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Victims

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Violent conflict creates all sorts of victims: those killed and tortured, those bereaved and maimed, those assaulted and raped, those injured in battle and by mines, those abducted and detained, the banned and the homeless, those intimidated and humiliated. This chapter aims to clarify the factors and processes that lead to their identification (section 4.2) and mobilization (section 4.3). Starting with a presentation of the various types of victim (section 4.1), the chapter concludes with a discussion of cases where all rival groups have committed atrocities and where it is consequently impossible to draw a sharp line between victims and perpetrators (section 4.4).

4.1 The Many Faces of Victims

Victims are at the heart of all dimensions of the reconciliation process in societies emerging from years of violent conflict. It is crucially important that policy makers and civil society leaders are aware of the many faces of victimhood. This awareness must guide the search for adequate victim programmes, even if the means are insufficient to deal with all those who suffer - individually and/or collectively, directly or indirectly, today or in the future. There has to be a broad public debate about which individuals and communities should be acknowledged as victims. Such civic debate should ideally add to the development of guiding principles for all healing, truth-telling and reparation work.

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Victims can be classified on the basis of three broad distinctions. Two of these, individual/collective and direct/indirect, are constitutive parts of the various definitions of victims issued by the UN (see box 4.1). A third distinction, between first- and second-generation victims, is based on the dimension of

time. It is also important to bear in mind the fate of children and the implications gender has for victimization.

4.1.1 Individual and Collective Victims

All brutal conflicts inflict severe harm on individual men and women but most, in particular genocide and civil war, also cause collective victims. Collective victims are created when violent actions are directed at a specific population, for example, an ethnic, ideological or religious group. In such cases, individuals are targeted because of their connection to an identifiable collectivity. Overall, the effect is always to victimize the society at large.

4.1.2 Direct and Indirect Victims

Direct victims are those who have suffered the direct effects of violence. They have been killed, or physically and psychologically abused, detained, discriminated against and so on. *Indirect victims* are those who are linked to direct victims in such a way that they too suffer because of that link.

According to the Declaration of the UN Commission on Human Rights (see box 4.1), indirect victims are the family members of a direct victim. Relatives often experience extreme hardship and pain because of the suffering of a family member or by being punished because of their con-

nection to that person - through serious socio-economic deprivation, bereavement, the loss of a breadwinner, missed educational opportunities, family breakdown, police intimidation or humiliation. The Declaration also speaks of the people who suffer as a result of intervening to assist a victim or to prevent further violations.

Some observers work with an even wider definition of indirect victim that includes neighbours, friends and bystanders of direct victims - all who may have been traumatized because of what they witnessed. Others even query the usefulness of the distinction between direct and indirect victims in reality: one finding of the South African Truth and Reconciliation Commission (TRC) was that it is difficult to distinguish meaningfully between the physical harm and psychological grief experienced by the direct victim and the pain of those to whom this person is or was precious. Including a wider constituency of victims in this way is very significant. It extends the scope of victimhood, and consequently increases the number of people rightly claiming recognition and compensation for their suffering.

4.1.3 First-Generation and Second-Generation Victims

Most attention goes to what can be called first-generation victims - those who have been victimized during their lifetime. But studies have demonstrated that their children and sometimes even their grandchildren have to bear the consequences of what happened and may feel and behave like victims, displaying deep hurt and bitterness. Trauma can be handed down. The second generation, particularly, tends to absorb and retain pain and grief, consciously or unconsciously. They carry traces of the experience into adulthood, and this is a problematic heritage that can threaten the future of a society.

4.1.4 Gender

Brutal conflict causes immense suffering to all people, but it also has a different impact on men and women, because victimization is partly gender specific.

Men are more likely than women to be involved in fighting and to be killed or wounded - although there are cases where the participation of women in combat is considerable. Women have joined the ranks of several Latin American guerrilla forces, of the Irish Republican Army (IRA) and of the Liberation Tigers of Tamil Eelam (LTTE), among others. During the Ethiopian civil war of the 1980s, approximately one-third of the rebel Ethiopian People's Liberation Front (EPLF) fighters were women. Women combatants can be doubly victimized - not only by their enemies but also by their male comrades - and in the latter case the victimization takes the form of physical and psychological abuse.

