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CHAPTER 1

Stories about the Aftermath of Atrocity

When a war or genocide ends, there is a moment of uncertainty and disbelief. Yolande Mukagasana, a survivor of the 1994 genocide against the Tutsi in Rwanda, explains that when she reached the territory of the Rwandan Patriotic Front (RPF) and others around her began to sing and dance to celebrate their survival, she sat still as if 'waiting for the world to end'.[1] A similar moment takes place when graphic journalist Joe Sacco recounts Dalila's reaction to the Dayton Peace Agreement that ended the Bosnian War in 1995. Dalila, a Bosniak woman living in Goražde in Eastern Bosnia and Herzegovina (BiH), was joyous at first but realised soon that she did not then know how to behave.[2] These moments of confusion mark the new rhythm of life. Those who are alive start giving new meanings to their existence to continue to live. This is a long process of (re)building in the wake of atrocities that involves individuals, communities, institutions and states.

My book explores this trajectory of change in the aftermath of war and genocide. I contend that reflective narratives enable us to understand and conceptualise the processes of establishing lasting peace. Reflective narratives are stories constructed slowly in and through arts and law which imagine futures different to the present. These narratives differ in authorship, purpose, form and audience but share self-reflexivity about their relationship to the aftermath of war and genocide. Stories and exchanges between people ground the complex question of how to build peace in comprehensible human actions, behaviours, attitudes and feelings.

[1] Yolande Mukagasana, *Not My Time to Die* (Huza Press, 2019), 178.
[2] Joe Sacco, *Safe Area Goražde* (Fantagraphics, 2000), 211.

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Studying reflective narratives helps make sense of ways in which decisions by military and political elites shape individual and group experiences. This book focuses on stories from and about Rwanda and former Yugoslav countries after the 1994 genocide against the Tutsi in Rwanda and Yugoslav Wars of the 1990s, since the reflective narratives about these events have emerged in the last thirty years against the backdrop of evolving international politics from the period of heightened human rights consciousness in the early 2000s to more recent fragmentation and polarisation.

The question of how to (re)build lives and societies opens up a space of diverging priorities, beliefs and visions for the future which often results in compromises. Transitional justice (TJ) as a scholarly field and practice seeks to understand the complementary and competing aims and mechanisms of addressing the legacies of political violence. This book analyses reflective narratives through four TJ aims or goals: truth, justice, healing and reconciliation. The recognition of the past in the present is envisioned to shape the present for a different future. John Paul Lederach maintains that the ability to imagine a future is necessary for changing the present.[3] Imagination here refers to thinking creatively about events, people, processes and interactions to envision a situation that does not (yet) exist. Arts and law imagine and help imagine futures and, in doing so, negotiate meanings of TJ goals and unearth new ones. This brings forth the role of creativity not as an instrument of implementation of TJ but as part of knowledge production about it. My focus on the select TJ goals – truth, justice, healing and reconciliation – complements understanding of specific mechanisms, such as international criminal tribunals, truth commissions or reparations.

This chapter outlines different stories about the aftermath of atrocity in Rwanda and former Yugoslavia that circulate widely and internationally. It traces the characteristics of reflective narratives and explains how I approach them across disciplinary conventions, building on the methods of 'law and literature', known as an interdiscipline. I also situate law and arts as reflective narratives in the TJ field before offering a brief overview of the chapters of this book.

[3] John Paul Lederach, *The Moral Imagination: The Art and Soul of Building Peace* (Oxford University Press, 2005), ix.

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NARRATING RWANDA AND THE FORMER YUGOSLAV COUNTRIES

Stories of what happened before, during and after violence in Rwanda and the former Yugoslav countries circulate locally and internationally. People share their experiences and hopes privately with family and friends. Journalists broadcast and write about events, decisions, observations and interviews, giving a platform to different voices, policies, institutions and perceptions. These narratives are shared and circulated by those directly affected by violence and by others from a distance to inform, explain, advocate or draw attention to the past and present. Different narratives – in the media, history books, through legal decisions and judgments or arts – are part of the 'global social discourse', which according to Marc Angenot consists of everything uttered and written that circulates through (social) encounters, shaping 'the manner in which societies know each other' and themselves.[4] While different languages and narrative forms enable and limit the reach of discourses about other societies, narratives and ideas circulating in the public sphere shape perceptions and attitudes, which may in turn inform political decisions, bridging the gap between ideas and the world that we live in. This book exists as part of the constructivist and post-structuralist traditions that view discourses as instrumental to knowledge and the understanding of what surrounds us. I start from the recognition that narratives construct meaning.

