

## Chapter 2

# Healing and Truth Commissions: Competition or Complement?

### 2.1 Why Focus on Healing

During periods of armed conflict, individuals are violated and abused at the hands of others in order to repress or eliminate their power or existence, leaving them with not only physical wounds, loss of limbs, incurable diseases, and loss of property, but also mental and emotional burdens (Agger and Jensen 1990; Allan and Allan 2000; King 2011; Le Touze et al. 2005; Quinn 2011). From a material perspective, individuals may be left financially vulnerable because of the loss of property or possessions at the hands of the ancien régime, or as a consequence of the death of family members who were the household's primary breadwinners (Hayner 2011; King 2011). The financial incapacity of individuals as well as institutional breakdowns can limit access to basic needs, such as healthcare, housing, or the availability of food and water supplies, which can present a struggle for victims to survive from one day to the next. These material consequences are often compounded by mental or emotional suffering, including feelings of insecurity, marginalisation, and other psychological sequelae that mass violence can impose on individuals (Hayner 2011; Jones et al. 2014; King 2011).

According to Doak (2011), some of the most common psychological or physiological consequences of victimisation 'include fear, self-blame, insomnia, depression, anxiety, a sense of loss of control, and post-traumatic stress' (p. 265). In countries such as Guatemala, these types of issues have been seen in victims as long as 20 years after the end of the widespread atrocities perpetrated by the Guatemalan military between 1960 and 1996 (Oficina de Derechos Humanos del Arzobispado de Guatemala 1998). Hence, not only are the negative effects of mass violence immense, but they can also be long-lasting (Hamber 2009; Le Touze et al. 2005; Lumsden 1997).

If these consequences are not addressed, the development of conditions that are able to support sustainable peace may be jeopardised (Minow 1998; Moon 2009). Firstly, victims may be compelled to seek vengeance against those that harmed them, which may perpetuate the cycle of violence if this desire is not quelled (Dahl 2009; Govier 2002; Jacoby 1983; Minow 2000; Moon 2009; Phelps 2004). Collier

(2003) discovered that the likelihood of renewed violence is highest immediately following periods of conflict because of the political, institutional, and economic instability that often characterises states during post-conflict periods. Although not the argument made by Collier (2003), research by Lumsden (1997) indicates that desires for vengeance may be exacerbated in a context of dilapidated socioeconomic and political conditions. Thus, negative psychological consequences of violence may be aggravated by political and economic hardships, which can lead to the re-escalation of conflict if victims' needs are ignored. Hence, addressing victims' needs, including their material or political suffering after periods of mass violence, may in turn assist in diminishing the risk of renewed conflict.

Because individuals are faced, perhaps most directly, with the burden of recovering their lives (Smyth 2007), including their health and possessions or property during and after mass violence, victims need both rehabilitation and restitution—attention for physical and psychological trauma as well as the restoration of their livelihood (De la Rey and Owens 1998). Robins (2012) supports placing a focus on victims in post-conflict settings as he articulates that

whilst there are moral and normative reasons for prioritising the views of victims ... because they occupy a unique role in societies emerging from conflict, victims and their needs should be given a privileged position in transition in order to maximize the success of recovery from conflict (p. 86).

Although, arguably, victims and their needs should be prioritised after periods of mass violence, individual needs are often side-lined by state or international imperatives that favour institution-building over the restoration and rehabilitation of individual victims (McEvoy and McConnachie 2013; Millar 2010; Ross 2003). Victims are indispensable to post-conflict justice processes as they often possess eyewitness knowledge of events that transpired in the past (Humphrey 2003; Karstedt 2010; Lykes and Mersky 2006). However, they can sometimes be used merely as instruments to achieve macro-level goals related to peacebuilding and may not receive any substantive personal benefit from these processes (Allan and Allan 2000; Doak 2011; Humphrey 2003; Robins 2012). In relation to the South African Truth and Reconciliation Commission, Hamber et al. (2000) write that

a danger exists that the survivors... may feel that it was their suffering (and their testimony) that helped contribute to greater collective awareness and national reconciliation. This may be flattering, but without any concrete gains, they may end up feeling that they were merely pawns in a national process over which they had little say (p. 37).

