Speech

Truth, Justice and Reconciliation in Post-Conflict Societies

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1 Transitional Justice and the Different Steps of Peace-Building

Transitional Justice is defined by the International Centre for Transitional Justice as follows:1 “Transitional justice is a response to systematic and widespread violations of human rights. It seeks recognition for victims and promotion of possibilities for peace, reconciliation and democracy”. Systematic or widespread violations of human rights, such as genocide and systematic practices of extrajudicial killings, enforced disappearances, torture, rape and other forms of sexual violence, most often occur in the context of international and non-international armed conflicts. Unfortunately, this fact is proven and illustrated by a broad variety of examples throughout history until more recent times, such as the Holocaust during World War II or the current brutal conflicts in Syria, Iraq, Afghanistan, Somalia or the Democratic Republic of Congo. However, systematic or widespread violations of human rights can also

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occur as the result of massive repression by authoritarian and totalitarian regimes outside of armed conflicts. Again, there are abundant examples to illustrate this point, such as the notorious military dictatorships in Latin America during the 1970s and 1980s, the Communist regimes in Central and Eastern Europe until the end of the Cold War, genocides in Cambodia and Rwanda or current repressive regimes in North Korea, Eritrea or Belarus. In some cases, armed conflicts have been initiated with the intention and for the sole purpose of committing systematic human rights violations, such as ethnic cleansing operations in the former Yugoslavia during the 1990s, which in Bosnia and Herzegovina even led to the first genocide in Europe since the Nazi Holocaust. The concept of transitional justice and post-conflict peace-building applies to all forms of systematic or widespread human rights violations, whether in the context of or outside any armed conflict.

In my opinion, post-conflict peace-building can only be successful if certain preconditions are met. Experience shows that there can be no sustainable peace without reconciliation, no reconciliation without justice, and no justice without truth. In other words, the right of victims and survivors to the truth has to be established before justice can be achieved, and some form of justice is an essential precondition for a process of reconciliation, which is a major requirement for successful peace-building. Finally, sustainable peace should rest on three pillars: democracy, human rights and the rule of law. In many cases, the international community intervened with best intentions to establish so-called second or third generation peace-building operations or even transitional administrations, as in Kosovo or East Timor, without accepting that successful peace-building is a long-term process, which has to follow these four steps: truth, justice, reconciliation and peace. Often, international peace-builders were so eager to force peace on peoples who had suffered gross and systematic human rights violations that they did not wish to waste their time with looking back and allowing enough time to establish the truth and to provide justice to the victims and survivors.

2 The Right to the Truth as Precondition for Justice: Personal Experiences

As explained above, the realization of the right to the truth is the first step in the long and winding road towards justice, reconciliation and peace. Let me explain this by my personal experience with a number of different cases. I was growing up in Austria in a period of peace-building and reconstruction after the atrocities of World War II and the Nazi Holocaust. Although Adolf Hitler