

# The Arts as Healing Power in Transitional Justice

Written by Daniel Golebiewski

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## The Arts as Healing Power in Transitional Justice

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DANIEL GOLEBIEWSKI, FEB 19 2014

Whether welcoming a newborn child or mourning the loss of a relative, every society has, and holds on to dearly, its own forms of traditions. But in times of emergency such as civil war or genocide, these atrocities not only disrupt current community life but also affect future generations. With such death and destruction, no country is prepared, let alone has a “recovery toolkit,” or a “reset button,” to face the crises’ aftermath. Therefore, countries look for new ways to mourn their dead, commemorate the event, preserve the memory, and move towards rebuilding.

A little less than three quarters of a century ago, Germany, Chile, Argentina, and the former Yugoslavia, to name a few countries, began to tackle this hard decision of coming to terms with past human rights violations, some of which included genocide, disappearances, kidnappings, and torture.[1] Known as transitional justice, or a remedy of mechanisms including justice, truth commissions, reparations, memorials, and institution rebuilding, these post-conflict countries aimed to promise accountability and responsibility to come to terms with the past and to settle the terms and conditions for the future.[2]

Many of these mechanisms, however, heavily relied, and continue to rely, on either time or money. For instance, because the courts can only try a handful of people, they must decide which group to choose from—the high commanders, the planners, or the actual perpetrators. Likewise, if truth commissions want to finalize their reports before the next generation arrives, they must select only a few victims to voice their testimonies. Furthermore, memorials in the form of museums take manpower and years before they are open to the public.

As a result of these limitations, this essay looks at an ancient, but unforgotten, tradition that humans have used to express their ideas, pain, and senses of justice—the arts including theater, craft, music, film, and storytelling. Through a thematic approach, the essay examines the significant role that the arts have played and continue to play in various transitional societies by asking: why are the arts an important mechanism for transitional justice? The essay argues that since the arts provide a forum within which survivors of atrocities and their families can share their voices, tell their stories, and even evaluate the transitional justice mechanisms in their societies, transitional justice may have found a new “healing power.” After all, as Pablo Picasso once said, “The purpose of art is washing the dust of daily life off our souls.”[3]

The essay proceeds in the following order. First, it briefly overviews transitional justice’s five mechanisms. Next, the essay looks at varying countries and their different use of the arts in transitional justice. Finally, the essay provides concluding remarks.

### Five Mechanisms of Transitional Justice

Once massive human rights abuses end, the time comes for victims to ask questions and for the state to provide the answers. Because unaddressed massive abuses are likely to divide society, create mistrust between the victims and the state, and even slow down security and developmental goals, the victims and the states go through a process called “transitional justice.”

Tracing its roots back to the Nuremberg trials, the first method—the most common that victims want—is criminal prosecutions. Whether in domestic courts, in hybrid-internationalized courts like the Special Court for Sierra Leone,

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or in an international court such as the International Criminal Court, the international community investigates and prosecutes powerful leaders, both political and military, for international crimes against humanity, war, and genocide.[4]

Secondly, mainly originating from Latin America, where repressive regimes purposely rewrote history and denied their wrongdoings in order to become legitimate, truth commissions stop this rewriting by creating their own historical records from the victims' testimonials.[5] These commissions protect the evidence, compile archives, interview the victims, and finally publish reports.[6] In doing so, they help victims learn more about the fate of their disappeared relatives, or why the state targeted certain people.[7]

Thirdly, because states have an obligation to acknowledge and address any systematic human rights violations, regardless whether the state caused or did not prevent them, governments, in reparation, take steps in addressing the violations and harms that took place.[8] Such compensations include money, health care and education, or public apologies.[9]

Fourthly, to keep the memory of the victims alive, civil society builds museums and memorials, as well as renames public spaces.[10] In doing so, civil society sees these infrastructures as educating the public and trying to prevent a repetition of the same atrocity.[11] Hence, the idea is to ignite a social dialogue about the past through the phrases "never again" and "never forget".[12]

Lastly, to make sure institutions respect human rights, the rule of law, and accountability, states review and restructure their abusive institutions including the armed forces, the police, and the courts.[13] Some of these methods include: examining personnel backgrounds of officials, creating oversight bodies, transforming legal frameworks like adopting constitutional amendments or international human rights treaties, disarming paramilitary groups, and educating public officials and employers.[14]

