC will be the establishment of the truth, national reconciliation and the restoration of victim dignity.<sup>13</sup> The TRC will be charged with five principal tasks:

- Investigate and establish the truth concerning gross violations of human rights and international humanitarian law, notably the major violations of political, social and economic rights contributing to the subversion of democratic institutions, the full range of responsibilities and root causes of these violations, and identify and exhume all mass graves.
- Qualify all of these violations.

- Publish lists of disappeared and killed persons, the names of perpetrators, the names of persons distinguishing themselves in the protection of others, and those victims who have accorded pardons to perpetrators together with the names of those benefiting from such pardons.
- Recommend criminal proceedings, a programme of reparations, a programme of action for promoting pardon and reconciliation, the erection of monuments and other symbolic measures, the reform of institutions to guarantee non-repetition, the exclusion of persons responsible for violations from state positions and the loss of the right to run for public office, and the rewriting of a history shared by all.
- Contribute to the rewriting of Burundian history.<sup>14</sup>

The ambitiousness of this mandate needs little explanation. A glance at corresponding articles from Sierra Leone and South Africa provides further context. Indeed, in the former the commission was mandated with three principal duties:

- The creation of an impartial historical record to address impunity, respond to the needs of victims, promote healing and reconciliation, and prevent repetition.
- To investigate and report on the causes, nature and extent of the violations, including antecedents.
- To work towards restoring victim dignity and promote reconciliation.<sup>15</sup>

In South Africa, the commission was charged with:

- Establishing as complete a picture as possible of the causes, nature, and extent of violations, including the causes and context of violations.
- Facilitating the granting of amnesty.
- Establishing and making known the fate or whereabouts of victims and restoring the dignity of such victims.
- Compiling a comprehensive report including recommendations.<sup>16</sup>

In what is essentially the bread and butter of truth commissions, each law clearly requires the creation of a comprehensive record of human rights violations to include contextual factors and root causes, referred to by Hayner as the investigation of ‘a pattern of abuses over time’.<sup>17</sup> Like Burundi, the commissions in Sierra Leone and South Africa also targeted an approach that prioritized victims, the former being tasked to ‘respond to the needs of victims’ and the latter emphasizing a ‘victim-centred approach’ through the very fact of testimony.<sup>18</sup> In addition, reference is made in each to the restoration of the dignity of victims. Unlike Burundi, the laws for Sierra Leone and South Africa specify that this objective should be achieved by providing victims with the opportunity to recount their stories. Interestingly, Burundi’s draft law refers also to the restoration of the dignity of perpetrators (*des auteurs*).

What we see from Burundi, however, is essentially a much broader range of sub-objectives envisaged to contribute to the overall objective of truth-seeking, for example the requirement to map mass graves. Adding to this burden, the proposed TRC must investigate violations spanning more than 45 years (1962–2008), a significantly greater period of time than the other commissions but with the same

two-year mandate. Moreover, Burundi's TRC must contribute to the rewriting of the country's history, an altogether more complex undertaking than that of compiling an historical record. The latter involves 'factual or forensic truth',<sup>19</sup> whereas rewriting an entire history involves negotiated truths tied to collective memories rather than objective facts alone.

Some final lines of comparison are useful to draw, particularly concerning the operational mandates. Sierra Leone's TRC collected around 9000 statements, compared with 21,000 in South Africa. Both held decentralized public hearings broadcast on television and radio, were mandated to name names, and produced multi-volume reports detailing the violations committed and devoting attention to vulnerable groups. Unlike in Sierra Leone, the commission in South Africa had certain judicial powers including search and seizure, subpoena, and the granting of amnesty. The purely national commission in South Africa addressed violations primarily including disappearances, torture, killing and forced segregation, whereas in Sierra Leone the hybrid commission was tasked with investigating killing, mutilation, sexual violence, torture and the use of child soldiers. As is now well-known, only a very limited number of prosecutions accompanied the commission in South Africa, whilst the Special Court for Sierra Leone operated alongside the TRC.

From this brief comparison we see that in spite of certain differences, including the fact that the TRC in Burundi will have to address claims of genocide, the commissions have several fundamental similarities in terms of their underlying principles and objectives. It is these elements that are key comparative points instructive for examining the potential of Burundi's proposed TRC to engender a sense of meaning and relevance that may reduce the likelihood of a disconnect from grassroots communities.

### ***Aho inzovu zigwaniye, ivyatsi nivyo bihasira (When the elephants fight, it's the grass that suffers)***

Before analysing Burundi's proposed TRC in the light of South Africa and Sierra Leone, a brief explanation is provided of the community where the interviews were primarily conducted. Following this explanation, the interviews are used first to examine the complexities of the notion of 'truth'. Thereafter, the analysis questions the purposes for which the truth will be used and then subsequently offers an argument for a more genuine commitment to 'bottom-up' truth-seeking. The fifth subsection briefly zooms out to consider what national reconciliation means in the Burundian context, before the final subsection zooms back in on the local level to address the imperative of incorporating greater attention to socio-economic hardships in transitional justice.

### ***'Under the avocado trees': the Kivyuka massacre<sup>20</sup>***

The village of Kivyuka lies north of the capital, Bujumbura, in Bubanza province. As was the case at the time of the massacre, Bubanza is one of the more unstable provinces in Burundi due to its proximity with the DRC.

According to survivor testimonies, on 3 May 1996 the arrival of the army just before midday was preceded by the destruction of an electricity pylon in the village locality some hours before. Previous warnings had apparently been given to the community that such destruction would attract severe punishment by the authorities.

