

**SEMI-ANNUAL CONFERENCE
NEW YORK CITY
JULY 11-12, 2013**

Never Forget: The Role of Memory Initiatives in Tackling Impunity

Thursday, July 11, 2013

3:30 - 5:00 pm

Session Organizer:

- Teyo van der Schoot, Senior Advisor, Rights & Citizenship Program, Hivos

Facilitator:

- Teyo van der Schoot, Senior Advisor, Rights & Citizenship Program, Hivos

Panelists:

- Louis Bickford, Program Officer, Global Human Rights, Democracy, Rights and Justice Program, Ford Foundation
- Marlies Stappers, Executive Director, Impunity Watch; Member of International Platform against Impunity in Guatemala
- Rosalina Tuyuc Velasquez, Co-Founder, CONAVIGUA; Co-founder, Political Association of Maya Women (MOLOJ)

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Teyo van der Schoot, Senior Advisor of the Rights & Citizenship Program at Hivos, opened the discussion by describing the kinds of questions memorialisation raises, and how initiatives that focus on dealing with the past can serve to tackle impunity.

The role memorialisation can play in the framework of transitional justice is still little researched in comparison to other transitional justice mechanisms. Memorialisation has been mostly seen as a tool for reparations, but increasingly it is becoming clear that it also contributes significantly to truth and non-repetition, and even justice. Memorialisation can take many different forms and manifestations, ranging from more formal and static initiatives such as the erection of monuments, preservation of sites of violence, official commemoration dates, preservation and digitalization of archives; to more informal initiatives such as commemoration events, cultural ceremonies, murals, truth-telling, intergroup dialogues, youth education, etc. Contrary to national truth commissions, local memory initiatives often emerge as a bottom up endeavor, in which survivors themselves decide on design and implementation. For this reason, they tend to better reflect the sufferings of victims of violence and connect this with prevailing inequalities and needs in the present. As such they provide enormous potential to complement some of the shortcomings of the more conventional top down mechanisms.

Several critical questions for donors emerge. How should financial support be balanced between criminal prosecutions and truth commissions on the one hand, and more bottom-up (memory) initiatives on the other? How do we achieve maximum impact? Who “owns” (or should own) memorialisation? How can donors engage in local memorialisation initiatives while still being able to claim that these initiatives are a truly locally-owned process and effort?

Van der Schoot then referred to the international conference on memory initiatives held by Impunity Watch in Cambodia last year, where 5 country research reports and a comparative analysis were discussed among practitioners and victim groups from these countries, international academics and policy makers. As a result of these discussions, they developed a set of Guiding Principles of Memorialisation (summary distributed in the conference) to assist practitioners and funders to engage in memorialisation and support societies in dealing with past atrocities and cultures of impunity.

Van der Schoot asked Rosalina Tuyuc Velasquez, Co-Founder of CONAVIGUA, about her experiences from the memorialisation conference in Cambodia. Velasquez noted that memorialisation must always be based on local culture. By way of example she explained that in Cambodia at many memory sites the bones of the massacred are exposed, whereas in Guatemala the display of bones is perceived as a lack of respect for the dead. But there are similarities between the kinds of violence used against these victims. Velasquez noted that she was impressed by the technologically advanced memory projects in Cambodia: audiovisual products are a great tool that may help educate youth.

The biggest difference between what happened in countries like Burundi or Bosnia, versus Guatemala, is that violence was perpetrated between ethnic and religious groups, rather than committed by the state against the population. This difference implies that the challenges to memorialisation are therefore different in these countries as compared to Guatemala.

Marlies Stappers, Executive Director of Impunity Watch, then explained how memorialisation can address transitional justice. The role of memorialisation is to facilitate reconciliation processes for the victims of atrocities, to remember the victims, to create a space for reflection of the past, and to ensure such acts never happen again. It cannot be ignored because victims have a need and a *right* to commemorate and dignify their loved ones. Locally driven memory initiatives will – sooner or later – always emerge.

Although memorialisation is acknowledged as an important tool to ensure these atrocities never happen again, in practice memory initiatives play a much more complex and less positive role. They often generate a “victim hierarchy,” a particular victim group being given much more attention than another group, often leading to further ‘victimization’ of the underrepresented group. In many post-conflict societies the root causes of violence have not been addressed and structural problems in the state institutions continue to exist. This leads to the creation of “cultures of impunity” where a society accepts impunity for human rights abuses as the normal order. In such a context memory initiatives can help defy some of these root causes of impunity, but to the extent that they threaten vested interest, can

also easily become places where violence re-emerges. We must address the root causes first to help reduce obstacles to ending impunity.

