

Justice heals: The impact of impunity and the fight against it on the recovery of severe human rights violations' survivors

Knut Rauchfuss, MD & Bianca Schmolze, BA, BSc**

Abstract

Case studies show that traumatized refugees, who are survivors of serious human rights violations, suffer from persisting impunity in their home countries.

Ongoing impunity – the inability to overcome the legal protection of the perpetrators assured by impunity laws, incomplete truthfinding, missing integral reparation and a lack of the necessary acknowledgement by society – represents an important obstacle for the recovery of survivors of serious human rights violations.

There are reports describing that a high percentage of survivors shows an elevated mental vulnerability caused by impunity. Mental health problems resulting from traumatic experiences can persist or be reactivated by certain events. In particular, family members of the forcibly disappeared suffer from an incomplete mourning due to the uncertain fate of their beloved ones. The ongoing search for the forcibly disappeared under an atmosphere of impunity puts family members under high risk of retraumatization. Studies from other continents also prove that impunity severely affects mental health.

Due to the global character of impunity there can be only little evidence about a positive impact

of justice on mental health. Nevertheless, a few examples, in particular from Latin America, show that the combined implementation of memory, truth and justice can have a healing impact on those who suffer from trauma. They demonstrate that the fight against impunity is not only a legitimate moral struggle for human rights, but also a basic need for the sustainable recovery of survivors.

Key words: torture, war crimes, trauma, survivors, human rights, impunity, transitional justice, transnational justice, Truth Commission, memory, reparation, justice heals

Introduction

The psychosocial impact of man-made disasters has attracted increasing attention during the last three decades. Scientific research work has mostly drawn attention to the mental health of individuals who survived severe human rights violations, to symptoms and diagnostic instruments as well as to different methods of individual or group therapy.

At the same time human rights organizations tried to hold the perpetrators responsible for the crimes that have been committed through wars or by authoritarian regimes. Although there have been trials against the Greek generals and torturers in 1975, and attempts to bring perpetrators to court as for example in post-dictatorship Argentina between 1983 and 1987, a real

*) Medical Care Service for Refugees

Bochum

Germany;

www.mfh-bochum.de

usezgin@superonline.com

**) Coordinator of the International Network

"Justice heals"

www.gerechtigkeit-heilt.de

development to combine political transition with justice started, with much delay, with the arrest of Chilean dictator Augusto Pinochet in London less than ten years ago. Since then the necessity of justice in the aftermath of gross human rights violations has been discussed, but only as either a measure of democratization or as a probable danger to peace and reconciliation. Whereas psychological research on trauma and therapy didn't take the social environment and the situation of a society in transition much into account, the role of justice after atrocities has been debated regardless of its impact on survivors' recovery from trauma.

As a human rights organization and treatment center for refugees located in Bochum, Germany, the Medical Care Service for Refugees offers medical, psychosocial and legal support to survivors of torture, war crimes and other severe human rights violations.

During psychotherapy with survivors exiled in Germany we experienced that in several cases ongoing impunity in the countries of origin affected negatively the therapeutic process. We therefore recognized impunity to be an important factor in continuing their traumatic process or causing retraumatization. In some case studies we documented our findings. The case studies included survivors of serious human rights violations from Chile, Argentina, former Yugoslavia and Turkey.¹

In 2001 Medical Care Service for Refugees started to systematically investigate the influence of impunity on survivors' mental health.

Methods

We systematized our experience from work with political refugees in exile and after their return to their home countries. From 2004 to 2007 we were able to realize a scientific

research project on different strategies to fight impunity, covering the experiences from 13 countries.² Although the study's first aim was to focus on the different efforts that have been undertaken worldwide to deal with atrocities of the past, we included the question of mental health consequences of impunity in our research. The investigation covered literature research as well as personal interviews with survivors, therapy centers and human rights organizations.