It is alleged that the pylon's destruction offered a pretext for the Tutsi-dominated army to enter Kivyuka, suspicious that the community was harbouring rebels. The chain of events that ensued 'under the avocado trees' resulted in the indiscriminate but apparently calculated massacre of upwards of 300 people in the central marketplace. Reports suggest that the International Committee of the Red Cross (ICRC) was prevented from entering the area to provide emergency assistance.<sup>21</sup> Several days later soldiers returned to dispose of the bodies into mass graves around the village.

At the time of writing, no official investigation into the massacre or redress had been forthcoming. For the people interviewed, many of whom demonstrated signs of trauma, the 15 years that have passed since 1996 have created a sense of resignation about the prospects for any such redress. These feelings are compounded by the awareness that persons implicated in the massacre still hold positions of authority, whilst the occasional unearthing of human remains serves to remind of their neglect. Moreover, the awareness that specific Tutsi civilian massacres have been well documented and even memorialized appeared as a particular issue of resentment, the interviewees at times demonstrating a particular 'Hutu' reading of the past. This 'ethnic memory'<sup>22</sup> itself provides a compelling argument for the necessity of establishing the TRC given that the absence of truth at various levels sustains selective ethnic memories of violence. In fact, '[o]ne merely has to ask Burundians what their version of the events of 1972 and 1993 are, to be able to determine who is a Hutu or Tutsi.'<sup>23</sup>

### ***What truth, and for whom?***

Faced with the events of the past, the overwhelming desire expressed by the people interviewed in Kivyuka was for the truth, somewhat consistent with the findings of the national consultations.<sup>24</sup> Yet this by itself does not validate the truth-seeking objective of the TRC. Truth is an inherently complex notion, invoking both objective facts and subjective interpretations. Four distinct types of truth were distinguished by the commission in South Africa alone,<sup>25</sup> and in Burundi the elementary, founding truths of one ethnic group or community exist in perennial opposition to the truths of the other.<sup>26</sup> These nuances nonetheless go unaddressed in Burundi's official transitional justice discourse, with the TRC's proposed tasks indicating that a wide spectrum of truths are envisaged from the same process, yet a blanket term of 'truth' (*vérité*) is employed.

This problem is however pervasive and indicative of much international discourse in which truth appears moral, romantic and intuitive when discussing measures to deal with violence. This very instinct has led to over-simplification in its treatment in transitional justice. From the wording of the mandates for Burundi, Sierra Leone and South Africa, truth is conceived as if it were something that simply exists waiting to be found. It is stripped of its complexities and treated as 'uncomplicated and straightforward'.<sup>27</sup> But truth is necessarily multifarious, subjective and political, its comprehensiveness at the mercy of a myriad factors. The decades of violence and mistruths in Burundi are perfect illustrations of this fact. Just as became apparent in Sierra Leone and South Africa, truth at the national level is intertwined with, but not inevitably the same as, truth at the local level.

When invoking the term themselves, people in Kivyuka were invariably referring to a desire for truth at their individual and local community level. The first point of reference was always the events experienced in 1996 or their aftermath, interviewees



referring to the lack of truth as at the root of many of their other hardships. Considering the length of time without any official investigation or explanation for the massacre, this is unsurprising. Yet it also reveals a more subtle motivation behind local truth: acknowledgement. Given that silence and impunity are mutually reinforcing, truth was implicitly and explicitly tied to the need for acknowledgement of suffering. For the interviewees this need was magnified by the injustice they felt at seeing that investigations *have* taken place in other communities, a state of affairs often compounded by ethnic differences. One interviewee, for example, referred to areas where investigations had taken place, deducing that ‘some provinces have been assisted . . . treated as if they are more important.’<sup>28</sup> Similarly, another interviewee equated having a monument built in the village with knowing the truth, explaining that it is currently ‘difficult to repair [heal] because we don’t know the truth’.<sup>29</sup> With no immediately apparent signs of what took place, the same man suggested that a monument would demonstrate the truth about what occurred. Truth in this context becomes synonymous with official acknowledgement and a means for both recognition and validation of the atrocities suffered. Hayner observed that the importance of a TRC may often lie in ‘acknowledging the truth rather than finding the truth’.<sup>30</sup>

For the TRC to resonate in Kivyuka local truths must similarly be granted space. Experience from past commissions, however, suggests that individual, local narratives are moulded to fit a particular discourse and rarely valued for what they represent in themselves. Wilson cites Belinda Bozzoli who wrote of a township in Johannesburg that ‘individual narratives were subordinated to community histories and new national narratives on the experiences of apartheid. Idiosyncratic and unique individual psyches disappeared into the melting pot of a new official “collective memory”.’<sup>31</sup> And so is the risk for Kivyuka. Whilst the history of Burundi is testament to the need – however difficult – for an objective and shared history at the national level, this should not be at the expense of local narratives. To the extent that Burundi’s TRC precludes a seeking of the idiosyncratic truths at the individual level, truth-seeking will remain a national project overlooking the types of acknowledgement sought at the local level.

