



Faith Based Organisations and the Management of the Painful and Untreated Past in a Context of Transitional Justice: Case of Burundi

Global Exchange on Religion in Society

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PI/2020/415-402
April 2023

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1. Introduction

Religious and faith-based actors have played wide-ranging roles during periods of conflict or authoritarian rule, from peacemakers to tacit support of discriminatory or oppressive policies, to direct or indirect instigators of violence. In some contexts, faith-based actors have been able to build critical grassroots support for peace and reconciliation, but individual religious leaders have also been held accountable for committing atrocities, such as during the Rwandan genocide.

Involving faith-based organizations in transitional justice processes, therefore, requires a proper analysis of their role as well as the contribution they bring to the process. Although the practice of transitional justice and processes aimed at negotiating peace and transition have involved faith-based actors as key stakeholders either leading or advocating for change and democratic order, the role of faith-based actors, and the extent to which they advance truth, justice, and reconciliation goals and influence the success and legitimation of post-conflict reconstruction processes has not been subjected to much inquiry.

This absence of focus on the contribution of faith-based organisation has been perceived as strange “in a global environment where everyday lives are far more likely to reference the rituals of faith and organized religion than the abstraction of international law” (Robin 2021:10)

2. Conceptual and Theoretical Understanding Faith Based Organisations and the Management of the Painful and Untreated Past in a Context of Transitional Justice

2.1 Defining Faith Based Organisations

In the prism of this paper Religious and Faith Based Organisations (RFBOs) are understood as churches, religious organizations and political parties that present one or more of the following characteristics: a religious organizational structure, religious doctrine, religious motivation, religious overarching goal or predominately religious discourse (Ioana, (2017).

They include formal, organized institutions, such as established churches, and nationally recognized faith leaders, as well as local institutions and individuals who play a role in their communities as faith leaders. for discourse and access to financial, institutional and human resources within their faith community. (Kadayifci-Orellana, 2009)

In any context, there will be a range of religious actors, reflecting both different religions that coexist in a society (such as Islam and Christianity in West Africa) and an often-large variety of different confessions and denominations in populations that ostensibly share a faith. The implication is that in most contexts, religious affiliation will be diverse, with no single RFBA commanding the loyalty and respect of all. In such an ecosystem of RFBOs, networks will link RFBOs, the communities they serve, political actors and others, both domestically and abroad. Some RFBOs will have formal or informal links to political power, through relationships with politicians, the strength and size of the constituency they represent or, in some cases, because they are acknowledged by the state. This then potentially enmeshes such actors in both the violations that political actors may have links to and to politically led efforts to address them through a transitional justice process. Even where the politics of past violations do not affect perceptions or actions of a particular RFBA, there may be political considerations in how it chooses to engage – or not – with transitional justice. These can arise from both the RFBA's

positioning relative to political actors and toward other RFBOs and in the light of the attitudes of the community it seeks to represent.

Almost all religious traditions incorporate ideals of peace that permit religious actors to attempt to mobilize people toward reconciliation. Faith-based actors are well placed to mediate, advocate, observe, educate and engage in interfaith dialogue. Perceived as legitimate and credible, they have a common framework.

2.2. Overview of Relevant Literature

Faith-based actors are understood generally as civil society actors of a special type. Faith and religious institutions can offer some of the few shared values in societies that are highly divided in other ways and in many contexts. Religious and Faith Based Organisations (RFBO) enjoy deeper roots and loyalties in communities than any other actor. This is often accompanied by strong organizational networks at the grassroots level that can support service provision to communities as well as provide a route from communities to religious leaders at the national level. As such, RFBOs are able to engage populations and mobilize support in communities far more effectively than many other actors and are particularly sensitive to the constraints of local context. The role they play during conflict and authoritarianism can ensure they are well placed to lead transitional justice efforts. Organized churches – for example the Catholic Church in Latin America and Africa – had the authority, legitimacy and relative political safety to undertake truth-seeking activities that could challenge dictatorships in ways that few others did (Vinjamuri & Boesenecker, 2008). Many RFBOs can additionally mobilize transnational civil society through their international links.