Such a dilemma may mean that victims essentially sacrifice themselves twice, once during the period of conflict, and then again when they tell the story of their past suffering without receiving some type of benefit. Further capturing this conflict between individual and macro-level goals, Doak (2011) reflects that 'the question as to how this tension between the desires of victims, on the one hand, and the requirements of transition, on the other, might be overcome remains unsolved' (p. 275). Thus, it can be a difficult and complex task to balance state or international imperatives with individual victims' needs in the aftermath of mass violence. Despite these complexities, victim needs must be met before healing can begin (David and Choi (2005).

## 2.2 Healing: A Complex Goal After Mass Violence

The concept of ‘healing’ has been readily integrated into the parlance of post-conflict justice processes in recent decades; however, there has generally been a lack of consensus regarding what is actually intended by transitional justice strategies that pursue this as a goal. Healing is often viewed through ‘physical, spiritual, and psychological’ paradigms, which illustrates the multidimensional nature of this concept (Orr 2000, p. 240). In many settings—particularly in non-Western cultures—healing does not exclusively mean psychological rehabilitation as determined by a mental health professional, but also includes traditional notions of restoration (Clark 2010; Mollica 1988; Pillay 2010). In light of this, we must view the concept of healing through a more holistic lens. For the purposes of this study, healing is considered to include an individual’s restoration of self through multiple possible pathways, as a strictly psychological conception of the term may limit the understanding of the complex task of facilitating victim healing in post-conflict settings (Clark 2010). A relevant definition which encompasses the multifaceted qualities of healing has been provided by Cienfuegos and Monelli (1983), who articulate that

healing requires restoration of the individuals’ capacity to resume the course of their lives; it involves making their [victims’] previous history—political commitment, personal relationships, work, and social connections—meaningful in the present and the future (p. 44).

Here, healing is situated in terms of restoration and transforming past experiences in a way that helps victims to continue their lives. Conceiving of healing in this way acknowledges that healing is not necessarily a ‘linear’ process that adheres to a certain pattern for every victim, as each individual has unique and varied needs after experiencing trauma (Hamber 2009). Indeed, healing depends on a multitude of factors, including victims’ level of previous trauma as well as their current socio-economic and psychological condition (Srinivasa Murthy 2007). It is also important to consider that healing may not be achieved after a singular intervention (Fletcher and Weinstein 2002; Orr 2000), but is a process that often needs to take place over time (Hamber 2009).

In the context of post-conflict settings, a tension exists between intentions of transitional justice mechanisms to promote healing and what outcomes can reasonably be expected from initiatives that pursue this goal (Hamber 2009). There is often a conflict between the desire of a nation to heal itself, often based on political goals, and the speed at which individuals can heal (Hamber 2009). During a transition from a period of mass violence, state leaders may capitalise on the short-term political benefit of promoting victim healing within the context of post-conflict justice in order to pacify victims’ groups or international organisations. When healing is pursued because of political motivations, it is likely that victims will not stand to benefit from such pursuits because potentially long-term individual healing does not necessarily coincide with short-term political goals (Cohen 2001; Hamber 2009; Moon 2009). Hence, without the adequate capacity or political will to follow through with long-term measures that would secure this aim, there is a risk that victims will be further aggrieved as they wait to receive rehabilitation that may never come.