Frequent reference by the interviewees to exhumations and dignified reburials indicates another important dimension of the truth paradigm confirming the desire for local truths. As with the draft law on the TRC that recognizes the importance of mapping and exhumations, the search for truth was equated with these two processes, influenced by the known location of mass graves in Kivyuka and the regular unearthing of remains after heavy rains. Insofar as the TRC is able to address these local truths and incorporate such genuine commitment to localized interpretations of establishing the truth, it may well generate meaning and relevance in communities like Kivyuka. The importance of exhumations was thus quite simply captured by the statement: ‘re-burials must be first, before anything else.’<sup>32</sup>

The politics and extreme undertaking of identifying mass graves should, however, not be underestimated, particularly in light of an already overloaded mandate and in a context of an innumerable number of ‘Kivyukas’. According to Ross, victims in South Africa had a similar desire for local truth, but were disappointed at the inability of the TRC to find the remains of those who were disappeared.<sup>33</sup> Likewise the failure to incorporate local conceptions and locally relevant approaches in Sierra Leone led to the frequent conclusion that the TRC was out of touch with communities.<sup>34</sup> The challenge for Burundi’s TRC, therefore, is effectively to translate

the encouraging commitment to exhumations that appears in the draft law into practice. Nonetheless, the shortcomings of the other commissions in incorporating such local truth-seeking components is sobering, further accentuated when one recalls the over-burdened mandate of Burundi's proposed TRC and the hitherto reluctance of the authorities to contemplate exhumations.

Aside from these individual, local truths, truth in Kiviyuka had another important dimension that hints at changes to the current structural application of truth commissions. Interviewees indicated the benefits of using the truth in the sensitization (*sensibilisation*) of other communities and vice versa. Referring explicitly to Tutsi communities, the truth was seen as a prerequisite but also the very thing that could assist in starting a process towards the reconciliation of communities through an understanding of common experiences of victimization.<sup>35</sup> Regardless of the evident ethnic bias and reduction of the past to purely ethnic explanations, the truth was seen as a way to begin to repair the damaged social fabric. The interconnection with the implicit need for acknowledgement suggested above can also be seen. This vision opens a window into how the divisions of the past continue to occupy a central place in the minds of the interviewees and continue to be experienced, whether real or imagined. It is here that truth has a role at the local level to dispel mistaken beliefs about the past and for communities to affirm and acknowledge each other's suffering.

For the TRC to facilitate this process in Burundi would require a considerable reassessment of the commission's mandate and an approach that has been little tested elsewhere. In fact the reconciliatory potential of the truth at past commissions, particularly in terms of bringing communities together, appears almost non-existent since commissions have been preoccupied with national narratives. Stanley, therefore, argued that South Africa's TRC could not act as the necessary bridge between communities as it 'provided a partial truth'.<sup>36</sup> Kelsall similarly observed that the commission in Sierra Leone was 'rarely able to get beyond detached, factual statements . . . and half-truths, evasions, and outright lies'.<sup>37</sup> Effectively supporting the idea of social repair stated in Kiviyuka, Kelsall noted that only a 'carefully staged reconciliation ceremony' on the final day of the proceedings was received with satisfaction by participants.<sup>38</sup>

Before moving to consider the purposes of truth in Burundi, a final insight from Kiviyuka can be raised. Whilst the first reference point when discussing the need for truth was the individual, local level, interviewees naturally made reference to truth as a more generalized project, particularly concerning the root causes of violence and responsibilities. This focus of course already defines the mandates of truth commissions, but operation in Sierra Leone and South Africa suggests incongruence between these objectives and practice. Nwogu is just one of many critics who note that commissions have avoided explaining the motivations and factors that led to violence in favour of simplistic national narratives.<sup>39</sup> Tepperman and Laplante thus both argue that South Africa's TRC missed the opportunity to educate about these very factors, narrowly interpreting its mandate.<sup>40</sup> In a context like Burundi, an entire history of cyclic violence demonstrates the ramifications of failing to uncover and address the root cause of violence. As indicated by the interviewees, sensitization as well as a thorough understanding of violence must be translated from mandate to practice, which requires non-ethnicized, non-essentialized<sup>41</sup> understandings of the past.

***Truth for what purpose?***

Truth in Kivvyuka was not simply seen as an end in itself. Rather, truth was conceptualized as a means through which to assert other rights and for achieving other objectives. Certain of these rights and objectives, including the equating of truth with acknowledgement, can be further explored. The responses of interviewees exhibiting certain desires can also be used to question certain assumed powers of truth-seeking.

It becomes clear from the interviews that the right to know the truth was intrinsically tied to the non-recurrence of violence. This is perhaps unsurprising after decades of human rights violations, but it reveals that truth at various levels was interpreted as having a dynamic purpose. As already noted, a significant degree of support was expressed for utilizing the local truth from Kivvyuka for sensitization in the prevention of future violations. The suggestion that sensitization of the population at large could be targeted since 'what happened in Kivvyuka, happened all over Burundi' is indicative of this sentiment.<sup>42</sup> This relationship between truth and non-recurrence was also expressed through other objectives, including the need for reform of the army through understanding the structures that facilitated violence or the need to shed light on corruption, its links to the past and the obstacles it creates to reconstruction. For the proposed TRC these opinions indicate that seeking the truth should be connected to programmes of action that follow after its mandate expires. The provision in the draft law for the TRC to recommend subsequent action is therefore essential and must be regarded as fundamentally part of the truth-seeking process.<sup>43</sup>

The establishment of the truth was also connected to criminal prosecutions. Though punishment was not in itself prioritized by interviewees, opinions converged on the basic premise that establishing the truth could lay the ground for the punishment of those persons who issued orders.<sup>44</sup> Concerning the soldiers who perpetrated the massacre in their marketplace, opinions broadly oscillated between those suggesting that punishment should be commensurate to hierarchical position and those stating that if senior officials were prosecuted then it would suffice for the soldiers to reveal the truth and admit guilt. In the same vein it was suggested that prosecutions could follow from shedding light on the various levels of responsibility in the truth-seeking process.

