

# **Repairing the Irreparable: How Spirits Re-Shape the Field of Transitional Justice**

**by**

**Zaira S. Petruf**

B.A. (Anthropology), University of British Columbia, 2009

Research Project Submitted In Partial Fulfillment of the  
Requirements for the Degree of  
Master of Arts

in the  
School for International Studies  
Faculty of Arts and Social Sciences

**© Zaira S. Petruf 2013**

**SIMON FRASER UNIVERSITY**

**Summer 2013**

All rights reserved.

However, in accordance with the *Copyright Act of Canada*, this work may be reproduced, without authorization, under the conditions for "Fair Dealing." Therefore, limited reproduction of this work for the purposes of private study, research, criticism, review and news reporting is likely to be in accordance with the law, particularly if cited appropriately.

# Approval

**Name:** Zaira Selva Petruf  
**Degree:** Master of Arts (International Studies)  
**Title of Thesis:** *Repairing the Irreparable: How Spirits Re-Shape the Field of Transitional Justice*  
**Examining Committee:** **Chair:** Morten Jerven  
Assitant Professor

**Onur Bakiner**  
Senior Supervisor  
Limited Term Assistant Professor

---

**Jeffrey T. Checkel**  
Supervisor  
Professor

---

**Date Approved:** 16 August 2013

---

## Partial Copyright Licence



The author, whose copyright is declared on the title page of this work, has granted to Simon Fraser University the right to lend this thesis, project or extended essay to users of the Simon Fraser University Library, and to make partial or single copies only for such users or in response to a request from the library of any other university, or other educational institution, on its own behalf or for one of its users.

The author has further granted permission to Simon Fraser University to keep or make a digital copy for use in its circulating collection (currently available to the public at the "Institutional Repository" link of the SFU Library website ([www.lib.sfu.ca](http://www.lib.sfu.ca)) at <http://summit/sfu.ca> and, without changing the content, to translate the thesis/project or extended essays, if technically possible, to any medium or format for the purpose of preservation of the digital work.

The author has further agreed that permission for multiple copying of this work for scholarly purposes may be granted by either the author or the Dean of Graduate Studies.

It is understood that copying or publication of this work for financial gain shall not be allowed without the author's written permission.

Permission for public performance, or limited permission for private scholarly use, of any multimedia materials forming part of this work, may have been granted by the author. This information may be found on the separately catalogued multimedia material and in the signed Partial Copyright Licence.

While licensing SFU to permit the above uses, the author retains copyright in the thesis, project or extended essays, including the right to change the work for subsequent purposes, including editing and publishing the work in whole or in part, and licensing other parties, as the author may desire.

The original Partial Copyright Licence attesting to these terms, and signed by this author, may be found in the original bound copy of this work, retained in the Simon Fraser University Archive.

Simon Fraser University Library  
Burnaby, British Columbia, Canada

revised Fall 2011

## **Abstract**

Empirical studies that evaluate reparations programs from the perspective of survivors have received little attention in the literature. In contexts where the state has formally acknowledged the survivors of mass atrocities and has developed and established a reparations program to 'repair' the damage caused, the spirits that dwell in the socio-cultural realm express dissatisfaction with state institutions' proposed solutions to the damage caused. Through a comparative literature analysis of the socio-cultural understandings of reparations among the Mayan Q'eqchi' in Guatemala and the Acholi in northern Uganda, I suggest that forms of agency in the realm of the everyday which involves dreams, spirits and multiple temporalities, derived from cosmologies alternative to the Western norm, are essential to understanding how members of communities live side-by-side in post-conflict settings, and therefore, I argue that these efforts need to occupy a central space in the transitional justice agenda.

**Keywords:** Transitional Justice; Post-Conflict; Socio Cultural; Spirit World; Reparations; Multiple Temporalities

## **Dedication**

Dedicated to the unheard: the living, the dead, and the in-between.

## **Acknowledgements**

First and foremost, I would like to acknowledge my mentor Erin Baines for her inspiring work and for her unrelenting support and guidance. My Senior Supervisor, Onur Bakiner who taught me how to transform limitations into strengths. The members of the Women's Advocacy Network at the Justice and Reconciliation Project in northern Uganda, who guided me through the process of letting go of my personal research agenda and taught me to actively listen. I would like to acknowledge my mentor Bridgid MacGowan for grounding my research. My dear friends Lorilee Keller, Anne-Sophie Lacoste, Shannon Lambie and Jen Allen for their help editing the first two drafts. And lastly, to my dear partner Mike Nichols for his encouragement, love and support.

# Table of Contents

Approval.....	ii
Partial Copyright Licence.....	iii
Abstract.....	iv
Dedication.....	v
Acknowledgements.....	vi
Table of Contents.....	vii
List of Acronyms.....	viii
<b>1. Introduction.....</b>	<b>1</b>
1.1. Research Question.....	1
1.2. Key Argument.....	1
1.3. The Structure of the Argument.....	3
<b>2. Theoretical Context: Reparations.....</b>	<b>4</b>
2.1. What are reparations?.....	4
2.2. A Critique of Reparations.....	5
2.3. Reparations and the Realm of the Dead.....	8
<b>3. Methodology – The Comparative Method.....</b>	<b>12</b>
<b>4. Data &amp; Analysis.....</b>	<b>15</b>
4.1. GUATEMALA.....	15
4.1.1. The Mayan Q’eqchi’ in Guatemala.....	15
4.1.2. The National Reparations Programme (PNR) in Guatemala.....	16
4.1.3. War & Q’eqchi’ Cosmology.....	17
4.1.4. Q’eqchi’ Cosmology & The PNR: Irreconcilable Differences.....	20
4.2. UGANDA.....	25
4.2.1. History of the conflict.....	25
4.2.2. Reparations in Uganda.....	27
4.2.3. The Socio-Cultural Realm in northern Uganda.....	28
4.2.4. War & Acholi Cosmology: The Jogi.....	30
<b>5. Limitations – Barrriers Between Western Epistemology and The Spirit World.....</b>	<b>36</b>
5.1. Multiple Temporalities in ‘the Everyday’.....	37
5.2. On Endings and Closure.....	41
5.3. Methodological Approach to Working with the Spirit World and Spirit Possessions in Post-Conflict Areas.....	45
<b>6. Conclusion.....</b>	<b>49</b>
<b>References.....</b>	<b>52</b>

## List of Acronyms

CEH	Comprehensive Agreement on Human Rights (Guatemala)
GoG	Government of Guatemala=
GoU	Government of Uganda
IDP	Internally Displaced Person(s)
JLOS	Justice Law and Order Sector
LRA	Lord's Resistance Army
PNR	The National Reparations Program (Guatemala)
NRA	National Resistance Army
TJ	Transitional Justice
UPDF	Uganda People's Defense Force

# 1. Introduction

## 1.1. Research Question

## 1.2. Key Argument

“Let me begin by noting that reparation is not just about money, it is not even mostly about money; in fact, money is not even one percent of what reparations is about. Reparation is mostly about making repairs; self-made repairs, on ourselves – mental repairs, psychological repairs, cultural repairs, organizational repairs, social repairs, institutional repairs, technological repairs, economic repairs, political repairs, educational repairs, repairs of every type” (Hamber 2000). What happens when the state monopolizes the idea of ‘repair’? What spaces are left for victims and survivors of state-sponsored violence to ‘repair’? Socio-cultural spaces and practices are the means that survivors employ to reclaim ideas of repairing the irreparable vis-a-vis formal mechanisms of transitional justice (TJ) that support the state’s productive enterprise of a liberal society.<sup>1</sup>

Empirical studies that evaluate reparations programs from the perspective of survivors have received little attention in the literature (Viaene 2010). In contexts where