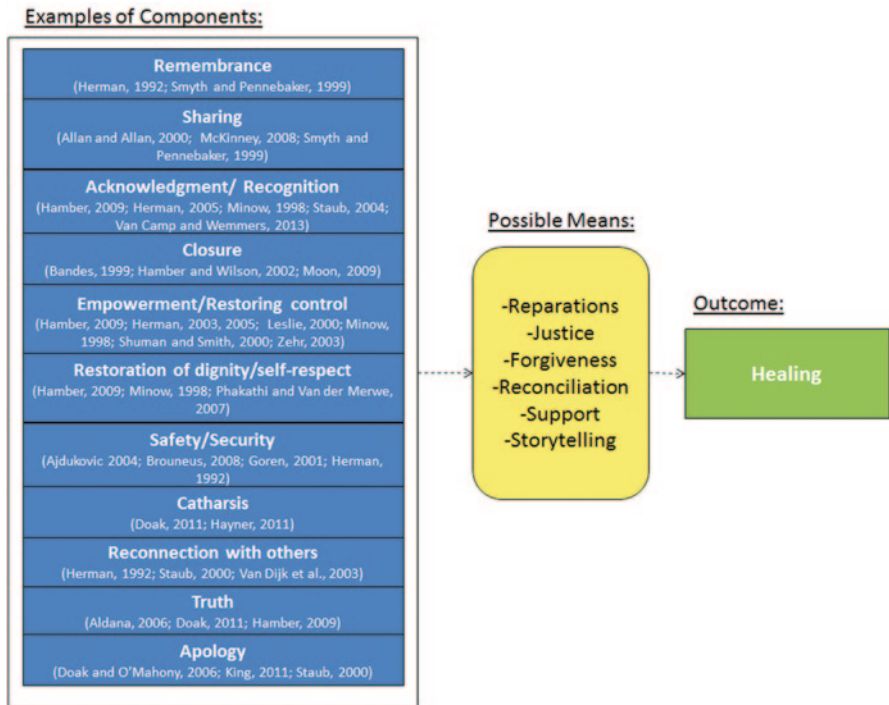


Fig. 2.1 Components of and means to achieve victim healing

### 2.2.1 Conceptualising Healing: Components and Processes

The holistic conception of healing used in this study acknowledges that healing may comprise a number of different components. In order to further explain the concept of healing, particularly in relation to transitional justice, this section synthesises illustrative components of healing and the means through which it may be achieved. Figure 2.1 below offers a visual representation of examples of what is needed for victims to heal and the processes that may facilitate this goal.

I have grouped the processes or mechanisms which can facilitate healing—which I refer to as ‘means’—into six categories: reparations, justice, forgiveness, reconciliation, support, and storytelling. Figure 2.1 illustrates the relationship between the examples of components of healing and these six means that can promote their realisation, and thus, facilitate the outcome of healing. Although each of these processes play a role in the promotion of healing and are thus important to outline, this book will focus predominantly on storytelling, as I view this process to be the most likely to provide opportunities for *voice* within the context of truth commission public hearings. The relationships will be further explained in more detail below through discussing how each of these means can fulfil the various components of healing.

*Reparations* have several roles in the healing process for victims of violence. Firstly, as victims often face dire socioeconomic conditions following periods of armed conflict resulting from either the loss of family breadwinners or the deterioration of economic infrastructure, monetary reparations can help to alleviate physical and psychological hardships that have hindered victims' capacity to resume the course of their lives (David and Choi 2005; Freeman and Hayner 2003; Lykes and Mersky 2006; Walaza 2000). Both symbolic and monetary reparations can help victims to feel that their past suffering has been *acknowledged* and *recognised* by the state (David and Choi 2005; De Greiff 2006; Wemmers 2014c) and can help to *restore victim dignity* (David and Choi 2005; Freeman and Hayner 2003; Lykes and Mersky 2006). Although justice is another means through which healing may be achieved (which will be discussed below), receiving reparations can serve as a 'proxy for justice' by providing official *acknowledgment* of victims' past suffering (David and Choi 2005; Lykes and Mersky 2006). In cases such as the Czech Republic after the fall of communism, some of those responsible for past crimes were given pensions as they were forced into 'retirement' by the new state (David and Choi 2005). Because of this, many victims felt as if former perpetrators had actually received greater benefits than they themselves had, thus, the provision of reparations or other benefits for victims may serve as a sort of equaliser between victims and those that harmed them (David and Choi 2005, p. 425). If such a shift in the power balance is realised, victims may also experience a sense of *restored control*, which is an important component of victim healing. Finally, reparations may encourage victims to feel assured that there will not be a reoccurrence of abuses in the future (David and Choi 2005; van Boven 1995; Wemmers 2014). Receiving some form of reparation can provide validation in the sense that the crime committed against a victim is wrong in the eyes of the state and such behaviour will not be tolerated in the future, thus helping to facilitate a sense of *closure* for victims (David and Choi 2005; Hamber and Wilson 2002). Feeling secure from the repetition of violence and assured of the viability of the rule of law can contribute to a sense of *safety* that is also necessary for victims to heal (Ajdukovic 2004). Monetary reparations can also foster resilience, helping victims to recover from trauma more quickly (Hecker 2013). Although receiving some form of reparation is considered to be valuable for victim healing, some have criticised the provision of financial reparations that intend to compensate a family for the loss of a loved one for unduly placing a price tag on the life of the deceased (King 2011). Reflecting on this, Backer (2007) notes that 'no such payment can ever truly repay or repair their [victims'] sufferings, and that the compensation should not be treated crudely as a financial reward—at best, it is consolation' (p. 190).