Those who follow a particular RFBA represent spiritual communities who are bound by their faith to one another and to their faith leaders around a set of typically positive values. As such, the impact an RFBA can have relative to any other civil society actor is enhanced because of their community's strong allegiance to the institution, the values that institution represents and the strength of community that allegiance builds. The influence that RFBOs have with communities is principally a result of their *legitimacy*. The traditional or charismatic sources of legitimacy that RFBOs have inspire individuals and communities to follow them in a way that is very different from the legal logic of civil society actors who justify their action on the basis of human rights norms. This offers RFBOs the potential to lend their special legitimacy to transitional justice processes in ways that make religious actors particularly valuable allies for all those entities – governments, international organizations and NGOs – engaged in such processes. The confidence that local communities have in faith actors can encourage local ownership and engagement in justice processes.

A particular factor in enhancing the legitimacy of RFBOs is a history of resistance to authoritarianism or support to a community during conflict. Similarly, the legitimacy of such actors can be undermined if they are perceived to have been responsible for or complicit in rights violations during the period of authoritarianism or conflict. The relationship of RFBOs to past violations thus demands an examination of *autonomy* as a factor, in terms of the need to ask how autonomous of an authoritarian or violating regime any RFBA was and to examine its past conduct as an accomplice. Religious actors who have been able to strongly influence transitional justice processes are those who enjoyed autonomy from the state during war or authoritarianism and maintained this autonomy during the transition period. Such autonomy confers a moral authority that empowers their legitimacy to shape their state's approach to transitional justice. Where an RFBA is seen as compromised by its past actions, prior to such actors being perceived as having legitimacy to engage in a justice process, it may be necessary for them to both publicly distance themselves from past action and engage in other accountability processes around their behavior.

Legitimacy is not, however, solely the preserve of institutional RFBOs – individuals can also be seen as figures of legitimacy and authority. In many notable cases, individuals linked to churches and other religious institutions have used their charisma to become figureheads for transitional justice generally or for a particular approach to transitional justice. Sometimes, where a faith-based institution is tarnished by a past proximity to a violating state or armed actor, or is unwilling to take a leadership role, individual approaches can leverage the cultural values they represent.

RFBOs can also be political actors, either explicitly or implicitly, challenging injustice by confronting regimes that breach human rights or representing their community in the political arena. Transitional justice and peacebuilding will almost always be framed as a part of political contestation, and both faith and allegiance to a particular community can serve to drive a particular political perspective. Increasingly, “in most non-Western and post-colonial societies, such as Africa, religion is resuming its central place in public life, including politics,” (Munyao, 2021) and as a result, RFBOs can expect a significant role in the politics of both transition and justice. At the same time, involvement of religious actors in processes around and after conflict poses its own challenges. Religious actors are rarely fully neutral – because of links to communities, their engagement can come with conditions attached, and their involvement in political processes can undermine their moral authority (Sandal, 2019)

Some transitional justice legislation specifically mentions religious actors – ranging from simply permitting a truth commission to seek assistance from religious leaders (e.g., Liberia) to requiring, for instance, that the selection panel for the recruitment of commissioners include members of specific religious organizations (e.g., Kenya) (Munyao, 2021).

In Burundi, national consultations were carried out to inquire who should lead the transitional process. While civil society organisations were the most preferred, religious groups came in the second position 91.96 % (Comité de Pilotage Tripartite, 2010:72). Initially, the Government of Burundi (GoB) also seemed to have much trust in RFBOs to lead the transitional process. In fact, both the President and the Vice- President were from the Catholic Church and the Anglican Church, respectively. However, this trust was eroded by the 2015 socio-political crisis. Currently some TRC Commissioners are from RFBOs. However, they are not longer in the leadership role. Nonetheless, this does not prevent RFBOs to continue their work truth seeking and reconciliation work, especially at grassroots and intermediary levels.