<sup>1</sup> The ‘socio-cultural realm’ consists of the material and symbolic interactions between people, as well as between individuals and their environment, which includes non-human living beings, inanimate objects and the realm of the spirit world (ancestors, spirits connected to the land and evil spirits that bring forth calamities). These material and symbolic interactions can occur at the macro level (for example, a state institution) and at the micro level (such as a dream by a survivor of violence). I refer to micro-level interactions as ‘the everyday’. The socio-cultural realm does not exclude the state because ‘culture’, ‘society’ and ‘the state’ are not isolated epistemological categories; they are rather interrelated (Baines 2009). I am not claiming that institutional politics and institutionalized violence should be dissociated from discussions of the socio-cultural; I am rather offering a term that equalizes the role and legitimacy of diverse spheres of society both macro and micro. The socio-cultural realm offers an inclusive framework to analyze justice processes.

the state has formally acknowledged the survivors of mass atrocities and has developed and established a reparations program to 'repair' the damage caused, the spirits that dwell in the socio-cultural realm express dissatisfaction with state institutions' proposed solutions to the damage caused. Through a comparative literature analysis of the socio-cultural understandings of reparations among the Mayan Q'eqchi' in Guatemala and the Acholi in northern Uganda, I suggest that forms of agency in the realm of the everyday<sup>2</sup> which involves dreams, spirits and multiple temporalities<sup>3</sup>, derived from cosmologies alternative to the Western norm, are essential to understanding how members of communities live side-by-side in post-conflict settings, and therefore, I argue that these efforts need to occupy a central space in the transitional justice agenda (Igreja 2012, Baines 2009, Leebaw 2011, Edkins 2011, Baines & Riaño-Alcalá 2012, Theidon 2006, Das 2007, Shaw & Waldorf, Fletcher & Weinstein, Ross 2010, Fletcher & Weinstein 2002). This paper provides suggestions for the TJ process in northern Uganda, employing the Mayan Q'eqchi' case study as an example to demonstrate how the socio-cultural realm can be appropriated and manipulated by government institutions in a manner that does not serve the survivors of violence.

In summary, I contend that the world of the spirits needs to play a paramount role in the restorative justice literature, and have a degree of influence in the planning and implementation of restorative justice mechanisms, such as reparations. This does not mean that the spirit world should be appropriated by the discourse of state agencies; it should rather be understood as a legitimate form of restorative justice in its own right (Baines 2009, Igreja 2012). Furthermore, the spirits offer a corrective to the

<sup>2</sup> 'The everyday' involves material and symbolic interactions at the micro-level and can encompass experiences of multiple temporalities in the forms of dreams, an interaction with an ancestor, a premonition of the future, etc. The everyday is part of the socio-cultural realm (Riaño-Alcalá & Baines 2012).

<sup>3</sup> Igreja defines multiple temporalities as: "the coexistence and simultaneous or consecutive experience of multiple time references in everyday life. This idea of multiplicity should be juxtaposed with the dominant idea within transitional justice that the flow of time is homogeneous and mechanistic" (Igreja 2012:407).

epistemological and methodological shortcomings of mainstream Western approaches to TJ.<sup>4</sup>

### **1.3. The Structure of the Argument**

This paper begins with a review of the idea of reparations within restorative justice. Rather than claiming that state-sponsored reparations programs are unnecessary, I highlight that they should be expanded as to include factors of structural violence and economic inequality. In Part 3: The Comparative Method section, I briefly draw parallels between the Mayan Q'eqchi' and Acholi conflicts. I proceed to describe the conflicts in Guatemala and Uganda through an analysis of the socio-cultural realm of the Q'eqchi' and the Acholi in relation to their respective reparations programs which have been established, in the case of the former, and, in progress, for the latter. I conclude with a section on the limitations that I have experienced in the process of reviewing the literature on the connection between the spirit world and TJ by providing an analysis of epistemological and methodological limitations of mainstream Western-centered approaches to engage with the spirit world; this section is followed by suggestions to address these shortcomings.

<sup>4</sup> As delineated in Part 5: Limitations - Barriers Between Western Epistemology & The Spirit World.

## 2. Theoretical Context: Reparations

### 2.1. What are reparations?

Reparations are an essential component of transitional justice and are utilized to provide victims with some form of repair for rights that have been oppressed, harms suffered and for indignities endured (Magarrell 2007). The United Nations (UN) states that: “(v)ictims of violations of international human rights or humanitarian law have the rights to prompt, sufficient, and effective reparation”.<sup>5</sup> Victims can be individuals or a collective group of individuals who suffered similar violations. Such victims, as defined by the UN Basic Principles on the matter, are:

“Persons who individually or collectively suffered harm, including physical or mental injury, emotional suffering, economic loss, or substantial impairment of their fundamental rights, through acts or omissions that constitute gross violations of international human rights law, or serious violations of international humanitarian law... the immediate family or dependents of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.” (The United Nations General Assembly 2006) The UN provides five formal categories of reparations: restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition<sup>6</sup> (Van Boven 2010, UN Women Report 2012, UNHCHR 2011).

Reparations comprise a range of responses and acts with the purpose of “restoring what has been lost, giving back something that is equivalent to a loss to the person who has undergone the loss, or making amends for what has been done,

<sup>5</sup> The United Nations General Assembly (2006): Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law

<sup>6</sup> United Nations Basic Principles and Guidelines on the Rights to a Remedy and Reparation for Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law

whether symbolic or material amends” (Hamber 2009:95). Reparations draw from legal notions of restoring someone to the state that they were before harm was done. They are a collection of structured and procedurally just way of redress and compensation for harm (Hamber 2009).

Hamber distinguishes between ‘reparations’ and ‘reparation’. The former is defined as the responses and acts that the state implements through transitional justice institutions to restore an individual, the latter, he defines as the psychological state in which victims feel that sufficient efforts have been made to repair the harm that has been done to him/her (Hamber 2009). Hamber distinguishes the former as state-centered and the latter as victim-centered. However, the concepts are intertwined, as the aim of reparations programs may be to achieve psychological ‘reparation’ (Hamber 2009).

This paper does not claim that the state should be absolved from efforts to provide comprehensive compensation for victims in the forms of symbolic, monetary and social programs. Conversely, I argue that victims’ perspectives should be prioritized in the planning and implementation processes of ‘reparations’ by the state. Furthermore, I argue that ‘reparation’ should not be the state’s role. Such level of understanding of extreme events of violence should be left in the hands of socio-cultural realm. The state and society at large need to work conjunction in order to ensure that survivors’ voices are included in the ‘reparations’ and transitional justice efforts, and in order to guarantee that the socio-cultural realm does not become appropriated by the state (Baines 2009, Igreja 2012, 2008). There is a fine balance between victim inclusion and state appropriation.

## **2.2. A Critique of Reparations**

TJ mechanisms and discourses “simultaneously construct and are constituted by new regimes in the aftermath of significant social change...transitional ‘tools’ are utilized explicitly to enforce the norms of a new liberal state and to memorialize a violent past in the service of creating a peaceful future” (Miller 2008:266). TJ is a definitional project in that it decides who should be silenced and who should be listened to, whose struggles should be remembered and whose should be forgotten (Miller 2008, Edkins 2011,

Leebaw 2011, Krog et al 2009). In other words, TJ 'tools' and discourse are not neutral and apolitical (Leebaw 2011, Edkins 2011 Igreja 2012, Baines & Riaño-Alcalá 2012, Theidon 2006, Das 2007, Shaw & Waldorf, Fletcher & Weinstein, Ross 2010, Fletcher & Weinstein 2002). Miller explains that the field of TJ has excluded issues of economic inequality, structural violence, redistribution and development (Miller 2008).

