

ESTABLISHING A TRUTH AND RECONCILIATION COMMISSION IN BURUNDI:
PERSPECTIVES ON POSSIBILITIES AND CHALLENGES

by

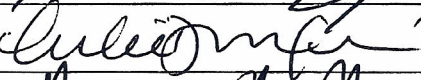
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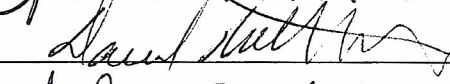


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Possibilities and Challenges

A Thesis submitted in partial fulfillment of the requirements for the degree of Master of
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DEDICATION

It is through the inspiration of my mum Angele Mudende, her examples, her peace of mind, her spirit of love, coexistence, forgiveness, and perseverance that I do this research. From her I was able to learn that actions speak more than work and that everything is possible with perseverance.

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Finally, my parents with the formal and informal education their provided to me, allowed me to grow and start graduate studies. I strongly believe that no matter how they did it, their behavior, their way of living and their connections with neighbors shaped strongly who I am now and who I will be. I thank them for all that.

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LIST OF ABBREVIATIONS

Alliance des Démocrates pour le Changement Ikibiri.....	ADC Ikibiri
Central Intelligence Agency.....	CIA
Conseil National pour la Défense de la Démocratie - Force Nationale pour la Défense de la Démocratie.....	CNDD
Front National pour la Liberation	FNL
International Center for Transitional Justice.....	ICTJ
International Judicial Commission of Inquiry.....	IICI
International Rescue Committee.....	IRC
Non-Gouvernemental Organisation.....	NGO
Square.....	Sq
Truth and Reconciliation Commission.....	TRC
United Nations.....	UN
United Nations Transitional Administrational in East Timor	UNTAET

ABSTRACT

ESTABLISHING A TRUTH AND RECONCILIATION COMMISSION IN BURUNDI: PERSPECTIVES ON POSSIBILITIES AND CHALLENGES

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This is a qualitative study of the perspectives of the Burundian people, leaders and the international community on the role of a Truth and Reconciliation Commission (TRC) in promoting reconciliation in Burundi. Literature on transitional justice argues that TRCs promote reconciliation. According to Lederach, reconciliation is a place where truth and mercy, justice and peace meet. The objective is to explore how Burundian people think a truth and reconciliation commission can impact reconciliation in Burundi, after decades of interethnic conflict, 14 years after the Arusha Accord which suggested the creation of that TRC even if it has not yet taken place.

The study also explores briefly the history of the Burundian interethnic conflict during the pre-colonial, the colonial and the post-colonial era. After independence, the country was not able to build unity, equal and fair distribution of resources among the three ethnic groups (Hutu, Tutsi and Twa).

As an effort to reconcile Burundian people, discussions on the ways in which reconciliation can be promoted in Burundi have dominated academic, practitioner and civil society leaders on the role that a TRC can play in Burundi. A sample population of 20 people from Burundi, Canada and United States participated in this study through interviews during the period from September 2013 until January 2014. They expressed their concerns about the ability of the TRC to promote reconciliation in Burundi.

They also argued that the concepts of reconciliation, truth and justice have a slight difference meaning for Burundian people and therefore assuming that justice for example can promote reconciliation in a context where justice is symbol of power setting apart the winner and the loser may be misleading.

Finally this study suggest that reconciliation should be the outcome of a slow development of local initiatives such as the Bashingantahe practice which brings together two conflicting individuals or groups and oblige them to share a drink on the same gourd with the same straw, as a symbol of respect, love, forgiveness and reconciliation.

CHAPTER ONE: INTRODUCTION

In his book titled *Building Peace: Sustainable Reconciliation in Divided Societies*, Lederach (2008) argues that reconciliation is “a place where truth and mercy, justice and peace meet” (p. 29). One may wonder if reconciliation cannot be achieved in the absence of one or some of those requirements. Additional questions may also support the concern: What if the population concerned has another perception or conception of one or some if not all of the factors involved in any reconciliation process as suggested by Lederach? Or what if a particular culture, in a given context does not go along with some of the practices or mechanisms mentioned? Finally, all those questions raise an important concern whether or not there may be other reconciliation mechanisms that have not yet been explored by researchers and practitioners in transitions after gross human rights violations. Before we explore additional alternatives that may promote reconciliation in the absence of truth, mercy, justice or peace, it would be helpful to ponder why Lederach argues that all four components must be brought together, in order for reconciliation to take place in a society.

In his discussion with people, Lederach realized that, first, the population he was working with, when talking about truth, actually refer to other concepts such as honesty, revelation, clarity, open accountability and vulnerability. Secondly, for the population, when discussing mercy as a concept or mechanism, they actually mean compassion,

forgiveness, acceptance, and a new start. Third, the justice notion for them refers to making things right, creating equal opportunity, rectifying the wrong, and restitution. Finally, for the population, peace implies harmony, unity, and well-being (Lederach, 2008, p. 28). Drawing from the understanding of the population and their ideas for how they would design their reconciliation, Lederach concluded that the only place where all those concepts can come together and interact smoothly and peacefully is in “reconciliation” (Lederach, 2008, p. 29).

Coming back to the earlier concern about perception and conception of meanings, what would happen if within a given community, people’s perceptions about one or some of the four concepts are totally different from the general understanding which is currently used during transition period from violence to sustainable peace? As an effort to be less obscure, we will apply Lederach’s conception of reconciliation to the Burundian case and explore the applicability of the four components with a special focus on Justice. Justice is critical because the Arusha Peace Agreement clarifies that a truth and reconciliation commission as well as a commission of inquiry must be created and implemented in Burundi and the constitution supports all the recommendations from the Arusha Peace and Reconciliation Agreement. Justice also has a particular meaning for Burundian people. It can be considered as a dividing institution as we will discover later. We will analyze Burundian people’s perceptions of justice and how justice can impact the transition that the country is going through, especially how the truth and reconciliation commission (TRC), which has been expected since 2000 with the signing of the Arusha Peace and Reconciliation Agreement.

Questioning the reconciliation mechanisms when applied to the Burundian context is more important as it has been more than two decades since the TRC was included in the Arusha Agreement in 2000, and it has not yet been implemented as of the writing of this thesis in 2014, even though national leaders continue to promise that the Commission will be created soon. A question worth pondering is whether there may be challenges associated with the political context, the culture or the Burundian population.

Saying that reconciliation has not taken place, and that its process has not even started yet may cause some doubts as some Burundians may argue that the Burundian people have come far and have reached a remarkable step in interethnic reconciliation. The question returns again: How could Burundian people reconcile when transitional justice has not yet taken place in Burundi?

An important point was raised by Lederach when suggesting that people should be open-minded to “look outside the mainstream of international political traditions, discourse, and operational modalities” in order to find innovation (Lederach, 2008, p. 27). Hence, it is worth looking outside and explore potential additional strategies that transitional justice or any form of transitional mechanism may use to promote reconciliation. Nonetheless, every effort in exploring additional ways for promoting reconciliation should keep in mind that “standardized formulas do not work” (Lederach, 2008, p. 23) and that any intervention or design should respond to the realities reflecting the perceptions and needs of the population concerned (Lederach, 2008). This means that while having an established theory will help us explore the current situation of Burundi; duplicating the same mechanisms that international organizations are advocating in

several countries in transition may not necessarily lead to the desired outcomes.

Nevertheless, established theories will inspire us to see what kind of traditional or contextual mechanisms are on the ground, and what kind of practices we can lean on while helping Burundian population to transition smoothly from the country's violent past to a peaceful future where all Burundian people will be reunited and reconciled.

Reconciliation is about creating, building, repairing, and maintaining relationships among individuals, groups and /or societies. Therefore, building relationships should be the best way for engaging divided communities and achieving reconciliation (Lederach, 2008). As Harold Saunders and Randa Slim argue, relationship is “the focal point for sustained dialogue within protracted conflicts settings” (Lederach, 2008, p. 26; Curle, 1971). Relationships help us also to understand the system as they are the beginning and the end of that understanding, and reconciliation is an appropriate tool for fostering relationships (Lederach, 2008).

In reality, talking about relationship building is easier than practically promoting positive and harmonious relationships. In post-conflict contexts such as Burundi, building or restoring relationships may be difficult because doing so requires the involvement of “emotional and psychological aspects of the conflict and the need to recognize past grievances and explore future interdependence” (Lederach, 2008, p. 34). Highlighting the importance of this relational dimension, Lederach further argues that “the primary goal and key contribution of reconciliation is to seek innovative ways to create a time and place, within various levels of the affected population, to address, integrate, and embrace

the painful past and the necessary shared future as a means of dealing with the present” (Lederach, 2008, p. 35).

The purpose of this thesis is to contribute to the current discourse about fostering reconciliation in post-conflict Burundi as a means to helping the Burundian people deal constructively and peacefully with their painful past while working together across political and ethnic differences to manage their present and build a shared future of peace and nonviolence.

With the assumption that Burundian people, whose perspectives may sometimes be limited to their small Central Eastern African country which went through several series of political and ethnic crises, may hold different perceptions of justice and may therefore be reticent to include justice in their country’s transition, this thesis will explore the different perceptions of justice in the Burundian context and ways in which Burundian people can achieve sustainable reconciliation.

Focusing on justice does not mean that Burundian people do not have perceptions of the three other concepts highlighted in Lederach’s framework (truth, mercy and peace), or that these are irrelevant to the Burundian context. An extensive discussion of all four elements of the framework would require far more space than available in a master’s thesis. Nevertheless, The concepts of truth, mercy, and peace will be discussed briefly while the focus will be on how transitional justice can be designed in order to promote reconciliation in Burundi. Lederach stresses that perspectives of native peoples (in this case local people) are very critical (Lederach 2008). Hence, Burundian people’s beliefs, perceptions, understandings, and conceptualizations of the nature, meanings, role,

and expected outcomes of transitional justice as a mechanism for managing their country's transition will frame the arguments and recommendations articulated in this thesis. Transitional justice literature will be used as a frame of reference.

August 28, 2000 is a memorable date in the history of Burundi, when conflicting groups signed the Arusha Peace and Reconciliation Agreement for Burundi, thus ending the violence and committing themselves to the quest for peace and reconciliation after the most devastating civil war which had started in 1993, following the assassination of President Melchior Ndadaye. All parties agreed to a number of measures including to stop atrocities, to promote equal sharing of national resources, inclusion of all ethnic groups in the government and security bodies as well as establishing a national Truth and Reconciliation Commission (TRC).

According to the Arusha Peace and Reconciliation Agreement, a National Truth and Reconciliation Commission has three main goals: Investigation, Arbitration and Reconciliation, and Clarification of history was to be established (Article 8, of the 2nd chapter) as one of the solutions of the Burundian conflict. Surprisingly, fourteen years later, the TRC has not yet been established. The question is whether reconciliation in Burundi requires the establishment of the TRC, and if so, what kind of mechanism could lead to a better reconciliation among Burundian people. The failure to create a TRC in Burundi may be explained by different arguments: it may be due to the lack of willingness from the political elite and/or the Burundian population; the existence of other methods of reconciliation; the lack of a safe environment for the TRC to function,

to name a few. For a better understanding of the Burundian context, a brief description of the context of Burundi is useful.

Burundi, like many other post-independence African nations, has a history of violent inter-group conflicts that have deeply scarred people and communities. The enduring negative impact of such conflicts on inter-group relationships and the overall social fabric is manifested in different ways from lack of trust to more egocentric behaviors and more violence.

The cyclical conflicts and civil war that ravaged Burundi have created deep divisions among the Burundian people. These divisions impact people's interpretation of Burundian history, and challenge current efforts to unite the people and communities of Burundi who have suffered incalculable human and material losses, and still live with enduring trauma. In addition to power-sharing initiatives that have been implemented following the Arusha Peace Agreement to advance reconciliation and peace, discussions are undergoing exploring ways to more effectively reconcile and unite divided communities. At the center of these discussions lies the creation of a Truth and Reconciliation Commission (TRC) as well as a commission of inquiry for Burundi.

The creation of Truth and Reconciliation Commissions dominates discussions and conversations among scholars, practitioners and the media as efforts increase within local communities and the International Community to mediate past violent conflicts, prevent future conflicts, and help nations chart the course for a future of peace and nonviolence. The media shows how the attention on Burundi's reconciliation is growing fast,

suggesting ways in which the current government, the population as well as the international community should get more engaged in the reconciliation process.

In its article published on February 25, 2014 for example, Net Press mentions the high preoccupation of the International Community as well as the civil society about the creation of a transitional justice mechanism and the establishment of a Truth and Reconciliation Commission in Burundi. As one of the steps to that reconciliation, the Human Rights and Justice offices of the UN mission in Burundi organized workshops during the national capacity building week for around 50 Burundian civil society organizations working on human rights issues and media professionals. The participants were trained on technics for sharing peace and reconciliation messages with the Burundian population.

During the workshop, the participants planned to discuss the terminology used in transitional justice and the findings from the 2009 and 2010 national consultations on transitional justice in Burundi. The workshop took place while the bill on the creation of a Truth and Reconciliation Commission for Burundi was still on the National Assembly table for discussion and validation. The popularity of the TRC is growing fast even though, in the case of Burundi, it is not yet clear whether or not the TRC may promote reconciliation.

The emergence of truth and reconciliation commissions as a mechanism for unveiling the truth underlying past inter-group conflicts, identifying and prosecuting perpetrators, awarding reparations to victims, and fostering trauma healing has garnered attention particularly in African countries. The popularity of truth commissions may

partially come from the fact that it uses practices of seeking and granting forgiveness, reparations, and reconciliation which are quite similar to African traditional processes of transitional justice.

It is important to mention that TRC vary greatly in scope, goals, objectives and missions. Some transitional processes emphasize trials and reparation while others stress forgiveness and forgetting. Some societies may prefer to know the full truth about past human rights abuses while others may prefer silence, and many other mechanisms. However, the way a TRC or any other transitional justice mechanism is welcomed by the population, society or community it serves is in accordance to the perception of what it is, what it may do, and the benefits that the recipients (population served) will get during and after its implementation. For this reason, the South African TRC continues to be advocated for by the United Nations, International Organizations, and lawyers, as a model to emulate to promote healing from past inter-group conflicts, promote reconciliation and forgiveness, and build united communities of peace.

Despite its challenges, the South African TRC, as Llewellyn & Howse argue, remains a good example of restorative justice in transitional contexts (Llewellyn & Howse, 1999). However, as promising as truth and reconciliation commissions may be, this research is framed on the premise that inter-group conflicts are always complex, and that an intervention that has been effective in one context may not necessarily produce similar results in different contexts. Moreover, assuming that truth and reconciliation commissions do indeed promote forgiveness and reconciliation among divided people does not mean that they are the only types of interventions that can reunite divided

communities. Additionally, the literature contains examples of several countries where the TRC processes produced different outcomes, concluding that it is difficult to generalize what Truth and Reconciliation Commissions are, how they function, and what outcomes they produce.

The South African TRC, which is highly regarded by the International Community and greatly impacting Burundi (as South Africa played a key role in the peace process which led to the Arusha Peace Agreement), as a model itself was highly criticized by the media as having failed to achieve its original mission. Commenting on the South African TRC, Hayner (2011) notes,

As it was close to finishing its report in mid-1998, the press and public were overtaken by the realization that widespread reconciliation had not in fact been won. Many, in fact, argued that the relations between groups had worsened rather than improved. Market research Africa released a national poll showing that two-thirds of the public believed that revelations resulting from the truth commission process had made South Africans angrier and led to deterioration in relations between races. 'Among those questioned, 24% expected people to feel angrier and bitter, 23% said the TRC would cause hurt and pain. Only 17% predicted people would become more forgiving' it was reported. These poll results were referred to in article worldwide, with the inference that the truth commission in South Africa was not in the end much of success. (p. 184)

If there are doubts that the South African TRC did not achieve its reconciliation goal, researchers should then explore deeper how TRCs can be better implemented in

such way that they provide more chances for reconciliation among divided people according to particular countries' situations. TRCs must be culture sensitive initiatives in order to meet the needs of the societies where they are implemented.

For instance, an examination of the TRC processes that were developed and implemented in several post-conflict countries such as South Africa, Timor-Leste, Morocco, Argentina, and Chili revealed major differences in the conceptualization and implementation of the TRC goals and structures, and that they sometimes produced contradictory results (Hayner, 2001). The main causes of the differences in outcomes, benefits and difficulties that each TRC faced were related to each individual country's context and culture, the roots of its conflict, the willingness of the people in those countries to reconcile as well as the peacebuilding initiatives already in place before the creation of the commission. This point highlights the fact that, in reality, it is neither the TRC nor the members of the commissions or techniques used by experts from the TRC that reconcile people; it is the people themselves who reconcile and they do so whenever they judge it is time and appropriate for reconciliation to start regardless of the contributions of any third party intervener.

Therefore, two important questions that frame this research are first: What do Burundian People say would be the outcome of a TRC with regards to reconciliation?, and second: What are their perspectives on ways in which current leaders, the international community and Burundian people themselves could shape the reconciliation process? These questions cannot be answered without a clear understanding of Burundian conflicts, including the origins of the cyclical conflicts and deep roots of the violence that

ravaged the country, causing the death of hundreds of thousands of Burundians and leaving countless others homeless, internally displaced, or refugees in unknown lands.

This study is significant because it will contribute to the very limited literature about Burundi's efforts to advance reconciliation among its people following decades of devastating inter-group conflicts and wars. The findings from the research will contribute insights on what strategies may be used to develop and implement a context-relevant reconciliation process in Burundi. In addition, the research will suggest ways in which the international community, national and international organizations as well as policy makers, could make decisions and take initiatives that enhance the progress that the country has achieved thus far in the pursuit of sustainable peace.

a. Burundi's history of intergroup conflict

In his introduction to the book "Histoire du conflit politico-ethnique Burundais", Ngayimpenda, argues that the country needs a true written history which is inspired by the scientific research and not by the ethnic objectives and feelings which worsen the Burundian conflict through divergent memories (Ngayimpenda, p. xi). He continues his argument by mentioning that it is sometimes delicate to write the history of Burundi for someone who is not Burundian.

The complexity of the Burundian history as well as the challenges that anyone may face while writing it relies on the lack of enough documentations and publications on Burundian ancient times. Documenting Burundi's history presumes the existence of a literate society, and this has been one of the country's enduring challenges with

extremely low literacy rates. Literacy education is a legacy of the Catholic Church, primarily, because schools were initially established by Catholic churches under the broad umbrella of Belgian colonial policies. Ngayimpenda notes that the Catholic Church was the only one present in the 1960s, as a united institution which could publish reliable information, but it could only publish very restricted information. The Protestants were not yet established in the country in 1965. Therefore, all these elements show how the media was not able to share enough information on Burundi.

The lack of media coverage explains why many events were not fully known and remain unknown up to now. For example, researchers don't have a clear understanding of the political activity of Paul Mirerekano, even though he was known throughout the country before he went in exile in Belgian Congo in 1960. Some other isolated cases remain unknown or little is known so far about them. Some of them can be cited: The assassination of the Prime Minister Ngendandumwe, the tentative coup d'état in October 1965 and the ethnic massacres of Busangana which followed that failed coup d'état and the atrocities of 1969 and 1971. All the mass killings that happened in Burundi followed public slogans which incited Burundian people to violence (Ngayimpenda, p. 33). Despite the lack of resources, people should investigate and write more about Burundi.

Oscar Wilde stated that: "The one duty we owe to history is to rewrite it" (Lemarchand, 2009, p. ix). The previous statement supports the idea that, no matter what happened in Burundi, no matter how hidden things can be, no matter how long it will take, the truth will be known one day as the truth cannot be hidden forever. As it was observed in 1993 in Burundi, hiding the truth, banning people from mourning, or forcing

people to silently endure suffering may produce a disaster for a nation. The problem with truth is that it goes both ways. As we mentioned, banning the truth from being known can create a disaster in a given country, but disclosing the truth in some situations can also create a chaotic situation in a country. This ambiguous situation is at the root of this research as Burundian people as well as the International Community may wonder whether or not the country needs to write/rewrite its history; and whether or not people need to testify and disclose what happened. This research sheds some light on potential relevant outcomes.

In Burundi, since October 1993, thousands of Tutsi were killed by Hutu because of their ethnic group membership and thousands of Hutu were assassinated by the Tutsi, just because they were Hutu. However, understanding Burundi's history as dominated by interethnic conflicts may be misleading in some ways. The 1993 civil war was not the first conflict to take place in Burundi as several others happened even before colonization. As Lemarchand explains, the Burundian conflict did not have much to do with ethnic groups (Hutu and Tutsi) at the beginning as it was simply driven by political rivalries between the representatives of dynastic factions, known as the Bezi and Batare.

For example, the conflict dynamics changed after independence when Tutsi in Burundi, out of fear that elite Hutu could take over power following the Rwandan example, where Hutu had taken over all power leaving Tutsi with almost no representation, Tutsi banned Hutu from all positions of authority. Lemarchand explains well how series of events and facts took place causing the wars in Burundi. He argues that "Exclusion led to insurrection, and insurrection to repression, culminating in 1972

with what must be described as the first recorded genocide in independent Africa” (Lemarchand, 2009, pp. xi, 13). He also highlights the connection between neighboring countries because he found all countries in the central region well connected. A clear example can be the insurrection of Uvira population in Democratic Republic of Congo, following the assassination of President Ndadaye. He argues that: “ When in October 1993 the news reached South Kivu that the newly elected Hutu President of Burundi, President Ndadaye, had been killed by Tutsi officers, several Banyamulenge were stoned to death in the streets of Uvira” (Lemarchand, 2009, p. 16).

b. Evolution of the Hutu-Tutsi Conflict in Burundi

Geographically, Burundi is a small land- locked country. Seeing its size, its population, as well as the beautiful landscape, one should wonder how people can hate each other and fight so cruelly to the genocidal level. The population of Burundi, in terms of number, ethnic groups, education, major activities as well as the size of the country can give an idea to help the understanding of the impacts of the multiple civil wars that the country experienced. According to the CIA website, Burundi has approximately 10,060,714 people as for July 2013. Three main ethnic groups represent the Burundian population: Hutu (Bantu) 85%, Tutsi (Hamitic) 14%, Twa (Pygmy) 1%. The main religions are: Christian 82.8% (Roman Catholic 61.4%, Protestant 21.4%), Muslim 2.5%, Adventist 2.3%, other 6.5%, unknown 5.9% (2008 census). The total size of Burundi is 27,830 sq km but the lands occupy 25,680 sq km while water covers 2,150 sq km. (<https://www.cia.gov/library/publications/the-world-factbook/geos/by.html>) visited on March, 09, 2014. Burundian people speak the same language, Kirundi. Three other

languages are spoken: French as the official language, Swahili mostly for business, and recently people started to become interested in English due to Burundi's admission into the East African Community, which is primarily English-speaking. The majority of Burundians (90%) live off subsistence agriculture.

