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0521542642 - My Neighbor, My Enemy: Justice and Community in the Aftermath of Mass Atrocity

Edited by Eric Stover and Harvey M. Weinstein

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## My Neighbor, My Enemy

*Justice and Community in the Aftermath of Mass Atrocity*

*My Neighbor, My Enemy* tackles a crucial and highly topical issue – how do countries rebuild after ethnic cleansing and genocide? And what role do trials and tribunals play in social reconstruction and reconciliation? By talking with people in Rwanda and the former Yugoslavia and carrying out extensive surveys, the authors explore what people think about their past and the future. Their conclusions controversially suggest that international or local trials may have little relevance to reconciliation in post-war countries. Communities understand justice far more broadly than it is defined by the international community, and the relationship of trauma to a desire for trials is not clear-cut. The authors offer an ecological model of social reconstruction and conclude that coordinated multi-systemic strategies must be implemented if social repair is to occur. Finally, the authors suggest that while trials are essential to combat impunity and punish the guilty, their strengths and limitations must be acknowledged.

ERIC STOVER is Director of the Human Rights Center at the University of California, Berkeley, USA, and Adjunct Professor in the School of Public Health there. He has served as an “Expert on Mission” to the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda. In the early 1990s, he conducted research on the medical and social consequences of land mines in Cambodia and other post-war countries. His findings helped launch the International Campaign to Ban Land Mines, which received the Nobel Prize in 1997. His books include *The Breaking of Bodies and Minds: Torture, psychiatric abuse, and the health professions* (with Elena O. Nightingale); *Witnesses from the Grave: The stories bones tell* (with Christopher Joyce); *The Graves: Srebrenica and Vukovar* (with photographer Gilles Peress); and *A Village Destroyed: May 14, 1999, war crimes in Kosovo* (with Fred Abrahams and Gilles Peress). His forthcoming book, *The Witnesses: War crimes and the promise of justice in The Hague*, will be published in 2005.

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# My Neighbor, My Enemy

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of Mass Atrocity*

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Eric Stover

*and*

Harvey M. Weinstein



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PUBLISHED BY THE PRESS SYNDICATE OF THE UNIVERSITY OF CAMBRIDGE  
The Pitt Building, Trumpington Street, Cambridge, United Kingdom

CAMBRIDGE UNIVERSITY PRESS

The Edinburgh Building, Cambridge, CB2 2RU, UK  
40 West 20th Street, New York, NY 10011-4211, USA  
477 Williamstown Road, Port Melbourne, VIC 3207, Australia  
Ruiz de Alarcón 13, 28014 Madrid, Spain  
Dock House, The Waterfront, Cape Town 8001, South Africa  
<http://www.cambridge.org>

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First published 2004

Printed in the United Kingdom at the University Press, Cambridge

*Typeface* Plantin 10/12 pt.    *System* L<sup>A</sup>T<sub>E</sub>X 2<sub>ε</sub> [TB]

*A catalogue record for this book is available from the British Library*

*Library of Congress Cataloguing in Publication Data*

My neighbor, my enemy : justice and community in the aftermath of mass atrocity / edited by Eric Stover, Harvey M. Weinstein.

p. cm.

Includes bibliographical references and index.

ISBN 0-521-83495-3 (hb) – ISBN 0-521-54264-2 (pb)

1. War crimes. 2. Genocide. 3. International criminal courts. 4. Reparations.  
5. Retribution. 6. Social justice. I. Stover, Eric. II. Weinstein, Harvey M.

K5301.M9 2004

341.6'9 – dc22 2004047285

ISBN 0 521 83495 3 hardback

ISBN 0 521 54264 2 paperback

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For the families of the missing

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## Foreword

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It is comforting to watch the trials afterwards.

After the bombs and the machetes. After the war of brother against brother and neighbor against neighbor. After the torn bodies and the burnt-out villages. After the faces of grief and the faces of those who are so beyond grief they cannot speak and cannot cry. After the children blown up or hacked to death. After the rubble and the fires.

After all of this and too much more, so much more than anybody should be expected to witness, let alone live, yes, it is comforting to hear about, see from time to time, the trial of the man, some of the men, held responsible for any one of these outrages against humanity.

Comforting to watch the accusations, the evidence, the witnesses.

Justice is being done, punishment will be meted out, a balance has been redressed to a universe gone mad.