*Justice* also has the ability to address various needs that are integral to the healing process for victims of mass violence. After experiencing a crime, victims often feel a need for vindication—'that is, retribution and not [necessarily] revenge'—in order to 're-establish feelings of empowerment and equity' which may be realised through the achievement of justice (Hamber 2009). In the wake of armed conflict,

individuals need some form of justice to acknowledge the wrongs done to them, just as societies need it to establish boundaries by which individuals can be held responsible for their behavior toward their fellow citizens. (Weinstein and Stover 2004, p. 11)

The process of securing justice has the ability to provide victims with *acknowledgment* of ‘their innocence and suffering’, *truth* about past crimes and can ‘release them from being trapped in the past and facilitate *closure* and individual healing’ (David and Choi 2005, pp. 405–406, italics added). Staub (2000) also proposes that if those who caused harm to victims also express a feeling of regret for their crimes or *apologise* for what they have done during justice proceedings, healing may be further facilitated.

Justice can also *recognise* that what victims experienced in the past was wrong and is unacceptable in the eyes of the state (Stanley 2009; Staub 2000; Weinstein and Stover 2004). Official recognition can also help to restore the *balance of power* that was disrupted as a result of the previous abuse when perpetrators face punishment for their crimes (Stanley 2009; Villa-Vicencio 2006). Such an outcome conveys a message that the abuses the victim experienced will not be tolerated, which can contribute to increased trust in the government or legal system (Doak 2011). This can in turn enhance victims’ sense of *safety* and *security*, which may also pave the way for reconciliation—another means which can facilitate healing—to take place (Staub 2000). Proponents of retributive justice argue that such measures can dampen the possibility of renewed violence (Moon 2009), particularly by reducing desires for extrajudicial vengeance (Phelps 2004). This may also increase victims’ sense of *safety* and help contribute to stable peace. To a similar effect, the punishment of perpetrators through retributive justice measures may also allow victims to experience a sense of relief or *catharsis* (Doak 2011), which may be therapeutic.

Explicitly speaking about the possible benefits of retributive justice for victims of political violence, Kira et al. (2006) find that justice ‘can restore perceived personal self-efficacy, agency, and *control*, and accordingly this may have some mental health healing effects for victims’ (p. 14, italics added). Self-efficacy, agency, and control may be indicative of a renewed sense of self that can result from a person feeling that they had *voice* in a justice process. However, there are a multitude of factors inherent to criminal trials which can stifle the communication of victims’ suffering, thus inhibiting a restoration of such agency and control. The aspects of retributive justice processes that can be seen to hinder *voice* will be further discussed in Chap. 3.