In terms of political administration, the country is a republic starting to rebuild democracy, but even it has not always been a republic. According to Ngayimpenda, the Burundian monarchy started around 1625. The ethnic origins of the first king of Burundi are uncertain. Some argue that he was Tutsi; others say that he was Hutu; others say that he was mixed ; while others think that he was neither Tutsi nor Hutu but Ganwa, considering Ganwa as another ethnic group different from the three ethnic groups so far known in Burundi (Hutu, Tutsi, and Twa). This differentiation of ethnic groups was also emphasized by European historians. For example, Vansina, J. argues in 1961 in his "Notes sur l'histoire du Burundi" that there are no doubt that the first king Ntare I, was a Tutsi as he was from the Bahanza clan (Ngayimpenda, p. 3).

Ethnic discrimination began when the country got its boundaries under the reign of Ntare Rugaba, the fighter (1795-1850) as he started the second cycle of power called Ganwa which gave priority to the immediate descendants of the king in power succession (Ngayimpenda, p. 3).

Following the Kiganda treaty in June 1903, the country was colonized by Germans until September 1906 when both Rwanda and Burundi were transferred to the Belgian authority (Ngayimpenda, p. 4) until the country became independent on July 1,

1962. The independence was not easy for Burundian people as it took away lives of two first ministers, one in 1961 and a second one in 1965 (Ngayimpenda, p. 8).

During the first quarter of the 20th century, Father Menard who was positioned in Mugeru announced that the Tutsi are the most beautiful, the most interesting people in equatorial Africa. He argued that their physical appearance makes them look more like white than black people and therefore are Europeans with black skins (Ngayimpenda, p. 50). Jean Gislain described Tutsi as smart and crafty people with cold revenge while he considered Hutu as big children, superficial, light and flighty (Ngayimpenda, pp. 51-25). Divisions did not end with Gislain's statement. Divisive arguments are also stated by Jules Sesserat, who argues that Hutu keep children behaviors, are shy, lazy and dirty (Ngayimpenda, p. 52). Finally, about the Batwa, Ryckmans argues that they are barely recognized as human beings (Ngayimpenda, p. 52).

Even if some Burundian conflicts took place during a limited period of its history, it is difficult to separate them. Ngayimpenda, for example, argues that the politico-ethnic conflict in Burundi has some of its roots in the 1923-1945 re-organization of the administrative structure, along with the ethnic inequality speeches enforced by some institutions such as schools, public administration and in some cases the Catholic Church (Ngayimpenda, p. 35). Note that since 1930, De Lacger started a campaign against the Tutsi supremacy myth, advocating against school discrimination against Hutu even if his lobby was rejected (Ngayimpenda, p. 69). The Tutsi supremacy that Lacger argued against was evident even though a statistical analysis of the participation of different ethnic groups in the administration of the country was not available.

For example, following the 1923-1945 political reorganization, there was not a single Hutu chief in 1959 and there were only 4 Hutu out of 559 assistant chiefs, and among the 138 counselors, only 26 were Hutu in the institutions established since 1952 and renewed in 1956 (Ngayimpenda, p. 70), even if the Hutu population represented more than 85% of the country. This continual and systemic discrimination may be one of the factors that can help explain the many conflicts that took place in Burundi leading to the 1993 major civil war. The following section gives a brief overview of the main conflicts that took place in Burundi.

On October 13, 1961, Rwagasore (A Burundian elite who fought for Burundi's independence) was killed while having his dinner at Tanganyika Hotel with his colleagues after a minister's meeting (Ngayimpenda, p. 107). He was assassinated less than 30 days after the electoral victory of his political party (Uprona) which happened on September 18, 1961 (Ngayimpenda, p.106). Four years later, another conflict took place. It was on October 19, 1965, when a tentative coup d'état happened. That tentative coup took place after the king refused to nominate Nyangoma (A Hutu uprising mobilizer), and it was followed by an uprising of some Hutu and prepared ethnic- based killings in Busangana and Bugarama (Ngayimpenda, pp. 242-243). After October 1965, Ngayimpenda argues that the Hutu elite had a second attempt in September 1969 to overthrow the Tutsi government. The 1969 attempt was also called "Nkaka plan", Nkaka being the valley which separates the Ngozi and Gashikanwa communes. Nkaka was a river along which the meetings took place in preparation of the coup (Ngayimpenda, p. 334).

From May 1971, some information reached the administration that an armed group was planning a coup d'état; consequently, many Burundian people were arrested and trials began on October 6, 1971. The fear from assassination led the president Micombero to unseat some unwanted members of his government and he reinforced his military and his government. He strengthened his power by promoting the ethno-regional divisions of Burundian people as in his government. The result was that 10 out of the 27 officers were from Bururi, his native province. Some officers from Muramvya were called out three months later, which widened the ethno-regionalization of the power (Ngayimpenda, p. 357).

Ngayimpenda further argues that writing the history of Burundi can contribute to shedding light on a series of revenge by Tutsi people which started in 1968 and 1971 (Ngayimpenda, p. 13). The 1971 events led the country to the first, even not yet legally recognized genocide against Hutu in Burundi (1972-1973) which took place in Bururi, Makamba and throughout Burundi.

The 1972 events remain controversial, based on the identity and interests of each person giving a statement about them. The Butler-Obiozor report, for example, rejects the justification and meaning given by the government of Burundi, and finds it incoherent and contradictory. The report argues that those events have to be described as genocidal political violence, in which the army, the police and youth organizations under Tutsi control assassinated their neighbor Hutu based on ethnic hatred against the Hutu ethnic group. Others such as French journalists who went to the most affected communes (Minago and Nyanza-Lac find that the response was proportional to the horror that the

rebel groups were causing, and finally, one former officer argued that if such response was not given to the threat, the worse would have happened and that even innocent people who distanced themselves from the event would have joined if the threat had continued (Ngayimpenda, p 463). After the 1972 mass killings, another conflict took place in 1988. This does not mean that no other conflict happened in between the 1972 and 1988, but the impact was less harmful.

In 1988, another attempted coup failed, leading to the death of many Burundian people. It was in Ntega and Marangara communes in northern Burundi, respectively in Kirundo and Ngozi provinces where an insurgent Hutu group may have risen, followed by a violent reprisal by the Tutsi army and government.

After the 1988 mass atrocities, the Burundian government, under intense pressure from the International Community, started new initiatives to unite Burundian people. The campaign led to the creation of the national Charter for Unity adopted on February 5, 1991, a new constitution adopted on April 9, 1992 charting the course for the legislative and presidential election which facilitated the political power change in 1993 (Ngayimpenda, p. v). Unfortunately, this did not prevent the civil war which took away lives of thousands of Burundian people after the democratically-elected president was killed in October 1993. Prior to the 1993 civil war, another conflict with smaller impact took place in 1991 in three provinces: Bujumbura Mairie, Bubanza, and Cibitoke. The situation was stabilized until the most devastating civil war erupted in 1993.

The 1993 civil war erupted following the assassination of President Melchior Ndadaye and his colleagues on October 21, 1993. Being the first president to be

democratically elected and also being the first Hutu to be at the head of the Burundian government, combined with to his wide popularity, the trust and hope that the Burundian population in general and the Hutu in particular had in him, his assassination was not tolerated by the Hutu population who saw in that act, all his power taken away by the Army, which by the way was primarily Tutsi. The anger and rage led s Hutu populations to start killing innocent Tutsi in the villages.

The failure to protect all the Tutsi as well as the death of many family members of the military, mostly Tutsi, under the army umbrella, started revenge, by killing the maximum number of Hutu everywhere in the country. With no protection from the national army, Hutu survivors quickly created and strengthened rebel groups to face the military and Tutsi leadership. The conflict kept escalating until both Hutu and Tutsi groups had approximately equal forces. After 12 years of carnage, a peace process started, leading to the 2000 Arusha Peace Agreement which stated that the Burundian government had to integrate the formal rebel groups in the army, share political power, and create a commission for truth and reconciliation for Burundi and a commission for inquiry for Burundi.

In terms of scope and human losses, even if we do not have the exact number of victims, the events of October 1965 had between 5,000 and 25,000 victims; the 1972-1973 tragedy had between 50,000 and 500,000 victims; and the August 1988 conflict had between 5,000 and 50,000 victims(Ngayimpenda, pp. 497-498). Following the recommendations of the Arusha Peace Agreement, the TRC should have taken place already as the Arusha Peace and Reconciliation Agreement states that “Members of the

Commission shall be appointed by the transitional Government in consultation with the Bureau of the transitional National Assembly” (Arusha Accords 2000, p. 24), but some moments of the Burundian history can give us clues on why it is taking so long for the Burundian government to comply with this component of the Arusha Agreement.

c. Burundi’s enduring challenges

The 1993 Burundian conflict was a result of a long period of frustration. Inter-group violence in Burundi did not start in 1993 as many may think. The 12 year civil war that began in 1993 became part of the international community’s discourse, even more so than previous inter-group conflicts such as (1965, 1972 and 1989 mass killings), thanks to advanced media and conflict analysis research, involvement of more vocal national and international peacebuilding organizations, and an emerging but strong civil society.

There is a common understanding that there is always a reason why conflicts occur in a given country. This is why we are going to review some practices in the history of Burundi that may have contributed to the violence.

To understand the 1993 Burundian conflict, we need to step back a little and examine different practices and moments of history that may have driven the country to the catastrophe that happened in 1993 even if it was not the first mass killing that occurred in Burundi. Three main periods may give an idea of the history of violence in Burundi: the pre-colonial era, the colonial era, and the post-independence era.

1. The pre-colonial era

It is quite difficult to investigate the history of a country for a period where there were no written documents, where people did not know how to write and read. However, historians always find alternatives. Despite the lack of written records, it is important to note that one of the major disagreements that has fueled inter-group conflicts in Burundi relates to the different interpretations of the historical origins of the three ethnic groups that comprise Burundi, namely the Hutu, Tutsi, and Twa.

Henceforth, uncovering and negotiating the different theories of origin are important to understand the question of truth and reconciliation in Burundi because such a process would require that a sense of national identity and belonging be shared across ethnic groups in order for the Burundian people to engage in effective healing and reconciliation. Ngayimpenda for example, states that the divisions between Hutu and Tutsi have roots in the Hamitic hypothesis which supports the idea initially announced by Speke, a British researcher, that the Burundian high level organization of the administration was not an invention of indigenous Burundians (Hutu) but a new system imposed by nomad Hamitic Galla (Tutsi). He also argues that the political organization was the outcome of the confrontation between pastoralist nomads who came from the north and indigenous people, and that those nomads were the winners of those confrontations (Ngayimpenda, 2004).

Even if there is no documentation to clarify exactly when Hutu arrived in Burundi, literature suggests that the country was first inhabited by Twa who were later joined by Hutu, and finally by Tutsi. H. Rossel's theory contends that Hutu are

descendants of Bantu migrations from the north to the south in Africa due to extreme heat that affected the Sahara and the eastern region of the Rift Valley two millennia before Jesus Christ (Ngayimpenda, 2004). African historians regularly use oral sources as well as accounts by explorers, missionaries, and colonial officials to reconstruct history. Another hypothesis that tries to explain the origin of Tutsi, by J. Jaques Maquet, suggests that, in Rwanda (assuming that it was the same for Burundi as they are sister countries with similar people and almost the same language), Tutsi have their origins in Ethiopia and entered Rwanda in small groups between the 13th and 15th centuries (Ngayimpenda, 2004; Maquet, 1964).

Before the colonial period, Burundi had a number of violent events that shaped its history, starting with the sorghum harvesting ceremonies "Umuganuro" where a person had to die in order for the king to start ceremonies as a symbolic demonstration of the ruler's power. The inequality manifested and supported by the legal system (Abashingatahe) and the leaders (Abatware) which could lead to taking away belongings and property from a Burundian, deciding his life or death, accusing him of felony or declaring someone not guilty, are among the elements to which colonial policies added their "Divide and conquer" strategies, setting apart Burundians into three ethnic groups: Hutu, Tutsi and Twa

2. The colonial era

Burundi was colonized by the Germans from about 1897 to 1914 and by Belgians from 1914 until 1962, when the country achieved its independence. During that colonization period, the divisions that were already in place in Burundi were strengthened

by colonizers through their “Divide and conquer” policies and practices. The tribal antagonisms that the country was going through explain the genocide against the Hutu people as Father Nyakamwe (1973) argued (cited in Ngayimpenda, 2004).

The Germans strengthened the structure of the society using their indirect administration method (Ngayimpenda, 2004). Belgians also kept the same indirect administration model that fostered Tutsi hegemony. They did so despite warnings such as De Lacger’s (1930) who denounced the risks that the Tutsi superiority myth could cause ethnic and educational segregation (cited in Ngayimpenda, 2004).

In addition to the divisive colonial administrative policies and structures, the Catholic Church maintained the same strategy. They considered Tutsi people as a homogenous population originating from Northern Egypt, a class of leaders, a pure class, smart, willing to get educated, curious, and polite (Ngayimpenda, 2004, p.70). Belgian discriminatory policies and practices led to major ethnic disparities and inequities. For example, there were only 26 Hutu among the 138 territory counselors in 1952, and only 4 Hutu among the 559 leaders governing the country in 1959 (Ngayimpenda, 2004, p.70).

3. The post –independence era

The post-independence period is characterized by Tutsi domination, mainly the Hima leadership and monopoly over power in all national sectors. Not only were all leaders from the same southern region, but they were also from the same clan. Hence, they managed the country as their own private property. This is one of the factors that created frustration and engendered violence in Burundi. A look at the early stage of independence shows that Prince Louis Rwagasore, who fought for and won the

independence for Burundi, was assassinated. After Rwagasore was killed, divisions among his political party Uprona (Union pour le Progres National) were born. Three main groups started the competition for power, the Tutsi-Hima, the Tutsi-Banyaruguru, and a small emerging Hutu elite. Micombero took power from 1966 to 1982, when Bagaza led a coup d'état, strengthening a long-term monopolization of power by the Tutsi-Hima, who, until 1993, controlled most of the army as well as political and economic structures (Uvin, 1999).

The three successive presidents, namely Michel Micombero, who ruled from 1966 until 1982; Jean Baptiste Bagaza, who ruled from 1982 to 1987; and finally Pierre Buyoya who took power in 1987 and 1993, were all members of military, from the Tutsi-Hima group and from the same village in Bururi region in southern Burundi. It is also worth noting that Buyoya was Micombero's nephew (Uvin, 1999). This situation, where a small minority of people, almost from the same family, spent four decades passing the leadership of a whole country to each other, can easily explain why Melchior Ndadaye, the first Hutu president from Nyabihanga in Muramvya region (actually Mwaro Province), could not stay in the presidential office for more than 100 days before he was assassinated . Not only was he a Hutu, but he was also not from Bururi, and he was not a member of the military junta; more importantly, he had no military force to back up his claim to power.

The assassination of the first democratically elected president led to more than a decade of violent struggle for the country as the Burundian people engaged in mass killings beginning October 21, 1993, when the president and most of his high-ranking

colleagues were killed and Tutsi- dominated army re-established control. It is difficult to establish an exact number of losses, but it is estimated that just for the 1972 genocide and 1993 civil war, approximately 800,000 Burundians had to leave the country and become refugees in neighboring countries, while several thousand others became internally displaced inside the country (Bunte & Monnier, 2011); hundreds of thousands who could not make it to exile perished.

Daley argues that, following a Hutu uprising in 1972, the military forces killed between 150,000 and 200,000 Hutu (Loevslett, 2009 cited in Baunte & Monnier, 2011). After the 1972 mass killings, the country was also confronted with the “dark side” (Portes & Landolt, 1996) of ethnically exclusive bonding and social capita; several youth groups (Jeunesse Nationaliste Rwagasore; sans echecs, Sans defaite) illustrate how civil society groups have adopted a genocidal logic and taken part in inter-ethnic violence (Daley, 2008 cited in Vervisch & Titeca, 2010).

The 1993 inter-ethnic violence started following the assassination of democratically elected President Melchior Ndadaye, and it intensified as tensions and hatred between ethnic groups were heightened by the radicalization of both Hutu and Tutsi ethnic groups. No insurgent organization was operating openly in Burundi before the assassination of president Ndadaye and the Palipehutu-FNL (Front Patriotique pour la Liberation) which is said to be in existence several years before the assassination of Ndadaye, did not have active or even visible activities on Burundian ground.

The civil war reached a stalemate when a Hutu rebel group formed and faced the Tutsi-led army, which intensified the fighting until the international community

intervened to broker a peace agreement. Peace talks comprising 19 different political parties as well civil society representatives were initiated under the leadership of the late Tanzanian President Julius Nyerere in Arusha, Tanzania. When President Nyerere passed away, South African President Nelson Mandela took over, and helped Burundi to reach the Arusha Peace Agreement which was signed in 2000. One of the recommendations issued by the Arusha Agreement was the creation of a TRC for Burundi.

After about 12 years of horror, Burundi needs to move forward and reunite its people. The Burundian people need to understand the consequences of hate and wars; they need to build a peaceful and hopeful future for generations to come. Nevertheless, the processes that can lead to successful reconciliation of Burundian people are still controversial. While some Burundians argue that there are no more ethnic problems in the country and that the Burundian people have already reconciled, and that there is therefore no need for a special program of reconciliation, other local actors are still requesting the establishment of a Truth and Reconciliation Commission as well as an commission for inquiry for Burundi that would investigate past human rights violations, punish the perpetrators of mass atrocities and compensate victims.

Inspired by calls from the international community, the commitment of the Burundian people through the Arusha Agreement to establish a Truth and Reconciliation Commission as well as an International Judicial Commission of Inquiry on genocide, war crimes and other crimes against humanity (Article 6 of the Arusha Peace and Reconciliation Agreement for Burundi), the current study examines the promises and

challenges of establishing a Truth and Reconciliation Commission in Burundi. The following overview of current literature about past Truth and Reconciliation Commissions and transitional justice systems in different countries helped articulate the questions that guided this study.

It would be interesting to know who first suggested the creation of a TRC during the peace process and why both leaders and opposition members agreed to create it at that time, while hoping that there was no pressure from the mediator or international community as the Burundian peace talks were followed closely by the entire world. The question, however, is to know if Burundian people need a truth and reconciliation as a mechanism which will facilitate their transition from their violent past to a peaceful future. It is also useful to explore whether Burundian people have similar perceptions and understanding of all mechanisms suggested in their transition starting with transitional justice itself, truth and reconciliation, justice and others. A comparison of the meaning associated with those concepts by international community and Burundian population may give a hint of how to approach those mechanisms and how to adapt them to the socio-cultural context of Burundi. Finally, people should analyze the availability of any traditional practice that may promote reconciliation and how Burundian culture may interact or not with the new mechanisms suggested to deal with Burundian transition.

CHAPTER TWO: OVERVIEW OF TRANSITIONAL JUSTICE THEORY AND TRUTH AND RECONCILIATION NOTIONS

This chapter analyzes the literature on transitional justice as well as the truth and reconciliation commissions.

a. Transitional justice theory

History of Transitional Justice in Burundi

According to Samii (2013), the United Nations put forward considerations for transitional justice in Burundi as early as 1996 in a special commission report on the 1993 violence (p. 223). Transitional justices, as well as Truth and Reconciliation Commissions, are still new concepts in Burundi. Samii (2013) contends that transitional justice measures entered the discourse of Burundi during the talks that led to the 2000 Arusha Accords. According to Teitel (2003), transitional justice has emerged from particular and exceptional origins to a normal and institutionalized and mainstreamed mechanism. Despite the unanimous agreement to create and implement a Truth and Reconciliation Commission a , forBurundi, a Commission of Inquiry had to be implemented during the Burundian transition period as the Arusha Peace and Reconciliation Agreement requires. Additionally, some amendments were progressively made to it. When CNDD-FDD signed up to the peace process in 2003, its leadership suggested that “questions of truth commissions and special chambers would have to be revisited after elections,” suggesting also pardon and amnesty for those confessing their

involvement in past human rights violations and to whom the pardon was granted (Samii, 2013, p. 223).

The amnesty that the current leading political party CNDD-FDD was requesting at the time was not a new concept in the transitional justice discourse. In 1991, Llewellyn & Howse had already argued that amnesty may be a “best option in exchange for truth as it was in the South African TRC” (Llewellyn & Howse, 1999, p. 371). Amnesty can be used to prevent new human rights abuses that can be caused by previous leaders when they feel threatened by the new government when attempting to prosecute perpetrators. When amnesty is guaranteed to previous leaders, the fragile institutions and democracies will have a chance to maintain themselves and grow as no one will challenge them by infusing new violence (Martha, Minow, 1998, p.28).

Transitions need to be dealt with carefully because political partisanship can also affect their management. Most leaders prefer mechanisms which are in favor of their own political interest. Samii (2013), in his own words expressed the same concerns by stating that “a tribunal conviction would incapacitate a leader and therefore disfavor the group represented by that leader. Support for punishment or truth-seeking mechanisms may be based on agendas that are designed to undermine the political standing of those who are most likely to be targeted” (p. 221).

Burundian perceptions of transitional justice

Transitional justice is a new phenomenon in Burundi’s history. Burundian people first discussed it during the peace process and it took a considerable place in the Arusha Peace and Reconciliation Agreement. Since the Arusha Accords, the United Nations and

Burundi, following resolution 1606 of June 2005, have been discussing the nature of the Burundian transitional justice process (Ingelaere & Kohlhgen, 2012, p. 40). The involvement of the United Nations and other international organizations in the transitional justice design reflects what Samii(2013) means when arguing that “Post-conflict reconstruction in this day and age is often governed by democratic process with heavy oversight by the international donors and agencies” (p. 220). The transitional justice mechanism was suggested because Burundian people are and have been searching for better ways of dealing with their violent past even if the country is experiencing a period of fragile peace (Ingelaere & Kohlhgen 2012).

Despite the international involvement in shaping and help in designing a transitional justice mechanism for Burundi, it remains critical to let Burundian people decide what kind of transition they desire to have implemented. Any society or community can conceptualize their own understanding of these concepts. Transitional justice is one of the concepts that Burundian people are having a hard time to understand as defined by the United Nations, international organizations and international justice lawyers. As Ingelaere & Kohlhgen argue, Rural Burundian population “use different epistemological frameworks to formulate their reflections on what is labeled ‘transitional justice’, and have another understanding of the objectives of the transitional justice as well, different from the objectives that we know” (Ingelaere & Kohlhgen, 2012, p. 53). Interminable discussions between country leaders and representative of developed countries and major international organizations on the type of transitional justice which needs to take place in Burundi, whether or not the country needs to put an emphasis on

the role that justice can play in the reconciliation process, but, as Ingelaere & Kohlhgen warns us, what really needs to be done is not an emphasis of titles or institutions but the investigation of the meaning of “justice” and principle of “social existence” (Ingelaere & Kohlhgen, 2012, p. 41). They also support the idea that every society has its “own unique ways of imagining the phenomenon of law”, as argued by Etienne Le Roy in 1999 (Ingelaere & Kohlhgen, 2012, p. 42). Transitional justice in the context of Burundi is complicated because even justice itself has another conception.