The following essentials combine the experiences that have been published by the Chilean therapy centers CINTRAS^a and ILAS^b, by EATIP^c from Argentina, and by SER-SOC^d from Uruguay.³⁻⁸ Apart from their publications we analyzed a number of interviews we carried out in these three countries, as well as with ATYHA^e in Paraguay and with the South African Khulumani Support Group. We discussed our findings internationally at the conference "Justice heals", held in October 2005 in Bochum, Germany, where further representatives from human rights groups, therapy centers or survivor's organizations in Cambodia, East Timor, El Salvador, Ex-Yugoslavia, France, Guatemala, Honduras, Peru, Rwanda, Sierra Leone, Turkey and from the Latin American Federation of Family Members of forcibly disappeared (FEDEFAM) followed our invitation to share experiences on impunity and mental health.

During other meetings we had the opportunity to talk to human rights activists or therapists from Algeria, Colombia, Denmark, Greece, Indonesia, Iraq, Liberia,

- a) Center for Mental Health and Human Rights.
- b) Latin American Institute of Mental Health and Human Rights.
- c) Argentinean Psychosocial Working and Investigation Group.
- d) Social Rehabilitation Service.
- e) Center for Alternatives in Mental Health.

Morocco, Mexico, the Russian Federation, Spain and South Korea as well. And as an organization based in Germany we included the German experiences too.

From the discussions on impunity and mental health, as well as from the exchange of different experiences in the fight against impunity, a worldwide "Justice heals-Network" was set up and started work in 2007. Its aim is to deepen the international co-operation and information exchange on the fight against impunity and to support political interventions to bring perpetrators to court.

Here we present the outcomes of our research work on the impact of impunity and the fight against it on the recovery of serious human rights violations' survivors.

What do we mean by "impunity"?

On first sight and in the most common use of the term, *impunity* means the absence of legal justice, the protection of the perpetrators, mostly assured by impunity laws or other mechanisms to avoid their prosecution.

But impunity includes more than this. It describes a social phenomenon characterizing and affecting society as a whole. Impunity keeps alive the atmosphere of repression throughout society. By denying survivor's access to the truth, impunity continues the historical interpretation of the repressors and denies the necessary acknowledgement and reparation for victims and survivors.

So as we will explain later in further details the fight against impunity includes political measures to reveal the truth about the past, to construct a collective memory, to bring the perpetrators to court to derive integral reparation to the survivors, and structural reforms to prevent society from suffering the same kind of atrocities again.

What is our concept of trauma?

When talking about the impact of the fight against impunity on the recovery of serious human rights violations' survivors we need to explain our concept of traumatic experiences and their impact on the individual and on society as a whole.

As we learnt from the research work realized by the Dutch psychoanalyst Hans Keilson, trauma is not only the result from a single act of atrocity. Keilson developed his theory of sequential traumatization after decades of therapy he provided to Jewish orphans in the Netherlands who had survived the *Shoah*.⁹

The importance of Keilson's findings lies in the new perception of trauma, which is no longer understood as the consequences of a single event, but as a continuing process, even after the atrocities came to an end.^{10,11}

In the early 1980s, before he was killed by right wing death squads, the Liberation Psychologist and Jesuit priest Ignacio Martín-Baró, from the Central American University at San Salvador, developed a broader socio-psychological understanding of trauma. According to Martín-Baró's concept, trauma is not only an individual process but a social and political phenomenon that affects society as a whole. He described trauma as a link, which interrelates individual and society in a traumatic process. The *psychosocial trauma* can only be understood within its specific cultural and political context.¹²⁻¹⁴

Martín-Baró's description of psychosocial trauma within the society of El Salvador amplifies the sequential model of trauma by Keilson, and underlines the importance of a survivor's social environment on the further development on the traumatic process.

From 1982 to 1999 the German psychotherapist David Becker lived in Chile, where he attended survivors from torture and family members of forcibly disappeared

people during the last decade of the dictatorship and afterwards. Together with other therapists from ILAS^b he adapted Keilson's findings to the Chilean situation. Based on the experiences from Chile and other parts of the world, Becker insists that there is no *post-trauma* but a continuous *Socio-political Traumatic Process*, which depends a lot on further developments within society.