*Forgiveness* also has potential value in victims’ healing process (Enright et al. 1998; Hope 1987; Kaminer et al. 2001; Moon 2009; Shuman and Smith 2000; Spangle and Samaras 2013; Wenzel and Okimoto 2010). For example, forgiving one’s perpetrator can reflect a sense of *restored control* through the victim’s ability to actively choose to let go of anger or bitterness, thus shifting the balance of power between victim and perpetrator (Pillay 2010). Offenders may ‘illegitimately appropriate[e] status and power over the victim (and the wider community)’ through acts of violence (Wenzel and Okimoto 2010, p. 404). Thus, forgiveness can help victims to demonstrate ‘that they are not being drawn to the low moral level of the offender (as seeking revenge would) and reserve for themselves a higher level

of morality', which can place *control* and power back into the hands of the victim (Wenzel and Okimoto 2010, p. 404). For victims, this shift may also be indicative of a reclamation of *self-respect* or *dignity* that was lost as a consequence of abuse (Pillay 2010). Forgiveness may also lead to feelings of freedom or liberation, allowing victims to experience some degree of *catharsis* (Pillay 2010; Van Camp and Wemmers 2013), which may contribute to their sense of healing.

Despite the potential for forgiveness to play a role in victim healing, it is important to consider that 'when victims feel pressure to forgive and reconcile prematurely, healing will be incomplete' (Zehr 1997, para. 2). Villa-Vicencio (2000a) also suggests that victims may be angered if they sense that their forgiveness is being dictated by another. The disempowerment that may result from this loss of control over the decision to forgive voluntarily may be reminiscent of the disempowerment connected to the original oppression (Wenzel and Okimoto 2010). Hence, the expectation from others to forgive those that caused them harm may also be retraumatizing (Doak 2011). If forgiveness is offered voluntarily it may be beneficial for victims; however, if victims feel as if they are expected (either explicitly or implicitly) to forgive their perpetrator, the action may be detrimental to their healing process.

Although there is a lack of consensus in the literature regarding whether *reconciliation* leads to healing or if it is the achievement of healing that opens the possibility for reconciliation, I contend that the process of reconciliation plays a role in helping victims to restore their lives, and thus heal. Taking into consideration that most conflicts have taken place *within* countries after the end of the Cold War (Themnér and Wallensteen 2012), it is often the case that perpetrators and victims must continue to live together in communities after periods of mass violence. For victims, remaining in close proximity to their perpetrators can result in continued feelings of insecurity and fear (Burgess 2004). Reconciliation can assist in rebuilding trust between victims and perpetrators, which can help to foster new relationships. Thus, by enhancing trust and rebuilding relationships, reconciliation can help to facilitate a *reconnection with others*, which is part of the healing process (Herman 1992). Staub and Pearlman (2010) and Villa-Vicencio (2000a) also indicate that through increasing trust within communities, reconciliation can also lead to feelings of *safety*, which is an important foundation for healing. Reconciliation can also contribute to victim healing by providing opportunities for *acknowledgment* (from perpetrators), *restoration of dignity*, and *increased security* through the signification that conflict has come to an end (David and Choi 2005, pp. 407, 426). Through the process of reconciliation, the recognition of responsibility—particularly through the provision of recompense—may also contribute to a sense of *closure* (Stanley 2002), which is a necessary component of the healing process (Hamber and Wilson 2002; Moon 2009).

*Support* can contribute to healing through the provision of psychological, medical, traditional, and/or religious assistance or services (De la Rey and Owens 1998). Having often sustained physical and/or emotional injuries during periods of mass violence, victims may require attention in the form of medical or psychological care to repair the consequences of past abuse. In countries where Western conceptions of psychological care are not considered as the norm, the need for support may be

addressed in more culturally meaningful ways through traditional or religious healing practices. Stark (2006) suggests that local practices and spiritual understanding may be valuable in supporting the restoration of victim well-being after trauma. In addition to physical or emotional injuries, victims face various dimensions of insecurity in the wake of mass violence, including fear of renewed violence or continued attacks from groups or individuals who previously harmed them (Ajdukovic 2004). The provision of these various levels of support may also enhance victims' sense of *safety* by reassuring their security, health, and social support networks. Support, whether it be emotional, medical, traditional, or religious can also aid in the *restoration of victim dignity* when others offer sympathy which *acknowledges* victims' suffering (De la Rey and Owens 1998). According to responses from victims of the communist regime in Czech Republic, many felt that 'by [the state] not providing them with adequate healthcare, society is quietly wishing them to die faster, thus bringing an end to their remembrance' (David and Choi 2005, p. 424). This illustrates another way in which victims' suffering may be *acknowledged* when the state affirms their memory through the provision of support in the form of medical care.