## Why the Arts

Although these five mechanisms do try to provide some sort of a transition from the past and work to rebuild the future, they do have their limits. As a common example, though many victims want perpetrators to face justice through the courts, the states can only prosecute "a tiny percentage of those responsible for human rights abuse" for two reasons.[15] One, the government cannot afford to pay for the thousands of political trials, especially at a time when it is rebuilding.[16] And two, time is not on the state and victims' side—preparations for all the trials and proceedings would take hundreds of years to complete.[17]

Besides the courts, the truth commissions also limit the chances for victims to voice their whole story. Above all, they select only a few victims to voice their testimonies.[18] Moreover, by limiting the victim's responses to their formal proceedings, often the commissions silence and censor the victim's "truths," or make them feel uncomfortable to speak.[19] At other times, some victims do wish to speak about a political past, but it is "too horrible for words, especially when the words only come in torrents of pabulum, snake oil, and venom." [20] In both cases, then, individuals and groups feel excluded, and both cases keep certain truths unexamined.[21]

Luckily, transitional justice is not only a matter of law, but also a process of making sense of the past.[22] As Elie Wiesel (1977) argues, "If the Greeks invented tragedy, the Romans the Epistle, and the Renaissance the sonnet, our generation invented a new literature, that of testimony." [23] This testimony includes the form of the arts. Opening open up the victims' imagination, refreshing their memories, and producing new experiences, the arts uncover hidden traumas—for all to see. They create "a time and a space to remember, to mourn, to forgive, to heal, and to glimpse a new future." [24]

More specifically, the arts transform individual stories in two ways.[25] First, the arts not only tell individual stories but also tell the stories of others as a group. As a result, the arts blend the differences that exist among conflicting parties, religions, classes, and generations and make them irrelevant.[26] And second, the arts give a decisive role to the audience—the creators of the art leave room for the audience to reinterpret the piece, which sparks new emotion,

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new healing, and forgiveness.[27]

In short, by exploring every corner of every day life—the high, the low, the happy, the sad—the arts reflect, through their aesthetic appeal, the horror of an event and are, in themselves, an experience.[28]

## The Arts in Transitional Justice

### *Afghanistan*

From its top-down revolution in 1978 to the US overthrowing the Taliban's control in 2001, Afghanistan has dealt with more than three decades of war.[29] But since 2006, through the "Action Plan of the Islamic Republic of Afghanistan for peace, justice, and reconciliation," Afghanistan has implemented a national strategy for peace and justice which focuses on publicly acknowledging Afghan war victims through various forms.[30]

Besides the common example of building a national war crime museum in 2008, which

"educate[s] younger generations by presenting the history and symbols of three decades of war, including pictures and names of victims, photographs, and films of the war and destruction", [31]

Afghanistan has worked closely with the Transitional Justice Coordination Group (TJCG) to help facilitate dialogue with Afghan war victims.[32] In 2011, inviting the government and the victims throughout Afghanistan to its National Victim's Conference in Kabul, in a full room of people that have not been listened to before, TJCG handed over the microphone to the victims to tell their stories about what had happened to them and their families during the different stages of Afghanistan's internal wars.[33] Moreover, as the highlight of the conference, TJCG also presented a theater play named "Infinite Incompleteness," which is built around the victims' testimonies from different phases of the Afghan conflict and performed by local Afghan actors who, themselves, were victims of war.[34] As one woman in the film notes, "Justice for us as victims is but one word and has only one interpretation: remembering (us) and acknowledging our eternal life of our beloved (dead)."[35]

Much to the help of this conference, compared to twenty years ago when the Taliban banned and destroyed motion pictures and theaters, more victims are turning to the Afghan film industry in building and telling their national stories.[36] As old masters and excited young movie lovers turn to their country's long tradition of storytelling and theater, the Afghan film industry is becoming increasingly called "Kabulwood." [37] Though production is often quite basic and amateur, it still shows the culture and traditions of the Afghan people and wins the hearts of the Afghan audience. For example, the Afghan Film Project released "Buzkashi Boys," [38] a film offering a

"glimpse of a rarely seen Afghanistan through the eyes of two of its youngest sons, as they make their way to manhood in the most war-torn country on Earth." [39]

Nonetheless, as one filmmaker said, "Foreign movies are harmful to our culture and faith, but Afghan films give us messages of patriotism and humanity." [40] And given the country's low level of literacy, theater and storytelling are certainly ideal for the victims.