Women suffer the brunt of various forms of sexual assault during times of violence or oppression. Mass rape of women belonging to an enemy group has been practised as a means of assaulting the role and identity of the men in the group as providers and protectors of the family and the group. In other cases, young girls have been forced to marry men either as a strategy of creating alliances or to satisfy the needs of men isolated from the family sphere during war. Women have also been exposed to increasing risk of rape, abuse and stigmatization by members of their own community as a result of their new and more public roles and responsibilities during conflict. And, in response to growing poverty, many more women have taken to prostitution for a living with a high risk of abuse and of becoming infected with HIV/AIDS. A long-term consequence of several of these acts of abuse is children who not only lack a father but who are also illegitimate and a continuous reminder of the violation.

One of the long-term consequences of men's engagement in war as combatants is their difficulty in redefining a post-conflict social role and a male identity. This may result in divorce, alcoholism, violence and criminality, with additional effects for the family and women.

Sexual assault is not the only form of conflict-related victimization that is gendered. Differences in rights and entitlements have proved to be of great importance in determining how conflicts impact on men's and women's livelihoods. For instance, women are not always registered as individual citizens, nor are they always registered (and recognized) as owners of land, houses, assets and utensils. In a

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situation of conflict and social upheaval, women may have difficulty protecting their resources and find it almost impossible to make claims for compensation

and other kinds of assistance. This adds to their economic and social vulnerability.

Not only do women suffer differently to men, but their response to victimization is often different too. In most cases, women hesitate to testify to sexual abuse as it would be considered shameful and, typically, result in stigmatization and perhaps even severe punishment, although men too, find it difficult to admit to repeated cases of rape, partly because it inverts prevailing notions of gender roles.

With regard to economic victimization, women's weakness is often their lack of knowledge about and experience in dealing with authorities. Their strength, however, is the existence of local self-help groups created in order to help women overcome hardships and create supportive relationships. It can be said that women have succeeded better than men in identifying a commonality and uniting as victims across national, ethnic, class, religious and other boundaries. This is a reminder of the important point that no victim is only a victim, but also an actor with many identities, roles and resources.

Finally, victimization may not cease with the establishment of a peace agreement. Cases from Cambodia and Sierra Leone demonstrate that sexual abuse unfortunately often continues with the appearance of peacekeepers and humanitarian workers. Experience in Rwanda and South Africa illustrates the difficulties - and double victimization - that women may face when they try to make the state recognize and compensate the injustice and sufferings they have undergone during conflict. In some cases, limited representation on political bodies prevents them from giving voice to their grievances; in others it is a woman's affiliation with a particular ethnic or social group or her husband's position and role in the struggle that determines her entitlements.

4.1.5 Children as Victims

Children are the most defenceless victims in civil war and other forms of violence and oppression. Two groups are particularly vulnerable - refugee children and child soldiers.

More than half of the world's refugee population is made up of children. They are often separated from their family, suffer socio-economic deprivation, usually have no access to schooling and, more importantly, are seriously traumatized by what they have experienced. Child soldiers have frequently been intimidated or abducted, brutalized and coerced to commit atrocities. A special case is the fate of the Latin American children of murdered members of the opposition, who as orphans were then forced into a kind of adoption by the families of soldiers or police officers. Another group of child victims are the many girls who are either forced into marriage at a young age or removed from their families and homes and sold as prostitutes. And, finally, there are the many invisible and indirect victims - the children who are prevented from receiving an education and employed as child labourers, or who are abused at home by parents and relatives - a symptom that is found in many societies

but is reinforced in times of conflict and distress.

In general, widespread and sustained violent conflict can produce a whole generation of variously victimized young people. These young victims of political, ethnic or religious aggression carry the effects of their traumatic experiences throughout their lives. The risk that this unhealed hurt and resentment can become the basis for new violence highlights the need to develop special protection, healing and rehabilitation programmes specifically for children and young people, such as assistance in family tracing (which the Red Cross and Red Crescent Societies provide for orphans and refugee children) and schooling opportunities. Truth commissions sometimes hold thematic hearings specifically on the suffering of children. The UN Convention on the Rights of the Child can assist in setting the basis for action to address the particular problems of these young victims.