Narratives located in different contexts of media, history, law or arts have different origin, format and purpose but can be brought together as narrative sites that consist of text. The media and political narrative are often reactionary and focus on immediate events: yesterday's news is old news. The speed of production and circulation differs in what I call reflective narratives. These narratives emerge slowly – here as a response to genocide and war in Rwanda and the former Yugoslav states – and foreground reflection, producing far-reaching and considered insights into the aftermath of atrocity. Reflective narratives are characterised by their

[4] Marc Angenot, 'What Can Literature Do? From Literary Sociocriticism to a Critique of Social Discourse', trans. Robert F. Barsky, *The Yale Journal of Criticism* 17, no.2 (2004): 221.

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delayed temporal relationship to an original event, the time it takes to construct the narrative and the orientation of the narrative content towards bridging the past and present to make sense of what has occurred for the future. The term 'reflective narrative' thus supports identification of discursive layers with distinct characteristics.

The reflective insights from arts and law, which I examine, imagine or help imagine future lives and society in the wake of atrocity, and they travel across national borders becoming accessible to anglophone audiences. The creative narratives include novels, drama and film, while the legal corpus comprises the archives of the International Criminal Tribunal for former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR): transcripts, video recordings of hearings, indictments, judgments, press releases and submitted evidence, such as maps, photographs, expert reports, faxes, letters and other documentation.

The legal and creative narratives are self-reflective of their characteristics and the process of construction. These narratives are valuable but different in their form, genre, style, primary target audience, and the process of narrative construction, including authorship. The creative works have a clearly identifiable author or director who chooses a genre, makes stylistic decisions and has full control over the narrative and its aesthetic appearance. While a translator of a text and actors in a film or play shape the appearance of a creative work, they do not control its imagined world.

In contrast, the legal narrative is constructed in an interactive process between the parties (the accused, defence lawyers and prosecution representatives), witnesses, judges and the registry, including registrars, ushers, translators and stenographers. The interaction and roles of these actors in international trials are shaped by statutes and international criminal law's rules of procedure. Although the prosecution plans their case and the sequence of evidence, including witness testimony, which is followed by a similarly planned defence case, the day-to-day proceedings are prone to changes and are comprised of speech acts, of which only some are rhetorically polished or planned ahead in any detail. Because of the number of actors involved in narrative construction and their need to react and respond to each other, the legal narrative can be perceived as co-authored. Acknowledging similarities and differences,

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the following subsections briefly outline historical, legal and literary narratives about the war and genocide in former Yugoslavia and Rwanda.

HISTORIES OF WAR AND GENOCIDE. Histories of violence in Rwanda and the former Yugoslav area shape perceptions about the 1994 genocide against the Tutsi in Rwanda and the Yugoslav Wars as well as the aftermath of these events over more than thirty years. The genocide and war in Rwanda and former Yugoslavia share the post–Cold War temporal moment which was characterised by widespread human rights consciousness and optimism about international interventions and liberal institutions to protect human rights and advance peace.[5] The 1990s saw failed peacekeeping attempts by the United Nations (UN) in Yugoslavia and Rwanda before and during the atrocities. These peacekeeping missions took place as a continuation of the long series of events involving local populations and external actors, which sets narratives about these historical events in the wider global context. In the local and national context, politicians and military leaders constructed and used historical narratives to advance divisive political agendas and to justify violence. Perceptions of histories thus contributed to violence and to the present explanations of what happened and why.

The Socialist Federal Republic of Yugoslavia dissolved during the Yugoslav Wars that followed the declarations of independence by Slovenia and Croatia in 1991 and BiH in 1992. The death of Josip Broz, Marshal Tito, who led socialist Yugoslavia from the end of the Second World War until 1980, enabled the emergence of new priorities in domestic and regional politics influenced by economic and political crises, and a desire for regional hegemony, among other factors.[6]

[5] Kay Schaffer and Sidonie Smith, *Human Rights and Narrated Lives: The Ethics of Recognition* (Palgrave Macmillan, 2004), 1; Caroline Fehl, 'Bombs, Trials, and Rights: Norm Complexity and the Evolution of Liberal Intervention Practices', *Human Rights Quarterly* 41, no.4 (2019): 893, https://dx.doi.org/10.1353/hrq.2019.0066.