### *Chile*

Following years of military dictatorship, which included human disappearances and torturing at the hands of General Augusto Pinochet, victims in Chile began to speak out, rather than remaining silent, and began to remember, rather than forget, what they faced. In 1976, when the Vicariate of Solidarity, responding to the abuses by the military junta, provided soup kitchens, basic items, and lawyers to the victims, it also set up handicraft workshops for the victims to sell their work.[41] In a unique way, starting an "arpillera movement," which means "cloth of resistance" in Spanish, the victims sewed a chapter of history on small cloths.[42]

The arpilleras related to transitional justice in the following ways. First, the arpilleras contain scenes demonstrating

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the kidnapping, torture, and death by the dictatorship as well as daily life's hardships.[43] In addition, some recent arpilleras describe continuing the "constant search for the dead." [44] Secondly, women continue to do this craft, both as a way to finance their families and to remember the past.[45] As one arpillerista explains,

"The arpilleras were a beautiful kind of therapy for me. The first one I made showed the disappearance of my son . . . . To relieve my anguish I made my arpilleras." [46]

Thirdly, since words could not describe "so many thoughts of pain, of anguish, or rage and impotence," as well as not "enough paper in the world to tell what those years have been like," arpilleras use "visual vocabulary, offering to the women a new way of thinking about and representing the stories that 'could not be told in words.'" [47]

### Guatemala

Having dealt with a 36-year civil war resulting in a genocide of an estimated 200,000 people, Guatemala, as a country with Christian influences, used the arts in the form of angel figures—according to Christian tradition, angels are messengers who bring good and bad news from the heavens.[48] But to Daniel Hernandez-Salazar, who created the idea, "the angels are an exercise in memory"; they "are like ghosts haunting graves of the murdered." [49]

As a photographer documenting exhumations of graves for the Guatemalan Forensic Anthropology Foundation (FAFG), when one forensic anthropologist showed him, "a shoulder blade with a bullet hole that looked, oddly, like a wounded butterfly wing," and another set of shoulder blades resembling an angel's wings, he quickly saw that straight, unedited photography could not show the context of "unimaginable horror." [50] Instead, Hernandez created a new type of photographic art that shows his depictions about life and death.[51]

By taking his photographs of the scapula bones from the FAFG exhumation, enlarging them, and then printing them against another image, he created a series of angels representing the Guatemalan victims, who followed the proverb "see no evil, hear no evil, speak no evil." [52] Moreover, in April 1999, along with the help of some thirty-five friends, Hernandez placed these "street angels" throughout Guatemala City—sites such as the army headquarters and military barracks—so that the residents would wake up to these unusual displays of art, which would remind them to confront the past by speaking about it.[53]

Nonetheless, as ghosts of the past remind their victims of the events which the victims would prefer to forget—Ebenezer Scrooge and his encounter with the Ghost of Christmas Past from Charles Dickens's *A Christmas Carol* as a fitting example—the angels in Guatemala City shout unpleasant historical memories, but at the same time, force the victims to confront their atrocities.[54] In other words, if Guatemalan victims are ready to break up the mechanisms that made the violence possible, then they must confront their past memories.[55]

### Libya

After more than 40 years of oppressive rule under the hands of Colonel Muammar Gaddafi, Libyans are now eagerly expressing themselves freely and are certainly making the most of it. As arguably their first moment of democratic expression of the uprising, Libyans have turned to the art of graffiti, or using a spray can or a bucket of paint, to express their emotions.[56]

Whether on buildings, bridges, or signs across Tripoli, Libyans have turned the art into a free for all.[57] Since the late Gaddafi had massive posters of himself everywhere, some use graffiti on these posters to mock him with their disdain for his past regime.[58] For example, one Libyan painted Gaddafi in sitting in a trashcan; another portrays him as a rat with a caption that reads, "Here I am at the cats' and rats' graveyard." [59] Although the majority of the scenes do center on Gaddafi, some Libyans also show their loyalty to the transitioning government. One example says, "Libya is my heart"; another shows the Libyan flag and a peace sign.[60]

Regardless of whichever scene, the free Libyans all have a coherent message: "The graffiti and street art in post-revolution Libya is a constant reminder of what most fought for this year—to topple 42 years of tyranny." [61]