According to Becker, trauma can be described as a "normal reaction to an abnormal situation" and he defines trauma on an individual and social level as the 'destruction or fragmentation of memory'. Becker distinguishes between *trauma* as a psychological wound and the *traumatic situation*, which he sees as the "destruction of the social fabric, [...] implying that human relationships and the basic laws that guide them have been attacked, hurt and possibly destroyed". As a consequence Becker claims the necessity of both political change, including the survivors' right for truth and justice, as well as a focus on the individual needs of those who have been victimized.^{15,16}

Based on an understanding of trauma as a psychosocial process, with its individual and social implications, we address the question of impunity as a barrier to the recovery of survivors.

The broad variety of possible trauma symptoms is well described and will not be discussed here. At the same time it is well known that not everybody who has experienced severe violence automatically develops symptoms later. When we talk about mental health consequences of impunity, we are referring to the subgroup of survivors that developed symptoms and suffer from trauma.

How does impunity influence the traumatic process?

Most of the scientific research, which has

been undertaken to investigate the impact of impunity on society and on the mental health perspective of the individual, was realized in the Southern Cone of Latin America, but there were some in South Africa too.^{3-8,17-22}

Investigations on the influence of impunity on the traumatic process need to distinguish between survivors of severe human rights violations and a specific subgroup consisting of family members of those victims who have been forcibly disappeared and killed.

Since trauma is a *normal reaction to an abnormal situation*, often traumatized survivors themselves cannot believe the dimension of terror, threat and destruction they had to go through. Because their horrible experiences are exceeding their worst nightmares, it is difficult to share the unspeakable with others, even with family members and friends. Additionally, through periods of authoritarian rule or conflict, perpetrators' ideologies dominate the public discourses, polarize societies and as a result the bystanders avoid breaking the conspiracy of silence. Mostly survivors remain without a safe environment where they can speak out openly and where their stories are heard, understood and recognized. Therefore the most important need of survivors is an acknowledgement from the surrounding society of the atrocities they underwent.

But impunity continues the atmosphere of silence. It obstructs a public debate about the crimes that have been committed and refuses the necessary acknowledgement to the survivors. There are many reports from different countries which demonstrate that under impunity the social stigmata against survivors continue and their exclusion from society is perpetuated.

Apart that, the free movement of perpetrators in the public, their remaining in

powerful economic or political positions and their ability to protect themselves from prosecution, produces not only a continuous loss of trust in justice for survivors, but an ongoing latent or open psychological threat to their future and a permanency of degradation and humiliation.

Since trauma is a continuing process affected by and affecting the social relationships, impunity fuels the traumatic process.

The feeling of powerlessness, which already dominated during the traumatic experiences, persists due to impunity, prevents self-determination and goes hand in hand with a lack of self-confidence.

As a barrier for overcoming the traumatic experiences, impunity raises indignation, distrust, anger, rage and aggression among survivors, but their capacity of developing healthy aggressions has already been damaged during their traumatic experiences. Those who suffered too much from violence often lost the ability to accept their own aggressive potential and feel incapable of canalizing it into rage. Many survivors turn their aggressions against themselves, instead of developing anger against their victimizers.

Due to the ongoing threat, survivors show an elevated mental vulnerability under impunity conditions. Mental health problems resulting from traumatic experiences can persist or be activated any time by certain daily events even years later. In particular, occurrences of repression, for example against present social protests, are reported to trigger traumatic memories.

Survivors who are family members of forcibly disappeared people are considered to be a specific subgroup of survivors.²³ They may suffer the same from impunity, but additionally their situation is harmfully influenced in a specific way:

Family members of the forcibly disappeared suffer from an uncertain loss. The

more time goes by, the more obvious it might become that their relatives have, in fact, been murdered. But it is never definitely sure; the fate of their beloved ones remains unknown. The lack of information makes it difficult to accept the loss. There are reports that when leaving home each time, family members leave messages on a table for the missing relative for up to ten years after the disappearance. There weren't any parting opportunities before the kidnapping of the disappeared took place, no burial after their killing and there are no graves to visit and remember them.

Under the permanent search for the whereabouts of the missing and for the circumstances of their enforced disappearances, there is no opportunity to accept the loss. Acceptance means betrayal of the beloved ones. In such a situation the trauma is ongoing, since all kinds of mourning necessarily remains incomplete. Suffering from the trauma of an uncertain loss means that knowing the truth about the fate of the disappeared becomes a key question for recovery.