Research on the meaning of justice in the Burundian context is still emerging. Some research such as the one done by Dominik Kohlagen on the phenomenon of justice and Bert Ingelaere’s exploration of the population’s expectations of transitional justice in rural Burundi have indicated that Justice, or law as defined by the United Nations or any western understanding is not a common phenomenon that can be welcomed by the Burundian community. These authors argue that a transition built on that “justice” is more likely to fail (Ingelaere & Kohlhgen, 2012, p. 42). If there are more chances that a transitional justice, including judicial mechanism may fail, one may wonder why Burundian leaders accepted to include it in their peace agreement. One of the reasons may be that neither justice nor transitional justice was the primary concern or suggestion from Burundian people. Those are concepts imported from abroad and therefore which may come into conflict with traditional practices or Burundian culture if not well adapted.

The transitional justice idea for Burundi has its roots in the Arusha Peace and Reconciliation Agreement signed in 2000. In 2004, the question of transitional justice was again raised with the objective of establishing a TRC and a special Tribunal within

Burundian judiciary. The goal of the two bodies was to promote truth, reconciliation and accountability. However, divergence among political parties, as well as civil society and the Bashingantahe institution [a traditional institution, made of men of good and exemplary attitudes and behaviors, which deals with small scale conflicts in Burundian communities and keeps the society together as a community by maintaining and keeping relationships among and between groups, communities and societies as well as among individuals)] did not allow the implementation of the two bodies recommended by the Arusha Accords (Ingelaere & Kohlhgen 2012, p. 45). For example, while the leading political party, mostly Hutu, supported the pardon, the council of Bashingantahe favored accountability. While the Bashingantahe offered auxiliary services to legal courts for decades, the increasing disagreement between the Bashingantahe and leaders ended up in a complete separation of the two institutions. In 2005 a law was passed “to put an end to the role of Bashingantahe as an institution auxiliary to the courts of law” (Ingelaere & Kohlhgen, 2012, p. 46). The Bashingantahe is a traditional institution, which is effective in dealing with low-scale conflicts and disputes.

The success of the institution however, blinded some analysts who thought the Bashingantahe could do everything with no limitation or constraints. Thomas Laely argues that the Bashingantahe performed excellent tasks in conflict resolution at local level. They were promoters and keepers of peace and harmony. They were more “justices of peace” than “judges of courts” as Tomas Laely argues (Ingelaere & Kohlhgen, 2012, p. 43).

The government and the international organizations, blinded by the effectiveness of the Bashingantahe and the overwhelming success of the Bashingantahe in promoting reconciliation within their communities, sponsored the Bashingantahe institution, hoping that it could increase exponentially its capabilities and tackle more difficult issues such as mass violence, mass atrocities, genocide in a short time like in the west where everything is tied to time. The outcome was surprising as the Bashingantahe activities could not be speeded up, the adaptation to the new situations of civil war and genocide required not only an understanding of what those situations were but also had to take its time to design an appropriate intervention, even prepare new individuals and new grounds for a true reconciliation to take place.

As Ingelaere & Kohlhgen argue, “Both attempts, mainly by the government, to sideline the Bashingantahe as day-to-day mediators and potentially important actors in the transitional justice process, and strategies, mainly used by international donors and organizations, to rehabilitate and modernize the institution to better serve these objectives are obscuring the issue at stake” (Ingelaere & Kohlhgen, 2012, p. 41). The growing support offered to the traditional Bashingantahe institution, was not able to generate the same outcome because it shifted the goal and morals of the Bashingantahe.

Specifically, transitional justice is typically used in post-conflict contexts to refer to judicial and non-judicial measures and processes that are developed and implemented in order to redress past and lingering human rights violations (Lundy & McGovern, 2008, p. 267).

Merwe , et al (2009) define transitional justice as a “set of practices, mechanisms, and concerns that are aimed at confronting and dealing with the legacies of past violations of human rights and humanitarian law” (p. vii), while Hazan argues that it is a system of regulating violence, which is also a product of time, an ideology and vision (Shaw, R. & Waldorf, Lars, 2010, p. 49). For Bell (2009), transitional justice is “an attempt to deal with past violence in societies undergoing or attempting some form of political transition” (Bell, 2009, p. 7).

The United Nations has also indicated that

The notion of transitional justice comprises the full range of processes and mechanisms associated with a society’s attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation. These may include both judicial and non-judicial mechanisms, with differing levels of international involvement (or none at all) and individual prosecutions, reparations, truth-seeking, and institutional reform, vetting and dismissals, or a combination thereof. (UN Security Council 2004, p.4)

According Aguillar et. al. (2011), transitional justice is

A set of procedures that are predominantly adapted during democratization periods- but also sometimes when democracy has been consolidated to deal with atrocities committed by the former regime or during a violent conflict. Transitional justice procedures fall into three broad categories: (a) justice measures aimed at punishing former perpetrators for human rights violations or depriving them of illegitimate

privileges, (b) policies aimed at providing material and/or symbolic reparation for victims, and (c) truth revelation procedures. (p.1398).

Such processes and measures may include criminal prosecutions, trials, amnesty, reparations programs, and other kinds of institutional reforms. Among these processes, the most commonly discussed in the current literature are truth and reconciliation commissions, especially ever since the TRC became part of the identity of post-apartheid South Africa.

Nevertheless, truth and reconciliation commissions have been challenged by people who argue that there is no need to investigate past abuses because looking back may undermine the progress already achieved in any given post-conflict country (Ramsbotham, et al., 2011). This statement, however, does not take into account the fact that a Truth and Reconciliation Commission is not just one single process with only one goal. As Olsen, et al. (2010) argue, truth and reconciliation is somewhere in the middle of prosecutions and impunity, and it lies in between instability and accountability (Olsen, et al., 2010). The country as a whole needs to go through a transitional period in order to move smoothly from violence to peace and reconciliation. The transition affects all sectors, including justice. The consideration of transitional justice is supported by Olsen's conclusion which demonstrates that when a truth and reconciliation commission is created and implemented alone, it has a negative impact on human rights; while when truth and reconciliation is combined with trials and amnesties, it has positive effects (Olsen, et al., 2010).

Shifting from violence to peace implies transition systems in all sectors of any country. Those sectors include administration, economy, education, the justice system and many others. In this case, we just need to analyze justice. Every country has a justice system and the stronger the justice system is, the better a country is governed and the more equally distributed are the natural resources, and conflicts are less likely to take place. As mentioned by Ramsbotham, Woodhouse, and Miall (2011), transitional justice plays a major role in people's reconciliation. Note that transitional justice has three components: the rule of law, rectificatory justice, and distributive justice. The rule of law is often weakened by violence and the powerful leaders who impose ways in which such justice should function; rectificatory justice helps repair human rights violations, war crimes and crimes against humanity; and distributive justice addresses the structural and systemic injustices which are the root causes of the conflict (Ramsbotham, et al., 2011).

The multiple series of conflicts that ravaged Burundi testify to the level of inequality and discrimination, implicit in the lack of equal distribution of natural resources. The frustration of the Hutu due to their historic exclusion from the Tutsi-dominated military, the government and all the sectors of the country, is one of the main reasons why violence occurred in Burundi. Dealing with such violent situation requires a "successful transformation of violence into peace" (Ramsbotham, et al., 2011, p. 246), and as Ramsbotham, Woodhouse, and Miall argue, this can happen in two ways: first the empowerment of the excluded group and second, the reconciliation politics which use truth-telling and reparation. This kind of reconciliation, involving truth-telling, can, however, undermine the peace process as its impact varies according to each country's

situation. Even if the impact of a truth and reconciliation commission is positive in the short term, it may play a negative influence in the country in the long term. For instance, the South African Truth and Reconciliation Commission, may have deteriorated relationships between Black and White in South Africa, as suggested by the findings from a survey that Rotberg conducted in 1998 (Ramsbotham, et al., 2011).

Despite the disagreements among observers on the impact of truth and reconciliation commissions, there is no country which can deal with its past without building a common history that can be agreed upon by all ethnic groups since people involved in violence have both criminal and hero connotations according to the perspectives of groups observing them. Moreover, there is in most cases, an attempt to deny some facts from the past (Ramsbotham, et al., 2011). In addition, some societies do not easily forget the past and forgive their former enemies; they require a kind of justice that can help them heal from the past for cultural reasons (ibid). This special justice is needed because it happens after “too much has happened, too many relations have been severed, too many norms violated, too many identities distorted, too many traumas endured” (Ramsbotham et al., 2011).

This situation of denial and mutual accusation, facing a judicial system which is, for the most part broken or biased due to the political pressures, requires another judicial system, less biased and less focused on the “rule of law”, but with a greater focus on the reconciliation, amnesty, reparation and compensation of victims of past violence.

This special judicial system is often called “Transitional Justice” by many and “Justice Balance” by Olsen, and operates less based on actual codes of justice and more

on the circumstances and the needs of the population to reach an effective reconciliation and help the victims heal from past trauma. These circumstances cannot be addressed by normal courts as Hyner (2011) argues. After an analysis of truth and reconciliation and transitional justice, this research will explore the current situation of Burundi and its need for a truth and reconciliation commission.

What is Transitional Justice really?

In this section, we are going to examine different definitions that were or are given to the transitional justice concept. The different definitions as well as the perceptions that people give to transitional justice vary according to the person defining it, the purpose of defining it and the context in which the definition is given. The reality, however remains that there is no commonly agreed upon definition of transitional justice as it evolved and is still changing with the time and the circumstances. The understanding or perception of each definition may have an influence to the decision to adopt or not a transitional justice.

According to Rubli , “Transitional justice is a process of negotiated values and power relations which endeavours to constitute the future based on lessons from the past”(Rubli, 2013, p. 9).Olsen defines it as “A set of mechanisms and approaches to address past violence” (Olsen et al., 2010, p. 9). The ICTJ , quoted by Olsen, defines Transitional Justice as:

A response to systematic or widespread violations of human rights. It seeks recognition for the victims and promotes possibilities for peace, reconciliation, and democracy. Transitional justice is not a special form of justice but justice

adapted to societies transforming themselves after a period of pervasive human rights abuse. In some cases, these transformations happen suddenly; in others, they may take place over many decades.

This approach, continues the ICTTJ, emerged in the 1980s and early 1990s, mainly in response to political changes in Latin America and Eastern Europe- and to demands in these regions for abuses by former regimes but without endangering the political transformations that were underway. Since these changes were popularly called “transitions to democracy’ people began calling this new multidisciplinary field “transitional justice”Olsen et al. (pp. 10-11)

When they were constructing their data base, Olsen and her team adopted a more inclusive definition of a “transitional justice” which is: “ The array of processes designed to address past human rights violations following periods of political turmoil, state repression, or armed conflict” (Olsen et al. p. 11). The same understanding of transitional justice is shared by Hugo et al. who define transitional justice as “That set of practices, mechanisms, and concerns that are aimed at confronting and dealing with the legacies of past violations of human rights and humanitarian law” (Hugo et al., 2009, p. vii)

Thirteen years after the signing of the historic Arusha Peace and Reconciliation Agreement for Burundi, the recommended National Truth and Reconciliation Commission and the International Judicial Commission of Inquiry have yet to be established even if “ they were supposed to be established during the (2001-2005) transitional period (Rubli p. 6). There is no guaranty of success even if the TRC had been

established during the transition government because the reason why the commission was not created is the answer. Establishing a TRC during the transition or even soon after the transition may have caused other human rights abuses if we consider the ongoing high insecurity and the power that old regime leaders still hold in Burundi.

Hence, this research study aims to contribute to and advance the ongoing conversations about mechanisms to promote reconciliation among the divided Burundian communities. Rubli continues that “Transitional justice and the produced ‘truths’ and the interpretations of the past are used not only as a strategy to protect self-interests, but also as an instrument for the political struggles in the course of molding a new, post-conflict society and state.” (Rubli, p. 5)

The priority of the transitional government was not the creation of a transitional justice but ending the violent conflict and integrating the fighting group in the governing body as well as preparing elections and a new constitution, even the rebel groups themselves did not care about “finding the truth” but integrating the government structure (Rubli p. 7)

Facing the fact that “Neither the TRC nor the judicial mechanism to try those responsible for grave human rights violations has been implemented.”(Rubli, 2013, P. 4), Rubli argues that “Transitional justice aims to promote social and political integration and reconciliation, to enhance the rule of law, to fight impunity and to increase trust in government institutions.” (P. 4)

The history of transitional justice in Burundi is not new but has gone through different modifications without reaching the implementation stage. For example, the Burundian parliament passed a law related to the creation of a TRC In 2004, but it was not

implemented. The following year, based on conversations between the UN and Burundi government, the 2005 Kalomoh report came up suggesting the reconsideration of the structural suggestion made earlier by the Arusha Accords which aimed to use the TRC, the IJCI along with the International Criminal Tribunal to follow only the TRC and the judicial process structure. During many discussions on transitional justice in Burundi, the UN and the Burundian government could not reach a common agreement for some key questions such as “The amnesty for crimes, crimes against humanity and genocide, the independence of the special tribunal’s prosecutor, and the interrelationship between the TRC and the tribunal” (Ndikumasabo and Vandeginstre 2007 cited by Rubli p. 7).

In June 2011 the Burundian President nominated a technical Committee, to draft the law that would clarify the TRC and its functions. Until this day, June 2014, the commission for inquiry and the TRC have not yet been created; there is no believable sign that shows that it may take place one day in the near future, even if as recently as in April 2014, the parliament adopted voted to amend the creation of a TRC bill. Note that this bill was voted for while there was not a single member from the opposing political party in the current government.

In conclusion, the transitional justice is a complicate topic. Despite the large number of researchers suggesting ways of integrating transitional justice mechanisms in local or traditional practices to make them more adequate to the environment, the situation may become more complicated. There are some practices and mechanisms which cannot be adapted to traditional ways of living. Anna’s statement, for example, shows that “models of transitional justice can and should be adapted to specific contexts,

these models must at the same time reflect transcendent values that cannot be modified”.

Lundy et. Al. argue that “localizing transitional justice often produces a clash between local, and implicitly traditional, cultural and universal justice norms” (Lundy, P. & McGovern, M., 2008, p. 5). An emphasis on traditional mechanisms for the promotion of reconciliation should be explored.

Studying transitional justice requires sensitive methodologies in order for the researcher to avoid all possibilities of re-traumatizing victims during the research. Studying the experiences and responses, even if it is very difficult, is the only way researchers can evaluate the capacity of the transitional justice in restoring dignity of victims as well as healing them. (Hugo et al. p. 5). In all cases, as Kritz argues:

There are limits to what can be learned through empirical research on transitional justice choices. Ultimately, understanding precisely how and why humankind commits grotesque atrocities against itself and how societies move away from mass abuses toward abuses toward truth and justice, establishing democracy, the rule of law, and durable peace, is not an exact science and probably will never be. Kritz p. 21

Taking into account the complexity of transitional justice, researchers should not give up, but be more aware of the weaknesses and limitations they face whenever they conduct research on this topic. One of the transitional mechanisms of transitional justice which is widely known is Truth and Reconciliation Commissions.

This study will explore the availability of traditional reconciliation mechanisms that could promote reconciliation in Burundi, help victims heal from their trauma, and

design new ways of dealing with the past while keeping communities together. The following paragraph will analyze the truth and reconciliation theory and its role in the reconciliation process.

Definition of transitional justice – Different perspectives

Samii's argument is that "transitional justice mechanisms can establish a formally recognized truth about abuses, punish human rights abusers, or provide reparation for victims" (Samii, 2013, p. 220). His argument aligns with the United Nations' view (2004) that the rule of Law and Transitional Justice in conflict and post conflict societies includes the punishing abusers, contributing to accountability, and enforcing the rule of law. The United Nations point of view is based on the fact that holding perpetrators accountable helps to separate them from larger groups those human rights abusers belong to. They point out also that the establishment of a formal truth makes legal recourse possible, and establishment of truth may promote reconciliation (Samii, 2013, p. 220). In practice, things may shift a little bit, as there is no clear and straightforward relationship so far that guarantees that any transitional justice will improve security and reconciliation in any country. As Sami contends: "Fear related skepticism toward transitional justice measures may also arise in response to improvement in security conditions, , a desire to maintain such improvements, and concerns about how the pursuit of punishment or truth might undermine such improvement" (Samii, 2013, p. 221).

a. Justice

In Western liberal legal tradition, it is admitted that "No one is above or outside the law, and no one should be legally condemned or sanctioned outside legal procedures"

therefore mass murders, tortures, and deprivation of human rights, even these massive horrors can and should be treated as punishable criminal offenses perpetrated by identifiable individuals” (Martha, Minow 1998, p.25). If the offenses mentioned above are punishable, it can be argued that criminal trials do not seek reconciliation except in the more abstract ways ” (Martha, Minow 1998, p.26). If every offense should be punishable, justice is worth analyzing in this study. Instead of defining what justice is, we will imitate McGregor’s (2006) style “I know it when I see it” when discussing reconciliation, and examine justice in relation to other concepts which are more or less similar to it. According to Llewellyn & Howse (1999), there are three possible conceptions of justice. First the normal justice, which is the retributive justice.

Retributive justice considers granting amnesty as unjust. They argue that retributive justice does not promote relationships within societies. A group, a community or society, however, is understood as “a web of relationships” which implies that all people are equal and should be treated equally. “Retributive justice may not restore those relationships because members of the society are no longer equal when one party (wrongdoer) has been removed from the society by execution, banishment, or imprisonment” (Llewellyn & Howse 1999, p. 377; Martha Minow 1998, p.26). The second suggests a limited justice also called “justice to an extent” which may be offered by the TRC according to the transitional context. Finally the restorative justice examines the assumptions about the meaning of justice and offers as restorative justice in nature (Llewellyn & Howse 1999, p. 369). Restorative Justice in criminal justice as Braithwaite (1997) argues, has been the dominant model in the history of people (Llewellyn & Howse

1999, p. 372) and, as Tony Marshall in a conference on restorative justice argues: “Restorative Justice is a process whereby all the parties with a stake in a particular offense come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future” (Llewellyn & Howse 1999, pp. 372-373).

Restorative justice then appears to be sensitive to transitional justice and an appropriate concept to a variety of contexts and that is why it can help achieve a number of instrumental goals far better from what can be achieved with criminal trials and punishment (Llewellyn & Howse 1999, p. 373). As it is the case for other models, there is no unique model of restorative justice; models of restorative justice can change in nature (Llewellyn & Howse 1999, p. 385). Agreeing to the multiplicity of models, we can confirm that, in the context of transition, justice may be sacrificed to give place to peace, stability and avoidance of civil war (Llewellyn & Howse 1999, p. 370). The distinction between different transitional models is not enough proof allowing one to decide which transitional model is better because all models are branch from the same tree.

Whether restorative justice or retributive justice, both mechanisms are built on the same stone which is justice. De Greiff (2006) argues that even if the reparative has not yet received systematic attention, both reparative and prosecutorial can be considered as elements of justice (De Greiff 2006, p. 1)

When justice is not a welcomed concept, or if it is not well perceived by communities or societies, the outcome of each mechanism based on justice may not be reconciliation as most of the literature on transitional justice argues. In Burundi for example, when people say that they will bring you to court, it is a major sign of hatred

and there is no hope that the court may rebuild broken relationships. In contrast, the court (justice), using its uncontested power, will establish who is guilty and who is not.

Therefore, there is no way the victim and the perpetrator can reunite. The only thing remaining is for the perpetrator to pay the fees that the court may ask him to pay and for the victim to receive the compensation that will be paid by the guilty one through the judicial system, not even directly, to reduce chances of collaboration between the two.

The traditional reconciliation practice in Burundi, uses the Bashingantahe, who are the wise men and wise women selected within their societies to deal with small scale conflicts. Their technics in uniting divided individuals or groups of people are to listen to them in a particular setting where only permitted individuals and often agreed upon individuals can come and listen. Note that translating Bashingantahe into wise men is just an attempt to give a sense to the reader as there is no correct vocabulary to explain the true meaning of “Bashingantahe as Chales de Lespinay, a French anthropologist argues. (Ingelaere & Kohlhagen 2012, p. 49). After listening and explaining how they understood the issue as well as how it could be accessed, the Bashingantahe requested both parties to shake hands and to bring traditional beer on a given date and share it with the Bashingantahe. When the beer, sometimes “Urwarwa” or “Impeke” was presented to the Bashingantahe, they ordered the two conflicting individuals to drink from it at the same time using straws. Ingelaere & Kohlhagen also highlight the Burundian reconciliation practice, when mentioning that the decision of Bashingantahe in any dispute resolution is always unanimous. It is followed by an invitation of the parties in conflict “to have a beer together”. That beer is traditionally made (Millet or sorghum)

and is served in a gourd. Both parties and Bashingantahe drink together using straws. That is the essential element of reconciliation in the context of Burundi. (Ingelaere & Kohlhausen 2012, p. 47)

The sharing symbol was impactful to both parties as well as the audience who learned that forgiveness and reconciliation had taken place and that it was a sign of forgetting the past and starting with a new life; the two parties were since then united and reconciled as well. According to Llewellyn & Howse (1999), the Western human rights activists or international lawyers have managed to impose the criminal trials model wherever human rights violations occur. The overwhelming moral intuition of criminal trials has led to a lack of intellectual analysis on whether or not the trials will build a more just and tolerant future (According to Llewellyn & Howse 1999, p.358). Even the South Africa TRC model which has caught international attention was almost blocked by international lawyers who argued that the prosecution and punishment of crimes against humanity is a duty (According to Llewellyn & Howse 1999, p. 358). The justice has also been challenged in terms of its ability to promote reconciliation.

The few existing literature on trials comprises Judith Shklar and Hannah Arendt who question the ability of criminal trials to promote social reconciliation or healing, as well as, the desirability of criminal trials. Even though their arguments were not really taken into account, due to their ties with Liberalism, their ideas are being resuscitated after the Rwanda, Balkans and Latin America examples. Some law professors are now criticizing the use of criminal trials as a means for dealing with violent past. (According to Llewellyn & Howse 1999, p. 358).