Stappers detailed memorialisation initiatives from three post-conflict regions with different characteristics and pointed out some of the specific challenges they face in these contexts. In Bosnia-Herzegovina, opposing groups have constructed competing memorials leading to a 'memory war,' the entrenchment of conflict identities, and deepening divisions between conflicting groups. In Rwanda, the party in power – representing the Tutsi minority - have used memorialisation as a political tool to strengthen their claim to power by imposing a one sided narrative that blames the entire Hutu ethnicity for genocide on the Tutsi, denying the crimes committed by Tutsi against the Hutu, or failing to acknowledge the many Hutu who saved Tutsi during the genocide. Guatemala is an example where violence was committed by the state against communities and groups engaged in the struggle for social justice (rather than between ethnic groups). Here, memory initiatives, as soon as they are perceived as a challenge to the status quo, get violently repressed and replaced by State initiatives.

Memory initiatives deal with the victims of serious crimes, and therefore – explicitly or implicitly – also refer to perpetrators; and that makes them inherently conflictive, especially in those contexts where perpetrators have not been held to account and where a culture of impunity is in place. Some people, including funders, tend to shy away from these complexities, following the principle of 'do no harm' and preferring to invest in less political projects building up a "peace dividend" (including income generation, housing, infrastructure). Stappers pointed out that engaging in memorialisation can indeed be conflictive and obliges us to tackle the root causes of the conflict. But when dealt with appropriately (context sensitive, bottom up, as a process and not as a static result), memorialisation can make an important contribution to resolving some of the challenges and combating the culture of impunity. The guiding principles of Memorialisation developed by IW provide important guidance as to how to engage in memorialisation, maximizing its positive impact on impunity reduction and conventional TJ mechanisms, while mitigating its negative side effects.

Van der Schoot asked Velasquez to share her thoughts on the recent Rios Montt Trial in Guatemala and how it was received by her community. Velasquez shared the positive outcomes of the trial and its influence on future cases of genocide. She considered this a historical trial because it accomplished the following:

- Established a long-awaited historical verdict that for a long time was thought impossible.
- Provided an opportunity for poor and illiterate women to testify and share their stories in an official tribunal, fostering their empowerment.
- Shifted international attention and interest to Guatemala.
- Represented the first time a former head of state has been prosecuted for genocide in a national court.

However, within 10 days the Constitutional Court annulled the case and left the country in a judicial chaos. Velasquez acknowledged that the struggle is not yet finished. Human rights defenders and the

tribunal face danger and persecution, needing protection from the international community and funders.

Both Velazquez and Stappers then shared some examples of bottom up memory initiatives in Guatemala, that served as a tool that helped victims understand the causes of the violence that they suffered, and that has empowered them to change their identity from passive victims to active protagonists. They are now actively involved in several processes related to truth finding, search for the disappeared, claiming justice, demanding reparation, and the education of their children. Whereas political will is currently lacking for any meaningful State involvement in transitional justice mechanisms, these victim-owned processes are flourishing and constitute a strong bottom up statement against the state-imposed narrative that tries to justify the massacre of 200.000 indigenous people as “collateral damage” of a supposedly necessary “war against communism.”

Louis Bickford, Program Officer of the Global Human Rights, Democracy, Rights and Justice Program, at the Ford Foundation, provided possible lenses for grantmakers to support memorialisation initiatives occurring in transitional justice contexts. These lenses are not mutually exclusive, but rather reinforce each other.

- Impunity lens – this session on memory initiatives is fundamentally about the past not being accepted, and this must be challenged. In fact, human rights have begun to challenge this and historical impunity.
- Civic engagement lens – when done well, memory initiatives can be sites of civic engagement and questioning of our very own societies.
- Art & culture lens – other ways to imagine (outside of the law) must be considered and cultural actors must be engaged in discussions about the past.
- Community-involvement lens – communities on the ground need to be involved in memory initiatives and smaller, local memorials to be established.

Question-and-Answer Session

A participant asked if it would be worth bringing up all cases of genocide from the past, or if that would undermine current ones. Panelists responded that this was dependent on the political will of the state and state institutions to engage in justice. Transitional justice can sometimes be superficial, giving states legitimacy to allow abuses to continue.

Another participant questioned the term “never again” and asked if there was a way to be more inclusive in this process. Panelists responded that memory initiatives that have not been properly implemented have indeed overlooked inclusivity leading to even more problems. It is not an easy process.

A participant asked if healing can be implemented without judicial establishments. Because we are talking about human losses, caring, and the value of people’s lives, Panelists stressed that healing cannot be truly captured only by judicial establishments.

Another participant asked about human dignity in this dialogue – where is it? Velasquez proposed that this whole conversation was about humanization, about recovering personal dignity, about taking away the guilt of those who were innocent (particularly women), about universal responsibility, about reclaiming the dignity of those who disappeared, and about “destroying war -- because war destroys dignity.”

Background Resources:

- Impunity Watch, “[Policy Brief: Guiding Principles of Memorialisation](#),” Perspectives Series, January 2013.