But under an atmosphere of impunity the searching relatives become a special target of disinformation and systematic lies by the state, putting them at a high risk for retraumatization. There are family members who participated in hundreds of exhumations whereas others reject exhumations categorically. Other reports mention incorrect identifications of remains that have been revealed later, when genetic examinations were undertaken. Quite often information has been offered to groups of family members in the context of a dirty deal, asking them to grant impunity to the perpetrators in exchange. And time and again the so-called information led to nowhere. During their ongoing search for the whereabouts of their beloved ones, family members stumble

from hope to disappointment. The psychotic situation in between denial and acceptance continues, resulting in frustration, distrust, anger and rage.

Their exclusion from society, which started during the period of repression, remains under impunity conditions. There are numerous examples in which the social descent that resulted from the loss of a family member could not be overcome. And if there were any offers of compensation by the state, many family members refused them, because due to impunity they consider any kind of financial reparation as betrayal.

Although it is the systematic denial of information preventing them from finding the remains or knowing the truth about the fate of their relatives, many family members attribute the failure of their search to themselves. Nearly all the treatment centers know cases of self-accusation by family members of forcibly disappeared people for not having been able to protect or to find the missing relative.

Under conditions of impunity, survivors in general and the subgroup of family members of forcibly disappeared people in their specific manner, keep continuously suffering from trauma. Impunity not only creates a strong barrier to a sustainable recovery, it continues and deepens the traumatic process and elevates the risk of retraumatization.

Can Truth Commissions heal the wounds of the past?

Since 1974, worldwide, more than 30 attempts have been undertaken to heal the wounds of the past by establishing Truth Commissions.

The idea behind most of the commissions was that the access to truth for survivors and the construction of a “historical truth” for the society might lead to reconciliation in the aftermath of trauma. During the 1990s, especially in South Africa,

promises rose that the Truth and Reconciliation Commission (TRC) would have a sustainable healing effect on society, although perpetrators received amnesty in return for their cooperation. So was the hope in other countries as well. But, depending on their mandate, the vast majority of Truth Commissions didn’t have any legal instruments to force perpetrators to reveal the truth. Lots of final reports have never been finished or published and there are only a few examples where Truth Commissions were allowed to make public the names of perpetrators.

Many truth processes failed and also in South Africa there have been harsh criticisms from survivors and family members of victims concerning the TRC-process, especially on the amnesty for truth trade. A healing impact could not be affirmed.²⁰⁻²² Comparable critics are reported from East Timor.²⁴

Of course, some of the Truth Commissions have been able to define a historical truth. In particular the efforts of the South African TRC, the Argentinean CONADEP^f, the Chilean Rettig- and Valech-Commissions^g and the Peruvian CVR^h did reach the public opinion to a large extent and created a realistic perspective on past human rights abuses. But at the individual level the truth finding had its serious limits, in particular in the disappearance cases. Many witnesses stayed with an incomplete truth after the commissions had finished their work.²

In most of the cases the recommendations by Truth Commissions – if there were any – haven’t been fulfilled by the governments of transition. There are only a few positive examples around the globe, espe-

f) National Commission on the Disappearance of Persons.

g) Named by their chairmen.

h) Commission of the Truth and the Reconciliation.

cially if we look at the recommendations for justice and reparation. In most of the cases the inability to overcome the legal protection of the perpetrators assured by impunity laws continued. Recommendations for broad and integral reparation have stayed rare in the history of Truth Commissions.

During the past decade it became more and more evident that Truth Commissions alone cannot provide the promised therapeutic effect. They can be an important but additional instrument in the framework of measures that have to be undertaken to overcome the wounds of the past. Wherever legal impunity continues despite the work of Truth Commissions, a large number of survivors remains dissatisfied and keeps claiming justice.

Is there any proof that justice might heal?

If we take a look at transition, we need to distinguish different forms of bringing perpetrators to court.

At the international level, initially there have been the Nuremberg Trials (1945-1949). Nearly fifty years later transnational justice restarted in 1994. Since then it is carried out by UN-bodies such as the international criminal tribunals for the former Yugoslavia (ICTY 1994-2010) and for Rwanda (ICTR 1997-2010), the International Criminal Court in The Hague (ICC since 2002) and hybrid courts like the Serious Crimes Investigation Units in East Timor (SCIU 2000-2005), the Special Court for Sierra Leone (SCSL 2002-2008) and the Extraordinary Chambers in the Courts of Cambodia (ECCC since 2007).