Miller claims that three areas of economic concern should be analyzed in a chronological manner: the economic roots of the conflict, the economic liberalization that occurs during the transition, which often results in a poor redistribution of resources, and the development plans the new government proposes (Miller 2008). A reason why these issues are not addressed in the TJ literature is that including "past economic repression, a present without redistribution or a future inability to overcome longstanding national inequality would dilute the purposes and possible achievements of transitional justice institutions" (Miller 2008:267). It is argued that TJ cannot, and should not have to, cope with prosecution, memorialization, truth telling, documentation and the redistribution of wealth (Miller 2008). Miller claims that the inclusion (or exclusion) of economic justice in the TJ agenda have direct effects on inequality, redistribution and development (Miller 2008).

The process of dichotomizing the 'economic' and 'justice' realms serves the new post-transition state (Miller 2008). This binary is a reflection of the larger discourse within human rights characterized by its emphasis on civil and political rights, neglecting socioeconomic rights. TJ's focus on political violence at the cost of structural violence creates a narrative explanation of the conflict as ethnic and/or religious based, rather than due to economic inequalities. Such narrative obfuscates the role that the elites played and continue to play in conflict (see the case of Guatemala and Uganda below).

Another bias of the human rights law framework that is heavily utilized in TJ discourse is the focus on individual accountability at the expense of structural factors, obfuscating systemic responsibility (Miller 2008, Leebaw 2011). Structural violence is framed as the context upon which human rights violations occur, rather than as a form of human rights violation in itself. Miller explains that reparations are depicted as solutions to the background factors (Miller 2008). This legalistic discourse is based on the idea

that there exists a baseline of what constitutes a violation to human rights; it is defined by Western constructs and it is universal (Miller 2008, Leebaw 2011).

On the few occasions that TJ mechanisms attempt to address socioeconomic inequality, TJ institutions focus on reparations for a victims group as identified by the TJ institution itself. “(T)he focus on reparations makes structural factors doubly invisible, as they are not only backgrounded in the project as a whole but also reduced to a singular definition for resolution” (Miller 2008:278). Miller reviews the reparations programs in Peru, South Africa and Rwanda and claims that although the transitional institutions in such cases recommended paying symbolic, material and moral reparations, the governments in such cases failed to do so (Miller 2008).

In addition, land distribution, a key factor in a number of conflicts (Rwanda, Miller 2008; Guatemala, Viaene 2010; Peru, Theidon 2006; El Salvador, Wood 2003; Uganda, Dolan 2001 & Finnstrom 2008) is largely ignored in the list of reparations (Miller 2008). Compensation is viewed as an isolated narrow-scope transaction independent from development and redistribution (Miller 2008). The focus of reparations is to provide aid to the victim so he/she can manage the material consequences of the loss, to act as an official acknowledgement by the state of the pain suffered by the victim, and as a deterrent for the state to participate in future abuses since there is a financial cost to violence committed (Miller 2008).

Miller paraphrases Roht-Arriaza and Martha Minow (2004) who state that the paradox with reparations is that such programs are meant to restore the status quo ex ante of a society or a community in a situation where no compensation, either symbolic or monetary, can accomplish the goal of restoration (Miller 2008). Monetizing individual suffering is aligned with the human rights legalistic framework that further supports the liberalization project of the state at the expense of economic redistribution benefitting the entire society. “To seek truth through either trial or commission, whether explicitly through amnesty or implicitly through indictment, contains within it the trick of a preordained parameter. The truth sought becomes who killed or tortured rather than who controls immense tracts of land through colonialist enterprises, which countries failed to stop the atrocities from occurring and who merely stood by as it happened. Bystanders and economic beneficiaries might be citizens or countries; in either case, TJ fails to take

them into account in the interest of the symbolic, the limited and the move toward a liberal rights discourse that offers a new, peaceful, stable state without necessarily disrupting all of the old power relations” (Miller 2008:281).

Miller claims that economic inequality and oppression needs to be included in the TJ agenda and that without redistribution, the project of reparations will not satisfy the demands of victims (Miller 2008). Discussions about development and TJ go hand in hand and should not silence each other. TJ mechanisms could directly contribute to new outbreaks of violence by ignoring root causes of conflict, the link between inequality and reconciliation and a lack of economic redistribution (Miller 2008, Leebaw 2011, Nwogu 2010).

Hamber and Wilson (2002) claim that TJ attributes a collective identity to a nation, silencing the trauma experienced by individuals. The pursuit of national unity assumes a coherent and congruent process that conflates the nation to the individual, as well as their respective needs (Hamber and Wilson 2002). In this sense, the authors are referring to the restorative justice approach to TJ, rather than the human rights legalist approach employed by Miller 2008 (Leebaw 2011).

In this section I have delineated key critiques of reparations to demonstrate that TJ tools and discourses are not apolitical and have excluded discussions of economic inequality, structural violence, redistribution and development. These biases are state-centric and cannot claim to ‘repair’ the socio-cultural fabric damaged by protracted conflict. The next section provides links between the idea of ‘reparations’ and ‘repair’ in connection to the spirit world.

### **2.3. Reparations and the Realm of the Dead**

On one hand, reparations programs, both monetary and symbolic, can play a role in the process of opening a space to express trauma and bereavement and ritualizing symbolic closure as they acknowledge survivors’ suffering and the role that the state had in perpetrating such violence. This process externalizes personal suffering and can, in some instances, help individuals move towards healing (Hamber and Wilson 2002). On the other hand, no reparations programs can actually ‘repair’ the suffering that the

survivors underwent. “Memorywork revisits the past as an alienated tourist, and its attempts at recovery are constantly undermined by both the fractured nature of lived memory and the irrecoverability of time. The trauma and accompanying senses of injustice, anger and hurt, which lie in the depths of the actor’s psyche, are both immeasurable and ineffable” (Hamber and Wilson 2002).

Monetary compensation and symbolic acknowledgements serve the same psychological end, as they both attempt to ritually create a symbolic closure (Hamber and Wilson 2002). The sums of money and objects of compensation rarely equal the amounts of income lost if the breadwinner in the family was killed. However, Hamber and Wilson claim that when the living receive reparations for offenses against the dead, this action can, in some cases, resolve the dead who were previously seen as wandering spirits. Reparations can resolve and in a sense domesticate the dead (Hamber and Wilson 2002).

Hamber and Wilson utilize a Maussian framework of analysis to frame the relationship between reparations and survivors of political violence. The premise of Marcel Mauss’s *The Gift* is that “the law of things remains bound up with the law of persons” (Mauss 1954). The material objects exchanged between people contain a spirit, a part of the person. To give an object to another is to give part of oneself. Hamber and Wilson claim that within the context of post-political violence, the spirit of the gift from the state (reparations) and the spirit of the dead are mutually exchanged: “The state’s obligation to pay reparations results from the duty to repay victims for their sacrifice (in terms of suffering and loss) to the liberation and the constriction of the new political order. Victims gave the gifts of their own spirits to ‘the community’ and the obligation of the new state is to return the gift in the form of reparations to their families” (Hamber and Wilson 2002:13).

This analysis has several flaws, and since key researchers in the field of reparations propose this as a way to understand the symbolic nature of reparations (Hamber & Wilson), its flaws require address. The first obvious shortcoming is that Mauss’s *The Gift* was not written with the intent of addressing state-sponsored violence; therefore, attempting to apply ideas of reciprocity in North American aboriginal communities to systematic state-sponsored violence is problematic. In addition, victims’

perspectives are not taken into consideration in this analysis. Do survivors of violence subscribe to the exchange of their loved ones to satisfy a liberal state agenda? Do they view material objects as having a 'spirit'? Wilson and Hamber do not address these questions. Following their Maussian logic, the authors claim that a gift must be first recognized. Recognition has consequences as the acceptance of such an exchange symbolizes the closure and final acceptance of loss for survivors who believe that their children will one day return alive (Suarez-Orozco 1991, Hamber and Wilson 2002).