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Box 4.1: Official Definitions of "Victim"

1. According to the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, General Assembly Resolution 40/34, 29 November 1985: "victim" means, in the case of abuse of power, "persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that do not yet constitute violations of national criminal laws but of internationally recognized norms relating to human rights"

2. In the United Nations Commission on Human Rights, "The right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms: final report of the Special Rapporteur, Mr M. Bassiouni, submitted in accordance with Commission Resolution 1999/33", UN document E/CN.4/2000/62, "A person is a 'victim'

where, as a result of acts or omissions that constitute a violation of international human rights or humanitarian law norms, that person, individually or collectively, suffered harm, including physical or mental injury, emotional suffering, economic loss, or impairment of that person's fundamental legal rights. A 'victim' may also be a dependant or a member of the immediate family or household of the direct victim as well as a person who, in intervening to assist a victim or prevent the occurrence of further violations, has suffered physical, mental or economic harm"

(Declaration on the Right to Restitution for Victims of Gross Human Rights Violations, 1999).

3. In the International Criminal Court, "For the purposes of the Statute and the Rules of Procedure and Evidence", finalized draft text, adopted by the Preparatory Commission at its 23rd meeting, 30 June 2000, document PCNICC/2000/

1/add.1): "(a) 'Victims' means natural persons who have suffered harm as a result of the commission of any crime within the jurisdiction of the Court; (b) Victims may include organizations or institutions that have sustained direct harm to any of their property which is dedicated to religion, education, art or science or charitable purposes, and to their historic monuments, hospitals and other places and objects for humanitarian purposes"

4. In the report of the Truth and Reconciliation Commission of South Africa, the Reparation and Rehabilitation Committee defines relatives and dependants of a victim as follows: "a) parents (or those who acted/act in place of a parent); b) spouse (according to customary, common, religious or indigenous law); c) children (either in or out of wedlock or adopted); d) someone the victim has/had a customary or legal duty to support"

4.2 The Identification of Victims

Socially, becoming a victim is a process that involves a number of mechanisms. The simple fact of having been physically, psychologically or economically harmed is a necessary but not sufficient element. Other factors play important roles. Social norms and customs, developed in politics, law and

culture, partly shape the selection of those who will be allocated victim status.

No post-conflict state can involve every single victim in healing activities, truth-telling, trials and reparation measures. Material resources and manpower are too scarce. Of necessity, usually only a fraction of those whose fundamental rights have been violated will be accepted as “real” victims, but even so they may fulfil a positive role of representing symbolically the wider constituency of victims in the formal reconciliation process.

4.2.1 The Definition of a Victim

Society’s influence in this process of defining who exactly qualifies as a victim comes from three sources:

- socio-political factors;
- legal definitions of victims; and
- cultural influences on definitions.

Equally important is the perception of the person who has been victimized. Is he or she aware of this victimization? Does he or she aspire to the status of victim or is there a conscious refusal of this label?

Socio-Political Factors

Official agencies define victims. Initiatives in the area of healing, truth-telling, justice and reparation obviously contribute to the definition of who will be included in the category of victims.

This is most clearly visible in the activities of truth commissions. No doubt, such bodies stimulate the recognition of victims. This has clearly been the case with the TRC in South Africa. Hundreds of statement-takers talked to victims; many witnesses were heard during public sessions; its official report publicly acknowledged the distress of tens of thousands of men and women. Yet still its mandate excluded many others whose pain fell outside the terms of reference, and this was also true of all the other truth commissions of the 1980s and 1990s. Such exclusion comes about as the result of political, time and economic restraints.

The political definition of which crimes are to be identified and registered as relevant has major consequences, precisely because any such definition necessarily also excludes some crimes as irrelevant. But, irrespective of the definition, all such crimes are relevant to the victims. One possible effect is gender bias in a commission’s mandate: definitions of gross human rights violations have often masked or sidelined the types of abuse more frequently suffered by women. (A major step in correcting such prejudice is the recognition of sexual violence, in the statutes of the International Criminal Tribunal for Yugoslavia (ICTY) and of the International Criminal Court (ICC), as a crime against humanity and a war crime.)

Time, too, is a significant factor. Truth commissions or commissions of enquiry usually examine events during a specifically defined period of history. Violations that occurred before or after this period will therefore not be addressed, despite the real suffering and victimization they have caused. Economic constraints can also have huge effects on restricting either the definition of victimhood or the capacity to fulfil the resulting mandate.