Perhaps one of the most interesting elements of the responses from Kivvyuka concerns what was not stated. Whilst truth was linked to a variety of purposes, the relationship between establishing the truth and reconciliation was far from axiomatic. The common assumption that truth simply equals reconciliation was nowhere to be found in Kivvyuka. This has clear implications for the realization of the objectives of the TRC, but also for international discourse and practice on transitional justice. Indeed as is now well known, the assumed power of the truth as inevitably leading to reconciliation is entrenched in much of this discourse and finds place in Burundi's proposed TRC, the legacy of South Africa looming large. Yet for interviewees in Kivvyuka truth was instead regarded as a condition or prerequisite for beginning a process towards reconciliation, which was also importantly connected to non-recurrence. This would seem to confirm Ignatieff's caution that 'it is putting too much faith in truth to believe that it can heal',<sup>45</sup> especially when that truth is not meaningful at the local level.

Examining the value of truth in transitional justice, Daly cites similar concerns. According to her analysis the conjoining of truth and reconciliation may lead to a ‘troubling tension ... [whereby] truth may actually impede reconciliation’, the current approach of truth commissions meaning that they are ‘likely to work the least where they are needed the most’.<sup>46</sup> This tension is indeed discernible in Burundi, supporting Daly’s ultimate observation that ‘truth, in other words, is not enough’.<sup>47</sup> Certain shortcomings flowing from assumptions made in both Sierra Leone and South Africa about the power of truth equally suggest the need for reconsideration. Assessing post-TRC South Africa, Stanley referred to the unrealized rhetoric and failed promises upon which the commission was founded to conclude that at best reconciliation had been only symbolic.<sup>48</sup> In Sierra Leone, Kelsall questioned the value and power of the truth for local communities.<sup>49</sup> The suggestion is that the truth being sought at truth commissions is overly preoccupied with national concerns in a singular, static manner, which comes into friction with local dynamics.<sup>50</sup>

The creation of an authoritative, historical record is thus inherently problematic, let alone the task of rewriting an entire history as Burundi’s TRC is expected to contribute. Indeed a previous UNESCO project tasked with this very purpose ultimately failed, despite the additional momentum given to the project after the signing of the Arusha Agreement.<sup>51</sup> As well as the polarization that exists concerning key events in Burundi’s history, the neutrality, definitiveness and finality that ‘authoritative’ implies fit uncomfortably with authentic understandings of what truth entails. Past experiences thus suggest that truth-telling on a grand scale creates disappointment and may only lead to general affirmations of generalized truths. As we can understand from the perceptions in Kivyuka, the discernible value of this type of truth is not self-evident for local communities, but the proposed TRC in Burundi seems little equipped to buck this trend especially as its objectives appear simply to repeat past assumptions.

Finally, dynamics surrounding the revelation of truth at TRCs foretell potential shortcomings in Burundi. It was clear from Kivyuka that truth and acknowledgment are deeply intertwined with the need for investigations of persons in positions of power or for those individuals to come forward of their own accord to explain the violence. But it is on this very issue that the TRC in South Africa has been often criticized. Not only was the limited participation of the white community an issue of contention,<sup>52</sup> but so too was the limited participation of other significant groups such as the military. Even disregarding problems of recollection, these limitations will affect any truth-seeking project.<sup>53</sup> In a context like Burundi where the military, rebels-turned-politicians, local administrators and former figureheads hold many of the answers to questions sought locally, the likelihood of similar refusals to participate will have a damaging effect upon the purposes for which the truth is needed.

***‘The solutions must come from the victims themselves’<sup>54</sup>***

Considerations of local versus national priorities rarely figure prominently in discussions on the implementation of transitional justice. Even in contexts like Burundi where a national consultation process was intended to canvass popular opinion, the genuine commitment to local priorities is limited. Commitments to a ‘bottom-up’ rationale have been equally arrested in their development among

scholars. Where the solutions do not come from affected communities themselves, the question of in whose interests the solutions are being sought naturally follows.

On this very point, Shaw found that in Sierra Leone the TRC had actually disrupted local processes, including those premised upon the desire to forget about the past and move on.<sup>55</sup> Similarly the often centralized proceedings of commissions, even those holding regional hearings, contributes to the disconnect from local communities, a problem that is replicated across donor-driven transitional justice. Though a similar disconnect from Burundi's proposed TRC is not inevitable, it is clear that communities in Burundi have been forced to find ways to live side by side, often with full knowledge of their neighbours' past deeds. Such compelling contextual pressures must be taken into consideration, though past practice suggests they may well be ignored. For while interviewees in Kivyuka seemed to favour the belief that 'the unearthed stone will not damage your hoe in the future' (*ibuye ryaserutse ntiryica isuka*), many Burundians may instead believe that 'one should not dig up what is buried' (*Nta kuzura akaboze*) for want of avoiding yet more violence.<sup>56</sup>

In terms of the objectives being sought at truth commissions, this real or perceived disparity between interests and priorities will necessarily impact upon their meaning and relevance at the grassroots. In a study undertaken with victims/survivors immediately after the commission's hearings in South Africa, strong support was found for the perception that the TRC had been more successful at the national level than at the local level. Reasons cited included insufficient penetration into communities, failures to address local conflicts and raising the hopes of the people without producing tangible results.<sup>57</sup> In addition to these factors there was a commonly held belief that other areas had been given preferential treatment. This is at risk of being repeated in Burundi, not only due to the sheer number of communities affected by violence, but also given the enormous mandate of the proposed commission to investigate decades of violence. Many Burundians will simply not have the opportunity to participate actively. In communities like Kivyuka where a belief has already taken root that other (Tutsi) communities have been favoured, the TRC can ill-afford to repeat these same problems if it is to achieve its objectives. Strategies to mitigate these effects, including a thorough information and outreach policy, will be key.