3. Methodology

This research adopted a participatory approach. It requires the effective participation of all stakeholders. Thus, 8 focus groups were organised, with a series of carefully planned discussions aimed at obtaining perceptions on Faith Based Organisations and the Management of the Painful and Untreated Past in a Context of Transitional Justice in the specific case of Burundi. The environment was permissive and non-threatening. Each group consisted of 4-6 people. Indeed, in the art of organising focus groups, “the researcher does not do just one focus group. The focus group discussion is conducted several times with the same type of participants, so that the researcher can identify trends and patterns.” (Van Campenhoudt, Franssen & Cantelli, 2009)

4. The Critical Role of the Faith Based Organisations and the Management of the Painful and Untreated Past in a Context of Transitional Justice in Burundi

4.1. Understanding the Transitional Context of Burundi

Burundi suffered repressive military dictatorships and violent conflict between Hutus and Tutsis since independence in 1962. After a coup in 1987, tensions between ruling Tutsis and majority Hutus escalated. Tens of thousands of people died, and tens of thousands of refugees fled to neighbouring countries. Full-

scale civil war broke out in 1993, following the assassination of the first Hutu president elected since independence.

Peace talks to end the conflict began in 1998. In 2000, the principal parties representing Hutu and Tutsi interests signed the Arusha Peace Accord. The Accord established a transitional government, mandating a power sharing arrangement between Hutu and Tutsi groups. The Accord called for the establishment of a truth and reconciliation commission, a special tribunal to try perpetrators, and public consultation to inform decisions on what other forms of justice should be adopted.

After repeated delays, in July 2009 the government began this consultation process with assistance from the UN. A National Consultations Steering Committee (NCSC) of government officials, UN representatives, and local civil society groups organized focus group discussions, community gatherings, and interviews in all provinces. The NCSC submitted its report to the government in April 2010, but the government has yet to take action on its recommendations. Thus, in December 2014, a Truth and Reconciliation Commission was put in place. Ever since, 3 Commissions have been sworn in and the work is in Progress.

4.2. The Work of Faith Based Organisations to Address the Painful and Untreated Past in Burundi

In Burundi, Churches have started unofficial initiatives towards reconciliation well before the government official transitional mechanisms. After solitary initiatives, an interfaith strategic plan has been adopted in 2017. This paper focusses on the achievement of the Roman Catholic Church in the Diocese of Ruyigi, northwest of Burundi towards the reconciliation of victims and perpetrators. In focus group discussions, participants (both victims/survivors and perpetrators) expressed the **processes towards reconciliation**, their feeling before and after reconciliation, and the support of the Roman Catholic Church.

4.2.1. The Process Toward Truth and Reconciliation

Through the Episcopal Commission for Justice and Peace (CEJP), and the support of donors, the Ruyigi Diocese launched an ambitious Social Cohesion Programme aiming at promoting a culture of forgiveness and reconciliation within the different communities of the Catholic Diocese of Ruyigi. This consisted primarily of conscientization workshops in pilot zones. Initially, targeted perpetrators were invited in their own workshops several times. The same process applied to victims/survivors. It is when the two groups were ready, that a series of inclusive workshops were organised where perpetrators and victims/survivors met and discussed the best way towards conclusion.

One of the participants acknowledged the relevance of these workshops in the following terms:

“I was afraid of acknowledging my past atrocities. I thought that by acknowledging what I had done, I would expose myself to the furry of the victims/survivors and be hunted in an attempt to revenge against my past atrocities. I also thought I would elicit court cases against me as a way of holding me accountable. The workshops assured me that nothing of the above would happen to me. And instead, I would reconcile with the victims/survivors of my crimes. I personally requested that I be reconciled with the families of victims/survivors, and speak out in public what I did as a matter of letting the truth out and demanding for forgiveness.” Ms Minani Claudine Focuss group discussion in Ruyigi District

Such statements were recurrent in many of the focus group discussions, where perpetrators expressed that they made the first steps. Shnabel & Nadler (2015) argue that generally in reconciliation process, the hardest part is to bring perpetrators not only to acknowledge their crimes but also accept to talk about is in public. Nonetheless thanks to the Catholic Church legitimacy, it was seemingly not very difficult in the cases of Ruyigi Diocese.