Reparation programmes have similar effects. These include individuals and communities in the definition of victimhood. But they, too, have to make painful decisions.

In post-conflict states, where economic infrastructure has often been destroyed, resources are scarce.

So the reality tends to be that only a section of all the injured parties, perhaps just direct victims, or just those with the most serious physical injuries, will qualify for compensation. Others will be excluded. For example, refugees are a category of victims that can easily be forgotten. Their voices in the debate around defining victimhood are weak; they have often lived outside the country, perhaps for a generation or more. Reparation to them, for example, through restitution of property, is consequently a difficult, contentious and expensive enterprise. Women may be another group who because of their socio-political status or the nature of their victimization risk being excluded from reparation programmes. In many cases their suffering is considered a private issue which should mainly be dealt with at the private level.

The role of NGOs, both local and international, also contributes to the identification and definition of victims.

Their role in these processes often starts before the demise of an inhuman regime or the end of a violent conflict. Civil society groups monitor human rights abuses, gather information on victims and provide assistance to them. In Argentina during the 1970s and early 1980s, NGOs collected information on “the disappeared” while the generals were still in power. In 1983 they gave copies of their files to the state-initiated National Commission on the Disappearance of Persons. In Guatemala, the Human Rights Office of the Archbishop gathered information on victims well in advance of the activities of the official truth commission. Most of the information these NGOs collected was of critical importance in the post-conflict situation.

NGOs are also active in the area of healing, rehabilitation and reintegration of victims. All these activities have effects both on how victims come to perceive their own status and on official definitions and policies. While international and local NGOs may help to give silenced and invisible victims a voice, the engagement of NGOs is not always neutral. Sometimes they select victims on a sectarian basis and exploit humanitarian assistance to create or strengthen partisan relationships. Another problem inherent in humanitarian assistance work by NGOs and other agencies is a tendency to overstress the victimhood of individuals and groups, overlooking the fact that they have multiple other identities, experiences, resources, capacities, interests and aspirations, which are equally important in defining and positioning them as individuals and citizens.

Legal Definitions

It took the international community many years to reach an agreed definition of victim.

The UN Declaration of Justice for Victims of Crime and Abuse of Power of 1985 (see box 4.1) was a first step. This general description served as the basis for the UN Commission on Human Rights’ Declaration on the Right to Restitution for Victims of Gross Human Rights Violations of 1999. The statutes of the ad hoc international tribunals in The Hague and Arusha, and of the ICC, also contain formal definitions (see box 4.1 for the last of these).

The criminal legislation of a post-conflict state, combined with international humanitarian and human rights law and the state’s customary, indigenous and religious law, constitutes a second element in the identification and recognition of victims. The broader the scope of such legislation, the higher the number of victims who can be included in the legal category of “injured parties”.

In transitional societies, it is usually the task of parliament to oversee the process of adapting existing criminal legislation to develop a suitable prosecutorial system to try the perpetrators of violent acts. Political and time constraints usually result in limits being set on the scope of the new system. Further problems often occur later at the operational level, when a department of justice tries to put the procedural machinery into gear. These are exemplified in Ethiopia’s transitional justice system.

The courts there can deal with only a fraction of the crimes committed by the Marxist–Leninist Mengistu regime, and are forced to prioritize crimes and prosecute only the most serious, such as genocidal acts. Other major crimes - arbitrary arrests, seizure and theft of property, forced migration of farmers, the use of famine as a weapon of war and so on - remain outside their reach. The consequence is that the suffering of millions of victims will not be acknowledged or taken into account. In addition, as is often the case in such situations, the process focuses only on the actions of the previous regime, while the human rights violations of the armed opposition movements remain outside consideration.

Views on rights are to some degree culturally rooted.

Finally, prosecutors and adjudicating judges in national and international tribunals are also key actors in the definition process: it is they who decide, in a very formal way, who is a perpetrator and who is his or her victim.

Cultural Influences

The debate on the universality of human rights has demonstrated that views on these rights are to some degree culturally rooted, as are opinions as to what constitute gross violations of these norms and, consequently, as to how the notion of “victim” should be constructed. Culture is also significant in delineating the extent of the circles of indirect victims. At a very general level, it is fair to say that societies in Africa and Asia work with broader definitions of the scope of the immediate family and of community ties than do many in Europe (see box 4.1 for an example from South Africa).