For Burundi, however, the risks may not end there. In a culture prone to duplicity it was well recognized in Kivyuka that influential political elites frequently lack sincerity in their actions. Interviewees revealed an absence of trust in certain institutions,<sup>58</sup> suggested that 'the authorities are sleeping',<sup>59</sup> and noted that certain entrenched interests would likely subvert any transitional justice process. Observations that South Africa's TRC paid greater attention to the needs of the state at the expense of affected communities thus resonate.<sup>60</sup> In fact, Wilson's suggestion that truth commissions are vehicles to 'manufacture legitimacy for tarnished state institutions', South Africa witnessing '[a] culture of human rights constructed upon the quicksand of a culture of impunity',<sup>61</sup> is wholly applicable to the current political double-dealings in Burundi. Just as in South Africa, many among the Burundian political elite benefit from calculated delays in transitional justice and have an interest in exploiting the TRC to guarantee that prosecutions never materialize. Negotiations upon establishing a proposed special tribunal have in effect been a non-starter, with no concrete proposals included in the draft law in spite of the stipulations at Arusha. In this respect the proposed TRC may consolidate political positions and cement the current situation of impunity.

Nearly a decade ago Snyder and Vinjamuri warned that truth commissions may provide 'a veneer of legitimacy' for governments that otherwise spurn the rule of law.<sup>62</sup> And one year after the assassination of Ndadaye, Hayner cautioned that commissions can be established by governments seeking to inculcate favourable outside judgements of an otherwise tarnished human rights record.<sup>63</sup> There is much evidence to suggest that Burundi is taking a similar path, the duplicitous stance towards the TRC and protracted road to its establishment clear indicators of this.

### *National reconciliation*

In the foregoing sections some of the difficulties concerning the relationship between truth and reconciliation have been raised. Alternative (local) processes for how reconciliation may be encouraged by the truth, rather than simply being an inevitable consequence of it, are suggested. As a short extension of this, national reconciliation as an objective of the proposed TRC can be briefly considered.

As a concept, reconciliation lacks precision. A host of different meanings and interpretations have been given to the term, muddying its status as an objective of transitional justice.<sup>64</sup> Consensus has therefore emerged that national reconciliation 'is almost impossible to quantify or measure or assess in any meaningful way', and that when the notion of reconciliation is elevated beyond local communities as a remedy for a damaged body politic it thereby attains a 'higher level of abstraction'.<sup>65</sup> Indeed changes in rhetoric were observed at South Africa's TRC, where Desmond Tutu began suggesting that the commission was resolved to promote rather than bring about reconciliation, and where Richard Goldstone later claimed that national reconciliation lacks content and was unsuccessful.<sup>66</sup> Achieving national reconciliation in Burundi will inevitably encounter similar difficulties, particularly since the term has not been defined in the draft law. The similarities in the negotiated end to the violence in Burundi and South Africa point to further reasons for this assumption.

But Burundi has also travelled a unique road to transitional justice. This road has been paved with political manoeuvring and the unique duplicity of politicians. Reference has been made to the fact that as a non-signatory the political party of the current president lacks the requisite ownership of the Arusha Agreement where the TRC provision was first enshrined. Tellingly, in the ceasefire agreement that it signed with the last remaining rebel movement in 2006, the party's vision for transitional justice somewhat crystallized. The principles of the ceasefire determine that the TRC will be renamed the Truth, Pardon and Reconciliation Commission that would aim to establish the truth with a view to pardons (forgiveness) and reconciliation.<sup>67</sup> As Vandeginste notes, this provision reveals the intentions of the parties, brought into focus by the absence of reference to the special tribunal, the emphasis on accountability replaced by the softer language of forgiveness.<sup>68</sup> Since then this intention has been cautiously retained, the draft law referring to pardons and forgiveness, without definition.

These developments will have implications for both the vision and the means for achieving national reconciliation in Burundi, as well as the likelihood of prosecutions. Just as in the past, however, any fallout from a controversial national reconciliation programme will perhaps be most acutely felt within local communities. It remains to be seen whether pardon and forgiveness will be viewed as appropriate (if implemented), with conflicting research findings on this subject.<sup>69</sup> In Kivuyuka the

opinion was reiterated that forgiveness should be reserved for the lower levels of authority, with those bearing the greatest responsibility having to face criminal justice. In this respect a clear disconnect between the national-level approach to the objective of reconciliation and its understanding at the local level may be taking shape.

It seems likely that reconciliation will ultimately fall short of expectations expressed in Kivyuka. Despite the draft law stating that the TRC should recommend programmes for pardon (forgiveness) and reconciliation, the lesson from Sierra Leone and South Africa is that truth commissions are often at their weakest in the implementation of recommendations. Given the sheer enormity of the task in Burundi, combined with scarce available resources, there are reasons to be less sanguine than the picture painted by its proposed objectives. On this very point, Park notes that despite favourable rhetoric upon establishment of the TRC in Sierra Leone, in the end reconciliation was 'left to the localities since the TRC had neither the time nor resources'.<sup>70</sup> Truly to begin a process towards reconciliation between divided communities or to overcome inter-ethnic suspicions will require truth-telling, dialogue and exchange at all levels of society, which could be facilitated by a little creativity with the TRC model. As one female survivor suggested, 'Burundians like beer', alluding to relevant social practices that could be utilized to bring people together for this purpose.<sup>71</sup> At the same time, action to ensure the (re)establishment of genuine democratic values among those wielding power must also be laid out, particularly at a time when the number of extra-judicial killings of opposition members and the threat of instability from marginalized groups is increasing.