As an effort to answer to the challenge caused by Shklar and others, criminal prosecutions advocates argue that trials help the society to reconcile and heal in five ways: First, the promotion of the rule of law; second, individual responsibility instead of a group responsibility to the human rights abuses; third, disclosure of what actually happened and how civil order broke causing people become monsters; fourth, opportunity for victims to tell their stories, and confront the perpetrator and begin healing; and Fifth, trials may deter potential human rights violator for the future (Llewellyn & Howse 1999, p. 359)

Justice, however, will remain problematic in promoting reconciliation as far as the international tribunal imposes law on countries that are considered unable to impose it on themselves and international lawyers are still dealing with “a kind of law that is not directly the product of any democratic community” (Llewellyn & Howse 1999, p. 360). Conducting trials in dealing with past human rights violations creates respect for the law (Llewellyn & Howse 1999, p. 380), but it does not necessarily create reconciliation.

b. Truth and reconciliation theory

Truth and Reconciliation

The TRC is created generally as an engagement of the population, the leaders, as well as national and international organizations, to create a new society mindful of the past (Llewellyn & Howse 1999, p. 379); Therefore, there may be a desire to bury memories and to reinforce a sense that a new reality has emerged (Samii, 2013, p. 221). There is no single structure or design of a TRC. Hayner notes that even if TRC varies a lot depending on the context and goals, they share the same objectives: “To confront,

record, and acknowledge the truth about a past period of widespread rights abuses, with the hope of contributing to reconciliation, healing, and reform”. The TRC however, does not have the power to initiate any change. The implementation of the TRC recommendations depends of the willingness and interest of the government to implement the recommendations or to initiate the suggested changes (Hayner, 1997, pp. 175, 180). There is high need for sensitivity to the interaction between processes and political competitions and whether or not they satisfy a genuine demand among the population in terms of the establishment of transitional justice mechanisms, including either truth commissions or tribunals (Samii, 2013, p. 231). Such sensibility allowed Martha Minow (1998) to not believe that international and national trials can prevent genocides, mass crimes or promote political transformation. She finds that trials can generate hostile disappointment (Minow, 1998, p.49).

According to Llewellyn & Howse (1999), The South African TRC did not want to punish guilty individuals, but to know what happened and why as a way of addressing past human rights abuse. This conception, as they argue, challenges the criminal trials advocates who view justice through the criminal trials only (p. 356). They make a distinction between restorative and retributive justice. According to them, restorative justice is based on the conception that “The identification of punishment with the righting of the wrong or the reestablishment of the disrupted equality is arbitrary and historically contingent” and they believe that reintegration measures provided by restorative justice, “build or rebuild social bonds” while other measures such as imprisonment and the death

penalty, used by retributive justice, “ isolate and alienate the perpetrator from society,” according to (Llewellyn & Howse, 1999, p. 357).

The complexity of the concept and the theory around truth are not limited to the concept only, they depend on the ownership, and the power of the person, the institution, the organization, the country or the group who pretend to have it. From the ownership, the truth depends then on the power dynamic, whose truth is more truthful, and whose truth is truth less. Many other factors impact the quest for truth. These include the socio-political and economic environment; time, as some truths need more time to come out and when they do , need some time to reach the full disclosure as an ultimate moment of truth life; and finally, regress as the truth disappears from people’s memories, leaving space to some new stories and facts.

When people take a step ahead to talk about truth and reconciliation, the situation becomes more difficult, as more factors influencing the understanding of the concept are brought in, bringing with them new ideas and new implications. This is obvious because, defining and understanding truth is a complex concept; reconciliation is complicated as well and commission is not easy either.

Taking the truth and reconciliation commission as it is, many definitions have been adopted, unfortunately, they don’t converge to create a broader and universally recognized one. Being used in highly war impacted and sometimes traumatized contexts, where societies are prone to the legacy of injustice, human rights abuse, crimes and atrocities, the truth and reconciliation commission tends to have as many meanings as beneficiary groups involved in the process. Each victim and perpetrator seem to have

their definition of what a truth and reconciliation commission is, what it should do, how it should it, and finally how one wishes things should move to, predicting then the outcome.

Why do countries deal with truth and reconciliation commissions?

Wars and conflicts of any kind are always associated with human rights abuse. After violent periods in their history, most countries have to deal with their past in order to shape a better, more united future for its population. The way countries deal with their past differ in scope, design, and in time depending on the priorities of the population, the victims, the perpetrators, and those who were not involved in those horrible acts of violence. This chapter will discuss on of the mechanisms used in dealing with the past which is the truth and reconciliation commissions.

Unlike other broadly discussed concepts, “Truth and reconciliation commission” does not have any commonly accepted definition. (Hayner, p. 11) Truth commission can however be defined as “ (1) focused on the past; (2) set up to investigate a pattern of abuses over a period of time, rather than a specific event; (3) a temporary body, with the intention to conclude with a public report; and (4) officially authorized or empowered by the state.” (Hayner, 2011, p. 11) This definition which was suggested by Hayner in 1994, has limitations as she argues herself (Hyner, 2011, p. 11).

The second definition, from Mark Freeman focuses on the role of a truth and reconciliation rather than a direct definition of what it is. “A truth commission focuses on severe acts of violence or repression; (2) the acts occurred during recent periods of abusive rule or armed conflict; (3) these commissions describe the causes and consequences of the violations; (4) they investigate violations that occurred in the

sponsoring state and (5) the commissions themselves are based in that state; (6) these bodies are “victim centered”; and, finally, (7) they operate relatively independently from the state.” (Hayner, 11)

Finally, a revised definition of a truth and reconciliation commission is:

“A truth commission is focused on past, rather than ongoing, events; (2) investigates a pattern of events that took place over a period of time; (3) engage 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 officially authorized or empowered by the state under review.” (Hayner, 12)

In her article, “A Long Path toward Reconciliation and Accountability: A Truth and Reconciliation Commission and a Special Chamber for Burundi?”, Grippa (2012) discusses the mechanisms and factors that need to be taken into account for the creation of a Truth and Reconciliation Commission and the Special Chamber for Burundi. She highlights some relevant consultation processes that have been conducted in Burundi since 2011, following the UN’s recommendation to establish a TRC and a Special Chamber based on recent successful models such as South Africa’s 1995-2002 TRC. This model used three committees: the Human Rights Violations Committee, the Amnesty Committee, and the Reparations and Rehabilitation Committee (Hayner, 2011). The South African TRC was created to reconcile South African people through extensive investigation, hearings, as well as granting amnesty to wrongdoers who were open to disclosing what they had done and ask for forgiveness. The Commission also granted amnesty to some South Africans who were qualified, and suggested the reparations and

indemnification of victims. However, the Commission's tasks were not easy because it had to deal with issues that had happened over the course of forty five years of apartheid throughout South Africa (Hayner, 2011).

In Peru, after two decades of abuses including extrajudicial killings, disappearances, torture and human rights violations, a TRC was created from 2001-2003, the first in South America to use a public hearings strategy. These hearings were, however, more successful in the capital than in the countryside, although Lima, the capital, had not been seriously affected by the violence. Hence, TRC participants who resided in the capital city of Lima may not have been aware of the magnitude of the violence that had been perpetrated throughout the rest of the country (Hayner, 2011). The Commission's major finding was that deep-seated racism and discrimination had significantly impacted the nature and magnitude of violence, and that war had impacted the country's geographical regions unevenly (Hayner, 2011).

Timor-Leste's Commission for Reception, and Truth, and Reconciliation (2002-2005) was created after a proposal was submitted and supported by the main coalition of political parties and the Human Rights Office of UNTAET (Hayner, 2011). Its mission was to inquire about human rights violations committed within the context of political conflict in Timor-Leste between April 25, 1974 and October 25, 1999, and to "facilitate a return of low-level perpetrators and their reintegration into their communities" (Hayner, 2011). However, people who were responsible for high level infractions were not considered by the commission (Hayner, 2011). The government in this case refused to release the Truth and Reconciliation Commission's report that was submitted in October

2005. The report was posted on the Internet by the International Center for Transitional Justice in New York in January 2006 (Hayner, 2011).

Other examples of post-conflict reconciliation mechanisms found in the literature include Morocco's Equity and Reconciliation Commission, which was established in 2004-2006 following the reign of King Hassan II who ruled for almost forty years; Argentina's National Commission on Disappeared, which was established in 1983-1984 to investigate the disappearance of 10,000 to 30,000 people over a period of seven years; Chile's National Commission on Truth and Reconciliation, which was established in 1990-1991 following seventeen years of repression under General Pinochet's reign that followed the 1973 military coup. In all of these cases, it was impossible to talk about past abuses when the repressive regimes were still dominant. In Chile, for instance, issues of past human rights violations started to be discussed after Pinochet was arrested (Hayner, 2011). However, Olsen et.al (2010) argues that the Chilean Truth Commission, known as the Rettig Commission, initially impeded progress on human rights. This is an important point that challenges the assumed effectiveness of truth and reconciliation commissions when used in isolation. Olsen et. al (2010) argue in favor of balanced mechanisms that combine truth and reconciliation commissions with amnesty and trial processes to improve human rights.

Hayner (2011) and Olsen et. al (2010) affirm Lemarchand's (2009) argument that "if the past is horrific, the question of the future still remains: whether there can be reconciliation without justice or justice without truth" (p.88). These are important

perspectives that can help inform and frame discussions about establishing a TRC for Burundi.

In this thesis, I will consider a TRC as a mechanism suggested by the United Nations, international organization, international lawyers and high positioned local leaders for the purpose of (a) enforcing the rule of law, by prosecuting perpetrators, (b) managing and designing reparations for victims and memory monuments, (c) establishing conditions for amnesty, (d) organizing public truth-telling sessions.

The understanding of TRC that I am suggesting is first based on the South African TRC because South Africa had greatly influenced the peace process in Burundi and has been supporting reconciliation initiatives including inviting Burundian government leaders into South Africa to show them an example of TRC and its outcome.

The Arusha Peace and Reconciliation Agreement for Burundi (The Agreement), which was signed in 2000, highlights the urgent need for national reconciliation (Arusha Peace and Reconciliation Agreement for Burundi, 2000). The Agreement states that many phenomena happened since Burundi's independence and that they will be investigated and clarified by an International Judicial Commission of Inquiry and a National Truth and Reconciliation Commission that was going to be established following the signing of the Agreement (Arusha Peace and Reconciliation Agreement, 2000). Hayner argues that the international Commission of Inquiry in Burundi, even if it was requested by the Burundian government, "was not a national endeavor" as it was suggested by the UN Security Council. (Hayner, p. 13). The ownership of the Arusha peace agreement-which includes the creation of a TRC and a Commission for Inquiry for

Burundi- is complex because even if Burundian people signed the agreements, they did it under pressure of the mediator and the international community. The pressure does not have to be direct because, not signing the peace agreement, after the involvement of many countries, international and national organizations, would have tough sanctions to the party refusing to sign the agreement. Those sanctions could be the denial from any neighbor country business or collaboration, economic, political, and other sanctions, including embargo, could put each of the parties on its knees, in case it happened.

The agreement clarifies that “All petitions and appeals relating to assassinations and political trials shall be made through the national Truth and Reconciliation Commission established pursuant to the provisions of article 8 of the present Protocol” (Arusha Peace and Reconciliation Agreement, 2000, p. 20). It also states that “A national commission known as the National Truth and Reconciliation Commission shall be established”, which will have three main goals: investigation, arbitration and reconciliation, and clarification of Burundi’s history (Arusha Peace and Reconciliation Agreement, 2000, p. 22). Hayner explains that “the TRC does not find new truth so much as break the silence about widely known but unspoken truths”. (Hayner, p.20) For reconciliation to be effective, there must be recognition of the rule of law. The “rule of law” changes during post war situations because it has to take into account many factors caused by war. This period for change is often called transitional justice; it is an adaptation of the former justice system to the context and needs of the population to promote reconciliation through compensation, reparation, trials, amnesty or other structural adjustments as needed.

Definitions and examples of where it was implemented and outcomes

All TRC's are created during a political transition as a way of dealing with the violent past (Hayner 1977, p. 173). Transitional justice advocates argue that truth commissions are "a 'compromise' solution that allows for the pursuit of justice without carrying the presumed destabilization risks of more punitive measures" (Samii, 2013, p. 222). In addition to justice, discussed earlier, reparation occupies an important place within transition processes and is increasingly being integrated in any transition initiative. De Greiff describes the institutionalization of reparation initiatives as one of the mechanisms of the TRC. He explores the history, budget, eligibility criteria, staffing requirements, administrative structure, economic impacts, and sources of funding for a reparation program (De Greiff, 2006, p. 3). A broad range of reparation mechanisms varying from monthly compensation as it was the case for Chile to large pension.

Reparation initiatives can assist a very small number of beneficiaries (Brazil) or a larger number of beneficiaries. Note that there are also several initiatives where no compensation was awarded such as El Salvador and Haiti. A particular example is South Africa where the recommendations from the TRC about reparations were not implemented by the government. In the US, many challenges were met while the state was trying to award reparations to the victims of the September 11th attack. This challenge was caused by the individualization of benefits for victims. (De Greiff, 2006, p. 4). And more interestingly, the Malawi case where the TRC attempted to individualize human rights violations, while the South African TRC aimed first at addressing

individualized victims of apartheid even if it recognized apartheid a “crime against humanity” (Mamdani 2002, p. 33).

What made the South African TRC succeed in the localization of the TRC using Ubuntu?

The system of Apartheid was introduced in 1948 by the National Party Government in South Africa. It was marked by acts such as manipulation, coercion, and violence that led the country to the context of lies, secrecy and human rights abuses. It took several decades for South African people to liberate themselves from that racial oppression (Llewellyn & Howse 1999, p. 365).

The South African interim Constitution (1993), defends that the country was facing a challenge in building a bridge between “the past deeply divided society characterized by strife, conflict, untold suffering, and injustice, and a future founded on the recognition of human rights, democracy, and peaceful co-existence”(Llewellyn & Howse, 1999, p. 366), The Constitution was charged then to build a complete picture of the causes, the nature, and extent of major human rights violations which happened between March 1, 1960 and May 10, 1994 (Llewellyn & Howse, 1999, p. 366). All those tasks were handed to the Truth and Reconciliation Commission.

Three committees of the South African TRC were chosen and given different tasks. The Human Rights Violations Committee to “confer victims status of individuals qualified under the Act. The status was going to be used to determine the eligibility for government reparations; the Amnesty Committee which had to implement the requirement from the constitution “to grant amnesty in respect of acts, omissions and offenses associated with political objectives and committed in the course of the conflict

of the past” (Llewellyn & Howse 1999, p. 367); and the Reparation and Rehabilitation Committee to give recommendations to the government related to reparations and rehabilitation of victims (Llewellyn & Howse, 1999, p. 368). Finally, the South African TRC aimed to address both “victims” and “perpetrators” at the same time instead of dealing with only one of them. In the beginning of the process, the TRC had stated that there would only be a conditional amnesty and not a blanket amnesty (Mamdani 2002, p. 33).

TRC in the context of Burundi.

The truth question is often challenging because there are always different views. Some prefer to have a full truth about what happened, others need just a narrow portion of the truth, and finally another group of people support silence. The examples from Mozambique and Cambodia show how people may prefer not to deal with details about past human rights abuse (Hayner 1977, p. 177). In Burundi, little has been done to inform the public about transitional justice processes” (Samii, 2013, p. 232) but more expressed opinions tend strongly to favor ‘forgiving and forgetting’ over the pursuit of punishment or truth seeking” (Samii, 2013, p. 227). This model expresses preference for conditional forgiveness combined with a preference to ‘forget the past’ which is mostly due to strong association of ‘forgetting’ and unconditional forgiveness” (Samii, 2013, p. 223).

Ingelaere findings (2009) as well as Uvin’s (2008) were supportive to trials and the establishment of a TRC. Through a survey by BBC World Services Trust and Search for Common Ground (2008) in Burundi, 68% of respondents expressed a preference for bringing wrongdoers to trial, and 81% expressed an opinion that a truth and reconciliation

commission would be entirely or mostly good” (Samii, 2013, p. 228). Samii in contrast had different findings because the majorities of his respondents preferred first conditional or unconditional forgiveness over unconditional punishment and, second, they preferred forgetting the past rather than seeking truth. Current theories suggest that those who oppose punishment or truth-seeking may do out of fear about how punishment and truth seeking may undermine peace or individual safety, but the survey results do not provide evidence for this proposition in the Burundi context” (Samii, 2013, pp. 230-231).

Another reason is that there may be some countries still experiencing constant threat from powerful leaders, and when the society is still in need of protection from those leaders, as it is the case currently (2014) in Burundi, the South African example may not be appropriate due to different contexts as there was no need for protection from old regime and old regimes were not causing any threat in the country. (Llewellyn & Howse, 1999, p. 383).

Beside the threat to possible violence, Hayner argues that there may be some countries with no interest in investigating the details past or recent human rights abuses. Some of those countries prefer reconciliation through silence. People try to forget and forgive as Samii’s survey in Burundi shows. She continues and questions whether or not people (mostly victims) who are not ready to re-enter the horrible stories should be obliged to do so by the creation of a TRC. This provision to force people or societies into a TRC process, could in some ways cause other trauma, new conflicts within societies which may have found by themselves “other routes to reconciliation” (Hayner, 1997, p. 176).

Ingelaere & Kohlhgen analysis shows that Burundian people, regardless the mechanism used, do not desire to establish the truth about past human rights violations. They don't even want to hold perpetrators accountable. They argue that Burundian people should "not dig up what has been buried 'Nta kuzura akaboze'" they must "move forward and leave aside what happened in the past and in fact, peace will come" (Ingelaere & Kohlhgen, 2012, p. 52). Others explain that, for Burundian people, it may just be "a matter of forgetting the past, but of dealing with the past differently" (Ingelaere & Kohlhgen, 2012, p. 54). This Burundian approach to dealing with their past may involve notions such as Dialogue, speech (ijambo), reconciliation, festivities, ceremonies, reunions and regrouping as discussions held by Ingelaere & Kohlhgen found. (Ingelaere & Kohlhgen, 2012, p. 54)

Burundian people argued that for them, what is needed is dialogue, a spirit of reconciliation, and not any kind of tribunal. Burundian people interviewed argue that bringing back bad experiences into the open may have negative consequences (Ingelaere & Kohlhgen 2012, p. 52). When someone commits a mistake or a felony, if we can call it so, the Bashingantahe had their way of correcting him/her. The person was morally condemned; he/ she could face a social but not physical exclusion as a form of accountability. As Laely (1995) articulates it in his dissertation thesis, "social control was not produced by sanction but by the interiorization of the norm" (Ingelaere & Kohlhgen 2012, p. 55).

c. The importance of truth

In his book *The Dynamics of Violence in Central Africa*, Lemarchand (2009) states that “At the roots of the misconceptions and prejudices that figure so prominently in the media coverage of Central Africa lies an abysmal ignorance of its past and recent history”(p. ix) if truth needs to be established, in Burundi, people have to be willing to tell the truth and to go over their ethnic and personal perceptions of the history and embrace a common and true discussions that can contribute to a writing of a common and more accurate Burundian history which does not have to lie on one group of Burundian while abusing and ignoring the other.

Truth and reconciliation is not an easy concept. If we make a small comparison with Rwanda where Hutu were simply qualified as murders and Tutsi as victims, the outcomes may be surprising. That simple equation brought up a memorial of “never forget” while leaving aside another reality which is “ Never remember”as Lemarchand explains it, ‘never remember the 1972 genocide of Hutu in Burundi, never remember the massacre of Rwandan Hutu refugees in Eastern Congo or systematic elimination of Hutu civilians during and after the 1990 invasion of Rwanda by Kagame’s soldiers and finally never remember Kagame’s onus of responsibility in the shooting down of the plane carrying the Presidents of Rwanda and Burundi to Kigali, the detonator that ignited the genocide” (Lemarchand 2009, p. xii). This position is enough to understand Burundi situation because the most violent conflict in Burundi happened following the assassination of President Ndadaye, which is more similar to the Rwandan genocide case.

The comparison made by Lemarchand inspires me to have a quick look at the Rwandan Truth and Reconciliation mechanism. As widely discussed by many researchers, the Rwanda is a unique case with its “Gacaca system”. Instead of discussing the Rwandan National Unity and Reconciliation Commission which was meant to deal with questions of establishing a record of what happened but failed to even respond to a basic cause of the genocide which is “Who shot the Presidential plane in Rwanda, killing President Habyarimana?”, I will discuss the Gacaca system as a well-known system which was designed by Rwandan themselves and impacted a great majority of Rwandan people. Brounéus argues that “The traditional conflict management mechanism of Gacaca was initiated by the government in 2002- now to deal with the major crimes of genocide instead of, as previously, minor crimes such as theft. The Gacaca was introduced to promote truth, unity, and reconciliation in the country” (Brounéus, p. 56).

An analysis of the Gacaca process shows that judges, villagers, the victim and the perpetrators had to be physically present the day of hearing which was held in public places. According to Brounéus again, “On the day of Gacaca, scheduled once every week, the nine selected judges, the villagers, the accused and the witnesses assemble for the trial. The witnesses give testimony, the accused gives his or her account, and the audience also has the right to speak. The judges ask and listen. They determine the verdict on the accused. The Gacaca courts are a traditionally based functional equivalent to a Truth and Reconciliation Commission (TRC)” (Brounéus, p. 57).

Following Olsen’s study which challenged the commonly agreed upon arguments that the truth commissions promote human rights, showing that the truth commission

produce negative impacts on human rights when used alone even if it can have positive impact when joint to amnesties and trials (Olsen, p.457).

Keeping in mind that the Gacaca system may not be a TRC as defined by Hayner, it is important to know that people have their own conceptions of what TRC is and what it does. One may not be totally wrong to say that Gacaca as a transitional justice may have divided more Rwandan population than uniting them. Brounéus goes deeper and studies the impact of public testimonies in Rwanda, after the 1994 genocide. His findings show that some women saw their relationships with their neighbors disrupted after they gave their testimonies (p. 67), they lost the trust in their communities and felt ashamed for having exposed publicly their emotions (p.69). He observes also that the security threat can lead to anxiety and therefore increase violence that aims to silence the truth. Revenge also can take place leading to a new conflict (p.72), that is why his study argues that “assumptions about truth-telling may be based more on theoretical thinking than reality” (Brounéus, p. 72). One key example was the response given by one Rwandan who had given her testimonies, when she was asked if she felt relieved, she easily proclaimed that “The génocidaires will always be génocidaires, they do not change.” (Brounéus, p. 70). This proves that, even if the victims gave public testimony, she did not heal and she kept her hatred against those who offended her.

This Rwandan example may also challenge Burundian policy makers while deciding the implementation of a truth and reconciliation in Burundi, because they may need to explore the potential outcomes of the commission when created. The dilemma above as well as the other concern and doubts about the possible impact of the truth and

reconciliation in Burundi as well as the challenges that the reconciliation process may face inspired the researcher to design the research following methodology.

Challenges

Where is justice in transitional justice? And where is justice in TRC? When the South African TRC could not release the report on time, but waited for changing structures? People are not stupid and neither are leaders even after they step out of their government positions. As Theidon's (2006) finding demonstrate, members of the groups who have benefited from political changes brought on by war may perform a mental calculation whereby these gains compensate for whatever debt might otherwise be owed for past victimization" (Samii, 2013, p. 231).

The complexity of transitional justice is based on the fact that engaging conflicting groups requires dealing not only with people but also appropriate activities and places (Lederach, 2008, p. 26). Coming back to the Bashingantahe institutions that we discussed earlier, they met more and increasing challenges and situations to which they had never thought about as the political situation was probably the worse that the country had ever experienced in its entire history.

