

Commission on Security and Cooperation in Europe
TRUTH, RECONCILIATION, & HEALING
Toward a Unified Future

Thursday, July 18, 2019
10:00 a.m. – 12:00 p.m.
Rayburn House Office Building
Room 2167

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Chairman Hastings, Co-Chairman Wicker, and Honorable Members of this Commission,

Thank you for convening this session on an issue that is both agonizingly difficult and vitally important: What measures can help bridge social divisions borne of historic wrongs against members of an ethnic, racial, religious, or other group? When I speak of “historic wrongs,” I am referring to periods in a nation’s history when individuals have suffered exceptionally grave and systemic harms.

Experience in many countries has shown that, unless they are adequately addressed, historic wrongs leave deep wounds, whose toxic legacy afflicts not only victims but whole societies. This insight is central to the field of transitional justice, in which I have worked for 30 years.

Experience has shown that, while each society must address the dark chapters of its past in light of its unique experience, we can benefit enormously from studying other countries that have had to work through traumatic periods in their own past.

In that spirit, I would like to share lessons from the experience of Bosnia-Herzegovina, which saw brutal ethnic violence as Yugoslavia imploded in the 1990s.¹

Bosnian Efforts to Address Wartime Atrocities

So far, efforts to address “ethnic cleansing” in Bosnia have centered on the work of an international criminal tribunal based in The Hague. In addition to its own work, the Hague Tribunal helped catalyze domestic war crimes prosecutions in Bosnia, Serbia, and other former Yugoslav countries.

The justice many survivors have found in these courts has been precious beyond measure. But prosecutions did *not* foster reconciliation among Bosnia’s major ethnic groups—nor, I would add, should we expect them to. In the past decade, ethnic tensions in Bosnia have soared, and are now alarmingly high.

Those tensions are reflected in, and exacerbated by, a toxic syndrome of denial of wartime atrocities. As in other countries that have failed to reckon with their past in a forthright fashion, denialism takes many forms in Bosnia. Let me mention five:

- The first is outright factual denial by government leaders, political elites, and ordinary citizens that members of their own ethnic group committed atrocities against members of other ethnic groups.
- The second is minimization of the extent or nature of those atrocities, such as when Serb elites acknowledge that Bosnian Serbs killed a large number Muslims in Srebrenica but insist that number has been vastly exaggerated.
- The third is *justifying* atrocities committed by one's in-group by, for example, characterizing genocidal crimes as acts of self-defense.
- The fourth is celebrating convicted war criminals belonging to one's own ethnic group as heroes.
- The fifth is practicing *silence* about atrocities so grave as to demand recognition and redress.

A variation on this last form of denial that has pained survivors of wartime atrocities has been a pattern of local Bosnian officials denying victims the right to establish even modest memorials to their suffering, such as placing a plaque at the site of a notorious detention camp.

Bosnian survivors experience these and other instances of denial as a tormenting and continuous harm. And more to the point of this briefing, the social effect of pervasive denial has been to further inflame ethnic divisions.

Acknowledgment

I do not believe Bosnia can become unified in any meaningful sense until public officials and other elites, as well as ordinary citizens, acknowledge the full extent of atrocities committed by members of their in-group and unequivocally condemn their crimes.

To be sure, there have been significant “moments” of acknowledgment since the conflict in Bosnia ended, when regional leaders publicly recognized the harm their in-group inflicted and expressed genuine remorse. These gestures were welcomed by survivors, providing at least a momentary glimpse of the healing potential of apologies that are rooted in the establishment and acceptance of historic facts and carry the promise of further measures of repair.

But their promise has been betrayed by subsequent denialism.

A dramatic example involves the Srebrenica genocide, whose 24th anniversary was observed last week. In 2004, a commission established in Bosnia's predominantly Serb entity, Republika Srpska (RS), issued a report identifying almost 8,000 victims of Srebrenica as well as dozens of previously unknown mass graves. Soon after, the RS president, Dragan Čavić, acknowledged the extent of the massacre and condemned it unequivocally. His televised remarks concluded: “I have to say that these nine days of

July of the Srebrenica tragedy represent a black page in the history of the Serb people.” Several months later, the RS government issued an apology. At that moment, the official RS narrative about Srebrenica seemed to align with what its victims knew to be true.