Finally, *storytelling* is another process that can facilitate healing (De la Rey and Owens 1998). In the words of Judith Herman (1992): 'remembering and telling the truth about terrible events [is a] prerequisite both for the restoration of social order and for the healing of individual victims—when the truth is finally recognised, survivors can begin their recovery' (p. 1). The need for remembrance is also thought to be a part of facilitating victims' ability to move on after trauma (Herman 1992; Silove et al. 2006), as remembering the traumatic events that one experienced in the past and constructing and articulating the narrative of those events has been associated with an enhanced ability to cope and recover from abuse (Androff 2012; Hamber 2009; Silove et al. 2006). Processing one's traumatic memories can help to organise these experiences in one's mind, thus facilitating the integration of traumatic experiences into existing memory (Smyth and Pennebaker 1999). Such integration can contribute to improvements in victims' psychological state (Smyth and Pennebaker 1999). To this end, *remembrance* can facilitate healing as it allows victims an opportunity for 'working through their anger and hatred as a means of rising above their suffering—of getting on with life and *dignity*' (Villa-Vicencio 2000c, p. 72, italics added). Remembrance has also been referred to as a 'triumph over injustice' which can be *empowering* for victims (Verwoerd 2000a, p. 159).

Storytelling thus integrates the remembrance and construction of trauma narratives, which can then be communicated, or told, to others. The process of storytelling can facilitate the *restoration of victim dignity* by providing an opportunity for victims to regain their ability to speak about their trauma after having been, in many cases, previously silenced by the ancien régime (Laplante and Theidon 2007). Further, many believe that victims of trauma have an 'instinctive' or 'internal' need to share the story of their suffering with others in order to receive *acknowledgment* of that suffering and/or to experience a sense of *catharsis*—processes that are linked to victim healing (Agger and Jensen 1990; Allan and Allan 2000; Herman 1992; McKinney 2008). The next chapter will expand on the relationship between storytelling and healing by explaining the theory behind why we might expect public truth-telling to facilitate victim healing via the causal mechanism of *voice*.

## 2.3 Truth Commissions: A Restorative, Victim-Centred Response to Mass Violence

This section will now turn to a discussion about truth commissions as restorative, victim-centred institutions, which will situate the theoretical framework developed in the next chapter. Empirical data that I collected as background research for this project will also be provided, which illustrates trends in truth commission creation, goals, and degree of focus on victims over time with an emphasis on how truth commissions have sought to promote victim participation and healing.

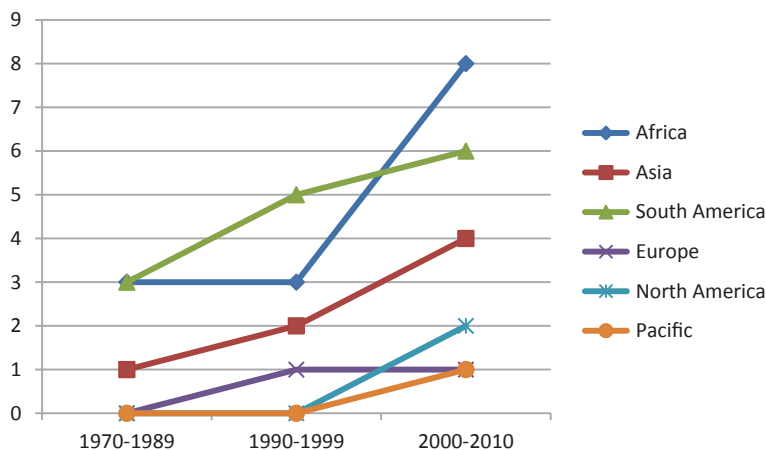
As truth commissions are a key focus of this study, it is important to set the stage for the following discussion with a definition. Hayner (2011) writes that a truth commission

(1) is focused on the past, rather than on-going events; (2) investigates a pattern of events that took place over a period of time; (3) engages directly and broadly with the affected population, gathering information on their experiences; (4) is a temporary body, with the aim of concluding with a final report; and (5) is officially authorized or empowered by the state under review (p. 11–12).