[6] The proposed causes for the wars include a 'statehood project', power, economic situation, ethno-nationalism, etc. James Gow, *The Serbian Project and Its Adversaries: A Strategy of War Crimes* (McGill-Queen's University Press, 2003); Sabrina P. Ramet, *Balkan Babel: The Disintegration of Yugoslavia from the Death of Tito to the Fall of Milošević*, 4th ed. (Routledge, 2002); Lenard J. Cohen and Jasna Dragović-Soso, eds., *State Collapse in South-Eastern Europe: New Perspectives on Yugoslavia's Disintegration* (Purdue University

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Different religious identities were politicised in pre-war discourse and used by politicians to drive separation.[7] History explains the variation in traditional religious composition – Roman Catholicism, Eastern Orthodoxy and Islam – with some areas of the former Yugoslavia having been part of the Republic of Venetia, Byzantine Empire, Kingdom of Hungary, Ottoman Empire and Hapsburg Empire.[8] One of the politicians using inflammatory rhetoric systematically was Slobodan Milošević, the President of the Republic of Serbia. He stirred Serbs' fears by suggesting the possibility of the repetition of the violence that occurred during the Second World War.[9] Croat fascists, Ustaše, killed hundreds of thousands of Serbs with hundreds of thousands forced to flee.[10] Moreover, in his famous speech on 28 June 1989, Milošević referred to earlier violence, the Battle of Kosovo in 1389, when Serbian Tsar Lazar was defeated by the Ottoman Empire.[11] The rhetoric of ethnic and religious fear and hatred drew upon regional history, facilitated violence and now feeds into the challenge of (re-)establishing post-war relationships.[12]

The Croatian War and Bosnian War include examples of war being waged against civilians as a result of the Serbian aim to control territory through the removal of populations perceived as hostile.[13] This strategy of ethnic cleansing was first applied in Eastern Slavonia in the autumn of 1991 during the Croatian War that lasted from 1991 until 1995.[14]

Press, 2007); Susan L. Woodward, *Balkan Tragedy: Chaos and Dissolution after the Cold War* (The Brookings Institute, 1995).

7 Ramet, *Balkan Babel*, 81. Vjekoslav Perica, *Balkan Idols: Religion and Nationalism in Yugoslav States* (Oxford University Press, 2002).

8 John R. Lampe, *Yugoslavia as History: Twice There Was a Country*, 2nd ed. (Cambridge University Press, 2000), 14–20.

9 Sabrina P. Ramet, *The Three Yugoslavias: State-Building and Legitimation, 1918–2005* (Indiana University Press, 2006), 341–362.

10 Ramet, *The Three Yugoslavias*, 114; Mile Bjelajac and Ozren Žunec, 'The War in Croatia, 1991–1995', in *Confronting the Yugoslav Controversies: A Scholar's Initiative*, ed. Charles Ingrao and Thomas Emmert, 2nd ed. (Purdue University Press, 2013), 238.

11 Laura Silber and Allan Little, *The Death of Yugoslavia* (Penguin Books, 1995), 75–76.

12 Sabrina P. Ramet, 'The Dissolution of Yugoslavia: Competing Narratives of Resentment and Blame', *Südosteuropa* 55, no.1 (2007): 26–69.

13 Gow, *The Serbian Project*, 118.

14 Gow, *The Serbian Project*, 119–120; Tamara Banjeglav, 'Conflicting Memories, Competing Narratives and Contested Histories in Croatia's Post-War Commemorative Practices', *Politička misao* 49, no.5 (2012): 10.

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Estimates of the total number of dead are scarce and contested, but some sources refer to around 22,000.[15] Nationalist narratives have portrayed the war as self-defence against the Serbian aggression by heroic soldiers who sacrificed for the Croatian state and nation.[16] Despite this glorifying portrayal, Croatia balances between its role as the victim and perpetrator of atrocities.[17]

Serbia applied the strategy of ethnic cleansing again during the Bosnian War 1992–1995, when approximately 100,000 died and over two million were displaced.[18] The widespread suffering and destruction reflects the composition of the republic's pre-war population that included 44 per cent Bosniak or Bosnian Muslim, 31 per cent Serb and 17 per cent Croat, along with some minority groups.[19] Narratives of loss, grief and responsibility are divided across the ethnic and religious groups. Before the outbreak of the war, when tensions were rising, Bosnian Serbs organised themselves politically and to guarantee security. These actions resonated with the steps the government of BiH took before the declaration of independence on 3 March 1992. These included a referendum and application for European Community recognition.[20] In response, the Assembly of Bosnian Serbs proclaimed the creation of the Serbian Republic of Bosnia-Hercegovina in April 1992, which later changed to Republika Srpska (RS).[21]

International involvement in the Bosnian War shaped domestic perceptions and contributed to new, internationally circulating narratives surrounding the pre-war arms embargo, the UN peacekeeping operation

[15] Igor Roginek, 'Documenting Human Losses in Croatia 1991–1995', in *Violence, Statistics, and the Politics of Accounting for the Dead*, ed. Marc-Antoine Pérouse de Montclos et al. (Springer, 2016), 121.