### ***Socio-economic conditions***

It should not be of surprise that wider socio-economic circumstances and the need for various forms of assistance were a feature of the interviews in Kivyuka and deeply associated with the massacre that took place. When voicing their desire for some form of reparations, interviewees predominantly referred to forward-looking purposes that would contribute to the improvement of life conditions. Consistent reference was also made in this respect to the need to provide support for children for schooling and for support for orphans. The opinions are no doubt partly a reflection of the extreme under-development and poverty in Burundi, but the manner in which the prevailing hardships were intertwined with the events of the past cannot be ignored, particularly as they concern those factors that lie at the root cause of Burundi's violence including unequal access to resources. This has implications for transitional justice in Burundi and beyond, especially since practice to date has largely eschewed a more holistic approach to dealing with violence that incorporates a genuine commitment to addressing socio-economic factors as part of the same issue.

In many ways transitional justice therefore remains 'a paradigm of rule of law',<sup>72</sup> as demonstrated by both discourse and practice. The somewhat blinkered vision whereby criminal justice and national truth-telling are given priority at the expense of a more comprehensive approach means that many underlying causes of violence and their manifestation in the present remain unaddressed. The danger is not only that the basic needs and concerns of communities like Kivyuka will be ignored, but also that these factors that nurtured violence simmer just beneath a veil of progress. Indeed in his report on preventing armed conflict, Kofi Annan referred to the

proximate causes of conflict as often masking its root causes, including socio-economic inequalities.<sup>73</sup> Required thus is a shift in the current conceptualization of transitional justice, once again giving greater priority to understanding the grass-roots experience of violence, including its antecedents, and how communities continue to be affected by its aftermath, particularly those factors that were present before the outbreak of violence. In practical terms, it will require focused attention on structural reforms and development that respond to needs expressed by people in communities like Kivyuka. The ultimate pay-off will be more sustainable, long-term recovery and more locally relevant transitional justice.

For the immediate situation in Burundi, this realization may come too late. Though the draft law includes provisions indicating that the TRC should seek to elucidate major economic and social violations, practice to date suggests that such provisions are easily overlooked. In fact at the inception of TRCs, mandates are usually interpreted narrowly with priority given to descriptive truth-telling at the expense of a detailed comprehension of violence.<sup>74</sup> A continuation of this trend in Burundi will mean that people will be left dissatisfied with the truth revealed and wider development, including the foundations for the non-recurrence of violence. More damningly, many people will not be provided with the assistance that they require in order to improve their life conditions since such assistance will inevitably be contingent upon the truth that is (not) revealed on these very points.

Recent qualitative research by Millar in a community in Sierra Leone further substantiates these concerns, equally demonstrating the negative implications for the local meaning and relevance of Burundi's proposed TRC if the issues raised in Kivyuka are overlooked. The research supports the thesis that local conceptions of violence, its experience and its aftermath must be given space in transitional justice otherwise frustration may follow.<sup>75</sup> Accepting the limitations of Millar's research, the findings nevertheless resonate with the views expressed in Kivyuka particularly that people expected tangible improvements to their life conditions, not just talk. Millar also found that people in the community he studied 'felt that the work of a transitional justice project aimed at bringing peace must include the construction of schools, medical facilities, roads, etc.,'<sup>76</sup> evidence mirrored by statements in Kivyuka. There is a real risk that as in Sierra Leone, and regardless of the need expressed for truth, a lack of tangible effects will exacerbate feelings of injustice,<sup>77</sup> especially if the proposed TRC fails to give credence to demands for socio-economic improvements.<sup>78</sup>

Further disconcerting for communities in Burundi are the well-known difficulties faced in South Africa despite the country being immeasurably further along its transition from violence. Prevailing social problems and structural inequalities currently exist as hallmarks of apartheid long after the TRC's conclusion, and in spite of undoubted progress, these inequalities (including the prevalence of violence, physical and social separation of ethnic communities, concerns over the independence of state institutions, etc.) paint a sobering picture of the country. Though the dynamics are wholly different in Burundi, the fact remains that if the proposed TRC exists as only a symbolic mechanism directed at the abstracts of national reconciliation and an ill-defined truth, communities like Kivyuka may not experience the objectives of the commission as meaningful and relevant to their needs. Unaddressed, poverty and other hardships may exacerbate such sentiments, which have fuelled conflict in the past. A logical conclusion patently apparent from Burundi is that truth (commissions) must be accompanied by other programmes of action.



### **Conclusion: rethinking transitional justice?**

This analysis has attempted to understand whether the objectives and the truth likely to emerge from Burundi's proposed TRC will be meaningful and relevant to people in communities like Kivuyuka. In doing so, an implicit argument has been made for a redoubling of efforts to ensure that transitional justice genuinely responds to the needs and desires of affected communities, rather than imposing top-down models and conceptions.

There will inevitably be broad lines of congruence between the desires emerging from local communities and the objectives, specific tasks and grand narratives being sought through transitional justice. The value of reconciliation, for example, enjoys near universal support after violence, as do other objectives such as truth-telling and restoring victim dignity, Kivuyuka being no exception. In many ways, however, this congruence has led to the over-simplification of an inherently complex set of processes, as indicated by the nuanced responses of the interviewees. This simplification nonetheless provides much of the basis for transitional justice in Burundi and elsewhere. The field is riddled with assumptions based on what appears appropriate and the faith of what should be done after violence, rather than a deep, fact-based approach. These very same problems are being repeated in Burundi, which a more nuanced examination of the objectives of the proposed TRC seems to suggest.