Hamber (2002) claims that symbolic reparations are essential and he draws a parallel between the latter and human psychology based on 'transitional objects', a theory developed by D.W. Winnicott in the 1970s. These are objects that are dear to a child and that become bridges connecting the internal (individual) world and the external (collective) world. These objects, such as a blanket or a toy, gain a magical significance (Hamber 2002). In connection to the field of reparations, symbolic reparations need to resonate with the survivor at the internal level and external level, and they should also be considered sacred or magical in order to gain meaningfulness at the internal and external levels simultaneously. Hamber explains that reparations which focus solely on nation building, which he calls 'external', do not address victims' internal needs, creating a sense of alienation between the object of reparations and the individual, which does not create a bridge between the individual (the internal) and society (the external); thus the individual is not encouraged to participate in society (Hamber 2002).

For reparations to achieve a 'quasi-magical' significance, the object or act of reparations needs to address both the individual and the collective dimensions. An example could be a community-driven initiative to create inclusive and participatory memorialization projects sponsored by a reparations fund. The nature and type of reparations are essential, as they should have a psychological meaning and personal and symbolic capital: "Acts and objects also need to embody an appropriate mix of individual, political and social symbolism. This process needs to be seen as dynamic and developmental. It is only when reparations are treated with this level of sensitivity that they can ever be 'good enough'" (Hamber 2002:115).



### 3. Methodology – The Comparative Method

The idea of the new state's monopoly over the notion of 'repairing', and claiming the temporal parameters of victim suffering and moving-on is problematic, as seen in the previous sections, creating clashes between formal processes of dealing with a violent past versus local understandings of when and how it is appropriate to move on. In political circumstances where it is not encouraged to show dissent against state institutions, the spirits as socio-cultural understandings of the world we inhabit, represent survivor agency in the form of rumors and occurrences of spirit possessions.

I employ the comparative method to compare the intersections between cosmology, 'reparation', and 'reparations' among the Mayan Q'eqchi' in Guatemala and the Acholi in northern Uganda in order to illuminate the importance of including socio-cultural micro understandings in the TJ processes. Both conflicts share similarities. For instance, the Government of Uganda (GoU) and the Government of Guatemala (GoG) attempted genocide against these two ethnic groups and exterminated a large number of people through active combat and/or forced the population to live in internment camps designed to disintegrate their socio-cultural fabrics (Dolan 2011, Finnström 2008, Baines 2009, Allen 2010, WHO 2005, Viaene 2009). Both groups suffered great socio-economic disparities as both governments and rebel groups orchestrated a campaign of terror to decimate their economic independence. The Mayan Q'eqchi' and the Acholi continue to suffer socio-economic disadvantages post-conflict.

The Q'eqchi' and the Acholi's relationships with the spirits have predated and endured colonialism, and continue to thrive and transform during and after the conflict (Baines 2009, Viaene 2009). In the case of the Mayan Q'eqchi', the state appropriated socio-cultural understandings of the mountain spirits, *Tzuultaq'a*, whom are central to Q'eqchi' cosmology, to justify a genocide of the Q'eqchi' population.<sup>7</sup> After the post-

<sup>7</sup> For further explanation, refer to PART 4: Data and Analysis - Guatemala

conflict transition and the planning and implementation of a reparations program, the state continued to utilize Q'eqchi' cosmology to justify the measures taken in the reparations program (Viaene 2009).

The Acholi are currently negotiating TJ measures to address the war between the rebel group the Lord's Resistance Army and the Government of Uganda. The state has not yet had a chance to formally appropriate the socio-cultural methods that the Acholi utilize to live together after the conflict. The Transitional Justice Working Group<sup>8</sup> has expressed their desire to include socio-cultural notions of reconciliation in their formal institutions (JLOS 2012).

This paper presents the example of the Mayan Q'eqchi' to argue that victims' perspectives should be included in the reparations program in northern Uganda; however, such processes must not be appropriated by formal government institutions, but should rather be employed at the local level by community groups. Socio-cultural practices of reconciliation exist in the realm of the everyday and as a form of agency for various individuals that do not have direct access to the policy-making process (Baines 2010).

For this analysis I will be examining secondary sources, with a focus on a small group of researchers that have done extensive fieldwork among the Q'eqchi' and the Acholi, and who have conducted individual interviews and focus group interviews over a period of three years and over.<sup>9</sup> However, it is important to emphasize that I was not able to find more data for this research project, as further research focusing on the connection of the spirit world to TJ mechanisms among the Mayan Q'eqchi' and the Acholi is needed to develop a greater understanding of the intersections between micro

<sup>8</sup> Part of the Justice Law & Order Sector (JLOS)

<sup>9</sup> My analysis heavily focuses on Erin Baines's research among the Acholi and Lieselotte Viaene's research among the Mayan Q'eqchi'. For details on the shortcomings that limited data may produce see Part V: Limitations - Barriers Between Western Epistemology & The Spirit World

and macro post-conflict socio-cultural processes to address conflict.<sup>10</sup> Because of the research limitations that I have encountered on this topic, I provide methodological suggestions to working with the spirit world in the context of TJ in Part 5: Limitations - Barriers Between Western Epistemology & The Spirit World.

I am not following a logic of causality since more data is required to derive a direct causal relationship. I am rather comparing two communities that share a similar history of conflict and oppression, a strong connection to their cosmological understandings of the conflict and their respective governments' attempt to include their views in a comprehensive reparations program. A comprehensive reparations program in Uganda is still in the planning stages. The Mayan Q'eqchi' reparations case serves as a warning sign to hopefully prevent the GoU from committing the same mistakes. I have purposely chosen two communities from different continents in order to depict the widespread importance of the spirit world and the need to collect more data on the relationship between the spirits and TJ mechanisms.

<sup>10</sup> Data on Q'eqchi' victims' perspectives is limited and can be available through the Mayan Press Na'oj, in Mayan Q'eqchi', in Guatemala. In addition, data on the Acholi (in Luo and in English) is also limited. NGOs, such as the Justice and Reconciliation Project (JRP), collect victims' perspectives on the conflict. Erin Baines has access to JRP's data in connection to the spirit world and she has published it in Baines 2009, along with her own data.

## **4. Data & Analysis**

### **4.1. GUATEMALA**

#### **4.1.1. *The Mayan Q'eqchi' in Guatemala***

Historically, victims' perspectives on justice, peace and reconciliation have been an important element missing in TJ literature (Igreja 2012, Baines & Riaño-Alcalá 2012, Theidon 2006, Das 2007, Shaw & Waldorf, Fletcher & Weinstein, Ross 2010, Fletcher & Weinstein 2002). In the present, anthropologists and transitional justice practitioners have begun to place more emphasis on the voices of survivors of mass atrocities (Igreja 2012, Baines & Riaño-Alcalá 2012, Theidon 2006, Das 2007, Shaw & Waldorf, Fletcher & Weinstein, Ross 2010, Fletcher & Weinstein 2002). Several non-profit organizations currently conduct fieldwork in post-conflict societies and produce reports that include victims' voices and policy recommendations (McClain 2011, UN Women 2012, Ngari & McClain 2011).