Parallel to the UN-bodies, transnational criminal justice has been carried out by some national courts too. Since the late 1990s, there have been remarkable international trials according to universal juris-

diction in Argentina, Belgium, Chile, France, Germany, Italy, Senegal, Spain, Sweden and the United Kingdom.

The cases are few in which transitional justice has been carried out by courts in the same countries which have been affected by the atrocities before. Notable national trials took place in Argentina, Bolivia, Bosnia, Chile, East Timor, Germany, Greece, Paraguay, Peru, Rwanda, South Africa and Uruguay, most of them recently or after a long period of pressure by survivors or family member groups. Further national trials as, for example, in Ethiopia, Romania or Iraq, did not fulfill the demands of democratic rule of law.

In total the number of legal trials worldwide is few in comparison to the number of perpetrators.

In general, most of the sentences in national trials were quite low, or the perpetrators could soon profit from pardons and amnesty laws, so that impunity was reestablished after a while. In most of the mentioned countries only high rank repressors have been brought to justice and not even all of them.²

Greece is an exception from this tendency^{25,26} and recently the number of trials in Chile and Argentina has increased significantly.^{2,27} But the impact of the Greek trials on survivors never has been examined under a health perspective and the developments in Chile and Argentina are still too new to derive general lessons.

In order to cope with the large number of perpetrators, Rwanda chose an alternative and community-based model of jurisdiction by implementing traditional Gacaca-tribunals in 2002, which are more comparable to mediation than to trials under the rule of law. The outcome of Gacaca has been critically investigated.^{28,29} Of course there were survivors who could benefit from this model;

but in general the doubts grew over time, in particular concerning how Gacaca has been carried out in practice.

Courts in third countries, where transnational lawsuits have been filed, often had to work under restrictions of the local criminal law, since universal jurisdiction hadn't been established yet. Where convictions have been made or extradition demands have been issued the courts were confronted with difficulties in having the perpetrators extradited. There are only a small number of arrests reported for example from Spain and Italy.^{30,31}

Few studies measured the impact of UN-Tribunals on the recovery of survivors. One has been carried out by Eric Stover from the Human Rights Center at Berkeley University.³² Stover interviewed witnesses at the ICTY about their expectations prior to testifying before the court and after their return to the former Yugoslavia. He detected that highly motivated survivors who participated as witnesses came back home from The Hague disappointed. There was a high level of unfulfilled expectations. The main critics considered convictions as being too mild and denounced the lack of extraditions from the former Yugoslavia. Also, security matters under the rule of impunity after their return played an important role for dissatisfaction. Several survivors felt threatened after their arrival back home. In particular the last two findings draw the attention to the fact that the UN-model of extraterritorial justice could not really break with the situation of impunity inside the countries of the former Yugoslavia.

Despite a couple of cases in which perpetrators could be brought to justice, the whole picture remains fragmented. For a long time the widespread global character of impunity was complete. Neither the international efforts nor the few national

trials could really break the dominance of a worldwide culture of impunity. Under these circumstances it is difficult to investigate what impact an end to impunity would have, and to which extent justice could really contribute to a healing process of past atrocities.

Changes, as they occurred recently in Chile and Argentina and to a much smaller extent in Peru and Uruguay too, are far too fresh to give complete evidence on a presumed healing potential of legal justice.

But there are a few examples, in particular from Latin America and South Africa, which show a positive impact of justice on mental health and can give evidence, at least to some degree, that legal justice can have a healing impact on those who suffer from trauma.