The challenge that the Bashingantahe institution faced the past decades is that, being highly trusted, it attempted to take all the responsibilities it was given and tasks that the failed justice system and land and other properties commission (Commission Nationale de Terres et Autres Biens: CNTB) was facing. Being part of the CNTB and trying to solve the increasing societal issues as well as the attempt of highly educated people to take of the Bashingantahe institution made the Bashingantahe lose their

credibility in some situations, the Bashingantahe were often called to decide during the distribution of lands and other properties between repatriates and residents. Ingelaere & Kohlhgen note that a campaign or “rehabilitation of the Bashingantahe institution” was launched supported financially by the United Nations Development Program (UNDP) which identified 30,411 traditionally invested Bashingantahe as Pierre Weiss et al. Al (2003) argue. The new institution of Bashingantahe, created in 2002, was however criticized for the privilege given to urban intellectual elite as Christine Deslaurier (2003) argues (Ingelaere & Kohlhgen, 2012, p. 45).

According to Joseph Gahama (1999), the “Bashingantahe” is not a title given randomly to individuals; it is not even something that one may learn at school. Every potential Bashingantahe, since a young age, had to demonstrate that he had “swallowed the virtues of the Bashingantahe” “Yamize akabuye k’abagabo” (Ingelaere & Kohlhgen, 2012, p. 50). It does not make sense then to invest in the Bashingantahe institution, trying to strengthen and make it more effective; increasing the number of members and expecting it to perform more and better tasks instead of waiting for the institution to adapt itself to the situation may have been a mistake.

The distribution of land was not an easy task as the repatriates were in exile for more than three decades and did not even remember where their land was, and their neighbors had already taken all the land and exploited it as their own for more than 30 years. The value of land in Burundi is capital; unfortunately, some of the Bashingantahe involved in the CNTB work were corrupted and started to have biases in their work as it were for the normal justice system.

The other issue is that the Bashingantahe could not catch up with the speed at which the country's society was shifting in order to integrate new issues and phenomena. The Bashingantahe, to be effective, need more time to adapt to new situations. The interethnic civil war and the genocide, as some may call it, are new concepts in Burundian society and dealing with them requires time to understand them and to design an inside response. For Burundi to deal with the past in a peaceful way in hope of achieving sustainable reconciliation, Burundian people should be patient and wait some more decades, even wait for a new generation as the process is slow and rushing thing may end up causing chaos in the country.

The Bashingantahe institution was stronger than ever during the precolonial period. During the colonial period, even if the western law took over, strongly supported by Belgians colonial rule, the colonizers kept the institution of Bashingantahe involved in the conflict resolution and peace keeping activities. Some practices, however, which were judged by the colonizers as “incompatible with “civilization” were banned. After the independence, as the Bashingantahe institution was incorporated by the state, the nomination of Bashingantahe, instead of following the traditional procedure was done by the unique political party “Uprona”. Their ideals of Bashingantahe and their exemplary behaviors progressively deteriorated to the point where the Bashingantahe became state informers, and more recently, educated people took over the institution (Ingelaere & Kohlhgen, 2012, p. 43).

According to Kohlhagen, in Burundian “values usually prevails over the idea of legal or normative order” (Ingelaere & Kohlhgen, 2012, p. 50). In addition, terms like

norm or law are not associated with justice, peace or equity. They are always associated with ideas of constraints, arbitrariness or political power (Ingelaere & Kohlhgen, 2012, p. 50). To this should be added the fact that law, or justice, in a Burundian perspective, is directly associated with hatred, division and end of collaboration which sometimes turns into a circle of revenge between the winner and loser of the trial. Many analysts such as Nindorera qualify the Bushingantahe as a philosophy of life, while Manirakiza (2002) thinks that the Bushingantahe is a “state of mind” or as “having to do with spirit”. All of them arguing that the Bushingantahe is not an outcome of formal institutionalization. The Bushingantahe is expressed by the values and spirit in it (Ingelaere & Kohlhgen, 2012, p. 50).

Bashingantahe are considered as agent of peace and social cohesion at the local level as articulated in the Arusha Peace Agreement (Ingelaere & Kohlhgen, 2012, p. 51; Ntahombaye, Philippe, 2003). One of the first witnesses to the south African TRC asked, “How we can forgive when we do not know whom we are to forgive and for what” (Llewellyn & Howse, 1999, p. 368). In the context of Burundi and possibly in other countries and cultures, truth and forgiveness must come from the deep of one’s heart and not be ironic. This kind of question brings a lot of concerns: Do the victims really want to forgive the perpetrators, or to clearly identify them and prosecute them even to the extreme prepare revenge? Such questions create obscurity instead of creating a light for a better understanding of the past, the present and the future. Most of the real victims know who the perpetrators are at least as a group. Not knowing what to forgive in other words means that the victims in question are not really victims or doubt their victimhood. In

most of the cases, victims see perpetrators coming; they see them killing their family members, and they see them destroying their homes, just to name a few. Anyone with doubt should ask a real victims, they may not remember all the faces they saw, all the voices they heard, all the mountains and rivers they run and swam through but, at least the essential memories are still there.

The praise offered to the South African TRC, however, should not make analysts avoid the concerns explained by some such as Fred Rundle, who commented on a South African Television that TRC means Total Revenge Commission as he fears that the Commission would open old wounds which could heal if left alone. Others argued that the TRC failed to do justice, requesting “Just Justice” which may imply “catch, prosecute and punish the perpetrators” (Llewellyn & Howse, 1999, p. 369).

Hayner questions the assumption that establishing and publicizing details about past human rights abuse reduces the likelihood of future human rights violations (Hayner, 1997, p. 174). In fact the 1972 and 1988 large-scale violence in Burundi, for example, were never dealt with by any form of transitional justice since it was even forbidden to talk about them or their victims (Ingelaere & Kohlhgen, 2012, p. 44). The fear that truth may undermine Burundian peace is supported by Mamdani (2002), who argues that crimes against humanity in South Africa did not occur during the apartheid implementation period, but when apartheid was being challenged (Mamdani ,2002, p. 35).

In conclusion, judicial proceedings aiming to identify guilt and responsibility related to large-scale human rights violations as well as the establishment of the truth

about the past is beyond the Bashingantahe capabilities (Ingelaere & Kohlhgen, 2012, p. 52). Ingelaere & Kohlhgen suggest that any transitional justice initiative in Burundi , to be successful, should take into account traditional practices such as the Bashingantahe ways of sharing food and drink in promoting reconciliation (Ingelaere & Kohlhgen, 2012, p. 58).

CHAPTER THREE: RESEARCH METHODOLOGY

Problem Statement

Thirteen years after the signing of the historic Arusha Peace and Reconciliation Agreement for Burundi, the recommended National Truth and Reconciliation Commission and the International Judicial Commission of Inquiry have yet to be established. Hence, this research study aims to contribute to and advance the ongoing conversations about mechanisms to promote reconciliation among the divided Burundian communities. In addition to consulting the relevant literature, the study examined perspectives of Burundian people on reconciliation processes and challenges.

Following Lederach's argument that in highly divided societies as it was the case in Burundi, "standardized formulas do not work" even if someone has the skills, the resources needed to restore peace (Lederach, 2008, p. 23). This research aimed to explore what Burundian people perceive as the best way to reach reconciliation and the challenges that the Truth and Reconciliation Commission may face once created.

If standardized formulas do not work in peacemaking even if they can work in theory, it would not be a sacrilege to say that a Truth Commission may not succeed in promoting reconciliation in Burundi. As there is no prior research on Burundian truth and reconciliation commission, this exploratory qualitative study examined Burundian

people's perspectives on the factors that could influence reconciliation processes in Burundi. The study addressed the following specific research questions:

1. In what ways could Burundian leaders influence the truth and reconciliation process?
2. In what ways could the international community influence the truth and reconciliation process?
3. What are Burundian people's perspectives on truth and reconciliation?

Participants Description

The target population for this research study comprised Burundian nationals who reside in Burundi, United States, and Canada. The choice of these three countries was strategic because it allowed a diverse pool of participants. Targeting Burundian people who reside in their country allowed the researcher to collect data about day-to day experiences in Burundi. Including data from Burundians who reside in the United States and Canada allowed the researcher to gather perspectives which were not constrained by potential fear of repercussion. The inclusion of diaspora, people in exile also widened the scope of the perspectives on truth and reconciliation in Burundi as the country's population is not only made of people living in Burundi. For a sustainable peace, built on real reconciliation, every process should be inclusive and gather ideas and suggestions from different people living in different places. Hence, the research included approximately the same number of participants from both rural and city locations to allow a broad view on the topic. The only limitation was the inability of the researcher to

reach out to other diaspora communities from other continents, such as Europe and Asia, as they also have something to contribute to the reconciliation of the country.

This research used a convenience snowball sample of 20 participants from both Hutu and Tutsi ethnic groups (10 in Burundi, 10 in exile (United State and Canada). As a Burundian native and former employee of Ligue Iteka, the oldest and largest human rights organization in Burundi, the researcher was able to establish a sense of trust among the target population. He used his professional and personal connections to access potential participants from Burundi, Canada and United States. The majority of participants were non-governmental organization employees followed by farmers.

The data for this study was collected and analyzed in Fall 2013 and Spring 2014. Data sources included document analysis, and semi-structured interviews. The documents analysis focused on the Arusha Peace and Reconciliation Agreement for Burundi, and different media sources. Semi-structured interviews comprised open-ended questions that were administered in French or English, depending on participants' preference. Participants were asked to discuss the role of Burundian leaders in the conceptualization and implementation of a truth and reconciliation commission, ways in which the international community influences the process, and to share their own perspectives about the establishment of a TRC for Burundi.

The semi-structured interviews were conducted at locations agreed upon with the participants and the researcher, and lasted approximately 30 minutes each. They interviews were electronically recorded with participants' permission; otherwise the researcher manually took notes which were synthesized every evening of each day of

interview. The researcher transcribed the recorded interview data. He used thematic data analysis to analyze and code data from the documents, and semi-structured interviews. Data analysis began during the data collection process and continued upon the conclusion of the process.

Ethical Considerations

Conducting research in a post-conflict arena like Burundi requires careful attention to every step of the data collection process to minimize potential harm to the participants. Some people may still be traumatized from past atrocities, and the “Do No Harm” policy must be taken into account seriously. Hence, interviews were conducted in such a way as not to cause more suffering to the participants. Therefore, participants had the right not to answer questions about which they felt uncomfortable, or to withdraw from the study completely.

The fact that this study uses human subjects (Frankfort-Nachmias and Nachmias (2000): Ch: 4 cited by Sandole (2009), means that precautions were taken to protect participants’ identity, and to preserve confidentiality. Additionally the researcher sought participants’ informed consent before data collection begins, and insure that they understand the nature of the research project and their voluntary participation in it (Sandole 2009).

Concepts are often complex. To emphasize Sandole’s (2009) point that “researchers should cross the bridge of fire and explore how they can measure realities corresponding to those concepts” (P. 423), additional questions were developed to

explore all the contours of the main question and expand the understanding of the three specific research questions.

In order not to contaminate the process and avoid the “Hawthorne Effect” (Roethlisberger and Dickson, 1939) the researcher restrained his emotions and gestures to avoid influencing participants’ responses (Frankfort-Nachmias 240-3; Benjamin, 1990, cited by Sandole 2009, p. 430). The study of transitional justice in general, and truth and reconciliation in particular is very difficult. Countries have different criteria, and are in very different contexts. This single country case study was preferred over a comparative study because there is a large number of differences between countries from their history, population, the kind of human rights abuses committed, the time passed after the peace agreement was signed, as well as in the current distribution of the population in the socio- economic and political structures. Thirteen years after the TRC was agreed upon, the commission has not been established. Certainly, there must be reasons why the country’s leaders prefer to leave the bill under the table. This study helped to unveil some of those reasons, which may be unique to Burundi.

CHAPTER FOUR: DATA ANALYSIS AND FINDINGS

a. Introduction

The current study was conducted in three different countries: Burundi, Canada and the United States. Data was collected and analyzed from September 2013 until January 2014. The main research used was interviews. A total of 20 participants took part in this study. There were 12 males and 8 females. Among these participants, seven identified themselves as Hutus, six as Tutsis and seven considered themselves as not belonging to any particular ethnic group. In terms of age, 12 were considered old (in this case by old, we mean people who are married regardless their age) and eight as young (Here young means single).

The participants were considered as young or old rather than married and unmarried, because they established a distinction between young and old when sharing views on the past, the present and the future path that the country took, is taking or will take to address the past human right violations. As the chapter will argue, people who considered themselves as young seemed to have less ethnic division and were more likely to get along regardless of their ethnic groups or the role of ethnicity in the past human right violations, while those who were considered as older stuck to the ethnic divisions as well as the role one or another may have played in the civil war. Among the participants, ten were in Burundi while ten others were in exile (United States or Canada). The

education level of these participants ranged from elementary school to doctorate. The main professions of the participants were, students, NGO personnel, business, and university teachers. It is worth mentioning that the 20 participants of this study may not be representative of the general Burundian people who are a little more than ten million. The study, however gave a picture of the perceptions of some Burundian people facing the transitional justice and the truth and reconciliation in Burundi. It should also be useful to mention that the majority of Burundians live on substantial agriculture, live in their small lands where they grow all the crops they depend on their entire life. The lack of a considerable interview data from that portion of the population may have an impact of the generalization of the findings.

b. Thematic Analysis of Interviews

After the transcription of all the interviews recorded during the research, the researcher realized as Robson argues that “Data in their raw form do not speak for themselves” (Robson, p. 408). Having Lederach understanding of reconciliation in mind, - reconciliation as a place where justice, truth, mercy and peace come together - (Lederach, p.30)- the researcher needed to explore how Burundian people refer to those concepts in defining what they need to reconcile or what mechanism is less likely to promote reconciliation in Burundi. By doing so, the researcher was trying to find what the data was “telling me” (Robson, p.419), if the researcher can use Robson wording. As Gibbs argues, “Coding has a central role in qualitative analysis” (Robson, p. 474), passages which have a lot in common were highlighted with the same color to keep track of the

different codes used. After the coding, all the passages with the same color, meaning the same codes, were grouped together to form themes. (Robson, p. 474)

Different themes were identified from the responses the researcher got from the interviews. As the researcher found myself with many themes, he went back to the themes and asked himself the question “what seems to go with what?” (Robson, p. 475) and was able to group the many themes in three new themes which will be discussed in this study. In the following paragraphs, the different themes will be discussed. Note that the following themes may not be directly linked to the main questions. The major advantage of open ended questions is that they allowed the respondents to expand on and clarify what they felt was worth sharing, what they thought was the priority and thereby allowed the respondents to have their voices heard with no limitations.

During the analysis of the data, the researcher used the Interview Research Method: The research provided data which were analyzed as a way of finding answers to the three main research questions. The researcher used a thematic analysis, which is one of the best ways of analyzing semi-structured interviews. First, he gathered all the responses from the participants into major themes that developed as he read the interview transcripts and noticed arguments which kept coming back. These themes aimed to give a sense of what Burundian people really think about all the system of reconciliation in general and the TRC in particular. Second, the researcher reduced all the themes into three main categories which correspond to the three main research questions. After the analysis of the interview data, the researcher was able to capture the participants’ perceptions of TRC.

The following three themes were reflected in the data analysis of the semi-structured interviews:

- ✓ Generational shift and Burundian TRC
- ✓ The Burundian culture vs. The TRC
- ✓ Burundian readiness for a TRC

The three themes were chosen because of their relevance to Lederach's conception of the reconciliation which is a place where truth, justice, mercy and peace come together and create the reconciliation between divided societies (Lederach, 1977, pp. 29-30). For Lederach, there is no time issue, once a country decides to deal with its past, there are no steps to go through. In the case of Burundi, time is an important issue, 13 years and there is still no Truth and Reconciliation Commission. In fact, there is not even peace, how could anyone promote reconciliation according to Lederach when already two (Justice, peace) of the four components are missing? The three themes will be discussed as a way of understanding if and how truth, justice, mercy and peace come together in the context of Burundi, according to the participants to this study. First, the generational shift allowed an analysis of the truth that young generations stand for versus the older generation, the type of justice that young generations would like to see taking place versus the older generations', the level of mercy and forgiveness between young generations and older ones and finally how peace can be reached according to younger generations versus old ones.

Second, the culture, as an argument given by respondents as to why some practices for reconciliation may or may not be successful in Burundi or in the least within

the participants communities. It may not necessary be a cultural issue or barrier as so but, each community has its own way of doing things and dealing with its issues. Some may prefer to keep secret their harm, while others may vote for a disclosure of the human right violations they were victim of. The concern here was to find how to design a mechanism which did not conflict what Burundian people are used to, and what they have in mind as a best way toward reconciliation.

Finally, the participant readiness as argued by participants is a key to the success of any transitional justice, in general, and truth and reconciliation, in particular, as justice and mercy are delicate concepts. The country should evaluate to see if it is the right time to follow trial against people who were involved in human rights violations in the past. The same for mercy, it is possible, but hard, for any victim, often traumatized by past violence to forgive the perpetrators. The responses given by the research participants were analyzed with this note in mind to allow a better description of the perceptions of reconciliation in Burundi. The author analyzes the challenges and opportunities that the country may face while seeking reconciliation through truth and reconciliation commissions.

The following participant background gives basic information on interviewees who ideas were often repeated by many respondents. Note that these are pseudonyms and not real names to protect the identity of participants for confidentiality purposes.

1. Ndayishimiye is an old Burundian male, Hutu, currently in Exile,
2. Butoyi is a young Burundian male who did not want to disclose his ethnic group, currently in exile,

3. Karegeya is a young Burundian female, Tutsi, currently in exile,
4. Macumi is a young Burundian male, who did not want to disclose his ethnic group,
currently in Burundi,
5. Nkurunziza is an old Burundian male, Tutsi, currently in Burundi,
6. Mvuyekure is an old Burundian male, Hutu, currently in Exile,
7. Niyongabo is an old Burundian male, Hutu, currently in Burundi,
8. Nagatore is an old Burundian female, who did not want to disclose her ethnic group,
currently in exile,
9. Mukerabirori is an old Burundian female, who did not want to disclose her ethnic group, currently in Burundi,
10. Keza a young Burundian female, Hutu, currently in Burundi,
11. Gahungu is an old Burundian male, Tutsi, currently in Burundi,
12. Nimbona is a young Burundian male, Tutsi, currently in Burundi,
13. Girundeke is a young Burundian
female, Hutu, currently in exile,
14. Kwizera is an old Burundian female, who did not want to disclose her ethnic group,
currently in exile,
15. Yamuremye is an old Burundian male, Hutu, currently in Burundi,
16. Buname is an old Burundian

female, Tutsi, currently in Burundi.

17. Mutama, an old Burundian male, currently in Burundi

18. Gakobwa, a young Burundian female currently in exile

19. Ryobaniryo, a young Burundian male currently in exile

20. Bududuye, a young Burundian female, currently in Burundi

1. Generational interest in TRC

Reconciliation wears different hats depending on the ethnic group debating about it. The most obvious conclusion that one may draw according to the participants interviewed in this research study is that among the older generations, the method older Tutsi would design a transitional justice for Burundi is different from how older Hutu would approach it.

When it comes to Burundian generations, the dynamics of reconciliation as well as the TRC shift. Old generations remain focused on ethnic divides as the sources of the Burundian conflict and suggest different ways of dealing with that issue depending on the ethnic group one belongs to; for young generations, it is very difficult to distinguish the ethnic points of view on the reconciliation and how the TRC may be designed according to the research participants.

The main point of divergence is among young and old generations. First old generations interviewed in this study care about the long history of discrimination, hatred, violence and human right abuse which may characterize Burundi, and would like to share that history with their children and grandchildren. Young generations, however, are

reticent to that kind of division infused by older people. They are more united, committed to live together, leaving aside the past and moving forward with their lives. They are strongly disappointed by old generations and are willing to make a difference to contribute in building new and healthier relationships between Burundian people.

Several young generations understand that the causes of past human rights violations were not real. The widely expanded opinion and analysis that ethnicity was the cause of violence in Burundi, may not be true as currently there is still violence, not between ethnic groups, but among political party members. The main cause of violence, according to young Burundian people, regardless of their ethnic group, lies in economic opportunities. The interethnic divides were created for other purposes than ethnicity as Macumi (a young Burundian male, who did not want to disclose his ethnic group, currently in Burundi) mentioned:

Our elders committed some mistakes in looking at people's faces and features and dividing them into different ethnic groups. That mistake came from ignorance.

For new generations to which we belong, if we go beyond those ideas and look at a person as a human being and not determined by those features which make no sense to me, we can improve interethnic relationships. Those differences were so simple that they should not provoke violence as it was in Burundi.

Several young people interviewed have come to the conclusion that it is not a matter of ethnic groups but individual financial interest after a long period of experience. Most of them were born during the 1993 civil war; they lived in refugee camps, in IDPs, in groupment camps and some others stayed in the bush while a small number were able

to stay in their homes despite the fear, attacks, and mass killings which were happening following the 1993 assassination of President Ndadaye. Following the escalation of the conflict, most of them joined the National Army (mostly Tutsi) and others joined the rebel groups (mostly Hutu). After the violent conflict ended, having taken away thousands of people including family member, friends of the current young generations, the expectations of the fighting groups were not met. Some were recruited to join the United National Army, others were demobilized and others had to return to their families and live in an unbelievable poverty.

The politicians who sensitized them to join the fighting groups and promised them better lives could not remember all their followers after they got high position in the United Government. Both Hutu and Tutsi, some among the young generations realized then that high position politicians were sharing the national resources while young generations were going to bed hungry. That experience called them to consciousness and they noticed the real roots of the conflict they were victims of. It was personal financial interests and not ethnicity.

Keza (a young Burundian female, Hutu, currently in Burundi) also mentioned that the Burundian conflicts emerge from something which is not so valuable as to allow people to kill each other. They need to be able to go over all those divisive ideas about ethnic, and other invaluable features on the face. New generations should be smarter and go beyond those small differences.

Saying so, participants noticed a difference of interest among generations. Older generations have experienced most of the conflicts and are still focused on knowing the

truth of what happened, as well as, having tough punishment against people who contributed to the past atrocities. Some young people, however, seem less interested in TRC and in knowing details about what happened. Yamuremye (an old Burundian male, Hutu, currently in Burundi) specified that time has a major role to play in the outcome of a TRC because there is one generation which is interested in reconciliation. He explained that Burundian leaders should not wait too long before creating a TRC:

There is one generation interested in TRC, ongoing efforts, current developments and the follow up after the TRC conclusions. Future generations will no longer be interested in TRC. If a TRC needs to be created, the sooner the better. All available means should be mobilized for that initiative as soon as possible. This strategy used by current leaders to keep the discussion under table implies that the creation of a TRC for Burundi aims to refrain old generations from starting the process in order to wait for its disappearance. When the TRC starts, it will be more likely not to find any perpetrator alive, therefore, no punishment for perpetrators.