I am one of those who has been consoled and moved by those exemplary rituals of the law during which violators of human rights are forced to accept and obey the rules, the very civilized behavior, they have so pitilessly flouted. I have been among those who proclaim how urgent and necessary such proceedings are for the well-being of our wounded humanity. Important for the victims, instructive for the victimizers, healthy for the community that was damaged, and deeply satisfying for those who watched from far away and could do nothing to stop the horror. I have celebrated tribunals and judgments and truth commissions, the attempts to establish an official version of what went wrong so that everyone in a divided nation can agree on the past and perhaps come together to build a different future. I have felt that it is imperative, after a trauma, to find ways to decipher and perhaps tell the story embedded in the pain. I have murmured to myself the hope that this is how humans mitigate fear, purge its effects, send a warning message to other perpetrators that they will not be safe.

And yet, crucial as these efforts to deal with the unspeakable may be, beneath my enthusiasm there has always lurked the suspicion that such performances of justice are not enough, that they do not answer by

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themselves, cannot answer, the really hard questions left in the wake of destructive conflicts inside nations.

It is the singular merit of this book that it asks those questions, does not flinch from examining up close, brutally up close, the aftermath of genocide and ethnic cleansing, the dilemmas that flood societies that have gone through those chaotic and ravaging events. How can survivors coexist with those who killed their most beloved kin? How can trust be restored to a community where our best friends betrayed us, refused us refuge? Can the needs of an international war crimes tribunal for forensic evidence be reconciled with the needs of families desperate to identify and bury their butchered relatives? Indeed, can reconciliation ever be truly achieved in a society where the perpetrators deny their crimes? How is the damage repaired? Through money? Through symbolic and moral acts? Person by person or collectively? By providing education to the children of the dead or providing resources to the group that was injured? And can the ruined fabric that once held a society together ever be sewn together again? How to change the obdurate conditions that led to these conflicts in the first place, how to insure they will not recur? Can a different form of common identity, forged in tolerance and not in detestation, be built by former enemies who are now again neighbors? Are there ways in which trials and legal proceedings can be understood not as the ultimate solution to every horror that consumed that landscape but as part of an on-going quest for long-term peace? Are there alternative systems of restorative justice which more efficiently integrate the vast and still-fearful community, taking into account the customs and traditions of its own members? And how to involve the victims in the definition of what is to be done, how to avoid imposing upon them formulas from afar and from above, how to make them true participants in the rebuilding of their lives?

The many authors of this book, in their essays, reports and meditations, dare to put these and many other searing questions to the inhabitants of the former Yugoslavia and Rwanda, two of the most maliciously infamous zones of our contemporary humanity, and rather than offer gratifying answers, afford readers a view from the ground up, allowing the people who continue to live in those places to express the extraordinary complexity of lives that are strangely hopeful in the midst of so much desolation. As attention is lavished in this book on the survivors of mass terror themselves, we come to realize that it is in the shadow of the demolished mosques and the blighted fields that the predicament of these men and women can be truly illuminated, and that if these inhabitants of terror and faith are interrogated from the ground up with respect and open-mindedness, then creative responses – artistic, judicial, economic, educational, psychological – can be discovered and implemented.

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From the ground up. If I have repeated these words, there is a reason, and more than one. First, because those words hint at the basic philosophy that has animated the editors of this remarkable volume – the confidence that those who have been most hurt have the best idea of how to mend the destruction, and that it is on the ground therefore, in the field so to speak, that solutions, no matter how tentative, will be found. But also, *from the ground up*, because I sense a secret pattern weaving in and out of the voices collected in *My Neighbor, My Enemy*. Not only the certainty that we can learn from the extreme savagery inflicted by one human on another, one group on another. Not only the conviction that we must not lie about the immense difficulties arising from those atrocities – we cannot let ourselves grow comfortable with easy explanations that do not address the underlying causes of the catastrophe. But *from the ground up* primarily because the protagonists of this tragedy – and those who possess the courage to listen to them – understand that there is no other way of honoring the murdered dead, those who are under the ground, below the earth, demanding to be heard, demanding that we build a world where people die peacefully in their beds when their time has come, surrounded by the friends of yesterday and the neighbors of tomorrow. The fundamental message of this book: there is no other way of bringing back the dead than to tell the truth.