But this fragile achievement was soon undermined by extreme nationalist rhetoric, and ethnic narratives about the 1990s conflict have once again radically diverged. Last August, the RS parliament annulled the 1994 report and established a new commission to revisit the question of what happened in Srebrenica.

In this generally bleak setting, some Bosnians have reached across the ethnic chasm and developed local efforts to acknowledge and condemn wartime atrocities. These grassroots efforts build from the premise that, if Bosnian leaders are not yet ready to face the past, its citizens can and must do what they can, where they can.

Lessons from Bosnia and Elsewhere

In closing, I want to note several takeaways.

First, social divisions rooted in historic wrongs cannot mend without an honest reckoning, including a robust acknowledgment and condemnation of the original wrongs and a determination to address their toxic legacies.

Second, as important as it is to address historic wrongs, doing so can be painful and even polarizing. Thus it is important to approach the task with care as well as courage and persistence.

Third, a wealth of social science research can help us undertake the hard work of reckoning in a smart and effective manner. This literature can and should be mined to help us understand the factors that animate resistance to facing past wrongs—and what it takes to change minds and dominant narratives.

Fourth, both experience and research suggest that, as we try to come to terms with our own past, it is important to create opportunities that literally bring people together. Some of the local initiatives in Bosnia have done just that, and we have an inspiring example in the approach of the National Memorial for Peace and Justice in Montgomery, Alabama. The memorial includes a pillar representing every U.S. county where lynchings took place, each of which is inscribed with the names of known victims. In an inspired move, a duplicate pillar was made for each county, and the Equal Justice Initiative (EJI), which developed the memorial, issued an invitation to each county to claim its pillar. The very process of doing so meaningfully and constructively engages local communities with their own history.²

Fifth, even when there is resistance to, or disinterest, in facing a painful chapter in a society’s past, effective media can dramatically alter public perceptions. I’m reminded here of the impact of Ava DuVernay’s series, *When They See Us*. In light of the powerful response, many wondered why much of the public did not react sooner to the facts it

dramatized, which have been known for years. The point is, DuVernay helped so many see those facts for the first time.

Finally, we have to be strategic as well as creative, seizing the full potential of emergent opportunities without overburdening them. Sometimes, societies reach a turning point, perhaps a fleeting moment, when key sectors can take a step that was previously inconceivable, like recognizing the necessity of removing confederate monuments or at least beginning to explore the concept of reparations for slavery and its legacy, as Ta-Nehisi Coates' landmark essay stimulated many to do.³ The very *doing* of what is possible in the moment—taking down hurtful monuments, for example—can pave the way to the next stage of reckoning.

Effective measures of healing social rifts rooted in grotesque violations of human dignity are demanding. There are no easy fixes. But there are wise ones.

¹ These observations are developed in greater depth in DIANE ORENTLICHER, *SOME KIND OF JUSTICE: THE ICTY'S IMPACT IN BOSNIA AND SERBIA* (Oxford University Press 2018), at <https://global.oup.com/academic/product/some-kind-of-justice-9780190882273?cc=us&lang=en&#>.

² The memorial's web site explains the process and its purpose this way:

EJI is inviting counties across the country to claim their monuments and install them in their permanent homes in the counties they represent. Eventually, this process will change the built environment of the Deep South and beyond to more honestly reflect our history. EJI staff are already in conversation with dozens of communities seeking to claim their monuments. EJI approaches these conversations — and all of our community education work — with thought and care. EJI shares historical and educational material with community members, encourages participation from communities of color, and works with partners to find an appropriate geographic location for each monument to ensure that the process of claiming monuments helps local communities engage with this history in a constructive and meaningful way.

Available at <https://museumandmemorial.eji.org/memorial>.

³ Ta-Nehisi Coates, *The Case for Reparations*, *THE ATLANTIC*, June 2014, available at <https://www.theatlantic.com/magazine/archive/2014/06/the-case-for-reparations/361631/>.