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## Peru

From 1980 to 1995/2000, internal warfare shaped by the Shining Path, the Maoist terrorist group, as well as by the military responding to this guerrilla group, plagued Peru.[62] In 2001, although President Alejandro Toledo set up the Truth and Reconciliation Commission (CVR), which uncovered 69,000 disappeared and dead bodies, the CVR's hearings and final report generated the arts—focusing on the tortured, torn apart, or killed human body resulting from terrorist violence.[63]

Before and after the CVR's hearings would take place, Peru's most well-known theater group, *Grupo Cultural Yuyachkani*[64], whose name means "I am thinking, I am remembering" in Quechua, presented three plays—*Antigona*, *Adios Ayacucho*, and *Rosa Cuchillo*. [65] In these plays, summoning the dead to speak to the living in the context of a transitional justice process, Yuyachkani sees ghosts of victims as "repositories of national memory." [66] Simply put, Yuyachkani relies on ghosts to help Peru collectively confront its past and shape the future.[67]

In *Adios Ayacucho*, for instance, a Peruvian peasant, whom the military tortured and killed, returns to Lima in search of his remains and for eternal peace.[68] Yuyachkani places the peasant's dead body and ghost with "the responsibility of speaking for the nation and with the burden of being the memory of the events the nation endeavors to forget." [69] In fact, the group seems to suggest that the dead offer much more possibilities of remembering and recovery than the living. But as Salomon Lerner Febres, the former president of Peru's CVR, noted, the Yuyachkani's work was

"not a matter so much of reproducing the facts as of producing effects . . . . Performance heighten[ed] the senses and open[ed] our imaginations to the deep truths that have gotten lost among the facts." [70]

## Rwanda

In April 1994, Rwanda experienced a genocide that killed more than 800,000 people in just 100 days. Though twenty years have passed since the massive killings ended, Rwanda is still healing itself. However, shortly after the civil war, Rwanda worked with international partners in establishing an arts platform to ease the victims' emotions.

Since 1998, Rwanda has hosted the Festival Pan-Africain de la Dance (FESPAD), or the Pan African Dance Festival, a biennial dance and music festival of more than 40,000 participants.[71] According to Anita Munyaneza, the communication and PR officer of FESPAD, Rwanda wishes that Rwandans not forget their traditions and roots—dating far back as the earliest documentation of African history—and to apply them to modern times.[72] In fact, Rwanda still views dance as an important piece of unity, peace, and integration in the areas of society, politics, and economics.[73]

In addition to this dance festival, Rwanda has recently looked into developing its own and first film industry. Known as "the Land of a Thousand Hills," trying to rival the United States' Hollywood, India's Bollywood, and Nigeria's Nollywood, the country invited its city dwellers and rural farmers—most of them having never seen a feature-length film in any format, let alone on a large screen[74]—to gather before a giant inflatable screen for its first traveling Film Festival in 2005.[75] Although this may seem as an outdated way of watching films—these so-called "drive-in theaters" that were common in the 1950s and 1960s across rural areas of the US—the Rwanda Film Festival does shine the spotlight for Rwandan victims to tell their stories in their own words in these films.

Moreover, in the area of theater, as a Chadian author and playwright, Koulsy Lamko sees theatre "as a matter of survival for Rwandans and their culture." [76] By staging performances with conflicting views on the Rwandan genocide, he gives the audience the chance to re-examine ideas and to intervene when they disagree or add to the debate.[77] For instance, in his first theatrical presentation in Rwanda titled *Corps et voix: paroles rhizome*, Lamko selected parts from novels and poetry telling what happened in 1994, but also revived Rwandan language and traditional myths in between, some of which include songs, dances, and traditional events.[78] At the end, Lamko notes that even though words cannot describe genocide, victims must still "voice and listen to the 'unsay-able' in

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order to accomplish the work of remembrance.”[79]

Lastly, with 70% of the entire Rwandan population being women after the civil war and facing a future with uncertainties, Rwanda women drew strengths from their ancient art form—weaving—as a way to rebuild their communities and their lives together.[80] In fact, when visiting and seeing the beauty of the traditional woven baskets, Noeleen Heyzer, Executive Director of the United Nations Development Fund for Women (UNIFEM) founded, by partnering with Macy’s, the Rwanda Path to Peace project, which set up a global market for this craft in 2005.[81] Quickly selling out online and gaining media, as each is entirely handmade using century-old techniques and designs, the woven baskets provide both income and a chance for Rwandan women to keep their tradition alive.[82] In this way, the women have some power of opportunity in their hands in shaping their future.[83]

## South Africa

After battling with apartheid, and in the process of transitioning to nonracial democracy, some South Africans took local materials—blue shopping bags and cowhides—and transformed them into memory works.