ARIEL DORFMAN

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## Acknowledgments

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This book is the culmination of more than four years of investigation by ten research teams in four countries, speaking six different languages and representing nine different disciplines. It is a tribute to our researchers that each one put ethnic and cultural differences aside and made concerted efforts to reach beyond the narrowness of a disciplinary perspective in order to engage with colleagues to understand the complexities of social reconstruction. As editors, we would be remiss if we did not recognize the enormous strength it took to surmount these barriers. Despite the uneasy ups and downs of negotiations and compromise, our researchers are a model of collaboration across cultures and conflict.

To all of our participants who survived ethnic cleansing and genocide and who live daily with the consequences of the horrors, we express our gratitude for the countless hours you gave us, for the time you spent in answering survey questions, for putting up at times with our naiveté, and for helping us understand the resilience of the human spirit. Thank you for sharing your stories, your tears, your hopes, and your courage.

These studies could not have been completed without the generous financial and moral support of the John D. and Catherine T. MacArthur Foundation and Mary Page, the director of the Program on Global Challenges; the William and Flora Hewlett Foundation and Melanie Greenberg, then director of the Conflict Resolution Program; and The Sandler Family Foundation which has supported the vision and direction of the Human Rights Center at the University of California, Berkeley from its inception. A grant from the Rockefeller Foundation allowed us to bring all the researchers and relevant others together in July, 2003 at the Villa Serbelloni in Bellagio, Italy for a conference titled “Justice in the Balance: Rebuilding Communities in the Aftermath of Genocide and Ethnic Cleansing.” The chapters for this book were developed at that meeting. The Villa provided the perfect setting to stand back and assess what we had learned while Lake Como and the gardens provided the calming atmosphere that promoted collaboration and intellectual risk-taking. We are grateful to all of those who attended, challenged our

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thinking and encouraged us to keep to the task of making sense of the mounds of data we had collected.

There are so many individuals and organizations whose efforts made our work easier and who led us in critical directions of inquiry. In the Balkans, none of our work could have been done without the generous assistance of Senada Kreso. Her understanding of cultures and her incredible abilities at organizing, interpreting, and translating, along with her ability to pick up the phone and arrange meetings with just about anyone, made her an unbelievable asset to the work. Her passion for Bosnia sensitized us in ways that have deeply affected our understanding of that beautiful land. Laurie Lola Vollen, Doug Ford and their colleagues at Physicians for Human Rights in Tuzla helped us to begin our journey in 1998 and provided administrative support (and a place to stay) as we made our way around the Balkans. In Sarajevo, we were helped immensely by the staff of the Center for Human Rights at the University of Sarajevo, and especially its former director, Ermin Sarajlija and librarian Sasa Madacki. The Center's Aida Mehicevic was a fabulous "fixer." To Mirsada Muzur at Prism Research, thanks for encouraging Dino to become involved and for tempering Bosnian irony with Australian sunshine. In Zagreb, the Society for Psychological Assistance staff was unfailingly helpful in hosting meetings and arranging contacts in Zagreb and in Vukovar. We have been very fortunate to work with several organizations that facilitated the research, including the Humanitarian Center for Integration and Tolerance in Novi Sad, Serbia, and Montenegro; the Center for Peace, Non-Violence, and Human Rights in Osijek, Croatia, and especially Branka Kaselj and Snjezana Kovacevic; the Helsinki Committee and the Human Rights Center in Mostar, Bosnia and Herzegovina; the SMRRI Group in Serbia and Montenegro; and the Helsinki Committee in Belgrade. In each country, we found organizations that were committed to peace and human rights and who fearlessly pursued that objective despite pressure to conform to nationalist ideologies. We feel honored to have had the opportunity to work with them.

So many people smoothed our way as fixers and interpreters. The stories they heard were not always easy or pleasant but they carried out their roles with courage and dignity. Among these, we especially thank Biserka Belicza from Zagreb whose effusive humor should be bottled and sold, and Lejla Efendic from Sarajevo who took on additional duties as a researcher when she re-interviewed several witnesses who had testified at the International Criminal Tribunal for the former Yugoslavia (ICTY).