Those who support the idea of creating a TRC for Burundi know, however, that the visible impact of a TRC will not happen soon. It is a process which will take decades to produce real outcomes in Burundi. Kwizera (an old Burundian female, who did not want to disclose her ethnic group, currently in exile) thinks that the creation of a Truth and Reconciliation Commission is a good idea, but her concern is that she will never see the change, and that the result of this initiative as the visible impact is not going to happen soon. She argued that it will be for the second generation to experience the

outcome of the reconciliation process which may start soon. The other factor is that it is the second generation which will be more united and will see a full reconciliation as it will have different thoughts and ideas.

This generation needs only to build a base which will probably be a very solid foundation for future generations. Some of the concerns raised by participants in the interviews convey the idea that establishing a TRC in Burundi will not promote any change soon; it can however, help the country to start or strengthen its reconciliation initiatives already put in place by Burundian people. The argument comes from the idea that a TRC has always a limited time to accomplish its activities, but for Burundian reconciliation, it will require more time.

The same concern was expressed by Ndayishimiye (old Burundian male, Hutu, currently in Exile) who saw the actual violence not as caused by ethnicity but, by whether or not they belonged to the leading political party. He argues that the current mass killings are based on political parties, not the ethnic problem. He emphasized that there is no more ethnic problems or divisions in Burundi which can cause violence. The major issue as he argued, is based on political parties' differences as the CNDD- FDD “ Conseil National pour la Défense de la Démocratie - Force Nationale pour la Défense de la Démocratie” (in English the National Council for the Defense of Democracy–Forces for the Defense of Democracy) in power, which is fighting against the opposition (ADC Ikibiri “ Alliance des Démocrates pour le Changement”).

Even if it is difficult to generalize, most young participants reached the same conclusion that was drawn by Ndayishimiye (old Burundian male, Hutu, currently in

Exile) when he argued that Burundian people know what exactly happened and therefore don't need any commission or structure to help them understand their history. The argument from Ndayishimiye contradicts Hayner's argument that "Victims are not ready to engage in a reconciliation process unless they know more what happened" also that "victims are willing to forgive, but they need to know who to forgive and what they are forgiving them for" (Hayner, 2011, p.185).

This argument warns us that even the overwhelming portion of the young people interviewed argued that people should reconcile and overcome the past ethnic divisions, which by the way were not the real causes of the conflict. While many old people still find ethnicity at the origin of the conflict, the two following examples show that there are also among old people, those who believe that ethnicity is not a the root of the Burundian conflict. In his own words, Ndayishimiye states: "I think, myself, that we really don't need that commission because we know what really happened. We saw it. We don't need to know that this person did this and that person did that. In my opinion, I believe, we just need to forgive each other. We know the truth, and we saw it." Following the same line of thought, Yamuremye (an old Burundian male, Hutu, currently in Burundi) stressed that the country is on the right track. Some progress has already been made, what needs to be done is just to address the new political divide between the leading party and the opposition. He realized that the country is moving forward already.

The main issue the country is facing now is the division and the fights between the leading political party and the opposition (ADC Ikibiri). Before the TRC is created, the country needs to call all groups of Burundian people, all ethnic groups, all regions,

the civil society, educated and non-educated ones for exchanges and then explain to them clearly what the bill is about.

Young generations emphasized the role of forgetting the past and moving forward building a more united nation. The young generations interviewed explained the high priority of Burundian people to move forward and leave the past behind. Keza shared,

We need to forget what happened in Burundi and start building our country. No matter what we do as a way of responding to what happened, people who died will not be resurrected because we start talking about it. Houses that were burned, other things which were stolen, burned and damaged by war and war-related activities will not be recovered because people decide to remember what happened. We need to stand up and stop violence, stop the war and build a new country 'Burundi'. We should delete the history of war from our memory so that it will not happen again.

Kwizera (an old Burundian female, who did not want to disclose her ethnic group, currently in exile) also does not see the importance of remembrance: “If I decide to remember, I will decide to never speak to some people and I will not gain anything. We need to forget and restart our lives.

There are victims among both Hutu and Tutsi population, who believe “if we don’t do our best to forget, there will never be any reconciliation in Burundi.” He is complemented by Nkurunziza (an old Burundian male, Tutsi, currently in Burundi) who, also thinks that remembrance will create endless hatred among Burundian people. For him, Burundian people should forget the harm they experienced because they would not

gain anything from keeping memory of what happened. He concluded that remembering past atrocities would create endless hatred and anger. Older generations are still reticent that even the security and reconciliation that people may see are not real, suggesting other ways of dealing successfully with the past.

Despite the assumptions, by some people interviewed in this study, that Burundian people have reconciled, as Macumi mentions that there isn't any more hurt or ethnic hatred among Burundian people (adding that even when small misunderstanding happen, they are dealt easily between the conflicting people without ethnic group involvement) some questions remain, as to whether Burundian people have really reconciled and forgiven those whom offended them, or if they are just hiding their suffering and trauma in order to wait for an appropriate time to explode again. Those concerns from some participants suggest that some kind of dialogue should take place to understand what people think and what they suggest as best ways of dealing with the past. Ndayishimiye (old Burundian male, Hutu, currently in Exile), for example, argued that the TRC is necessary for Burundi. He stated that it is important for Burundian people to talk and discuss openly the conflicts that took place in Burundi.

It is better to discuss the Burundian issue because; Burundian people may still be suffering from the consequences of war, even if they may not realize it. The physical violence is no longer happening; we don't see people killing each other due to ethnic divides. In the deep heart of each Burundian who experienced the Burundian interethnic conflict, there is a form of latent violence because they really did not forgive each other, and whenever that question is being discussed,

people are very emotional and have a negative perception. I think that the TRC, if created, may contribute to the attenuation of the negative feelings.

In the previous statement, Ndayishimiye shows his concern that people may still be suffering from the past human right violations and therefore may, one day, end up by generating another violence or start revenge against those who offended them in the event nothing is done to help those victims to heal from past traumas,

Older generations argue that Burundian people should not forget, but should remember and remind the new generation what happened as a way of avowing the interethnic conflict from happening again. Ndayishimiye (old Burundian male, Hutu, currently in Exile) for example, contended that when discussing the TRC, Burundian people are divided in ethnic groups and each group has its own understanding of the conflict.

For participants, forgetting past history of violence in Burundi, however, seems to be unrealistic. It is impossible for victims to forget the harm they were exposed to, the same way it is impossible for perpetrators to forget violence they were involved in, and lives they may have taken away from other human beings. The best way to deal with these particular issues is a commitment of each individual to forgiveness and reconciliation.

Butoyi (a young Burundian male who did not want to disclose his ethnic group, currently in exile) argued that even animals cannot forget their loved ones. Whoever lost his loved ones will never forget them. For him, once that commission is established, people will be telling the truth of what happened and apologizing. He added, “Hopefully,

whoever committed a crime will accept to be held accountable. People will probably forgive, but that does not mean that they will forget it. It is absolutely impossible to forget loved ones, one will remember them forever”.

Some other people, however, find it useful for Burundian people, not only to remember past atrocities but also to teach it to the newly born children so that they can know their history. Gahungu (an old Burundian male, Tutsi, currently in Burundi) explained that the history facts are the pillars with which people can build the future of a country. People cannot fight what they don't know. No one can fight genocide if he/she doesn't believe that it took place in a given country. The reality in Burundi is that people died, people fought and that needs to be widely spoken about so that children and grandchildren can know how horrible those facts were and then make sure it would not happen again. This means that all that happened needs to be known. He stated, “Personally I don't want anyone to forget our history. No way. The history needs to sensitize and to contribute to the building of a better future for our country,”

Remembering past violence is not a need or a choice, it is a fact that no one can escape. Kwizera (an old Burundian female, who did not want to disclose her ethnic group, currently in exile) clarified that all real victims will always remember their losses. She argued, “Do you want to convince me that I will forget that my Dad does not have a tomb in Burundi? How can you make me forget that? Maybe I can forget that he was killed by Tutsis. In fact, I am not even sure if he was killed by Tutsis because nobody ever showed me how they did it, when they did it and where they did it? Forgetting is very difficult because I will always tell my grandchildren the following:

You see that you have a great grandmother but you should have a great grandfather; and I will have to tell them why. As I don't know any better until now, I will tell her that her great grandfather died during an interethnic conflict in Burundi. What I will never say and what I never told even my children is to tell them to hate a Tutsi because he killed your father. I will never ask them to hate the Tutsi because they discriminated against me because, for me, whether you are a Tutsi or a Hutu, you can be a good guy or a bad guy.

Finally, another group of participants still need a TRC as a way for people to know the truth but also to bring justice to the table. Gahungu (an old Burundian male, Tutsi, currently in Burundi) stated: “As they say in French “Pardonner n’est pas oublier” (Forgiving is not forgetting). They can forgive but, it does not mean that they have to forget the wrong that was done to them. I need to know what happened and I believe new generations have the right to be told the history of their country.” Buname (an old Burundian female, Tutsi, currently in Burundi) supported this idea of telling what happened and filtering the information to identify which elements are worth sharing when he shared “As a victim, I would like more clarifications so that all Burundian people know what happened and agree on the same history.

Once Burundian people agree on the same history, they will decide which information needs to be kept in memory of Burundian people and from that prevent the same situations from happening again. It would not be beneficial for people to remember events or elements from the history which are not accepted by both ethnic groups because they would strengthen a kind of antagonism between Burundian people. From a shared

common history, people would retain the same truth and be able to prevent all kinds of atrocities similar to what the country experienced.

In conclusion, the research participants made it clear that there is a generational difference about “forgetting” the past human right violations. While young generations are convinced that Burundian people have to forget the wrong done to them, forgive and move forward with their new lives, live in a country where no one is judged for the past, but where all Burundian recognize the mistake done by elders and commit themselves to unity, forgiveness, peace for all Burundian people; old generations still see the Burundian population as divided by the past interethnic divisions, and would like to make accountable those who were involved in the killings. Older generations argue that without justice (trial) or a request for forgiveness, following the perpetrators’ acknowledgement of the role played during the past Burundian conflict, there will be no reconciliation.

In terms of remembrance, young generations don’t want to remember any detail about the Burundian conflict; they argue that remembering the wrong that was done to their families and friends tend to inspire them to hatred and revenge, things that young generations don’t want. For young generations, reconciliation has started among themselves. Young generations argue also, that for reconciliation to take place effectively, people need to forget and forgive those who offended them. Older generations are the ones who want details about the past human right abuses, including identifying the perpetrators and trials. Older generations are the ones who request the establishment of a TRC and support the idea that, new generations should be taught what happened in order not to forget details about the Burundian history. For old generations,

there cannot be reconciliation without trial, justice, and monuments relating to what happened in Burundi.

2. Burundian Culture vs. The TRC

While culture may be negotiated, it does take time and multiple factors for it to change completely because people are consistently trying to stick on their own “shared beliefs, values, customs, behaviors and artifacts that members of society use to cope with world”. They even transmit those beliefs from generation to generation. (Goodale, 2009, p.68, Bates and Plog, 1990, p.7). Many participants shared that, while forgiveness can be asked for and granted, the setting or environment matters; most Burundians would be reluctant to disclose their wrongdoings in public due to the potential impact of such public disclosure on the reputation.

Privacy is a big deal for people in general and Burundians in particular. Some aspects of Burundian people show how private they are. For example, even though the culture of building wooden fences is disappearing leaving the place for modern fences built in bricks or stones or even houses without fences, the idea of privacy is still the reality in addition to security issues especially after the civil war broke out. Second, the Burundian people are so private that they even don't disclose what they have eaten or what they plan to have for lunch. If they cannot accept to be seen, (through fences) or have their meals known (by telling what they eat), how can they disclose any personal information related to violence in general or mass ethnic killing in particular? Privacy, which causes Burundian women, victims of sexual violence, to keep secret what

happened to them, protecting the perpetrator even unwittingly, is the same privacy which can forbid victims of the past violence from disclosing what happened to them to testify and denounce perpetrators.

Reconciliation, truth and reconciliation, transitional justice and other related concepts are problematic in terms of their meaning, the perceptions about them, and the way people or states deal with them. Following analyses previously done by Max Weber (1922/78), developed further by Hollis (1994) and rephrased by Sandole (2007), it is worth it to highlight on one hand, the understanding of the Truth and Reconciliation Commission and other related concepts as well as their definitions as Burundian people see them and on the other hand, how educated people, and scholars define those concepts. Burundian perception of TRC is an institution established by the government under the pressure of the international community. It will be made by people appointed by the government, or suggested by the international community. That institution aims to track, capture and punish people who were involved in the human rights abuses committed especially from the 1993 civil war.

Imprisonment is, according to Burundians the first task of the commission. In addition to justice, referred to as (Imprisonment of perpetrators), the commission will conduct public hearing sessions where Burundian people will come to testify (victims) or to explained what kind of human rights violation they committed (perpetrator). Instead of viewing peace and mercy as factors of the goals of the TRC, they argue that the TRC will divide Burundian people and cause another ethnic civil war. In term of reconciliation, Burundian people argue that the TRC will never promote reconciliation. The distinction

in terms of perception, definition and general understanding of those concepts between the Burundian population interviewed in this study and the general understanding of the concepts by scholars is crucial.

When approaching or discussing the TRC processes for example, Burundian people will react according to what they judge a TRC to be and the potential problems or advantages it may generate, while researchers will develop and analyze the same concepts with more informed and researched lenses leading to different conclusions. The fear or hope of the Burundian population when facing the TRC will not depend only on the real activities and goals of a TRC, but will also depend on the perceptions that the population has on a TRC. The perceptions of what a TRC may finally be are the ones which determine the attitude and behavior of the victim or the perpetrator facing the possibility of creation of a TRC. The following section shows the concerns of some participants to the research who perceive a TRC as a public disclosure of wrongs committed during the war by perpetrators, as well as, public testimonies by victims of the human right abuse. One should keep in mind however that the public disclosure was a South African model but that many other TRC did not use the same mechanism.

Ndayishimiye (an old Burundian male, Hutu, currently in Exile) made it clear that it will be very difficult for Burundian people to stand up in public to disclose the wrong they committed, but, if a perpetrator decides to ask for forgiveness from the victim or the family of the victim in private settings, like in a group of two or three people, forgiveness can be granted. Burundian reconciliation can easily come from individual forgiveness which may be granted from private settings. Those small settings, in contrast to the public

disclosure advocated by the TRC, as argued by Ndayishimiye, may generate sustainable forgiveness and reconciliation, which does not even need external supervision to spread throughout the whole country.

Some Burundian people are sometimes reluctant to new systems, new programs and therefore may exclude the TRC. In addition to the trust issue, there are some Burundian people who are still blaming other ethnic groups for the conflicts and violence that have marked the history of the country. No one wants to accept and take responsibility as some respondents argue.

Karegeya (a young Burundian female, Tutsi, currently in exile) for example, explains how Burundian people are avoiding culpability with the following kind of answers whenever one asks who may be held accountable of the killings: “You know, I did nothing, you killed us, you are very bad. We did not go to school because of you.” Note that such accusations are happening while discussions about truth and reconciliation take place in workplaces in Burundi. The blame may be a barrier to the reconciliation of Burundian people. For example in Rwanda, with the Gacaca court, Hutu were officially known as *génocidaires* while Tutsi were considered as victims. In case of Burundi, both Hutu and Tutsi have groups of both perpetrators and victims. Blame would lead to a Rwandan model of Gacaca and that would not work but would generate more ethnic tensions and divides among Burundian people.

In order to avoid personal aggressions and targeted revenge among Burundian people, some of the respondents suggested a collective recognition of the wrong, a

collective request for forgiveness, and a collective pardon to perpetrators who, by the way, are in both Hutu and Tutsi ethnic groups.

Macumi (a young Burundian male, who did not want to disclose his ethnic group, currently in Burundi) stated that for Burundian people to reconcile, they only need to understand that all ethnic groups have committed atrocities in different ways. He argues that Burundians should know that all ethnic groups were victims of the atrocities in different situations; therefore, comprehend that everybody made mistakes, and that Burundian people killed each other.

The understanding of a shared responsibility during the past atrocities may help Burundian people to understand that there is no need for perpetrators to come and give details of crimes committed by each one of them. The reality is that everybody knows what happened. People need to build peace and that is what is needed. Curiosity to know more is in human nature. People are always trying to get the maximum information possible in order for them to know the truth about what happened in the Burundian history. The question that one may ask in the situation of Burundi is whether or not knowing more realities, of hearing the truth about what happened in Burundian history of interethnic conflicts and violence, as well as, knowing the perpetrators and the specific wrongs they committed, may promote reconciliation in Burundi. As Lederach argues one of the pillars for reconciliation is “Truth.” Truth itself as defined by Lederach has four elements: Acknowledgement, Transparency, Revelation and Clarity (Lederach 2008, p. 30). To present the other side of the medal, Lucky Dube, a South African musician in his song “Group Areas Act” proclaims” *Don’t tell me the truth, cause what truth will do, it’s*

gonna hurt my heart.” This is one example of some situations where truth telling may break instead of building relationships among people.¹

Kwizera (an old Burundian female, who did not want to disclose her ethnic group, currently in exile), for example, gave a series of testimonies that show how Burundian people prefer to hide the truth in order to stay “United” even when there is no real love. She also mentions how, after the truth is told many relationships are terminated.

I have never contributed to the interethnic conflict. First of all, I was born from a mixed marriage and I never knew who I was, I did not know where to go and where not to go. For example when they were chasing us from our house, I called my Mum’s nephew asking if he could let us stay at his place as we were homeless, he clearly responded that he did not have no spot for her. My mum was his aunt, he was a Tutsi. But I give you another side of the medal, I had a Hutu girl at my place, she was the daughter of the sister of my father but she was from Uprona party, I asked if she could give refuge to my mum, she also refused and said that she did not have any place for her to stay. We finally got her a place to stay at another family friend of people who used to come visit us but we had no direct family ties. The family which accepted my mum is a family that we met when we all were adult and it accepted us when all the sides had rejected us. Who do you think, we could support then between Hutu and Tutsi ethnic groups? Neither one. At work, I had always problems because people saw everything that I

¹ <http://www.songlyrics.com/lucky-dube/group-areas-act-lyrics/#> Note that the origin of the musician is very important as South Africa is one of the countries whose TCR was recognized by the international community as having succeeded.

accomplished as if I did it because I was a Hutu woman, as they always saw me through the ethnic group Hutu. I never worried about that until when in 1989, the Ntega- Marangara mass killings happened. I was in Rwanda for a family visit and we came back the first day the mass killings started and colleagues made it a big deal. They increasingly created stories against me for that until I asked a Tutsi man, who was more engaged in that propaganda, why he was so engaged against me while he couldn't even get my position if I were fired because he was not educated and his children were also not educated to take my position. I needed to know what he wanted to achieve. I asked if he wanted me to be killed, I told him that even if I was going to be killed, I was going to fill my tomb and his was going to remain open for him until he passed away. That means that we should be honest, truthful to ourselves and to others.

Kwizera (an old Burundian female, who did not want to disclose her ethnic group, currently in exile) for example, gave an example on how she and a neighbor kept greeting each other and smiling at each other even if deep down in their hearts, they hated each other very much. She contended: “Whenever we met we just play the hypocrisy and say ‘we should meet, we should meet’ but that will never take place.”

Kwizera (an old Burundian female, who did not want to disclose her ethnic group, currently in exile) continued with another example about another Burundian man living in the same region as her in exile who continued to monitor her activities until she decided to tell him that she did not want anyone to get involved in her personal life. The day she told him openly that she was not pleased by his actions; the man stopped talking

to her and their friendships ended the same day. She concluded then that Burundian people don't like to hear the truth; that the truth she told him was not judgmental but worsened their relationships as he never even called her again."

Some participants expressed their concerns that there may be a chance that if Burundian people know exactly who the perpetrators were, and who they killed, not only interethnic relationships may weaken, but also that the social cohesion achieved so far may be undermined and a new kind of violence may take place in Burundi. As Mvuyekure, an old male Burundian Hutu argues:

The TRC can end up by creating more divisions between Hutus and Tutsis in Burundi. There may be some Burundian people who will not endure listening to the truth and others who will be requesting punishments for the perpetrators. If many people succeed to support accountability and heavy sanctions against the perpetrators, Burundian people continue not continue to greet each other or to give even the fake greetings. ... Will Hutus and Tutsis continue to share beer in the same bar, at the same table as it is the case now? Sometimes I think that this fake character of Burundian people contributes to showing an apparent peace (relative peace) in Burundi and then helps the reconciliation or at least prevent radicalization of some groups. Unveiling the memories of violence and killings from the past may seriously divide Burundian people, undermining the peace progress reached so far.

The statement made by Mvuyekure was also expressed in Mukerabirori's intervention when she questions the impact of Burundian emotions when facing the TRC. She is

afraid to see the country's reconciliation progress deteriorating due to the TRC initiatives.

Mukerabirori explained:

There are still a lot of emotions related to the TRC. The divergence between Burundian people on the TRC and its establishment is a major factor that needs to be taken into account seriously before any step to the creation of a TRC for Burundi. A careful analysis is needed otherwise, the TRC will lead the country to worse situations where Burundian people or the international community would not like to head.

Both interventions mentioned above show a concern expressed by many participants to the research. Even if they are not categorically opposed to the creation of a TRC, many/most are quite reticent to say that it will improve and promote reconciliation in Burundi.

Most of the respondents seemed to not understand why Burundian people should go through a TRC to know the truth about what happened in Burundi. Yamuremye (an old Burundian male, Hutu, currently in Burundi)'s view is that it is not the TRC which will bring the truth because Burundian people know the truth. He repeated: "The truth is what we saw happening, it is not what we will be told by somebody else or by the commission. Burundian people just need somebody to help them move on, forget what they saw, and leave behind whatever is separating people."

The issue related to Burundian conflict is its understanding as well as its roots. As Gahungu (an old Burundian male, Tutsi, currently in Burundi) noted, there are many criteria to take into account when creating any reconciliation process. Misinterpretations

of words, messages by the International Community, Burundian leaders and people are key elements to address in order to better promote reconciliation.

He explained that the real complexity of the Burundian conflict is that the conflict is not defined as it is really is. This statement raises more concerns that a TRC, when created may emphasize ethnic dimensions as people claiming it will be suggesting a more ethnic victimization of past violence. People continue to call it an interethnic conflict but that is not true. It is simply the fight over financial resources. As there are no industries in Burundi, the main part of wealth comes from the power, the only employer who can provide a well-being to Burundian people is the state. Another source of financial means, even if it does not have enough profit and remains underdeveloped, is the land (agriculture). The state does not have enough resources to satisfy the demand, “the cake is small” whoever is lucky enough to reach a governmental position does whatever he/she can to remain on the power.

Forgiveness has been advocated by many researchers such as Lederach, Merwe and Hayner as one of the factors promoting reconciliation among divided groups of people. They also focus on amnesty as a mechanism that can ensure leaders and therefore allow the implementation of a TRC. Olsen at. Al., for example argues that “Amnesty is superior to trials in bringing reconciliation”(p. 20) and that “Amnesty is the most frequent used form of transitional justice accounting for half of all mechanisms adopted”(p. 39).