Indeed the themes raised in the analysis, whilst by no means exhaustive, point to the dangers of a disconnect between Burundi's long overdue transitional justice mechanisms and the grassroots communities for whom they should ostensibly operate. This disconnect seems likely to emerge in no small part due to the perennial failure genuinely to understand the needs and desires of affected communities. In the end this can only lead to misconceptions of the objectives being sought and misjudged analyses of the relevance of key aspects of transitional justice in the prevailing aftermath of violence. These very same shortcomings as a result of the same failures and oversight have seen the emergence of disconnected communities in both Sierra Leone and South Africa. What is urgently required is a much greater commitment to a 'bottom-up' approach, which is not to romanticize the grassroots, but rather to avoid the transplantation of models from one context to another and to infuse transitional justice with a more thorough comprehension of local desires, the grassroots experience of violence and context-specific understandings of key objectives and concepts. Participation – both direct and indirect – is fundamental, though past experience demonstrates that outreach strategies have been wholly inadequate across the board of transitional justice.<sup>79</sup>

For the people of Kivuyuka and Burundians at large, the effect that failing to incorporate such thinking will have for the proposed TRC may well be profound. Yet the task is further complicated by overriding contextual factors referred to in the analysis. The interviewees thus had a keen understanding and foreboding that the political will that has so often thwarted transitional justice in Burundi may well once again negatively influence the TRC process. Such concerns are well founded not only in the local context, but also across contexts that have attempted to deal with a violent past. The warnings of Snyder and Vinjamuri that truth commissions may provide a facade of legitimacy to a rights-shunning government, or of Hayner that truth commissions may be a conscious attempt to manipulate a more favourable assessment of such regimes, are pertinent.<sup>80</sup> Shortcomings in resources, the ability to

ensure the involvement of the upper political echelons and the uptake of recommendations are equally important. These wider inhibiting factors will negatively affect transitional justice in Burundi and must be clear points upon which the international community should exert its influence.

In Kiviyuka and many other communities in Burundi there are expectations and perceptions that have been nurtured over years of inaction, impunity and apparent helplessness. These people deserve an honest, fair, legitimate, comprehensive and inclusive TRC that has local meaning and relevance in the pursuit of its objectives. There are nonetheless strong indications that Burundians may be left only half satisfied, if at all. Before the commencement of the proposed TRC in the country there are thus certain warnings that should be heeded and provisions incorporated in order to serve better the needs and interests of people like those in Kiviyuka. But for transitional justice more generally the message must also be heeded so that local communities are guaranteed their part in the process and so that the objectives being sought resonate at the local level.

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### Notes

1. 'Meaning' will be used to interrogate whether the proposed objectives of the TRC align with local perceptions, whereas 'relevance' will examine whether they resonate and are compelling in the particular post-conflict context faced by ordinary Burundians.
2. For example, Lambourne, "Transitional Justice and Peacebuilding"; and Snyder and Vinjamuri, "Trials and Errors."
3. For a more comprehensive overview of Burundi's history, see Vandeginste, *Stones Left Unturned*; Lemarchand, *Dynamics of Violence in Central Africa*; Watt, *Burundi*; Daly, *Gender and Genocide in Burundi*; and Lemarchand, *Burundi*.
4. Lemarchand, *Burundi*, 97
5. Arusha Peace and Reconciliation Agreement 2000, Protocol II (Democracy and Good Governance), ch. II (Transitional Arrangements), Article 18.
6. The 'Kalomoh Report'. UN Security Council, *Letter Dated 26 January 2004 from the President of the Security Council Addressed to the Secretary-General*, 2004, UN Doc. S/2004/72.
7. For a thorough explanation, see Vandeginste, "Bypassing the Prohibition of Amnesty".
8. Arusha Peace and Reconciliation Agreement 2000, Protocol I (Nature of the Burundi Conflict, Problems of Genocide and Exclusion and Their Solutions), ch. II (Solutions), Article 18 (1) (a) (b) (c).
9. République du Burundi, *Rapport des consultations nationales*.
10. Décret No. 100/152 du 13 juin 2011.
11. République du Burundi, *Rapport du comité technique*.
12. Since the article was written, an amended draft of the law was submitted to the Burundian National Assembly in December 2012. The most important amendments in the new draft concern the removal of any reference to criminal prosecutions that could follow the TRC, including the removal of the provision stating that temporary immunities from prosecution would cease upon publication of the commission's report (temporary immunities were granted for politically-motivated crimes under various peace deals in order to aid the transition from violence).

