

Knowing the Truth - Pour en Faire Quoi? The Ccontested Politics of Transitional Justice in Burundi

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Although the peace agreement of 2000 foresees a truth and reconciliation commission and a special tribunal in Burundi, both formal transitional justice mechanisms have not been implemented until today. The process of transitional justice, which constitutes a way of producing ‘truths’, historical ‘facts’ and national narratives, is highly contested by various actors. This also holds true for less formal politics of memory such as the construction of memorials or national public holidays to remember certain important personalities or historical events. The political will for officially dealing with the past therefore seems to be missing.

Political actors are rather sceptical about transitional justice as most of them were implicated either directly or through their armed wings in the recent civil war. Transitional justice would touch on fundamental interests such as political career of certain elites. Or some individuals may risk ending up in prison.

Moreover, behind this ‘lack of political will’ are also divergent conceptions and understandings of justice, reconciliation, forgiveness and transitional justice. For example, for a former Hutu rebel group which transformed into a political party a tribunal would constitute a backlash of the reconciliation process as it would evoke older ethnic cleavages which have already been overcome in Burundi. In contrast a Tutsi dominated party considers a tribunal and retributive justice as a prerequisite for reconciliation.

These divergent conceptions have large implications for the design of transitional justice and the manner in which ‘facts’ and ‘truths’ are produced. Through the dealing with the past process political actors try to depict certain ‘pasts’ which are favourable for them and their political claims. For example the acceptance of genocide would give strong legitimacy to claims of ethnic quota. Thus, transitional justice becomes an instrument of political struggles.

This paper, which is based on extensive field work in Burundi and on research for a PhD, aims at showing that divergent conceptions lie at the ground of the contested transitional justice process. Moreover, it shows that political actors appropriate and use the concept of dealing with the past as an instrument to gain legitimacy for other political claims and power struggles.