[16] Ivor Sokolić, *International Courts and Mass Atrocity: Narratives of War and Justice in Croatia* (Palgrave Macmillan, 2019), 53–55, https://doi.org/10.1007/978-3-319-90841-0.

[17] Jelena Subotic, *Hijacked Justice: Dealing with the Past in the Balkans* (Cornell University Press, 2009), 85.

[18] Ewa Tabeau and Jakub Bijak, 'War-Related Deaths in the 1992–1995 Armed Conflicts in Bosnia and Herzegovina: A Critique of Previous Estimates and Recent Results', *European Journal of Population* 21, no.1 (2005): 207, 210, https://doi.org/10.1007/s10680-005-6852-5.

[19] Ramet, *Balkan Babel*, 119.

[20] Ramet, *The Three Yugoslavias*, 206; Gow, *The Serbian Project*, 149–150.

[21] Ramet, *Balkan Babel*, 205–206; Gow, *The Serbian Project*, 173.

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UNPROFOR and the UN-established 'safe areas', a notable distinction from 'safe havens'.[22] The failure of the safe areas to protect civilians is encapsulated in the fall of Srebrenica and subsequent genocide of more than 8,000 Bosniak men and boys.[23] Republika Srpska continues to deny the genocide, and competing and contradictory narratives of victimhood separate Bosniak and Bosnian Serb communities. Questions about the failures and responsibility of Dutch peacekeepers have heightened international attention to this event. The Dayton Peace Agreement signed in December 1995 followed years of fruitless peace negotiations led by American and European actors.[24] The international involvement in the events and peace process reveals vested external interest in the historical record of the Bosnian War.

The 1994 genocide against the Tutsi in Rwanda followed decades of anti-Tutsi narratives and violence. In one hundred days from April to July 1994, Hutu extremists, including members of the Interahamwe militia, killed over a million Tutsi as well as Hutu and Twa who opposed the genocide.[25] The killings were carefully planned and preceded by hardening rhetoric, open discrimination and spreading of fear.[26] The *Kangura* newspaper and Radio Télévision Libre des Mille Collines (RTLM) radio station were instrumental in delivering hate speech.[27]

[22] Silber and Little, *The Death of Yugoslavia*, 302–304; Jan Willem Honig and Norbert Both, *Srebrenica: Record of a War Crime* (Penguin Books, 1997).

[23] Lara J. Nettelfield and Sarah E. Wagner, *Srebrenica in the Aftermath of Genocide* (Cambridge University Press, 2014), 1–2.

[24] Roberto Belloni, 'Bosnia: Dayton Is Dead! Long Live Dayton!', *Nationalism and Ethnic Politics* 15, no.3–4 (2009): 355–375; Ramet, *Balkan Babel*, 277–305.

[25] République du Rwanda, Ministère de l'Administration Locale, du Développement Communautaire et des Affaires Sociales, *Dénombrement des victimes du génocide: Rapport final (Version révisée)* (2004), 21.

[26] Alison Des Forges, *Leave None to Tell the Story* (Human Rights Watch, 1999); Scott Straus, *The Order of Genocide: Race, Power, and War in Rwanda* (Cornell University Press, 2006); Lee Ann Fujii, *Killing Neighbors: Webs of Violence in Rwanda* (Cornell University Press, 2009); Gérard Prunier, *The Rwanda Crisis 1959–1994* (Hurst, 1995); Mahmood Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda* (Princeton University Press, 2001).

[27] Linda Melvern, *A People Betrayed: The Role of the West in Rwanda's Genocide* (Zed Books, 2009), 81–84; Allan Thompson, ed., *The Media and the Rwanda Genocide* (Pluto Press, 2007); Scott Straus, 'What Is the Relationship between Hate Radio and Violence? Rethinking Rwanda's "Radio Machete"', *Politics & Society* 35, no.4 (2007).