In the case of Burundi, as suggested by the participants interviewed in this study, existing practices support the power of forgiveness. Girundeke (a young Burundian

female, Hutu, currently in exile) argued that forgiveness is a good way of overcoming the past in Burundi. She added that there is no need for revenge, because if victims choose revenge over forgiveness, there would be a circle of violence in the country and none will benefit from that violence. It would be great if all Burundian people were sensitized on forgiveness. By doing so, all victims may comprehend the power of forgiveness and how they can teach their perpetrators how to change and become better citizens who would not do any more harm to their fellow Burundians. This forgiveness mechanism however does not have to be official and dealt in a more structured way. Burundian people, depending on their stage of recovery, may decide to forgive those who offended them. That is the only way the country will recover peace. Victims also emphasized the role of forgiveness as the best way for overcoming what happened. Kwizera (an old Burundian female, who did not want to disclose his ethnic group, currently in exile) mentioned that, in Burundi, truth has never been known. If it was known, it was never spoken. Burundian people were not allowed to say the truth. Now, even if it may not be in public, people need to start talking openly in their settings and communities. Most likely they followed literally the French proverb “*Toute vérité n’est pas bonne à dire*” (It is not good/wise to tell all kinds of truth). Burundian people should, however, turn around and tell the truth without any intention to punish anyone, because “what happened, happened”. She truly believed that her father died that year (1972) because it was his destiny. But, there is a need for more people who think the same way. People need to forgive each other. Kwizera’s statement shows how important forgiveness is, referring to Lederach when he mentions “Mercy”; forgiveness is a key for reconciliation in Burundi.

Forgiveness will not take place in Burundi unless Burundian people change their attitudes. They need to tell the truth as Lederach argues, the only difference in this case is when the truth can be told. A rushed truth (as the country is still facing security issues) can undermine the reconciliation efforts already made. Burundian people, however, should learn to go straight to their objective and give up on series of manipulation, lies, and hypocrisy which are creating false perceptions and therefore, are more likely to create new kinds of violence instead of unifying Burundian people. Nagatore (an old Burundian female, who did not want to disclose her ethnic group, currently in exile) continued, “We need also to pray truly. I told people in Burundi that they have two colors. Burundian people have a color from church and another for outside the church. I personally don’t pray, but when I decide to do something, I do it from the bottom of my heart. I do it truly. If I don’t want you, I don’t want to see your face and I sometimes reach a level where I tell you: “Do you know what? I don’t want to see you.” And I think it helps. It takes away the stress from both of us to have to greet each other without wanting it or trying to avoid each other.

In Burundi as well, instead of a fake greetings, while saying inside our heart, “How can I get rid of that person, how can I kill him/her’, we need to be truthful. When you are positive, even your environment becomes positive. But, when we start to tell our children that they are Tutsis or Hutus at a young age, they grow up with the assumption that Ethnic groups are the most important for them.”

Kwizera (an old Burundian female, who did not want to disclose her ethnic group, currently in exile) proclaimed: “If I run into you, I will say hello with an open heart, if I

cannot tolerate your behavior I will tell you. That will help you, especially as when you are back home, you may take time to think about what I told you and hopefully realize how truthful what I told you was.” The truth has an important role to play in Burundian reconciliation. First, a distinction between the truth that people (mainly old people) tell their children when they are inside their homes or when they are in private settings, and the truth which is shared in public, the attitude manifested by Burundian people while in public settings or when interacting with others (for example, those who offended them during the war). Nagatore, in the previous paragraphs makes it clear that for reconciliation to take place, people need to tell what is in their deep heart and be conscious of the act they are posing. The truth that Lederach argues for as a factor which is needed to achieve reconciliation is not that “truth” which changes according to the environment in which the person is or the people he/she is interacting with when telling the story.

The same thing about truth is necessary for forgiveness. Forgiveness is not a ceremony of just an act of standing in front of people to tell them that you forgave them while you know that in your mind you are planning revenge or perpetual hatred for perpetrators. Forgiveness, as expressed by Lederach under the term “Mercy” is a concept which depends on the willingness of the person to forgive the oppressor with his/her heart. People forgive because they want to reach a real reconciliation and to effectively and definitely pardon those who offended them.

3. Burundian readiness for a TRC

There have been, there are, and there will still be people advocating for the creation of TRCs and those against it. In the event the TRC takes place, with no guarantee that it will be created, the key issue here is to know when it is time for such initiatives to start. The ripeness of an appropriate time for a TRC to take place is crucial. If the TRC is created too early or too late in Burundi; it may create a disaster instead of addressing past conflicts.

The participants in this study, like Niyongabo (an old Burundian male, Hutu, currently in Burundi), expressed their concern about past unaddressed traumas: “There may be some people who really want the TRC for Burundi, however, it will be a difficult task because, I don’t think Burundian people are ready for a Truth and Reconciliation Commission.”

In the same line of ideas, Ndayishimiye (an old Burundian male, Hutu, currently in Exile) is convinced that Burundian people will never tell the truth as it may never be an appropriate time for the truth to come out without disastrous consequences to Burundian people. He noticed that there are Burundian people who went through very serious problems many times, those difficult situations they experienced outweigh revenge. The kind of problems they have been experiencing are repetitive, almost the same, and happen every day. The lived difficult experiences, and many things they continue to see may inspire Burundian people to think about reconciliation but, it is difficult. Without reconciliation among Burundian people, Burundians will never tell each other the truth. As some people interviewed in this study argue, telling the truth

requires a safe environment for both the victim and the perpetrator of past human right abuses.

Going back to the generational shift, it can be observed that: On one hand, old generations seem to perpetuate hatred, divisions among ethnic groups, as well as adapting a transitional justice which will allow some groups to catch and put in prison those they qualify as perpetrators. On the other hand, young generations tend to become increasingly united, reaching quickly their reconciliation as well as promoting forgiveness instead of trials. An attempt to furthering the analysis, people interviewed showed that old generations are less reconciled, as they keep their memories of human right abuse and ethnic divisions, leading them to the avoidance of telling the truth, while young generations which, by the way are far more reconciled than old ones, avoid memories of past interethnic divisions and are able to tell the truth among them regardless their ethnic groups. One attempt should suggest Burundian people to further reconciliation first and once reconciled, start telling the truth as the environment would be ready for welcoming the truth without any new violence.

Niyongabo (an old Burundian male, Hutu, currently in Burundi), supported the idea of an adequate time for a TRC, raised the concern that if the TRC is created immediately, it may be supported by only one ethnic group, stating that it is not the adequate time for a Burundian TRC to be created. Rushing things often produces opposite outcomes. He added that Burundian leaders should be careful to not allow a TRC which will be supported by only one ethnic group and completely rejected by another. He concluded that the implementation of a TRC also will be difficult as all

ethnic groups are more unlikely to reach a common consensus on what kind of TRC needs to take place, how it would function, and who may be targeted by that Commission.

Whether it is too early or too late for a TRC to take place in Burundi, the reality is that the bill on TRC has been submitted to the parliament but has not yet been approved as Buname (an old Burundian female, Tutsi, currently in Burundi) highlights: “I always hear announcements that a TRC for Burundi was going to be created but it never took place. For example, the current President said three times that the TRC was to be created before the end of the year, but it never happened.” Then when should the TRC have been created? The Arusha Peace and Reconciliation Agreement for Burundi signed on August 28, 2000 state that a TRC should be created with the following functions: investigation, arbitration and reconciliation, and clarification of the history. The agreement states that the reconciliation would be long and exacting. Some of the task of the commission would be the promotion of reconciliation, forgiveness, indemnification or restoration of disputed properties as well as suggesting other political and social measures promoting reconciliation. For history, the commission was going to rewrite a history of Burundi which could be interpreted in the same way by all Burundian people. (Arusha Accords, 2000, p. 23)

The establishment of a TRC is too early from the fact that “The Burundian crisis is a profound one: the task of reconciliation will be long and exacting. There are still gaping wounds which will need to be healed”. (Article 8, paragraph b) This precaution give a chance to the current leaders to slow down the process with the pretext that the

situation in Burundi is still fragile, and that creating the commission may cause another conflict in Burundi.

It may be too late for the creation of a TRC for Burundi also, if people consider what was mentioned in the Arusha agreement which states that “Members of the Commission shall be appointed by the transitional Government in consultation with the Bureau of the Transitional National Assembly” (Arusha Peace Agreement 2000, p. 24). Note that both government and National Assembly are no longer in transition, the new ones may not be legally held accountable for appointing members of the TRC or creating a TRC.

The financial resources may also be a constraint for the Burundian government, as it is the one who was supposed to provide all the material and funding needed by the TRC if created Article 8, Section 3). The National Truth and Reconciliation Commission should have been established by the transitional Government not later than six months after taking office and the commission itself should have started within 15 days after it was created (Arusha Agreement, p. 90). The transitional Government should also have requested the establishment of an International Judicial Commission of Inquiry no later than 30 days after its installation (Arusha Agreement, p. 89-90). All the elements provided above show how the current and future government could avoid the creation of a TRC as well as an International Judicial Commission of Inquiry for Burundi.

The lack of will from the leaders to create any kind of TRC or Transitional justice was also a concern from Gahungu (an old Burundian male, Tutsi, currently in Burundi) who argued that there is no willingness from current leaders for creating a TRC for

Burundi. The lack of will is evident to all small elites regardless their ethnic group,; maybe because they may still be trying to hide their roles in past human right abuses. The lack of will from leaders does not mean that there may not be many Burundian people who want a TRC. They may not have enough power to have their voices heard. All bills that the government wants to pass are sent to the Parliament and after they are amended by the Parliament, they are sent to the President for approval. However, all bills are blocked at the Parliament because the Parliament follows the directions of the leading political party. If the leading political party decided to pass the bill and create the Burundian TRC, the same day, the TRC will be created.

To sum up, according to participants to this study, there are still barriers for a TRC to take place in Burundi. The major barriers to the establishment and functioning of the Truth and Reconciliation Commission for Burundi are related, but not limited to, the high level of participation in past human violation by current leaders. Political power is another factor that can help explain why the TRC process is less likely to succeed in Burundi.

There are, in Burundi, different oppositions as to whether or not there should be a TRC. For some, especially old Tutsi, who think a TRC will help them get rid of the mass Hutu population involved in the 1993 civil war, to arrest and incarcerate them. This has political advantages, because some key leaders will not be able to occupy administrative positions, increasing the chance for Tutsi to come back in power. Another group of people, mainly old Hutu, do not support the establishment of a TRC, because they will be the ones to be incarcerated. Tutsis have proof of the 1993 mass killings, but Hutu don't

have any proof of the 1972 genocide therefore would not even be able to testify. In addition, there are very few perpetrators of the 1972 mass killings, therefore no one would be held accountable. The last group of participants, made of both young Hutu and Tutsi do not have any preference, whether a TRC should be created or not. Their main objective is to see all Burundian people coming back together, acknowledging the past history as a result of a shared mistake made by both Hutu and Tutsi ancestors. Forgetting and forgiving, for them is the best option. None should be held accountable and there is no need for public hearing and special intervention to promote reconciliation in Burundi.

Nkurunziza (an old Burundian male, Tutsi, currently in Burundi) for example, expressed his concern on how it will not be easy for members of the government, who have contributed to the interethnic conflict, to admit the wrong they did. The denial of responsibilities during the past human rights abuses is one of the difficulties that the TRC may expect to deal with once created. It is also obvious that individuals who don't acknowledge their roles in the interethnic conflict will not easily accept decisions from the TRC or the International Criminal Court, and therefore, will also find ways to protect themselves from being held accountable. For public testimonies and apologies, they will definitely not accept to stand up in front of the population they are called to govern and accept the wrongs they committed. That is why they will not leave any place for the TRC to be implemented in Burundi.

Mvuyekure (an old Burundian male, Hutu, currently in Exile), who was quite familiar with the South African TRC, added that for some TRC, the government was the one to take responsibilities for reparations. In Burundi, however, most of the budget is

expected from external support, and if the International Community is not willing to provide funding for reparations, it will not work. Not only does funding pose problems but also, in the event the perpetrators are the ones to provide reparations for the wrong they committed, this may become problematic when they do not have enough means to pay back. In Burundi, it is worth mentioning that some of the perpetrators, mainly Hutus served their sentence and many others paid reparations to the victims between 1994 and 2000 when most of the power was still under the Tutsi leaders. Tutsis used their power to sentence the maximum Hutus they could catch; many of them served many years without even being sentenced. Numbers of other Hutus had to sell their properties or part of their lands to get enough money and pay back what they had stolen or taken away from Tutsi homes. If the TRC is created in these conditions for example, who will recompense the wrongly sentenced Hutus?

Nkurunziza (an old Burundian male, Tutsi, currently in Burundi) explained further that the other issue for Burundi is the actual security conditions where members of the opposition are being tracked down by the leading political party (CNDD-FDD). The shift from ethnic conflict to personal interests, mostly financial interests, explains also why some leaders prefer to keep quiet their past human rights abuse, in order to maintain their esteem in the society, their power and also keep themselves away from trials, which would ban them from governmental advantages and opportunities, and also would recommend them to compensate victims. The persecution done to members of the opposition can serve as an image of what may happen for Burundian people and members of the TRC who may testify during truth sessions, in the event they disclose the wrong

done by the current leaders during the conflict. In sum, the environment matters and a TRC for Burundi cannot work freely in an environment which does not have freedom of expression, and where even the media does not have the freedom of speech as the media law enacted in April 2013 states it. The following statement of one of our interview participants shows how it may be hard for the TRC to take place in Burundi in the current conditions.

Ndayishimiye (old Burundian male, Hutu, currently in Exile) found many barriers to the success of a TRC. He mentioned the existence of many other issues which can be considered as threats to the TRC's success include the brutal reform of the army, the mass and segregated killings, the tracking of members of the opposition by the leading political party, the reform of the land law and finally, the fact that key people who planned and implemented the ethnic cleansing are still alive with most of them still having high governmental position and being financially well established. It would even be difficult for the Burundian court to decide the outcome of the Ndadaye assassination case.

For many decades, Burundian people were fighting over power. The reason for all the past conflicts was the ethnic discrimination. As Burundian people have overcome the ethnic divides, the opposition versus leading party divide is the main dividing point. This means that leaders, from all ethnic groups have to create a strong coalition which help them to keep the power, hence supporting Ndayishimiye (old Burundian male, Hutu, currently in Exile)'s conclusion that the establishment of a TRC is not a priority for Burundian leaders even if it may not reflect the general public attitudes. He added that

Burundian leaders think about themselves, but if they consider the TRC as something that can help the country to move forward, they may include it in the country's goals. He concluded that most of the leaders want only to acquire wealth and are convinced that the better positions they can get, the more money they can have and therefore, no other concerns about Burundian reconciliation and reunification.

When discussing the creation or the importance of a TRC for Burundi, it brings up the perception that one may already have about Burundian people. Most Burundian people are known for not accomplishing what they say and also never or rarely meaning what they say. Ndayishimiye (old Burundian male, Hutu, currently in Exile) argued, "Actually, Burundian people lie to each other so often that it makes it difficult for the current situation, where we have fights over power, when Democracy has not fully integrated Burundian souls." Another participant, Butoyi (a young Burundian male who did not want to disclose his ethnic group, currently in exile), explained it in his words:

The Burundian leaders need to believe first in the TRC because personally I think that Burundian leaders don't believe in the necessity of a truth and reconciliation system. I really think that the creation of a TRC for Burundi is something that is kind of 'imposed' by the Arusha Accords and the International Community. If it were something that Burundian leaders themselves are requesting, it was going to happen easily and quickly.

The fact that they are playing the game in promising things that they don't believe in made Niyongabo (an old Burundian male, Hutu, currently in Burundi) to give the following statement which was also supported by many other participants:

My thoughts about the TRC are that I consider the TRC as a joke. It is a kind of distraction for Burundian people because we will hear only words and no action. I am sure there is no single person among the high ranking personalities who were involved in the most damaging human right abuses will be judged; they will remain free; only regular people will be punished as they don't have ways of protecting themselves; they will be the ransom of the country.

The reality is that there may be few or no leader,s among those who contributed to the past atrocities, who may open the doors for a TRC, knowing that it may put him/her in jail as expressed by Ndayishimiye (old Burundian male, Hutu, currently in Exile). He declared that the Burundian leaders are not welcoming the TRC, they manage everything to continue pushing back the creation of the commission as every one of them is accountable for something and therefore will not allow the establishment of a system which may work against him.

Perpetrators should not fear the creation of a TRC, but should ask for forgiveness through that commission. However, leaders support the collective amnesty rather than personal forgiveness. The idea of collectiveness is not new in Burundi, it's way of protecting elites who were involved in past human right abuses. For example, in all elections starting with 2005, voters were not allowed to elect their leaders individually, but they elected a group and the group itself was the one responsible for determining individuals to represent the population. The experience from past election was that even if the population did not want to vote one individual, when they preferred a given

political party, they had no other choice except voting the whole group. What are the advantages of the TRC in terms of ethnic groups?

Even if each ethnic group has a reason why it supports or opposes the creation of a TRC; one Burundian Hutu argued that the establishment of a TRC is advantageous to Tutsis in the sense in which it may help them to bring into court several Hutus including current leaders. There is a down side of a TRC for Tutsi people as it may promote democracy in Burundi. Once democracy is fully implemented, Tutsi may face a representation issue. Being no more than 15% of the Burundian population, Tutsis fear that if all leaders have to be elected by the population, it may be difficult to get as many positions as they have currently. This argument also shows that there are more arguments opposing the creation of a TRC, according to the interviewees.

The less informed Burundian people are, the more skeptical they are, and the more confusion they have about what a TRC is, as well as the goals and the potential outcomes of a TRC, if created. Niyongabo (an old Burundian male, Hutu, currently in Burundi) for example, is one of the participants who are so confused that he cannot distinguish a TRC and democracy. The confusion come from 1990 when Burundian people, especially Hutu were being sensitized that democracy means having a Hutu leader, that contributed to the massive vote of a Hutu President, leaving a legacy of electing a person who is from your ethnic group. He expressed the concern that the difficulties that the TRC may face are due to the fight over power which is the only cause of the conflict. A Tutsi for example will not accept the implementation of a TRC which

establishes democracy, if democracy, when fully established, may cause that no more Tutsis will come into power any more as they are the minority.

It is important to note that reconciliation as defined by Lederach and others is very different from what Niyongabo is associating it with. There is no direct relationship known so far between democracy and reconciliation or truth and reconciliation.

Niyongabo added that, if Burundian leaders continue to promote democracy in Burundi, no Tutsi will ever be elected as a President. Tutsis are then very concerned that the more democratic the country would become, the fewer chances for Tutsis to get any governmental position. The misconception of the TRC leads people to false conclusions. The nonrealistic link established earlier by Niyongabo between TRC and democracy leads him to conclude that, “If the TRC is created and succeeds, it will strengthen democracy in Burundi, bringing with it all the consequences that Tutsis were trying to avoid. There will be no more Tutsi in power”. In this case, democracy, as it was perceived by some Burundian people in the early 1990s, was literally translated from “government by the people” to the majority uprising and shift of the power from Tutsi to Hutu. Note that Hutu were more than 85%, there was more chances that a Hutu candidate could win elections not because he has a better ideology but because of his majority ethnic group. Coming back to the ethnic issues which were almost overcome by the Burundian people, talking about democracy, refers to dividing again the Burundian population into ethnic groups and considering ethnicity as a major element to take into account before making a vote decision. All the process put the country at a high risk for another civil war.

If both Hutus and Tutsis are unsure whether or not the establishment of a TRC may help them reach reconciliation while maintaining their political and administrative positions, it would be hard for them to reach out to the International Community and request support for the creation of a TRC for Burundi. In his interview, Nkurunziza (an old Burundian male, Tutsi, currently in Burundi) argued that the problem is that only Burundian leaders have that power to reach out to the International Community as well as to sensitize Burundian people about the need for the TRC; leaders, however, are less interested in that TRC. He thinks that there are people in Burundi who are exhausted from the continual problems and who think that creating a TRC for Burundi may provide more peace. The current leaders, the politicians, have strategies to keep and strengthen their power, but have no agenda to create the TRC. Nothing is being done to implement that commission. He concluded that there are enough strategies put in place by the government to ban the establishment of TRC in Burundi.

If current leaders are not pushing for the creation of a TRC or at least creating other strategies to reconcile Burundian people, some suggest that the International Community should jump in and use its power to lobby for the establishment of a TRC for Burundi. Butoyi (a young Burundian male who did not want to disclose his ethnic group, currently in exile) suggested that the International Community should strengthen their lobbying to the Burundian Government for the creation of a TRC. If no external lobby or pressure, the TRC will never take place as Burundians do whatever they can to slow down the whole process of TRC for Burundi. He clarified that the bill was presented to

the Parliament in 2004 under President Ndayizeye, but in 2013, it was still on the Parliament table and that no one knows when that bill will pass.

The contribution of the international community may be of help in different ways, more than just lobbying to the government for the creation of a TRC for Burundi, and providing financial support to the commission when created. One major issue that the International Community could help address is poverty, as it is a major factor which is causing all the conflicts the country went through. Nimbona (a young Burundian male, Tutsi, currently in Burundi) touched on the poverty issue. He mentioned that poverty is among other factors that can undermine the establishment and success of a TRC for Burundi:

Even if this is a good idea, all leaders will design the TRC under the political aspect forgetting other aspects such as social and economic. In general, people get involved in politics to become rich but that is not the goal. In other countries, they get involved in politics because they are wealthy. They have money to invest. In Burundi, people expect everything from the state and therefore from politics. There may be even some who would like to be members of the TRC, just to get the stipend. If a TRC is established, it will become like a bread and butter for some families in the following two years or so. They will be there in the TRC to collect the token and not to serve the country.

Understanding the real cause of violence in Burundi will help Burundians themselves to refrain from following divisive teachings which may lead them to civil war

as it happened in the previous conflicts. The following paragraph attempts to conceptualize a TRC framework which may be used in the Burundian context.

As stated previously, it is either too early or too late for Burundi to create a TRC. The consequences of inappropriate time for the establishment of a TRC in Burundi, however, do not mean that there is nothing that can be done to promote reconciliation among Burundian people. A TRC which could generate potentially good outcomes would need to differ from the one that was planned by the Arusha agreement, as there is no more transitional government and the two year period would no longer be enough for the TRC to complete investigations and submit a report. More time would be necessary as many things have changed, the country is experiencing new kinds of human right abuse, and the context as well as human behavior and consciousness have dramatically changed. The TRC for Burundi should promote the smooth reconciliation and forgiveness taking place while paying attention to the generational shift, and the following steps toward a sustainable reconciliation in Burundi.