Lieselotte Viaene analyses Guatemala's National Reparations Program (PNR) through the perspectives of Mayan Q'eqchi' victims. She conducted field research between 2006 and 2009 among the Q'eqchi', who are the second largest indigenous group in Guatemala. She explains that while the dominant culture in Guatemala is non-indigenous, the population demographic in the country is indigenous Maya and that the Q'eqchi are the second largest Mayan group in the country. She claims that Guatemala is an example of the important role that cultural context plays in the interpretation of human rights abuses. Her research question, which is key to this study is the connection between local cultural practices and the understanding of transitional justice processes, particularly reparations. She further emphasizes the importance of governments taking into consideration cultural interpretations of reparations programs.

Guatemala's conflict between the state and leftist guerrilla groups started in 1960 and lasted until 1996, when peace agreements began. The conflict was at its peak between 1979 and 1983 as the government implemented a counterinsurgent tactic comprised of the burning of land and a patrol system called Civil Defense Patrols, that aimed to militarize rural indigenous areas (Viaene 2010, 2010). The conflict resulted in the death or disappearance of approximately 200,000 people, 600 massacres, the destruction of 400 villages, the displacement of one million people and a refugee influx to Mexico of approximately 150,000 people (Viaene 2010, 2010).

#### **4.1.2. *The National Reparations Programme (PNR) in Guatemala***

The final report of the Commission for Historical Clarification, documenting human rights abuses that occurred from 1960 to 1996, states that the Guatemalan state was responsible for 93 percent of human rights abuses resulting in death (Viaene 2010, 2010). Another important discovery is that 83.3% of victims of violence were indigenous Mayan (Viaene 2010, 2010). Furthermore, the Commission framed the causes of the conflict as a consequence of the historical structural violence and the deliberate economic exclusion of indigenous populations in Guatemala (Viaene 2010).

Peace talks lasted for 11 years resulting in several agreements. The Comprehensive Agreement on Human Rights (CEH) was signed in 1994, reifying the state's commitment to assisting victims of human rights violations (Viaene 2010). During the peace negotiations that followed the conflict, victims' national organizations demanded a comprehensive reparations program (Viaene 2010) pushing the issue of reparations to the centre of the CEH. The National Reparations Programme (PNR) became part of the CEH in 1994, stating that reparations to victims of human rights violations are mandatory (Viaene 2010). The CEH recommended the immediate implementation of a comprehensive reparations program over 10 years including the restoration of material possessions, compensation, psychosocial rehabilitation and reparation and restoration of individual dignity and satisfaction (Viaene 2010). The CEH also recommended collective reparations to begin the process of reconciliation between victims and perpetrators (Viaene 2010). The government approved the PNR in 2003, which included five comprehensive measures: material restitution, economic reparations,

psychosocial reparation and rehabilitation, honoring civilian victims and cultural reparations (Viaene 2010).

Viaene explains that the implementation of the program was delayed due to a lack of political will, disagreements between civil society organizations and the PNR's weak legal basis (Viaene 2010). It was delayed until 2005 after the Executive Degree was implemented, which contained amendments to the PNR. The original scope remained; however, the new amendments mainly emphasized financial compensation.<sup>11</sup>

### **4.1.3. War & Q'eqchi' Cosmology**

Richard Wilson's study focuses on the effects that the scorched-earth policies had among the Q'eqchi', particularly on the 'constitutive elements of the symbolic universe' (Wilson 1991:34) in their intimate relationship with a landscape that is sacred. Deities are inscribed in the landscape itself, in the mountains and streams. The *Tzuultaq'a* ('Hill-Valley' or mountain spirits) guide all actions in daily life including giving permission to cultivate and care for the land. They can be male or female and live in the caves of mountains where they protect the forest animals and control the climate.

Similar to the *Jogi* spirits among the Acholi of northern Uganda, the *Tzuultaq'a* have a dualistic nature: they are male and female, mother and father, good and evil. They unify the earth and the sky and they control the events on the land as well as the movements of the stars and celestial deities (Wilson 1991). In terms of character, they can be authoritarian, easily manipulated, unpredictable and capricious. They make themselves visible to elders through dreams and they can have the physical appearance of white-skinned individuals, similar to the German plantation owners in the 19th century, and they can look like Mayas playing ancient drums. Wilson (1993) explains that their physical appearance symbolizes a link between their Christian and non-Christian past and therefore a claim that they are the rightful owners of the land.

<sup>11</sup> The beneficiaries of the reparations program were offered the equivalent of Guatemalan quetzals \$3,300 for a deceased relative and the equivalent in Guatemalan quetzals of \$1,370 to \$2,750 for sexual assault and/or torture (Viaene 2010, 2010). In addition, at the end of 2009 the PNR began material restitution through a housing project. Disbursement began in 2005 and by the beginning of 2009 the PNR compensated approximately 10,500 beneficiaries (Viaene 2009).

The Q'eqchi' maintain reciprocal relationships with the spirits through the offering of candles, incense and blood sacrifices to ensure that their crops grow. Catholic efforts to fully evangelize the Q'eqchi' were not successful as the connection to the *Tzuultaq'a* remains powerful today (Viaene 2010). During the civil war, however, poverty and the loss of the elders due to the onslaught hindered the relationship between the Q'eqchi' and the spirits as they did not have incense, candles and other offerings to give. This created a rift between them and the spirits and they could not ask the spirits to provide fertile crops.

In addition, the movement of displaced people further hindered the already decimated relationship with the spirits. Surviving elders would attempt to communicate with the *Tzuultaq'a* by visiting the caves to request permission to plant maize but the army monitored the caves and they adamantly discouraged the elders (Wilson 1993). Large-scale pilgrimages stopped during the war. The Q'eqchi' stopped visiting caves as they did not know their names. "Without a prior relationship with a mountain, and no one to tell you about its name and characteristics, it would take many years of dreaming to initiate new relations with a *Tzuultaq'a*...one man said 'How could I pray to a mountain if I no longer live in front of it?'" (Wilson 1991:44).

Life as displaced persons would last from weeks to months or even years. People renounced their nomadic experience because they lacked food and medicines. Children and elders would die of malnutrition. When they attempted to plant maize, the government would send a patrol to scorch the land (Wilson 1991).

Many Q'eqchi' were held in controlled camps where the army forced them to support the government. The overcrowding meant that food was scarce and diseases abounded. Some were allowed to leave the camp and work as wage laborers in local plantations, which provided a cheap labor force. The Q'eqchi' in the camps were subject to ideological education from the army. The army manipulated Q'eqchi' culture to deliver their message and used indigenous notions of guilt and culpability. The Q'eqchi' believe that sickness is due to culpability from oneself or one's own family. The army utilized this notion to blame them for their own calamities and to present themselves as the saviours of the people (Wilson 1991).

Displaced peoples groups have been resettled in 100 new communities. Some of them remain in their land of origin and some internally displaced persons (IDPs) are now in new villages. The army controlled the layout of the new villages and determined the location of the sites and how many people would live in each. The Q'eqchi' are dissatisfied with the arrangements which are designed to maintain heavy levels of surveillance. In addition, the large majority of refugee villages are on untitled lands and there are various disputes over the ownership of land (Wilson 1991).

Wilson explains that in the traditional indigenous villages, the elders held positions of authority and they were the keepers of history, ritual specialists and mediums between villages and the *Tzuultaq'a* spirits. The elders were the mediators over conflicts within the community. These positions have now been taken over by local men, chosen and supported by the military. Corruption and despotism are common in the villages as the Q'eqchi' are constantly under surveillance (Wilson 1991).