The arrest of the former Chilean dictator Pinochet on October 16, 1998, in London was a surprise for the whole world, and even more unexpectedly for the Chilean public. Not the arrest itself, but the House of Lords decision of November 25 when it was confirmed that Pinochet's crimes were not covered by his presidential immunity, had a catalytic effect on survivors in Chile. Reports from therapy centers and human rights groups show that in late 1998, and during the following months, the atmosphere of silence broke. The former untouchable had been touched and while the Chilean government undertook strong efforts to save the former dictator from extradition to Spain, and despite of military threats inside Chile, people started to take side in the Pinochet case.³³ Survivors didn't hide any longer. Therapy centers experienced a strong increase of demand from survivors who decided to talk about their traumatic experiences for the first time.³⁴

According to our own observations, survivors who had returned to Chile from exile after 1989 tried to hide their past during

the first years after their arrival. Beginning already in 1995 with the trial against the former Chief of the secret police Manuel Contreras and expanding after the Pinochet arrest in late 1998, they readopted their personal history and began to talk openly of being *ex-political prisoners*.¹ An association of former political prisoners has been set up all over the country and hundreds of survivors filed lawsuits against Pinochet and other military officers for torture, despite the existing amnesty law. So did the family members of the forcibly disappeared. Since that time the number of filed law suits steadily increased, not only against Pinochet but also against his henchmen down to the former torturers. By the end of 2005, 94 repressors had been convicted, 20 of them to life imprisonment. Another 405 court cases were still under trial.³⁵

Reports from Uruguay and Argentina confirm that the Pinochet-Effect spread to the neighboring countries as well.

The breakdown of impunity in Argentina goes back to a continuous fight against impunity. After a series of trials during the first years of return to democracy, the elected governments granted impunity step by step and released the already convicted generals. It was the family members of the disappeared, the Mothers and Grandmothers of Plaza de Mayo, who played the leading role in overcoming impunity by their steady struggle, which lasted over three decades. The way the Mothers of the disappeared organized their struggle, beginning in the second year of dictatorship and continuing after return to formal democracy, has been the topic of a couple of controversy debates. While some authors consequently pathologized the Mothers' refusal of any kind of reconciliation without justice, others classified their collective struggle as a method of developing a Sense of coherence, according

to Antonovsky's model of Salutogenesis. The collective search for their children and grandchildren triggered this development and helped to overcome isolation and fear. Taking up the struggle against the dictatorship and continuing it afterwards allowed them to regain activity despite the traumatic loss of their children. And their sometimes radical political demands for a different society, in particular their consequential fight against impunity, provided a sense of life.²⁰

Until 2006 the Mothers of Plaza de Mayo clearly denied any cooperation with the different civil governments and repeated demanding the "return with life" of their children. Most of them denied exhumation, official acts of memory and reparations categorically. And they never did stop their continuous and often frustrating attempts to bring perpetrators to court. In 2000 the Grandmothers of Plaza de Mayo reached a partial success by cracking down the impunity laws in a specific case of abduction. Three years later, with the support of the recently elected president Nestor Kirchner, they achieved the complete abolition of the impunity laws and since then more than 1,000 cases had to be reopened and hundreds of perpetrators were taken into custody.^{1,27,35}

After the breakdown of impunity, and with the support they had received by the Kirchner government, Mothers of Plaza de Mayo slightly changed their strict rejection of the state policies. From 2004 Mothers in fact began to accept memorials and from 2006 they started to cooperate with the Kirchner government, which could be understood as a hint that, with the rise of credibility of political and legal institutions, the psychological necessity for a role of fundamental opposition had decreased.

Uruguay is still far from the Chilean or Argentinean developments. Impunity is yet in power, but some lawyers have overcome

amnesty laws in certain cases. Their first heavy strike against impunity was to put former dictator Juan María Bordaberry under trial in early 2006. And by chance the news of the High Court's decision appeared in the media the same day as the burial of the first identified remains of a Uruguayan victim who had been forcibly disappeared 30 years before, took place. The funeral had a catalytic effect on Uruguayan family members and survivors. About 10% of the inhabitants of Montevideo were participating in the burial and newspapers reported that several disappearances from 30 years ago have been made public by family members for the first time. Several court cases were opened subsequently. Therapists reported an increase of demands by new clients. Former political prisoners started to tell their stories to their grandchildren, although before they had never shared their traumatic experiences, not even with their children.