Personal Perception

Political programmes and legal texts are not the only foundations for defining a victim in the context of state crimes and civil war. The inclusion of people in (or their exclusion from) the broad category of “victim” also depends on the personal perception of the individuals involved and on the prevalent visions within a society or a culture of what is a crime and, thus, of what is acknowledged as producing physical, mental and economic harm.

Individuals differ in the way they perceive what was inflicted on them. Some deliberately refuse to be labelled as victims. They see themselves as soldiers, heroes, freedom fighters or martyrs. Others prefer the label of “survivor” because, in the words of Rama Mani, a scholar who has worked in several African countries, “The term victim defines individuals in terms of their past; makes them appear ill and in need of treatment; impotent and in need of help”.

Awareness of victimization is another important factor. To perceive oneself as a victim requires naming the pain one suffered, blaming the offender and claiming some type of restitution. Obvious though this may sound, people regularly fail to do this. There are many understandable reasons. They may lack access to the public debate. They may lack the social skills necessary to make their voices heard. The effects of their trauma may have removed their belief that anything can be done to help. They may remain passive because of feelings of guilt at having survived or at not having helped others. Women’s experiences of harm differ from those of men. When making a statement, for example, to a truth commission, women sometimes tend to speak about the agonies of their children or their husbands rather than their own anguish. Often, talking publicly about sexual abuse would only bring them more shame and social exclusion.

Victims have the right to remain silent. But, as noted earlier, in some ways those victims who do speak out and engage in the reconciliation process can act as the symbolic representatives of those who remain silent.

4.2.2 Re-victimization

There are ways in which a person who is already the victim of political, ethnic or religious violence can receive additional hurt after the direct cause of victimization has disappeared.

Sources of re-victimization tend to appear in one or more of the following ways:

- denial of the status of victim;
- unfulfilled expectations in dealing with official agencies;
- unwanted effects of victim-centred initiatives; and
- social stigmatization and exclusion.

The first mechanism was partly discussed in section 4.2.1: socio-political, cultural and legal definitions of victimhood result in the exclusion of individuals and communities. Inevitably, despite the best attempts, some victims will be denied acknowledgement. Sometimes denying the status of victim is vicious in nature. It may rest on a conscious attempt to make the suffering appear banal (for example, the harm done to European Gypsies during World War II was publicly denounced as negligible). It may result from stigmatization (for example, in the late 1940s and early 1950s Jewish Holocaust victims were almost blamed for a perceived passivity to their fate - “going like sheep to the slaughter”). Or it may be the effect of denying victims’ suffering by dismissing them en masse as terrorists, murderers, criminals and so on.

Victims become engaged in a broad range of relations with a variety of government and non-governmental agents - police, judges, civil servants, medical doctors, journalists and professionals from victim support associations. In these engagements, victims expect an expression of understanding, sympathy and comfort. But in fact the actions and reactions of these people can sometimes merely cause extra grief. The treatment received may be unprofessional, inadequate or humiliating. The information given may be incorrect or insufficient. The formal process may be too impersonal and cold. Such negative experiences leave the victims even more mentally scarred. They increase emotional stress and feelings of incomprehension, hopelessness and isolation. Sometimes the structures of the system establish hierarchies of suffering, causing great offence and renewed hurt to those whose pain is labelled as minor.

A different but equally hurtful effect happens when victims’ agony is used and/or abused for political means. Sometimes a new regime may be tempted to exploit the misery of its victims as a sort of emotional blackmail in order to gain more assistance from the international community. Conscious or unconscious, such manipulation of victims, by politically “hijacking” the victim issue, can bring short-term rewards, but its internal effect in the society - alienating the victims - is seriously counter-productive to sustainable reconciliation.

Ironically, re-victimization can even arise in institutions that are developed to serve the interests of victims. Truth commissions, for example, may reopen the wounds of testifying victims because of the confrontation with their aggressors or because of negative exposure by the victimizer. The procedures of retributive justice can have a similar effect. They are perpetrator-oriented and thus tend to exclude the voices of the victims from the whole process, or directly hurt them through a vicious cross-examination procedure that simply serves to make the victim relive the trauma in public.