4.2.2 Feelings Before and After Reconciliation

Perpetrators and victims/survivors expressed how they felt after reconciliation. In some cases, the atrocities included killings or maiming and other forms of extreme atrocities. The perpetrators detailed how they assaulted their victims, the tools they used, the last moments of their victims and other seemingly shocking details in normal circumstances. One of the perpetrators acknowledged that *“I assaulted the husband of Sebutwa Eugenie with a sharp spear. I through it at him several times at sensitive body areas. I left him thinking he was dead. But he did not die on the spot. However, because we were in a situation of mass atrocities, there were no medical teams to help him and take him to the hospital. He later died there.”* Rumbete Augustin, Focuss group discussion in Rusengo zone, Ruyigi.

After acknowledging his crimes, Rumbete Augustin participated in a public event organised by his parish, uttered the crimes he committed and begged for forgiveness from his victim's widow. The widow, Ms Sebutwa Eugenie granted for forgiveness to the killer of her husband. During the Focuss group discussion, where they were both present, Ms Sebutwa Eugenie revealed that

When I heard him describing how he killed my husband with a trembling voice, I felt sorry for him. I told to myself this is wonderful. He discharges all the neighbours; because I did not know who had killed my husband. Now that I know the truth, I wholeheartedly forgave him. Now, feel that he saved me, he saved himself and saved all neighbours that I spent years suspecting on the murder of my husband. I feel happy now and I have excellent social relationship with the person who killed my husband”. Ms Sebutwa Eugenie Focuss group discussion in Rusengo zone, Ruyigi.

Getting to acknowledging past atrocities and uttering them in detail in public is not without consequences. Some community members have scorned perpetrators who decided to go through this process of truth, forgiveness and reconciliation. A participant describes his experience in the community.

My friends and some members of my family still do not understand why I went as far as asking for forgiveness. One of my friends once opined that I betrayed my personality and friend. Do you think you are the only person who killed other people during the conflict in the whole country? And other bad words. However, because I had made a decision to do so, I remained firm and convinced that what I did is the best option possible for myself, the family of the victim and my community at large. Mr Rwaswa Protais Focuss group discussion in Bweru District.

Similar accounts and patterns are found in other focus group discussions. In their remarks, participants regretted what they had done, and understood the depth of the wound they had caused to the victims and survivors, by taking the lives of the innocent. Some of the witnesses of that day killed directly, others led the military to the target to be tortured. For the sake of time and space, this paper cannot accommodate them all. However, the above statements widely capture the essence of the discussion.

The initiative of the Catholic Church of Burundi, especially that of the Ruyigi Diocese elicited positive comments from a wide range of reconciliation stakeholders. These include Cabinet members, Burundi TRC Commissioners and MPs. For instance, based on these experiences, the President of the TRC emphasized that asking for forgiveness from the victims helps the perpetrators to find peace and appeases the hearts of the victims. He announced that the commission will undertake an activity to identify all the victims of the crimes committed in Burundi so that the truth can come to light.¹

¹ Celebration de la journée diocésaine justice et paix organisée par la CDJP Ruyigi le 5 septembre 2021 : <https://www.cejp.bi/rn/article/celebration-de-la-journee-diocesaine-justice-et-paix-organis%C3%A9e-par-la-cdjp-ruyigi-le-5-0>

5. Conclusion

The example set by the Ruyigi Catholic Diocese is commendable. By the way, it has been emulated in other areas of the country in an attempt to transform the Ruyigi experiences into national best practices of community reconciliation in a context of transitional justice in Burundi. The case also set the standard for the Burundi Truth and Reconciliation Commission (TRC). After eight years of work the TRC is still at the stage of clarifying what happened so far by unearthing human remains in mass graves. Thus, the Ruyigi experiences sounds like a call to the TRC to jump to the next ladder of the truth: the public hearings which would allow these community experiences to go national and international.

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