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This hate speech built upon the constructed idea of the Hutu and Tutsi as different people despite the shared customs, beliefs and language of Kinyarwanda. The ideas of racial and ethnic difference took shape during the colonial period that began with brief German rule before Rwanda – at the time, Ruanda-Urundi – became part of Belgium until 1962.[28] The Tutsi monarchy formally continued in Rwanda under colonial rule. In 1959, after the sudden death of the king, a violent struggle for political power ensued, including Hutu attacking Tutsi and destroying their property.[29] Thousands of Tutsi fled the country. During these events of the 'Hutu Revolution', the Hutu majority established political power.[30] Violence against the Tutsi continued in the 1960s and 1970s, particularly following the Tutsi refugees' armed attempts to return to Rwanda.[31]

France supported President Juvénal Habyarimana's government that held power from 1973 onwards, providing technical and military training for the Rwandan Armed Forces, Forces armées rwandaises (FAR), as well as increased financial aid and arms sales.[32] The civil war started in 1990 when the RPF, which mostly consisted of Rwandan refugees and their children seeking a right to return, attacked Rwanda.[33] In 1993, the war ended with the signing of the Arusha Peace Accords that outlined a constitutional reform and power-sharing arrangement.[34] The Hutu extremists used the civil war to frame the Tutsi as the enemy, and the defeat by the RPF provided further space for blame and extremism, which resonates with the narrative politics that contributed to the dissolution of Yugoslavia.[35] At the end of the civil war, the UN Assistance Mission for Rwanda (UNAMIR) was established, but it struggled with political disagreements and resource scarcity.[36] The commander of the UNAMIR, General Roméo Dallaire, warned the UN of the situation in

[28] Mamdani, *When Victims Become Killers*, 55–56, 95–96, 97–110; Fujii, *Killing Neighbors*, 56–75.
[29] Straus, *The Order of Genocide*, 177–182.
[30] Straus, *The Order of Genocide*, 182; Des Forges, *Leave None*, 36.
[31] Straus, *The Order of Genocide*, 184–188.
[32] Mamdani, *When Victims Become Killers*, 205–207; Melvern, *A People Betrayed*, 56–58.
[33] Mamdani, *When Victims Become Killers*, 159–233.
[34] Melvern, *A People Betrayed*, 59–60. [35] Mamdani, *When Victims Become Killers*, 200.
[36] Melvern, *A People Betrayed*, 93–95.

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Rwanda but to no avail.[37] The genocide began on the night of 6 April after Habyarimana's plane was shot down approaching Kigali airport.[38] The international community failed to prevent and intervene in the killings that spread across the country. In June, France initiated Opération Turquoise which, however, helped Hutu perpetrators to flee.[39] Without international support, the RPF troops, most of whom entered the country from Uganda, ended the genocide by military force.[40] The failures of international actors before and during the genocide demonstrate the interwovenness of the local and global actors and narratives.

The historiography of genocide and war in Rwanda and former Yugoslavia shapes the aftermath of atrocity. In the post-Yugoslav countries, the history of the conflict remains contested, often roughly concurring with one of the nationalist discourses that mythologise historical events and national heroes, painting the other neighbouring nations as aggressors.[41] The distinct understandings of the wars shaped how local politicians interpret and comply with expectations of international actors such as the European Union (EU) whilst advancing their own priorities.[42] In post-genocide Rwanda, the government led by President Paul Kagame, a former RPF general, has established a strong political narrative based on Tutsi survivors' victimhood, whilst prioritising stability, national unity and economic prosperity in its decisions.[43] Understandings and interpretations

[37] Fred Grünfeld and Anke Huijboom, *The Failure to Prevent Genocide in Rwanda: The Role of Bystanders* (Brill, 2007).

[38] Des Forges, *Leave None*, 10.

[39] Des Forges, *Leave None*, 492, 510–520; Melvern, *A People Betrayed*, 232–234, 240–241.

[40] Des Forges, *Leave None*, 535.

[41] Jelena Subotic, *Hijacked Justice*, 66–69, 71, 83–85; Monika Palmberger, *How Generations Remember: Conflicting Histories and Shared Memories in Post-War Bosnia and Herzegovina* (Palgrave Macmillan, 2016).

[42] Ana Milošević and Tamara Trošt, eds., *Europeanisation and Memory Politics in the Western Balkans* (Palgrave Macmillan, 2021).

[43] Laura E. R. Blackie and Nicki Hitchcott, '"I Am Rwandan": Unity and Reconciliation in Post-Genocide Rwanda', *Genocide Studies and Prevention* 12, no.1 (2018): 24–37; Susanne Buckley-Zistel, 'Nation, Narration, Unification? The Politics of History Teaching after the Rwandan Genocide', *Journal of Genocide Research* 11, no.1 (2009): 31, https://doi.org/10.1080/14623520802703608; Filip Reyntjens, *Political Governance in Post-Genocide Rwanda* (Cambridge University Press, 2013).

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