According to the participants interviewed for this study, young generations are the hope for Burundi. A clear difference in interpretation of the history of Burundi can be observed between young and older generations. While young generations believe that reconciliation in Burundi can be achieved through relationship building, acknowledgement of mistakes made by the ancestors, support for general and umbrella amnesty with no public hearings, old generations have different ideas. As for now, the best way Burundian people can reach a sustainable reconciliation is to set the Lederach model into three separate steps. First Burundian people need to keep up with

the forgiveness they have started and which is gaining more space than ever in Burundian history. As many of the respondents expressed, Burundians should forgive their offenders in order to avoid potential circles of revenge bringing in violence. The forgiveness (Mercy) should be strengthened at the same time by peace. The TRC, in the event it is created for Burundi, is more likely to emphasize amnesty as Olsen et al argue “Authoritarian regime may make trials unlikely, even long after authoritarian rule” (Olsen, 2010, p. 59). Burundian people regardless of their ethnic groups expressed the need for peace. They acknowledge that the country has reached a point where it can be qualified a peaceful even if a new kind of political violence is increasing these days.

The second step would be the truth-telling. Once people have peace, and when they have forgiven each other, there is no fear to tell each other the truth of what happened. This is just the opposite of what the literature suggests- The literature says that people should tell the truth first and then forgive. In this situation, people should forgive first and tell the truth next. The environment would be better and safer for victim to share their story, and for perpetrator to do the same and request forgiveness again. This may be the critical moment for the country to rewrite its history as recommended by the Arusha Peace and Reconciliation Agreement. In all cases, the TRC should avoid public testimonies as they may conflict with Burundian culture of privacy.

The longer the reconciliation process, the more chance there will be for Burundi to reach a sustainable reconciliation as new generations will be progressively replacing old ones, bringing new perceptions of the reality and the history of the country as well as new commitments for unity and reconciliation of Burundian people.

CHAPTER FIVE: DISCUSSION AND CONCLUSIONS

In her book, *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*, Hayner (2011) states that “A truth commission does not find new truth so much as break the silence about widely known but unspoken truths” (p.20), hence, assuming that all cultures are ready for a full disclosure of the truth of what happened in their past without any unintended consequence. However, Hugo et al. argue that it is wrong to assume that a comprehensive approach that is successful in one country can automatically become a model in any other country (Hugo et al. p.13).

Chapman goes deeper and contends that “truth recovery is a complex and ambiguous task affected by a wide range of factors, including conceptions of what constitutes social truth; the mandate, methodology, and resources of the body undertaking the truth finding; and social and political receptivity to the process” (Chapman, p. 91). In the case of Burundi, the disclosure is more than a breaking of the silence. It may cause an unspeakable chaos if the truth is exposed to the public when the population is still fragile and not yet ready to digest some realities about the past human right abuse. The issue of a TRC, as we saw it in the previous chapter, is that the consequences that it may generate don’t depend only on how it is designed or implemented, it depends also on the perception that people have of a TRC.

There are many mechanisms used by TRC in different countries, for example, in Chile the TRC recommended symbolic and financial reparations (Hayner, 2011, p. 167), and the Panama Truth Commission, was called to investigate human rights abuse committed from the October 1968 coup d'état to 1989, which this started by the discovery of graves on a site of old army base. This commission was transformed into an NGO (Hayner, 2011, p. 251-252), the National Commission for Truth and Justice in Haiti was created by President Jean-Bertrand Aristide after his return from exile; the commission had to estimate the number and cause of deaths following political violence. One interesting recommendation was "a request to the UN Security Council, to set up an International Tribunal for Crimes of the Facto, Government" (Hayner, 2011, p. 54) and others with very divergent goals and responsibilities.

Despite the broad range of mechanisms that a TRC may use, if people think that the TRC will use public hearing mechanisms, it does not matter whether its design includes public testimonies or not, people will oppose or fight it. In case of extreme fear for persecution, some perpetrators may even create barriers banning the TRC from implementation, especially when they are among the powerful leaders. This is a public disclosure where Burundian people would be called to say in public the wrong they did and ask for forgiveness with the hope of being forgiven, even if forgiveness may not be a guarantee to all perpetrators.

Coming back to Kwizera's statement that Burundian people need to be truthful for themselves, one may notice that, in their culture, Burundian people don't say openly what they think. It is a country where people don't actually mean what they tell, a country

where saying the opposite of what one feels in the heart is normal; people interviewed expressed their fear for a full disclosure of the truth. Actually, people may not disclose any reality or any truth in public, and even if some were courageous enough to disclose it and ask for forgiveness, the victims may plan revenge, bringing the country into chaos. It may not be the best decision for Burundian people to keep secret the reality that they went through during the conflict but, there may be better ways to avoid a potential catastrophe and a clash between fragile relationships among Burundian people by keeping the silence. A relationships building mechanism, seems to be a better option for Burundi.

Looking back from other TRC mechanisms, most of the commissions faced different kinds of threats. For example, in Guatemala, the director of the Truth project Bishop Juan Gerardi Conedera was attacked and killed after the commission released its report (Hayner, 2011, pp. 230-231); in El Salvador, the President of the Supreme Court attempted to block the truth commission from the exhumation of mass graves (Hayner, 2011, p.231); the Liberian TRC received multiple death threats after the release of its report which names over 150 perpetrators and recommended prosecutions; some victims in Uganda returned to the commission to retract their testimonies after they were threatened by people implicated in the testimonies; however, in South Africa when the same threat happened, the commission was able to set up safe places where people could stay safe and the commission could help improve community policing. They also requested an increase of police activities in communities in order to protect witnesses whose security was not highly in danger (Hayner, 2011, pp. 232).

In other countries such as El Salvador, some security members had to be out of the country in order to share their testimonies with the commission and requested that the conversation should be kept secret for their safety (Hayner, 2011, p 232). Hayner argues that there is no general map of how a TRC can change how the country understand its past when provided with resources and support it (Hayner, 2011, p. 233)

For a TRC to be successful in Burundi, Burundian people should first be sensitized on the role of a TRC and the mechanisms which will be applied in the Burundian TRC. Public education has also a major role to play during the reconciliation process, as it can shape new generation' ways of thinking and acting. As noted earlier, TRC members as well as current leaders should take their time and not rush any step of the reconciliation process while avoiding public testimonies, as they may interfere with the Burundian culture. Culture plays a major role in each conflict transformation as well as in dealing with the past. The difference of the Burundian reconciliation and the TRC-like public hearing (from Burundian conception of what a TRC may look like even if public hearing is not a requirement for every TRC) is that for this model in Burundi, as participants to the study noted, there is still a need to respect privacy, which is a big deal for Burundian people. Burundian people do not like to be seen and qualified by the public as "bad people", they prefer private settings to disclose some delicate information. This is why the TRC, if it were to be created during the present environment, if not well designed and if it does not take into account the three steps mentioned earlier (forgiveness and peace first, truth in the second phase and third justice) may end up causing another cycle of violence in Burundi. Whether TRCs are created or not, if the

current conditions continue to evolve as it is the case now, new generations will be more united than ever due to shared experience when observing the shift from the ethnic to the political party 's conflict.

In summary, data shows that Hayner's suggestion that people should break the silence and speak the unspeakable truth may not apply in the Burundian context and in the Burundian culture. For a disclosure to take place; there must be a will and courage from the government and the leaders to sensitize themselves and their population, leading them to the point that they may be brave enough to disclose the wrongs committed. After the leaders are convinced that they need to promote the establishment of a TRC, there is a need of courage from the victims and their families to overcome the trauma, the losses and to prepare their spirit for accepting the painful news. It requires an extraordinary state of mind for a victim or a perpetrator to listen those details about losses without outrage or desire for revenge. Burundian people, according to people who were interviewed in this study, have not reached this step. Breaking the silence would unveil past trauma and cause the rage from victims and their families to spread out and generate another war.

A key element in the Burundian situation, while discussing possibilities of reconciliation through TRC is the efforts already made by Burundian people to reconcile successfully. As Hayner argues, "Reconciliation is not an event,..., most of the victims in communities are committed to a process of reconciliation"(Hayner, 2011, . 185). No one can deny that Burundian people have passed the period in which Hutu population lived in their own regions, sometimes in separate camps while Tutsi had their own, mainly called IDP camps. The distinction made it clear that this or that camp was occupied by Hutu or

Tutsi even if both had left their homes due to insecurity. No one can ignore the major peace achievements, as we don't have any more cities for the Tutsi population, inaccessible for the Hutu, and other localities, mainly the countryside, where no Tutsi could step foot in unless he/ she wanted to die.

Everyone should appreciate the fact that all schools, from elementary to the universities accept all qualified students. Both Hutu and Tutsi sit in the same classroom and are graded upon merit with no more discrimination against any ethnic group. For now, even if it is no longer applicable, some people, among older Hutu generations, remember the pressure to pay back some of Tutsi's belongings which were destroyed during the war that was put to them asking them to pay back all belongings which were destroyed during the war. At that time, Tutsi survivors had the National Army behind them which escorted them to help them recover what they lost. Some Tutsi also from the older generations still have nightmare from the atrocious killing of family members during the 1993 civil war. They still have a fresh memory of the scenes they watched when their children, husbands, and parents were killed massively because of their ethnic group, and feel unsafe living with the perpetrators as the TRC has not yet been established. They hope that, one day, all perpetrators will be sentenced according to the harm they caused. Giving these highly traumatized people a chance to testify may cause more harm than healing to both victims and perpetrators. The day- to -day violence caused by both Tutsi and Hutu, is one factor that shows that the country is not yet ready for a TRC even if some Burundian people are requesting the creation of that commission.

Many of the perpetrators still hold the power in another way, challenging them may generate brutal responses.

Talking about the creation of the TRC means that the commission may investigate who is responsible for paying back the many losses of Hutus who were forced to stay in displacement camps, “camps de regroupement”, while their homes were being destroyed by Tutsi youth and the National Army of the time. Investigating the roles played during the conflict implies designing a reparation plan as one of the options that the country may select to promote the reconciliation in Burundi. Note that many Hutus have already forgotten their losses and are ready to move on and rebuild their lives. Those who were illegally sentenced and served many years (even if they did not contribute to the conflict) are back home and are rebuilding their lives. Recalling the injustice which was done to them will be like to unveiling their nightmare.

Many Tutsi families lost their homes, children, husbands, wives, parents as well as relatives. The Hutu population responsible for the harm is mostly dead or does not have means to pay the compensation for the wrong they did. The government which was the last resort for victims is not able to pay that compensation unless the international community gets involved in the process and guarantees the availability of funding. There are good chances that, once the TRC is created, there may be an increased expectation for reparation from victims, and in case that the victims do not get any financial assistance, during this high level of unemployment and lack of resources, a new kind of violence, anger and hatred may take place. So far, there is no consensus on the outcome of the TRC, if created in Burundi.

The creation of a Truth and Reconciliation Commission is a question which is still creating controversies among Burundian people. Some supporting its establishment argues that it will promote the truth about past human rights violations as well as bring into trial the many perpetrators who remain free of charge several decades after they committed atrocities.

The first group made of Burundian participants (old Tutsi generations) advocate for the establishment of a TRC for Burundi. This claim suggests that justice needs to be done for victims as well as reparation practices following the establishment of a special chamber for Burundi and the International Criminal Court. The same argument supports the belief that without truth, there is no justice and without justice there is no reconciliation (Hayner). This group of people supports the idea that for victims to be able to forgive their offenders, they must know them and the wrong they did. In addition, the group defends the idea that victims cannot forgive unless the perpetrators make an official apology, that way forgiveness may be granted. A question remains however. What will happen if perpetrators are not forgiven or when the disclosure of wrongs committed creates a cycle of violence and unveils past traumas?

The second group's perspectives are based on the argument that all Burundian people, regardless of their ethnic group, have contributed to past human rights abuses. Having contributed to and being victims of past violence at the same time, they explain their position that there is no need to establish a TRC for Burundi. In fact, the main argument being that all Burundian people know what happened, they experienced all the atrocities and they know everything. There is then no need for a special commission to

tell them or to explain what happened. Another reason is that the creation of a TRC is more likely to unveil forgotten horrible stories, and that unveiling those stories may undermine the reconciliation progress already started, as it is more likely to unveil past trauma and possibly promote violence, hatred and revenge among Burundian people.

The negative side of this resistance of the establishment to a TRC for Burundi is a strategy for some people to cover themselves from being prosecuted for the crimes they committed during past conflicts. As most leaders were actively involved in past Burundian conflicts, they fear that when a TRC is created, the International Criminal Court and the TRC may go after them and the only way they can avoid justice is to ban the TRC from taking place. This issue can easily be dealt with if the TRC adopt the three steps suggested earlier and strengthen the good initiatives demonstrated by young generations to coexist and to stay united despite the past ethnic divisions in which their ancestors and parents lived. The public disclosure of wrongs done by perpetrators, as well as asking public apology, feared by most of the Burundian people interviewed in this study, is not as problematic as every TRC does not have to include that mechanism. The importance of highlighting it is to raise awareness so that the TRC, as well as the government, take the concern of Burundian people seriously and organize campaigns or activities to explain what a TRC is really and explain to the population that there are other ways a TRC can promote a national reconciliation without using public testimonies even without prioritizing trials and justice in general. Public testimony is emphasized because it is something which does not exist in Burundian culture. Privacy is a key trait that shows who a true Burundian person is. Asking them to ask for forgiveness in public

is absolutely impossible. If Burundian people go ahead, and do it against their will, a chaotic moment should be expected in the country, where killings may take place again.

The copy and paste for a truth and reconciliation process may not apply in the Burundian context. It is better to strengthen existing reconciliation processes already in place, because they correspond to the Burundian ways of dealing with conflicts. The suggested way of dealing with the conflict in Burundi should be the empowerment of young generation's leadership, as they are more open to reconciliation and unity while promoting peace. The "forgive and forget" strategy suggested by most of the young generation should be a key as it has already proven that young Burundian people can finally live together and leave behind the legacy of violence, hatred and ethnic divisions that older generations are continuously trying to transmit to their children. The reconciliation should not favor truth and justice in the first steps, but should strengthen forgiveness and peace as well as taking as long as may be needed. Rather than persecuting individuals, the TRC would have a general understanding of the role played during the conflict and write a common history rather than taking into court individuals who contributed to the human right abuse.

The third group of people, mainly from the young generation, does not have any preference about the creation of a TRC, they don't fear any decision from the TRC but emphasize forgetting and forgiving. They really don't want anyone to remind them what happened in the past as they have started to build their lives and ready to move forward. The argument is that people want to move forward and forget the past after a blind acknowledgment of the wrong committed by elders from both Tutsi and Hutu ethnic

groups. Young generations have realized that there was no real reason for Burundian people to kill each other. They suggest a step ahead to reconciliation, leaving behind all divisions and all human rights abuses committed in the past.

In conclusion, a clear difference between young generations and old ones in terms of reconciliation gives hope to Burundian people and international observers. Young generations are supporting social cohesion as well as forgiveness associated with forgetting past abuses. Older generations, on the other side, are still divided based on their ethnic groups. The division between old generations set aside Hutu and Tutsi when discussing ways in which Burundian people can shape their future. Old Tutsi tend to radicalize young Tutsi to keep in mind all human rights abuse committed by Hutus and therefore hating them while old Hutu generations radicalized young Hutu generations, calling them to divisive activities and practices. They do acknowledge that it can help Burundian people to know the truth but, it remains unclear whether or not it can promote reconciliation and peace among Burundian people.

If a TRC is to be created, it should be an initiative by Burundian people and their leaders and not something imposed from the international community. If Burundian leaders have decided to wait before they create a TRC, a careful analysis of the causes of this delayed implementation and consequences of the creation of a TRC in the current Burundian context should be done. There should be more efforts for a promotion of a better environment to allow a TRC to take place. If not done well, the TRC is more likely to undermine the reconciliation already achieved by Burundians. The smile often observed on Burundian faces should not lead some policy makers to believe that they can

fully know what Burundian people like or dislike. That smile should not let observers believe that Burundian people will soon go in public and disclose what they feel inside. Burundians still have some decades to go before the South African TRC model can take place. We should respect the way they choose to reconcile and then give them more time to find additional factors that can promote reconciliations in Burundi. Taking into account all the justifications provided earlier, one should conclude as one of the participants to this study stated “The TRC will probably not be created in Burundi soon and Burundian people are fine with that.” Why should one say that Burundian people should not expect to see a TRC created in the near future?

The TRC for Burundi is a double-edged sword as French people say “*arme a double tranchant*”. On one hand, it can help Burundian people to know the truth for those who don’t. It can make justice for victims as well as promoting reparation. This argument aims to help people who want to know the role of different past governments, members of the government, as well as simple citizens who were involved in past crimes and atrocities. If the cost of reconciliation in Burundi is the establishment of a TRC, the priority for the government should be the establishment of that structure. Why is that not the case?

One of the reasons put forth by the participants is that Burundian leaders are more interested in their wealth than the health of the population who elected them. Instead of tackling the reconciliation issue, Burundian elites are more concerned about their personal interests rather than gathering popular opinions on the best ways Burundian people could reconcile. Burundian elites know that keeping themselves in power will

provide them with better economic opportunities. As Lemarchand argues, people come together for short term interest: “Communities seen as allies one day are viewed as enemies the next. New coalitions are built for short-term advantage, only to dissolve into warring factions when new options suddenly emerge” (Lemarchand, 2009, p.7).

In Burundi, it was Batare against Bezi, shortly after it was Burundian people against colonizers, then the south region (Bururi) against the rest of the country, followed the by Hutus against Tutsis long conflict. It seems that now there is another new trend, the leading party (CNDD-FDD) against the opposition. One may even expect another one in the near future between rich and poor people in Burundi.

One of the interviewees mentioned the search for economic opportunities as the main goal of the current leaders. As he argues, the problem may be that in Burundi, people run for political position to get rich while in developed countries, they run for political positions because they are already rich. The desire to become rich as soon as possible, facing scarcity, as the country cannot find enough money to satisfy all the requests, generates conflicts already.

On the other hand, Amnesty is an important factor to consider in the case of Burundi if people want the TRC to be successful. If a TRC does not consider providing amnesty to current leaders, it may impose tough punishment to perpetrators; it may incarcerate some of the currents leaders who were involved in past atrocities, and if those leaders oppose the TRC decisions they may destabilize the country’s security to protect them. For current leaders, accepting and implementing a TRC for Burundi, is exactly the

same as volunteering to go from the best houses and best seat in the Parliament and Senate straight to the jail cell where even the use of cell phone is prohibited.

The TRC aims to disclose the truth which has been kept hidden for decades, the same truth which may make accountable all perpetrators of past human rights abuses, including current leaders. Even if Burundian leaders may sometimes advocate for the creation of a TRC, and make promises that they are willing to promote reconciliation among Burundian people, they remain Burundians with the Burundian attitude which never discloses what one feels in his or her heart.

Public statements made about the desire of Burundian government to create a TRC are not realistic. It is true that the TRC will not take place unless an international pressure is put on Burundian leaders. A local newsletter (Net Press) published on February 25, 2014 that the UN human rights section organized a workshop to prepare some members of the Burundi civil society in spreading transitional justice message such as peace and reconciliation, following the 2009 and 2010 National Consultation on Transitional Justice (Net Press, February 25, 2014). Most Burundian leaders have been making strategic political statements that a TRC was to be created. Burundian leaders have been saying that the government was going to investigate past atrocities and therefore, create a TRC for Burundi after the assassination of President Ndadaye, his colleagues and, the thousands of Tutsis and Hutus who were cruelly killed following the death of President Ndadaye on October 21, 1993. The commission however, has not yet to be created.

In his chapter, Cross-National Comparative Analysis, Baker (2009) mentions that it is difficult to assess the impact of transitional justice mechanisms as they are embedded in multitude of other factors, circumstances, intervening variables and complex interactions effects. (Hugo et al. p. 59). After a deep analysis of the current situation in Burundi and based on interviewees' interventions, one may argue that unless the social environment in Burundi changes or strong pressure from the international community is made on Burundian current leaders, Burundi will never see a TRC established.

The truth, however, will soon be known and made public. It is only a matter of time. Once this generation is gone, new generations, which may be less radical than the old generations in terms of ethnic divisions, may create commissions to write a common history. When new generations decide to create the TRC, there will be no one to be held accountable among the many perpetrators who committed human rights abuses during the past Burundian conflicts. All the people who would have been held accountable will have passed away. Should the international community intervene and put pressure on the leaders to establish a TRC? Nothing was more fascinating that asking a question to an entire group of participants and never getting an answer. The interviews showed that little is known about the international community as well as the role it can play in the promotion of the Burundian TRC.

The few participants who supported the creation of a TRC in Burundi, were convinced that the international community, even if it should not be the one to initiate the TRC process, should provide financial support to the initiative. The international community should lobby to the government leaders and explain to them the need and the

importance of a TRC for Burundi. In case no initiative is taken by leaders, the international community should exercise some pressure including threatening to stop financial assistance for Burundi until visible efforts are made to promote reconciliation of Burundian people.

To conclude, as Lederach contends, “If we do not know where we are going it is difficult to get there.” (Lederach, p. 77). If Burundian people know from where they have come, and to where they are going, bringing new directives on where they should go and how they should reach that destination, not only may undermine their initial trajectory and progress, but also may lead them nowhere at all. The progress achieved in the reconciliation process is proof that Burundian people can deal with their interethnic divisions until they reach a full reconciliation. He argues also that reconciliation requires people and researchers to look outside the mainstream. This gives more power to Burundian people who prefer collective forgiveness, forgetting the past and moving forward, even when the truth is not publically told and when justice is not used. This gives power to forgiveness and privacy among Burundian people in their reconciliation processes, even in case of absence of TRC or judicial systems.

The establishment of a TRC in Burundi is a question which requires extensive research and a deep analysis of all the socio-economic and cultural factors to reach reliable and generalizable conclusions. Such research should reach all groups of Burundian people and use a representative sample from all regions, all age ranges, all general professions as well as categorizing participants in political affiliation and victimhood level to have a full understanding of the impact of the TRC in the whole

country. Further research is needed to deepen the topic of TRC and transitional justice, to understand the cultural difference as well as the possibilities of reconciliation without justice.

Finally, Burundi as well as the African Great Lakes Region has been and is still facing powerful misleading information leading to controversial and also misleading conclusions. For example, it is widely assumed that the Rwanda is the country which has the heaviest violence leading to the greater number of deaths, overwhelmingly Tutsis, with approximately a million deaths. However, in the eastern Congo, there were four times as many deaths just between 1998 and 2006. An IRC survey shows that the greatest number of deaths since World War II is the roughly four millions people who lost their lives due to war in the Democratic Republic of Congo (Lemarchand, 2009, pp 4-5). The same thing may happen in Burundi, if the TRC or any reconciliation process does not allow Burundian people to take into account all the factors that may have led the country to the violence that took place during the past decades, there may not be sustainable reconciliation. Burundian people should take time to reach their sustainable reconciliation, but they should not try to escape or to hide some elements that are the key for the common Burundian history.

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