Regardless of whether a violation has been officially recognized or not, victims will also be at risk of longer-term re-victimization as a result of social stigmatization and exclusion. The human will to forgive is considerable, but there are many cases where

Re-victimization can even arise in institutions that are developed to serve the interests of victims.

individuals, especially women, continue to be punished for having become a victim. Widows may not be allowed to remarry; women who have been raped, forced to sell their sexual services or who have simply taken a job outside their home are treated as prostitutes; their children are ostracized. Such denials of social recognition and reintegration may have serious ramifications for women's economic position and ability to contribute to efforts to counter structural marginalization.

4.2.3 "Self-Victimization"

It happens that perpetrators of violence themselves lay claim to victimhood. They blame the ideological indoctrination they were subjected to or refer to earlier periods in history when it was their group or community who was victimized. They may even blame "the system" for what they did. The

Victim empowerment is a prerequisite of any reconciliation policy.

effect is to render their actions excusable, and to shift the responsibility to some more anonymous "system", "ideology" or "regime".

Observing the conflict in Northern Ireland, Marie Smyth writes: "The status of victim renders the victim deserving of sympathy, support, outside help. Victims, by definition, are vulnerable, and any violence on their part can be construed as the consequences of their victimization. The acquisition of the status of victim becomes an institutionalized way of escaping guilt, shame, or responsibility".

The argument of victimization through indoctrination is, to a certain degree, acceptable in the case of bystanders and onlookers, who are faced with the charge of being morally, if indirectly, guilty (see chapter 5). But it can encourage them to avoid any responsibility for the construction of a just political and economic future for all members of society. Where offenders call on the "we are all victims" argument, the effect may be to seriously obstruct reconciliation programmes. Such blurring of guilt can become an obstacle on the path to coexistence, trust and empathy from the point of view of many victims.

4.3 Victim Mobilization

Passive victimhood - the state in which people avoid addressing their pain and trauma through silence, disengagement and resignation - is an enemy to reconciliation. It blocks the return of the very integrity and self-confidence of the victim. It also tempts the victimizers to define and organize reconciliation as a painless forgiving and forgetting. Victim empowerment, the way to escape from this submissive position, is a prerequisite of any reconciliation policy.

4.3.1 Victim Empowerment

Almost all reconciliation programmes, particularly in the area of healing and truth-telling (see chapters 6 and 8), aim to empower the victims of brutal conflict. They mobilize resources that restore the dignity, the reputation and the life chances of victims.

Victim associations are key actors in this area. They operate in most post-conflict societies and range from small groups, like the Mothers of the Plaza de Mayo in Chile, to large-scale organizations of survivors, like IBUKA in Rwanda. They cover a whole array of activities in the area of empowerment. They act as pressure groups, inform public opinion, offer legal aid.

Victim identification is one of their most important goals. IBUKA (kinyarwanda for "remember") has published a list of 59,050 genocide victims, all from the prefecture of Kibuye situated in the west of the country, on the border of Lake Kivu. This record contains personal data (name, sex, age and so on), and information on the circumstances of the killing (place, weapon used etc.). In Argentina,

Chile and Guatemala, where atrocities have for a long time been denied, the collection of such basic data by victim associations can work to break the conspiracy of silence.

Victim self-help organizations have another, equally crucial role to play. The healing effect of “suffering together” has been described by group therapists. While trauma can silently continue to kill victims from within, talking about it in the company of fellow-sufferers may give them a sense of relief and can start a cathartic process. The exchange of information, the learning process of listening to other people’s problems and questions, the gradual discovering of the power of alliances - all these facilitate the development of social and politico-legal skills. Members of such groups will slowly but surely enable each other to master the techniques of naming the pain they suffered, blaming those who are responsible and claiming recognition and reparation. To resent wrong done is conducive to regaining self-esteem, a crucial step towards rebuilding trust in oneself and in others. An additional effect is to counteract the attitudes and types of behaviour that develop in silent isolation.

Self-help groups, like the associations of widows in Rwanda, create for their members a supportive social fabric. Victims who, through their involvement in such networks, make the transition from passive disengagement to active engagement may even grow into the role of moral beacons and play a significant leadership role in reconciliation projects.