Q'eqchi' spirituality revolves around daily activities such as agriculture and health. Throughout the conflict, the Guatemalan army made use of various symbols and terms in Q'eqchi' culture and spirituality as a tactic of control (Viaene 2010, 2010). For instance, the entrance to the military base 'Coban', built during the conflict has a tactically placed a sign in the entrance that reads 'Military Base of Coban, Home of Soldier *Tzuultaq'a*' suggesting that the military base has the authority to control the Q'eqchi' people's daily life (Viaene 2010, Wilson 1991).

Both authority figures, the army and the mountain spirits, demand permission be asked in order to perform certain activities. The *Tzuultaq'a* controls building and agricultural labor, and the army has authority over social activities (Wilson 1993). Dissent is severely punished by both entities and thus both are widely feared. The *Tzuultaq'a* have the power to destroy crops and the army to destroy entire villages. Both send their subordinates to perform the tasks, the former send wild animals and the latter civil patrols (Wilson 1991). The main difference between the two is that under balanced conditions where humans provide offerings and blood sacrifices, the *Tzuultaq'a* shower humans with abundance and fertile crops; whereas no action results in the positive response of the army towards the Q'eqchi' (Wilson 1991).

Spiritual practices came to a halt when the Q'eqchi' were forced into concentration camps. When refugees finally settled in new villages, people were able to harvest crops and save money to purchase ritual materials. Collective rituals during planting season were rare. When Wilson inquired the reason behind this, the Q'eqchi' explained that "We must have unity and happiness of heart" and "The elders are dead and no one knows how to do it" (Wilson 1991:52).

Unity (*junajil*) is one of the main challenges to resume collective rituals as the new villages contain diverse group of Q'eqchi' refugees who did not live together prior to the conflict and who have, therefore, diverse experiences of violence. Wilson explains that the identity of individuals is strongly attached to location, as the names of communities are the names of the particular mountains, valleys and rivers in the area. When asked their names, the Q'eqchi' often reply with the name of a mountain. Individuals do not have an allegiance to the *Tzuultaq'a* that they were not born with. This dynamic prevents communities from having mutually agreed *Tzuultaq'a* to whom they can perform collective rituals to (Wilson 1991).

Another challenging requisite for the performance of rituals is that members of the village know different rituals and a small mistake could result in the wrath of the *Tzuultaq'a*. People must also be 'happy at heart', which is challenging when structural violence and army surveillance prevail. They must also trust each other, which is a challenge since civil patrols generated distrust among community members (Wilson 1991).

#### **4.1.4. Q'eqchi' Cosmology & The PNR: Irreconcilable Differences**

Viaene claims that current efforts of postconflict social rebuilding, such as the reparations program, do not take into consideration the Q'eqchi' cosmology reflected in their language. This is an important omission since 92.8 percent of the population in the most severely affected area, the Alta Verapaz region, is comprised of indigenous Mayan, the majority Q'eqchi' and monolingual (Viaene 2010). She further suggests that the reparations program would have benefited from a study of Q'eqchi' understandings of the conflict.

Viaene conducted a cultural linguistic analysis of local perspectives of the conflict and the reparations program through 20 months of ethnographic research in the Nimlasachal, Nimlaha'kok and Salacuim regions between 2006 and 2009 with the help of legal translators, elders, Q'eqchi linguists, etc. She engaged in participant observation during community meetings and ceremonies and gathered data mainly through semi-structured interviews. Additionally, Viaene conducted 25 semi-structured focus group discussions with 173 survivors of the civil war and former counterinsurgency members of the Civil Defense Patrols (PAC) from various communities. The interviews were conducted in Q'eqchi and translated with the help of an interpreter. Before gathering data, she consulted with two linguists, widows, elders, spiritual guides and two foreign aid workers with 30 years of experience working with the Q'eqchi people.

She explains, "In the Mayan worldview or cosmovision, no distinction is made among the social, natural and sacred spheres that make the cosmos" (Viaene 2010:12). The term *muzuk* means 'the desecration or violation of something sacred', which can range from causing harm to the land or harvest, to raping or killing a person. Interviewees usually mention the term *muzuk* when they talk about the conflict, referring to the desecration of everything they hold sacred, including Q'eqchi identity. In addition, interviewees frequently mentioned the term *nimla* (large) *rahilal* (pain), meaning 'large physical, emotional and spiritual pain' caused by an imminent factor, such as a natural disaster (Viaene 2010). *Nimla rahilal* causes a final loss, "a final loss implies a pain that cannot be relieved – an irreparable loss" (Viaene 2010:13). Viaene's linguistic analysis suggests that the conflict not only affected the social and material spheres of the Q'eqchi', but also the spiritual realm.

Guatemala's National Reparations Program (PNR) has two offices in the Alta Verapaz regions. The offices are run in Q'eqchi', however the PNR was both designed and implemented in Spanish. Concepts such as redress, reparation and compensation were not existent in Q'eqchi language, therefore the PNR requested the Academy of Mayan Languages in Coban to find a related word (Viaene 2010). Viaene explains that the Academy suggested an equivalent term to 'healing'; however the PNR did not find it useful as the Q'eqchi' have deemed it impossible to heal from the violence that occurred with the armed forces. The PNR office decided to adopt the equivalent word of 'to mend' in Q'eqchi, *xiitink*, and the term *rahilal* previously discussed as physical, emotional and

spiritual pain. However, the term *xiitink* is used in the context of mending fabric. The Q'eqchi believe that fabric, once torn, can be mended but not 'repaired'.

Viaene believes that the semantic analysis of two concepts in Q'eqchi' language are key to understanding Q'eqchi views on reparations: "*reeqaj* and *k'ajk'amunk* refer to the mechanisms used to maintain balance in interpersonal relationships and are expressions of reciprocity" (Viaene 2010:14). The English translation of *reeqaj* is 'compensation' and 'substitution'. Compensation should be equal to the material value of the damage. The word *k'ajk'amunk* is the gratitude that one person feels towards another for a task performed or advice. This term not only implies a form of payment but also recognition and gratitude.

The PNR office employed these concepts to frame and legitimize the reparations program to the Q'eqchi people. However, the PNR did not utilize these concepts in the appropriate context. Their strategy failed to accommodate Q'eqchi's perspectives and produced a distorted version of Q'eqchi' worldview (Viaene 2010). Whether this was an attempt by the Guatemalan state to manipulate Q'eqchi' language to oppress the Mayan Q'eqchi' population, or whether this was a result of ignorance is unknown. Either way Q'eqchi perspectives on reparations are silenced.

The only form of compensation that the PNR has implemented is financial. Viaene explains that the PNR office frequently employs the expression *k'ajk'amunk chi tuminal*, which means 'recognition and gratitude through money' (Viaene 2009). It translates as "the state caused the *nimla rahilal* (great suffering and hurt) and is now offering monetary compensation" (Viaene 2010:15). The term *kajk'amunk*, evoked only in a positive context, when a person who received help gives something in return, does not apply to a reparations program. Viaene explains that several of her interviewees claim that life is priceless and refuse to accept economic compensation for a life that was taken away by the state.

During the interviews, the Q'eqchi' requested "material restitution, financial reparations, psychosocial reparation and rehabilitation, honoring civilian victims and cultural reparations" (Viaene 2010:21). Viaene explains that due to the *finca* (plantation) system, the majority of Q'eqchi' do not possess any land. Victims of violence, instead,

suggest that they would like to receive land titles as they are paramount to rebuild their own lives and homes (Viaene 2010). Interviewees also expressed discomfort at the fact that the PNR distinguishes between victims of direct violence such as those who died from bullets and machetes from displaced victims living in the mountains for years dying of disease and malnutrition. They request collective reparations as the large majority of Mayan Q'eqchi' greatly suffered (Viaene 2010). The Q'eqchi' also request public forms of memorialization to become part of the PNR. Local communities were successful at erecting two large crosses to commemorate the dead; however, these efforts have not received recognition from the state (Viaene 2010).