Whether in the painting *The Man Who Sang and the Woman Who Kept Silent* (1998) by Judith Manson, or *Country of My Skull* (1998), a book and performance by Antjie Krog, both make focus on a “blue plastic dress.”[84] The dress references Phila Ndwandwe, commander of Natal Umkhonto activities, but whom the security police abducted, held naked in a chamber, killed in execution form with “a single bullet wound to the top of her head,” and covered with “a plastic packet” to “protect her modesty.”[85] As a result, whenever a South African receives a blue plastic shopping bag, it automatically triggers their minds to remember Ndwandwe’s dead body, but also “The present and the past, the personal and the political, truth and justice.”[86]

Furthermore, Nandipha Mntambo, a young sculptor working in Cape Town, makes sculptural costumes out of cowhide.[87] She chose cowhide for two reasons: one, historically affluent and prosperous agrarian societies in Sub-Saharan Africa wrapped and buried their dead in cowhide, and two, the cowhide still contains some living skin cells.[88] As a result, she uses the cowhide as not only the medium “to shape morphing structures that are part human and part animal, part alive and part dead,” but also as a sign of the historically highest material in paying tribute to the dead.[89] In doing so, she shapes the cowhide into a life-sized woman, but with the smell and touch of the material, the woman represents a rotting body, a corpse.[90] For example, *Indlovukati*—a headless, ghostlike kneeling body with only a back and buttocks—actually represents Ndwandwe, who was kneeling and squatting when she was killed.[91] In other words, the cowhide figures are meant to show that part of the story is forgotten, dead, but part of it is remembered, alive.

## Conclusion

As these examples show, depending on the history of conflict and the people’s culture, every country uses the arts differently. The victims in Afghanistan went back to their old ways of storytelling and theater, but with a modern touch of producing films. Women in Chile started to make the “clothes of resistance” and formed their *arpillera* movement. In Guatemala, using Christian symbols, Daniel Hernandez-Salazar formed the “street angels,” representing that the angels have come with a message and that the message is for living victims to come out and speak. In a free-for-all, the Libyans are turning to graffiti to spray over the massive posters of Colonel Gaddafi. In Peru, Grupo Cultural Yuyachkani has its actors dress up as ghosts searching for the truth of justice. Viewing dance as an important form of unity and peace, Rwandans host dance competitions as a way for the current generation to never forget their traditions and roots. Lastly, using common items, South Africans remember the terrible death of Natal Umkhonto whenever they see blue shopping bags. Regardless of the different ways these countries use the arts, the arts often capture society’s shared traditions and sentiments better than politics or violence.

However, it is worth mentioning, “Human rights advocacy is an art, not a science. There is no one formula that will work for every situation.”[92] In reality and commonly done, transitional justice applies its five mechanisms interdependently, meaning it does not have a “one size fits all approach.” Yet just as the five mechanisms have limits, so do the arts. As the case in Libya shows, sometimes the arts can get out of hand, as the Libyans are mocking

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Gaddafi. Another limit is some victims do not wish to have the arts, such as paintings or sculptures, on every block or every street corner. And a third limit relates to the unavoidable “tick”—someone could make money off of the arts, as if the arts were more of a commercial business rather than what they are intended to be, which is a means to bring justice to victims in creative ways.

Despite these limits, however, the author believes that the arts are closer to the victims than the law through its courts and truth commissions, which follow strict procedures.

More specifically, because the arts not only tell individual stories but also the stories of others as a group, they blend the differences that exist among conflicting parties, religions, classes, and generations. Furthermore, the arts open up the victims’ imaginations, refresh their memories, and produce new forms of just about anything, from using ghosts in plays to weaving histories in cloths to making sculptures out of animal material. The bottom-line, then, is the arts—indeed—create “a time and a space, to remember, to mourn, to forgive, to heal, and to glimpse a new future.”[93]

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