From a macro-level perspective, truth commissions may ‘enhance the accountability and stability function of the justice balance’ (Olsen et al. 2010, p. 475). These institutions have the ability to break the ‘culture of silence’ that may have pervaded past periods of mass violence by countering the denial of abuses through the illumination of a comprehensive narrative of what happened in the past (Aldana 2006; French 2009; Hamber 2009; McKinney 2008; Minow 1998). The official record of past abuses established through the revelation of truth may also be necessary for victims to receive redress, such as reparations (Brahm 2007; Grodsky 2009). Additionally, truth commissions may also prevent the recurrence of crimes by deterring groups or individuals from committing further abuses in the future by promoting accountability in newly emerging states (Brahm 2007; French 2009; Mendeloff 2009).

Like trials, truth commissions are intended to promote accountability for past crimes through acts of truth-telling (Daly 2008; Humphrey 2003), thus requiring the presentation of testimony from witnesses, including perpetrators, victims and/or bystanders (Allan and Allan 2000). However, the key distinguishing characteristic between truth commissions and trials is that truth commissions generally pursue restorative rather than retributive aims (Leebaw 2008). Such restorative goals can include documenting past abuses, recommending reformative actions or initiatives, encouraging reconciliation, marking the transition from present to future, addressing victim needs, and healing (Aldana 2006; Bohl 2006; Brahm 2007; Daly 2008; Mendeloff 2004; Popkin and Roht-Arriaza 1995).

The restorative nature of truth commissions is particularly evident in their focus on addressing victim needs through aiming to repair the harms suffered during past periods of violence by promoting healing and reconciliation, as opposed to pursuing the punishment of perpetrators as a primary goal. As truth commissions are also commonly referred to as victim-centred institutions (Brahm 2007; Hamber 2009; Humphrey 2003; Mendeloff 2009; Minow 1998; Olsen et al. 2010;



**Fig. 2.2** Regional truth commission creation over time, 1970–2010

Roht-Arriaza 1995; Sooka 2006; Stanley 2009; Villa-Vicencio 1999; Wiebelhaus-Brahm 2010), their encouragement of victim participation in order to repair the negative consequences of past harms depicts another quality of restorative justice. These restorative characteristics make truth commissions ripe for exploring the linkages between truth-telling and healing in the context of post-conflict justice processes.

Since the creation of the first truth commission in Uganda in 1974, there have been 40 commissions created as of 2010 (Hayner 2011). As a first step for this research project, I undertook a quantitative, empirical study to determine trends among the goals of the truth commissions listed by Hayner (2011). Within this study, I especially focussed on aspects of these commissions’ official charters that had an explicit emphasis on victims—particularly relating to the concepts of healing and participation. It is commonly assumed that truth commissions are created with intentions to promote healing and participation of victims, but how these inherently victim-focussed features have been pursued had not previously been empirically examined.

My background study demonstrated a sharp increase in the initiation of truth commissions since the 20-year period between 1970 and 1989, during which seven commissions were created, and the 2000s, when 21 commissions were created. The background investigation also charted the creation of these institutions by region, over time, which is illustrated in Fig. 2.2.

As Fig. 2.2 depicts, South America and Africa have ‘led’ the way in truth commission creation, with 14 commissions having been initiated in each region from 1970 to 2010. To contextualise these findings, I also compared the creation of truth commissions with the existence of armed conflicts around the world between 1946 and 2009 as found by the Uppsala Conflict Data Program (Harbom and Wallensteen 2010). Based on this data, armed conflicts in the Americas peaked in 1989 and then decreased thereafter until the end of the reporting period in 2009 (Harbom and Wallensteen 2010). Fig. 2.2 illustrates that truth commission creation in both North



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