When interviewees ask for *reegaj*, they are not merely requesting material compensation. A house, for instance, is imbued with spiritual symbolism: a place to rest, to gather family and loved ones, a location of cultural transfer across generations and a place where the Q'eqchi' have altars that allow the communication between the living and the dead ancestors (Viaene 2009). A house is a locus of the continuity of the Q'eqchi' culture at the generational level among the living, and it also defies notions of linear temporality, since the presence of the ancestors allows the Q'eqchi' culture to transgress the boundaries of time. Viaene states that there was a high degree of dissatisfaction with the small cubed houses the PNR offered because they were perceived as not having the same material and spiritual value as their previous houses (Viaene 2009).

Interviewees stressed the importance of healing spiritual wounds in order to be able to move forward. Rituals help wandering spirits that died during the conflict. Part of the Q'eqchi' cosmivision is that each person, animal and material object is host of a spirit (*muhel*). *Muhel* is linked to its host until death; however, the link between the two is fragile and one can lose connection to one's own *muhel* easily. This loss can be either temporary or permanent. Consequences of the former are physical or mental illness of the host. The latter results in the death of the host, as *muhel* has joined *Tzuultaq'a*. The link between person and *muhel* is severed because the host is in a state of *susto* (mental, physical, emotional shock and suffering) (Viaene 2010). In order to re-establish the broken link between host and spirit, the host needs to perform a ritual to 'call the spirit'. *Susto* is one of the major reasons of death among the Q'eqchi'. Among the living,

*susto* is experienced as reoccurring vivid nightmares about persecution by army soldiers (Viaene 2010).

Interviewees claim that their spirits, *muhel*, are stuck in the mountains where they were once hiding from the soldiers and that nobody has been able to perform the rituals to bring them back: “(o)ur spirits have stayed there. That is why we dream. It is as though we were up there in the mountains once again, it is as though the soldiers are still haunting us when we sleep” (Interview excerpt in Viaene 2010:22). Another interviewee, a Q’eqchi’ spiritual guide explains the consequences that a lack of redress for the spirit means for the living Q’eqchi’: “Their spirits were not returned to them, that is why they still dream. It appears that are suffering once again, it is as though the war has started again...Now, carrying out the (ritual) means recovering this spirit, making it return to its rightful (place), to where it should live, to where it used to live” (Viaene 20010:22).

Conducting the necessary rituals to return the *muhel* to the living is a challenge as the mountains are now private property. Viaene explains that individuals suffering from *susto* need official permission to visit the land where they lived while they were displaced from their homes. Viaene claims that the organizations currently providing psychosocial support to the Q’eqchi’ do not address the spiritual healing necessary for the Q’eqchi’ to recover their spirits after the conflict. Rituals are largely ignored by the PNR, which only focuses on economic compensation. This form of redress is devoid of cultural meaning for the Q’eqchi’. The PNR’s success depends on its ability to alleviate suffering and trauma caused during the civil war. Victims’ voices need to be included in the design and the implementation of a reparations program, including victims’ needs to address cultural suffering (Espinoza et al 2002).

This paper will now turn to explore the TJ situation in northern Uganda, beginning with a summary of the conflict in northern Uganda. It will provide a description of the planning stages of the reparations program that are currently underway. In this section, I explain that in northern Uganda transitional institutions are currently in the process of including victims’ perspectives in the planning stages of a comprehensive reparations program, and that while this is an important step that differs from the Guatemala case study, it is not sufficient without the necessary political will to carry it forward. I proceed by analyzing the Acholi socio-cultural realm in connection to the war and to the post-war

local restorative justice processes that are currently ongoing (Baines 2009). I support Baines 2009 claim that local initiatives involving the socio-cultural realm are legitimate forms of restorative justice that should be taken into consideration in the planning stages of a comprehensive reparations program, which is currently in the process of development.

## **4.2. UGANDA**

### **4.2.1. *History of the conflict***

The conflict between the GoU and the Lord's Resistance Army (LRA) originates in the historical divide between people in northern and southern Uganda in the post-independence era. The current president in Uganda, Yoweri Museveni came into power in 1986 after overthrowing President Tito Okello who took power in 1985 after Acholi generals in the northern-dominated army overthrew President Milton Obote. The victory of Museveni's National Resistance Army (NRA) prompted former Acholi soldiers from the national army to reconnect and resist the new government. The Acholi resistance was first organized as the Holy Spirit Movement that was led by Alice Lakwena and in 1988 the name changed to the Lord's Resistance Army, led by Joseph Kony (Baines 2011, Allen 2010, Conciliation Resources 2012, International Peace Institute. 2009, Walter and Duncan Gordon Foundation 2008, Global Crisis Solutions. 2007). Between 1988 and the beginning of the Juba talks in July 2008, the Government of Uganda responded to the LRA conflict with a combination of military offensives and negotiations that were poorly orchestrated.<sup>12</sup>

<sup>12</sup> During this period of time, the LRA resisted military offensives by hiding across the Sudanese border and by dividing its forces into smaller mobile units making them difficult to locate and capture. After the Uganda People's Defense Force (UPDF) largest military operations, Operation North in 1991 and Iron Fist in 2002, the LRA increased activity in northern Uganda, particularly in the south, including the Lango and Teso sub-regions. In Sudan, the LRA expanded to encompass the states of Eastern Equatoria and Central Equatoria, which led to increased civilian casualties (Baines 2011, Allen 2010, Conciliation Resources 2012, International Peace Institute 2009, Walter and Duncan Gordon Foundation 2008, Global Crisis Solutions. 2007).

In 2004, the Government of Uganda began a counterinsurgency strategy, which involved placing most northern Ugandans in internment camps in order to deprive the LRA of resources and a support base. This strategy failed as the poor camp conditions led to malnutrition, corruption, violence and lack of medical care, resulting in increased animosity towards the government.<sup>13</sup> More importantly, by that time, the LRA was not popular among northern Ugandans because of the violence that it committed against civilians. The LRA responded by increasing abductions of children (Baines 2011, Allen 2010, Conciliation Resources 2012, International Peace Institute. 2009, Walter and Duncan Gordon Foundation 2008, Global Crisis Solutions 2007).

For 24 years, civilians remained trapped between the warring factions with devastating results.<sup>14</sup> The government forced up to 90% (Blattman et al 2011, International Peace Institute 2009, Baines 2009) of the population into IDP camps by 2004 and the LRA continuously attacked civilians for perceived collaboration with the government (Internal Displacement Monitoring Centre 2010, Blattman et al 2011). Since

<sup>13</sup> Furthermore, the US war on terror and the 2002 Anti-Terrorism Act established limits on the Amnesty and included the LRA on the list of terrorist groups, making LRA membership a criminal offense. In 2003, the Government of Uganda referred the LRA conflict in the north to the newly established International Criminal Court (ICC). This action created further limitations on the Amnesty Act and issued warrants for the arrest of five senior commanders, including leader Joseph Kony. Civilian groups denounced the legal steps taken by the Government of Uganda and claimed that the ICC's involvement would be an obstacle to the reintegration process that was taking place by nationally led peace efforts (Baines 2011, Allen 2010, Conciliation Resources 2012, International Peace Institute. 2009, Walter and Duncan Gordon Foundation. 2008, Global Crisis Solutions. 2007). Military operations that were launched by both the Government of Uganda with US support on December 14th 2008 continue until today. Approximately 5,000 UPDF troops were deployed in the Democratic Republic of Congo (DRC) to locate the LRA and the number was eventually reduced after Uganda's 2011 elections and the deployment of troops to Mogadishu Somalia, a decision made by the Government of Uganda and the United States (US Council on Foreign Relations. Foreign Affairs. 2011). In 2011 US President Obama announced that he would be sending "combat-equipped troops" on a kill-or-capture mission to remove Kony from the area. Growing recognition over conflict in the area coupled with intense periods of media attention.