One recent development - the rise of what has been called a victim culture - may make it easier for victims to achieve the much-needed empowerment. Public opinion, in part stimulated by and partly followed by policy makers and NGOs, has altered in two ways.

First, there has been a shift from the cult of the hero or victor to the cult of the victim. Suffering instead of heroism now attracts public and political consideration. This cultural reversal is evidenced in what has been called the “rediscovery of historical victims”, such as the forced labourers of the Third Reich, the sex slaves (known as “comfort women”) of the Japanese Army in World War II, the Japanese-Americans who were detained in concentration camps after the Pearl Harbour attack, Native Americans in the USA, Aborigines in Australia, and the millions of men and women abused and killed during the merciless period of European colonialism and slavery. This has led to the demand that political descendants apologize for past acts, and to claims for restitution and reparation, all in the name of reconciliation.

A second shift has diverted attention, in the reaction to crime, away from an exclusive focus on the offender and turned the emphasis towards the victim. In a general way, this trend is detectable in the proliferation of victim support programmes and in the growth of victimology as a scholarly discipline. More specifically in the context of dealing with a violent past, transitional societies now seem to prefer restorative justice and truth-telling above outright retribution, partly because penal action is perpetrator-oriented and largely excludes or ignores victims, while the alternative instruments focus much more on the victim and the effects of the crime.

Victim empowerment is not a blessing in all circumstances. It can become an obstacle to peaceful coexistence and mutual trust. Victim associations may organize opposition to measures that are aimed at reconciling former conflicting parties, such as conditional amnesties or reintegration of offenders. They can become trapped in the past, searching continually for recognition of their suffering but with no strategy for the future. Rwanda’s IBUKA, for example, has been criticized for its opposition to the release of prisoners who were detained without any indictment and for its initial refusal to accept the reconciliation-oriented gacaca tribunals (see the case study following chapter 7). Victim associations in Northern Ireland have opposed conciliatory measures, such as the inclusion of convicted prisoners in the government’s Victim Liaison Unit. Activities and groups that serve to strengthen victim identities and communities can sometimes lock people into the past, or encourage partisan

groupings among sufferers. At worst, this can even lead to the use of past suffering as a justification for new retaliatory violence.

4.3.2 *Victim Competition*

It is tempting to see all those who have suffered from violent conflict as natural allies, even as members of one harmonious family. History, however, teaches us that victims frequently compete fiercely with each other for recognition, for material resources such as compensation and positive discrimination in the areas of housing and education, and for symbolic goods such as monuments, medals, memorial days and other types of commemoration.

Most common is competition between victims of the same atrocities. There are historical studies of the bitter post-World War II struggles between the various victims of the German invasion in Belgium, France and the Netherlands. Resistance fighters, forced labourers, persecuted patriots, anti-fascists, communists and surviving Jews all tried to represent their own suffering as greater than that of others and to make their experiences dominant in the national war memory. The pattern is repeated again and again in many contexts today. In Burundi, for example, it is usual for Tutsi leaders to boycott the inauguration of any memorial to Hutu victims, and vice versa.

A second kind of competition develops between victims of different aggressions. American historian Peter Novick speaks cynically of “the fight for the gold medal in the Olympics of genocides”. Some Jews in particular have emphasized the uniqueness of the Holocaust, even denying other victim groups (e.g., the Armenians in early twentieth-century Turkey) the right to call their suffering “genocide”. This reaction is easy to understand. Not only is it the product of massive trauma, but its aim is to monopolize the symbolic capital that such a unique fate brings and to convert it into political and economic opportunities that might begin to compensate for the massive injustice.

4.4 *Victims and Offenders: Interchangeable Roles*

There are post-conflict circumstances in which it is almost impossible to draw a clear line between victims and perpetrators.

Authoritarian regimes, particularly if they stay in power for many years, have the effect of blurring the distinction between being victimized and being an accessory: large sections of the population become casualties of the totalitarian use of continuous indoctrination and ideology, but they may also collaborate in state crimes. In the case of a civil war, almost all rival groups have committed flagrant violations of human rights. The cycle of violence in such countries as Burundi, Colombia, Northern Ireland, Rwanda and Sri Lanka continually turns victims into aggressors and vice versa.

Most extremely, people are sometimes brutally forced into aggression: Guatemalan peasants were coerced by the army to eliminate “informers” passing information on to the guerrilla movements.