Finally, we thank those in official positions in international institutions who consented not only to meet but also who expressed their opinions directly and honestly. From the Office of the High Representative (OHR)

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in Bosnia and Herzegovina, we received support and information that provided context and a larger dimension to what we heard in the towns and villages we visited. We especially thank Peter Bach, then (OHR) legal advisor, and the political offices at the OHR office in Mostar for their briefings and perspectives. At the ICTY, we received overwhelming support from current and present staff of the Office of the Registrar and the Office of the Prosecutor. We especially thank Graham Blewitt, Danielle Cailloux, David Tolbert, Wendy Lobwein, Monica Naslund, Caitriona Palmer, Brenda Hollis, Alexandra Milenovic, Daniel Saxton, John Hocking, Liam McDowell, Sam Muller (now with the International Criminal Court), and Refik Hodzic. Judge Nevanthem Pillay, formerly with the International Criminal Tribunal for Rwanda (ICTR) and now a judge with the International Criminal Court, was always thoughtful in answering our questions and open to discussing our critiques of the ICTR's work.

In Rwanda, we were fortunate to work with the Center for Conflict Management at the National University of Rwanda in Butare. Through their endeavors and contacts, we were able to meet with many in government who were helpful in granting permissions for our work and in facilitating its progress. We want to single out Beatrice Buyoga whose administrative capacities made dealing with bureaucracy so much easier. The faculty at the Center assisted us greatly in finding student-assistants to help us carry out the survey and to translate the questionnaire results. The Faculty of Education at the University also was instrumental in selecting students to work with us in the school interviews and focus groups and assisting in the translations of the transcripts. Our work could not have been completed without the support of the Ministry of Education, which allowed us to work in the schools and to ask hard questions.

At home, little would have been accomplished without the untiring efforts of Liza Jimenez, the administrative assistant for the Human Rights Center. With her unflinching sense of humor and "can-do" attitude, she has made it possible for us to work across countries with minimal hassle. She has injected a little "salsa" into our daily lives and has made the University procedures much easier to deal with. We owe her a great deal. Our Berkeley colleague David Cohen and our friend and editor Jonathan Cobb provided thoughtful comments on some of the chapter drafts.

The writing of the book was supported by writing residencies awarded to Eric Stover by the Ucross Foundation and the East-West Center and to Harvey Weinstein by Blue Mountain Center. It is a luxury indeed to have the unfettered opportunity to write, especially when surrounded by the beauty of flowers, woods, blue sky, water, and stimulating colleagues.



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So many people have contributed to the studies and to this book. Professor Marita Eastmond of the University of Gothenburg, Sweden whose anthropological eye helped broaden our understanding of communities, and scores of graduate students whose critical perspectives always make one pause, especially Bronwyn Leebaw, now at the University of California, Riverside; Emily Shaw; Naomi Levy; Beth Lewis Samuelson; Damir Arnaut; Daska Babcock-Halaholo; Kerstin Carlson; Anne Mahle; Edisa Pestek; Gordan Radic; Tamara Todorovic; Hannah Scholl; Khanh Bui; and Suman Paranjape. As Victor Peskin has worked on his dissertation about the *ad hoc* international tribunals, he provided us with astute insights, as did Craig Pollak as he developed his master's thesis on the burial of the dead from Srebrenica. We are grateful to Gilles Peress, whose powerful photographs grace the cover of this book. We also want to thank Ariel Dorfman, whose experiences with the terror of repression in Chile color the moving preface that he contributed.

Our wives gave us unflinching support in the preparation of this book. Rhona Weinstein has been a colleague, advisor, and muse to Harvey throughout this project. Her sage and sometimes pithy comments have kept him on track, and her unwavering belief in him has always been a great source of strength. The long distance, and his sometimes being in unknown places, has been stressful, but she has always seen the larger picture, and in that sense has contributed much to the project and to the people of these countries. During this project, when Harvey became gravely ill, it was Rhona who kept him going. This book is in great part a reflection of her determination to hang on, to not let go, and there are not enough expressions of gratitude that can encompass his appreciation. Eric and his wife, Pamela Blotner, also a contributor to this volume, conducted research together in Croatia and Bosnia and Herzegovina. Pamela's wit, intelligence, and love of people and art make her a wonderful traveling partner, friend, and soulmate.

Finally, the editors must acknowledge each other. Put two strong-willed perfectionists together and that can spell disaster. That has not been the case here. The collaboration has been fruitful, occasionally joyful, and a privilege for both of us. Hopefully, this book, the product of four years of intense discussion and debate, will translate into policies and practices that make the rebuilding of divided societies a more thoughtful and deliberate process.