There is only little evidence that legal justice has a healthy impact on the recovery of survivors. The examples illustrate that in some cases, in which perpetrators have been brought to court, positive effects could be recognized. Some other court cases didn't have the same impact, in particular when they took place in far away courts while impunity inside the countries persisted. Also Truth Commissions were not able to fulfill the goal of healing the wounds of the past, at least for a relevant minority of survivors. Nevertheless, healing of extreme traumatic experiences is never a simple linear and straightforward mechanism. Since survivors keep claiming justice, legal justice is a necessary start but not the one and only step to be undertaken. Unfortunately it is the most missing piece in the complex multitude of necessary individual, social, political, legal and cultural measures in the aftermath of trauma. And without justice the traumatic process continues.

Which measures can contribute to the stabilization of survivors?

Sustainable recovery of individual and society needs responses to the past at different levels, which are not only linked, but inter-related to each other.

Truth finding, the creation of a collective memory, legal justice, rehabilitation and reparation are indivisible parts of an integral strategy to overcome the legacies of a violent past. They have to be complemented by structural reforms that prevent society from a reappearance of past conflicts.

Impunity denies these necessities partly or to a larger extent. None of the measures can be turned down without affecting survivors' perspectives of recovery.

Truth finding allows survivors to speak the unspeakable publicly, and it socializes individual grief and pain. The revealed information can help family members to know about the fate of their forcibly disappeared beloved ones. The construction of an historical truth changes the discourse within society and contributes to social rehabilitation of survivors by providing an important part of the necessary acknowledgement by the public. Finding a historical truth prepares the construction of a society's collective memory.

Creating a collective memory means more than only declaring the final report of a Truth Commission an historical truth. Elaborating a collective memory needs to provide public access to archives, to investigate on different subjects of the past and distribute them in scientific publications as well as in school books and in popular media. Narrative history has to be continued even when the mandate of a Truth Commission might be over. Memories can become part of literature, music, theatre, movies and fine arts. Documentaries, newspaper background articles, exhibitions, memorials, museums as

well as signs, indications and explanations at locations of importance, street names and wall paintings can keep the memory alive and prevent the past from amnesia.

However, truth and memory cannot stand alone. How can there be a definite truth about atrocities if those who committed the crimes are not held responsible? Criminal Justice is an elementary tool in dealing with the past. Just bringing the perpetrators to court can reestablish the rule of law, restore survivors' trust in the institutions of society and rebuild a common sense about ethical values among the citizens.

Only by equality before the law can the perception of repressors as omnipotent untouchables be destroyed. By redefining who is perpetrator and who is victim, in all the complexity of this problem, legal justice contributes to the destruction of the propagandistic moral values implemented by past dictatorship or conflict parties.

Even survivors, who are not willing to participate actively in court cases can profit from the changes in public discourse and a conversion of public perception. The shift in the public discourse goes ahead with a shift of the roles attributed to survivors, not only if they were considered to be terrorist or criminals before. Role transformation is created actively when survivors become involved. Those who bring their cases to court leave former victim roles and play an active part in the construction of the future. In this way legal justice can lead to an empowerment of survivors of serious human rights violations regaining self-confidence and self-determination by taking responsibility and playing an active role in society. Years after the traumatic experiences they have the opportunity to overcome powerlessness and hold the perpetrators responsible.

Of course, due to the risk of retraumatization in court, psychological support for

witnesses is inevitable. However, with the necessary assistance, this approach to the traumatic memories can contribute to the integration of the traumatic experiences in survivors' biographies.

A court decision to convict the perpetrator under the rule of law represents an important factor of acknowledgement for survivors and relatives of the forcibly disappeared. Holding perpetrators responsible can facilitate the acceptance of reparation and cannot be misunderstood as bribery.

For many survivors their trauma was not only physical, psychological or social, but economic as well. Suffering from torture or war crimes, having lost a family member, returning from prison or detention camps, or coming home from exile quite often goes hand in hand with a social descent. Jobs have been lost, education hasn't been finished or other living conditions might be destroyed. Civil rights could have been suspended for a long time, and several social obstacles or maybe trauma symptoms can inhibit survivors from a new start.

Therefore, there is a high need for reestablishing the living conditions of survivors. They are entitled to full and unconditional compensation; which means that reparation schemes must be designed in an integral way, and, besides the necessity of material compensation, must lead to a comprehensive psychosocial, political and cultural rehabilitation and reintegration into social life.