This alternation of roles is an important consideration in preparing and implementing reconciliation programmes. It is clear that no coexistence or mutual trust will develop if the

The alternation of roles between victims and offenders is an important consideration in preparing and implementing reconciliation programmes.

rotating nature of violence is not recognized and admitted. Many will refuse to accept accountability: “Peoples who believe themselves to be victims of aggression have an understandable incapacity to believe that they also committed atrocities. Myths of innocence and victimhood are a powerful obstacle in the way of confronting unwelcome facts”, writes Michael Ignatieff. Mutual aggression also creates a post-conflict situation in which retributive justice is almost impossible to achieve. Penal

systems are not devised to deal with such intricacies.

Child soldiers who have participated in extreme cruelty (as in Liberia and Sierra Leone) are a particular case of the strange mix of being perpetrator and victim. They deserve special attention. NGOs, such as the Coalition to Stop the Use of Child Soldiers, are rightly fighting for demobilization and reintegration measures in the Congo, Eritrea, Ethiopia, Sierra Leone, the Philippines and Paraguay (see chapter 5, section 2 on their reintegration).

The ambiguities that follow from these situations have prompted some observers to question the usefulness of the distinction between victim and offender. They prefer the transcending notion of survivor, encompassing all those who need to be reconciled after conflict. This argument provokes fierce opposition from those who claim that it will hurt certain victims and will be a source of re-victimization. It could also give perpetrators a neat alibi for self-victimization. However, the bridging notion of survivor may be useful in situations where a climate has developed that might enable victims and offenders to develop some cooperative activities towards reconciliation.

4.5 Concluding Remarks

The recognition of victims is a crucial issue in the search for reconciliation. The following list of principles to be considered may help domestic and international agencies deal adequately with this matter:

- Be aware of the many consequences of selecting a particular political and legal definition of a “victim”.
- Respect the victims’ very personal perception of what has happened to them. In some cases this means approaching them not as victims but as survivors. At the same time policy makers have to accept that perceptions are flexible and change with time. Trauma is a slow-working virus.
- Recognize that a victim’s recovery proceeds through several different stages.
- Provide for collective measures in the areas of health care, education and housing that assist whole communities and thus include the many who fall outside reparation programmes.
- Listen to the needs of victims who stay as refugees in neighbouring countries.

References and Further Reading

Main Sources

South African Truth and Reconciliation Commission. *Report, Vol. IV*. Cape Town: Juta & Co., Ltd, 1998.

Rombouts, Heidy and Stef Vandeginste. “Reparation for Victims of Gross and Systematic Human Rights Violations: The Notion of Victim.” *Third World Legal Studies, 2001–2002* (forthcoming).

Other References

Boyden, Jo and Sara Gibbs. *Children of War: Responses to Psycho-Social Distress in Cambodia*. Geneva: United Nations Research Institute for Social Development (UNRISD), 1997.

Gibbs, Sara. “Postwar Social Reconstruction in Mozambique: Reframing Children’s Experiences of Trauma and Healing.” In *Rebuilding Societies after Civil War: Critical Roles for International Assistance*,

edited by Krishna Kumar. Boulder, Colo.: Lynne Rienner, 1997:227–238.

Ignatieff, Michael. “Articles of Faith.” *Index on Censorship* 5(1996):110–122

Lorentzen, Lois Ann and Jennifer Turpin. *The Women and War Reader*. New York: New York University Press, 1998.

Mani, Rama. *Beyond Retribution: Seeking Justice in the Shadows of War*. Cambridge and Malden, Mass: Polity Press and Blackwell, 2002.

Minow, Martha. *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence*. Boston: Beacon Press, 1998.

Novick, Peter. *The Holocaust in American Life*. Boston: Houghton Mifflin, 1999.

Smyth, Marie. “Putting the Past in its Place: Issues of Victimhood and Reconciliation in Northern Ireland’s Peace Process.” In *Burying the Past: Making Peace and Doing Justice after Civil Conflict*, edited by Nigel Biggar. Washington, DC: Georgetown University Press, 2001:107–130.

Tushnet, Meredith and C. Twagiramariya. *What Women Do in Wartime: Gender and Conflict in Africa*. London: Zed Books, 1998.