13. République du Burundi, *Avant project du loi portant creation*; unofficial translation by the author.
14. Ibid. Article 6.
15. The Truth and Reconciliation Commission Act 2000 (No. 4 of 2000), Article 6.
16. Promotion of National Unity and Reconciliation Act (Act 95-34, July 26, 1995), Article 3 (1).
17. Hayner, *Unspeakable Truths*, 14.
18. Truth and Reconciliation Commission of South Africa Report (2003), Vol. 1, ch. 4, para. 21.
19. Ibid., ch. 5, para. 30.
20. Jean-Claude, interview with the author, April 2011. To ensure anonymity, pseudonyms are used throughout.
21. UN Security Council, *Statement by the President of the Security Council*, 1996, UN Doc. S/PRST/1996/24.
22. Van Eck, *Challenges Facing a Post-Election Burundi*, 7.
23. Ibid.
24. République du Burundi, *Rapport des consultations nationales*.
25. Truth and Reconciliation Commission of South Africa Report (2003), Vol. 1, ch. 5, paras 29–45. The Commission conceptualized ‘factual or forensic truth’, ‘personal or narrative truth’, ‘social or “dialogue” truth’, and ‘healing and restorative truth’.
26. A good example of this point is the Bugendana massacre in which around 300 Tutsi civilians were massacred in July 1996, just two months after the massacre of Hutu at Kivyuka. Truth for these two communities would likely be contested as it necessarily relates to the wider socio-political factors that precipitated the violence.
27. Clark, “Transitional Justice, Truth and Reconciliation,” 249.
28. Christophe, interview with the author, April 2011.
29. Emmanuel, interview with the author, April 2011.
30. Hayner, “Fifteen Truth Commissions,” 607.
31. Wilson, “Anthropological Studies of National Reconciliation Processes,” 370.
32. Jeannine, interview with the author, April 2011.
33. Ross (1999), cited in Brahm, “Judging Truth,” 126.
34. Millar, “Assessing Local Experiences of Truth-Telling”; Shaw, *Rethinking Truth and Reconciliation Commissions*; Kelsall, “Truth, Lies, Ritual”; and Park, “Community-Based Restorative Transitional Justice.”
35. Ingelaere found in his research that people saw a TRC as a mechanism to facilitate a process of mediation between communities at the local level; Ingelaere, *Living Together Again*.
36. Stanley, “Evaluating the Truth and Reconciliation Commission,” 527.
37. Kelsall, “Truth, Lies, Ritual,” 380.
38. Ibid., 363.
39. Nwogu, “When and Why It Started,” 288.
40. Tepperman, “Truth and Consequences”; Laplante, “Transitional Justice and Peace Building.”
41. Nwogu, “When and Why It Started,” 286.
42. Emmanuel, interview with the author, April 2011.
43. The draft law states that the Commission should recommend action including measures for reconciliation, the reform of institutions to guarantee non-repetition, vetting of the security forces and criminal proceedings.
44. This somewhat contrasts with Ingelaere’s finding that priority was given to other objectives than those stipulated at Arusha; Ingelaere, *Living Together Again*.
45. Ignatieff cited in Minow, *Between Vengeance and Forgiveness*, 52.
46. Daly, “Truth Skepticism,” 36–38.
47. Ibid., 38.
48. Stanley, “Evaluating the Truth and Reconciliation Commission,” 527.
49. Kelsall, “Truth, Lies, Ritual”.
50. Shaw, “Memory Frictions.”

51. UN Security Council, *Letter Dated 11 March 2005 from the Secretary-General Addressed to the President of the Security Council*, 2005, UN Doc. S/2005/158, para. 13–14; Frère Emmanuel Ntakarutimana, Centre Ubuntu, interview with the author, April 2011.
52. Tutu, *No Truth Without Forgiveness*, 89.
53. Clark, “Transitional Justice, Truth and Reconciliation,” 249.
54. Christophe, interview with the author, April 2011.
55. Shaw, *Rethinking Truth and Reconciliation Commissions*.
56. In his research, Ingelaere found greater support for the latter proposition; Ingelaere, *Living Together Again*.
57. Centre for the Study of Violence and Reconciliation (CSV), *Survivors’ Perceptions*.
58. Grâce, interview with the author, April 2011.
59. Christophe, interview with the author, April 2011.
60. Millar, “Assessing Local Experiences of Truth-Telling”; Wilson, *Politics of Truth and Reconciliation*; Wilson, “Anthropological Studies of National Reconciliation Processes”; Ross, *Bearing Witness*.
61. Wilson, “Anthropological Studies of National Reconciliation Processes,” 369. Similarly, Slabbert states that ‘reconciliation was the Trojan horse used to smuggle the discomforting aspect of the past into the new constitutional order’; Slabbert, “Debunking a Meta-Narrative,” 31.
62. Snyder and Vinjamuri, “Trials and Errors,” 33.
63. Hayner, “Fifteen Truth Commissions,” 608.
64. Weinstein, “Editorial Note,” 6.
65. Wilson, “Anthropological Studies of National Reconciliation Processes,” 370–371.
66. Tepperman, “Truth and Consequences,” 135.
67. Accord de principes de Dar es Salaam en vue de la réalisation de la paix, de la sécurité et de la stabilité durables au Burundi, Article 1 (3), 22 juin 2006.
68. Vandeginste, “Immunité provisoire.”
69. In the national consultations, support was expressed for prosecuting the upper echelons. Other studies, such as that by Samii, suggest a preference for leaving the past alone; Samii, “Who Wants to Forgive and Forget?”
70. Park, “Community-Based Restorative Transitional Justice,” 103.
71. Yvonne, interview with the author, April 2011.
72. Teitel, “Transitional Justice Genealogy,” 71.
73. UN Security Council, *Prevention of Armed Conflict: Report of the Secretary-General*, 2001, UN Doc. A/55/985-S/2001/574, para. 7.
74. Laplante, “Transitional Justice and Peace Building”, 355.
75. Millar, “Local Evaluations of Justice.”
76. *Ibid.*, 524–525.
77. *Ibid.*, 529.
78. Identical findings were made by Kelsall, “Truth, Lies, Ritual”, and Shaw, “Memory Frictions,” in Sierra Leone.
79. In a study conducted by Sawyer and Kelsall, 52% of the people surveyed had poor knowledge and understanding of the TRC in Sierra Leone; Sawyer and Kelsall, “Truth vs. Justice?” Even in South Africa, outreach activities were labelled as ‘flawed and inadequate’; CSV, *Survivors’ Perceptions*.
80. Snyder and Vinjamuri, “Trials and Errors”; Hayner, “Fifteen Truth Commissions”.

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