Healing, in the full meaning of the word, includes the security that the past will never happen again. There is a high risk that the traumatic experiences might reoccur if there is no truth finding, no legal justice and if there hasn't been established a culture of memory, which keeps the past awake and future generations alerted.

Therefore the construction of a sustainable stability in the aftermath of man made

disaster has to be based on an analysis of the roots of past escalation of conflicts or repression. From this analysis measures can be derived to prevent society from repeating the past. Institutional reforms, such as military reforms, strengthening democratic structures, especially the independence of jurisdiction, developing a non-violent practice of conflict resolution, dissolving social injustice, developing an open and democratic culture within society and the integration of international law into the national penal code, can help to prevent a comeback of atrocities.

Conclusion

There is not one single and magic solution to the problem of dealing with the legacies of manmade disasters. Healing of psychosocial trauma is inevitably a lengthy and complex process. Under the atmosphere and culture of impunity a recovery of society is impossible and the recovery of individual survivors faces insurmountable barriers. Bringing perpetrators of gross human rights violations to court and holding them responsible for their crimes is a need, which has been expressed by survivors all over the globe. There can only be little evidence about the healing impact of legal justice, since impunity is still widespread. But where impunity broke down, some reports about serious improvements indicate the essential role of justice for the recovery from extreme trauma. Of course, criminal justice cannot stand alone and has to be combined with other measures of dealing with the past, such as truth finding, creation of a collective memory, integral reparation and rehabilitation and structural reforms. But the absence of justice is still a key problem in all parts of the world.

As long as there is no justice in the aftermath of conflicts, the fight against impunity is not only a necessary moral struggle for

human rights, but also a basic need for the sustainable recovery of survivors.

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UN International Court of Justice considers the specific cases concerning the issues of struggling against the crime. (It was considering the case of the seizure of American hostages in Iran, and made recommendations to States in 1980). Once every five years, the commission conducts United Nations Congress on the Prevention of Crime and the Treatment of Offenders. They have become global forums on coordinating the efforts of all mankind in the struggle against crime and harmonization of international criminal law [7]. In the era of globalization, there is a new form of transnational crime. Org "While Human Rights Watch found no evidence that anyone has been prosecuted under the SSMPA, its impact has been far-reaching and severe." The report is based on in-depth interviews conducted between October 2015 and April 2016 with 73 LGBT people and 15 representatives of Nigeria-based nongovernmental organizations in Abuja, Lagos, and Ibadan. In November 2015, the African Commission urged the Nigerian government to review the law, to prohibit violence on the basis of sexual orientation and gender identity, and to ensure access to HIV prevention, treatment, and care services for LGBT individuals. Nigerian authorities should act swiftly to protect LGBT people from violence, whether by state or non-state actors. "Impunity for the powerful and connected is the single most important factor in the perpetuation of corruption, and indeed in all human rights violations." Romania's plight illustrates this perfectly. Centre for Legal Resources (CRJ) (2007). The impact of corruption on the human rights based approach to development, available at: . Pearson, Z. (n.d.) "Human Rights and Corruption". A research paper produced by the Centre for Democratic Institutions, Australian National University 3, available at: . Kiai, M. (2007). 23 5.3. Survivors of violence avoid seeking redress through the formal justice system. 25 5.4. Traditional dispute resolution mechanisms mediate criminal offences of violence against women. rights and the rule of law, and report regularly to the Council on the situation of human rights in Afghanistan. 4. 1. Executive Summary. This report, Injustice and Impunity: Mediation of Criminal Offences of Violence against Women, prepared by the United Nations Assistance Mission in Afghanistan (UNAMA) and the Office of the United Nations High Commissioner for Human Rights (OHCHR)3, highlights the human rights implications of the wide use of mediation4 in violence against women cases in Afghanistan. Human Rights (PVCHR), in which 89% of survivors belong to schedule caste, indigenous group and other backward classes (OBC). Considerable physical violence is inflicted on members of these deprived and marginalised. communities as substantiated by official reports. Policing, far from being "the professional imposition of a coherent moral consensus on society" is an intensely political activity with policemen often facilitating and participating in the violence not just against these two communities but against minorities, other weaker sections and women.