<sup>14</sup> Since the 1980s, President Museveni has opted for military power over peaceful dialogue. The LRA claimed that for Museveni, surrendering was more important than addressing the grievances of northern Ugandans. Unable to succeed through military means, the Government of Uganda pursued other initiatives such as the Amnesty Act passed by Parliament in 2000, which over the next five years encouraged thousands of LRA rebels as well as family members to 'report' and receive assistance to resettle. The Amnesty Act attracted a large number of LRA commanders, which deteriorated the organizational capacity of the LRA (Baines 2011, Allen 2010, Conciliation Resources 2012, International Peace Institute. 2009, Walter and Duncan Gordon Foundation. 2008, Global Crisis Solutions. 2007).

its origins, the LRA's political agenda has been to promote and instigate opposition against President Museveni, who expressed his animosity against the Acholi from the north. It is alleged that President Museveni spoke of the "Acholi as grasshoppers in a bottle, where they will eat one another before they find the way out through the bottleneck" (Finnstrom 2008:206).

#### **4.2.2. *Reparations in Uganda***

The Transitional Justice Network Group, part of the Justice Law and Order Sector (JLOS) has access to various reports that heavily rely on victims' views on the right to reparations (JLOS 2012, McClain 2011, UN Women 2012, Ngari & McClain 2011). Victims' views will be included in the JLOS National Report on Transitional Justice, Truth-telling and Reconciliation. JLOS conducted the latest Policy and Programming workshop in July 2012 in which the following criteria for reparations were discussed and included to the JLOS National Report: individual and collective reparations are essential to achieving accountability and peace, urgent measures for the most vulnerable need to be established, and victims will play a role in the planning and implementation of a comprehensive reparations program.<sup>15</sup>

However, local NGOs working with survivors report that victims distrust the GoU's capacity to enforce reparations laws as well as the political will to ensure that the reparations program is implemented in a fair manner, since people have lost trust in the justice system (McClain 2011, Ngari & McClain 2011). These concerns resonate with the experience of the PNR in Guatemala, where a lack of political will hindered a full implementation of the comprehensive reparations program. Ugandans are currently waiting to receive official news from the GoU about a comprehensive reparations program.

<sup>15</sup> "Participants identified a number of forms of reparations that would be necessary, including building memorials for war affected communities, compensation for individual victims, providing specialized social services for victims with special medical/psychosocial support needs, engaging in a truth-seeking process by setting up a national truth-seeking body, and others. All key stakeholders, especially the GoU, civil society and victims' associations have a role to play in the design, roll out and implementation of a reparations program. In particular, victims can play an active role in defining what type of reparations are necessary for each community and can be active in aspects of implementation of a program." (JLOS 2012)

### **4.2.3. The Socio-Cultural Realm in northern Uganda**

The combination of displacement, government oppression, abduction by rebels and under-age military recruitment in a conflict that lasted twenty-three years has been devastating for the Acholi (Baines 2010).<sup>16</sup> Baines (2009) states that the spirit world is not only a response to suffering in a post-conflict environment, but “an active form of agency” that creates space to publicly and privately discuss and renegotiate conflict in a heated political context, where the state discourages open dialogue or does not permit it. Spirit possessions and ritual cleansing in northern Uganda are expressions of justice-making at the micro, local level (Baines 2009).

The process of dismantling IDP camps started in 2010 and individuals have since either returned to their homes or have created new homes. Returning home has not been an easy process. After mass displacement, land ownership is constantly being contested and the kingship system has suffered an abrupt disruption that has reshuffled kingship values among the Acholi (Finnstrom 2010, 2008, 2012, Dolan 2011, Baines 2009, 2010, 2011, Allen 2010, Internal Displacement Monitoring Centre. 2010). The Acholi must now learn to live together again after undergoing a conflict that pitted family members, neighbors and friends against each other.

The GoU has pledged to provide amnesty to LRA rebels returning from the bush. This is supported by a discourse of forgiveness among local and religious leaders (Baines 2009, 2010, 2011, McClain 2011, Ngari & McClain 2011). However, sources on the ground claim that pretending that atrocities did not occur is not a possibility (Baines 2009 referencing Mawson 2005). The Juba Talks 2008 Agreement on Accountability and Reconciliation between the Government of the Republic of Uganda and the Lord's Resistance Army/Movement proposes a combination of local and international approaches to justice and reparations. However, as Baines claims, the process of social reconstruction also occurs at the micro local level and outside the jurisdiction of the formal institutions whose mandate is to carry out the Agreement on Accountability and Reconciliation: “People draw upon local cosmologies in times of moral crises to interpret

<sup>16</sup> While the LRA is currently active in South Sudan and the DRC (US Council on Foreign Relations 2011, Finnström 2012), they do not pose a large threat in northern Uganda (International Peace Institute 2009, Finnström 2012).

and navigate the way forward. In northern Uganda, understanding this helps make sense of the way ordinary Acholi seek to repair broken relationships with one another and the spirit worlds” (Baines 2009:411).

Baines explores the socio-cultural mechanisms that locals utilize to navigate through a social matrix marked by extreme forms of violence among intimate relations. She defines local mechanisms as “a set of micro-level relationships between everyday people” striving to reconcile (Baines 2009:413). In northern Uganda, the spirit world is invoked to deal with issues of accountability and social repair. The spirits are key mediators in complex culpability contexts. Baines borrows Kimberly Theidon’s concept of ‘intimate enemies’ (Theidon 2006) to describe violent settings that pit neighbors, family members and friends against each other. Baines conducted 22 months of fieldwork in northern Uganda between 2003 and 2009, collecting data on Acholi cosmology and how Acholi cosmology affects ‘the everyday’ in post-war Uganda through focus group discussions, formal and informal interviews and participant observation (Baines 2009).

Baines claims that the socio-cultural realm is a key area of study in order to comprehend local understandings of justice.<sup>17</sup> She adds that there is little empirical evidence outlining that TJ mechanisms either positively or negatively influence individuals (Toms, Ron & Paris 2010, Ross 2010, Fletcher & Weinstein 2002, Nagy 2008) and that social change is not primarily led by state and state-like institutions through the rule of law (see Kieran McEnvoy 2007). She adds that ‘society’ and ‘the state’ are not discrete units and that the state (and international community) do not provide people with peace and reconciliation, but rather that people directly influence the process of state-formation and legitimacy (Baines 2009). Literature in the field of transitional justice criticizes employing the ‘local’ as a frame of analysis claiming that

<sup>17</sup> Baines emphasizes non-state actors in her definition of the socio-cultural; however, she does not completely exclude the state (Baines 2010).

research utilizing this framework conflates notions of 'local' and 'traditional' (Baines 2009).<sup>18</sup>

#### **4.2.4. War & Acholi Cosmology: The Jogi**

Constant and controlled threats of insurgency over two decades have served the political interests of the elites and rebel groups in northern Uganda (Dolan 2011 and Finnstrom 2008). Kustenbauder contextualizes the conflict in the broader historical, political and religious dynamics that are characteristic of the area. Reasons for protracted conflict are the division of the country into an arbitrary north and south that created within country cleavages at economic, political and ethnic levels. The north was severely underdeveloped compared to the south where the elites live. Furthermore, the British reinforced ethnic divides by militarizing the Acholi in the north, which had long-term impacts on Acholi identity(ies) (Kustenbauder 2010).<sup>19</sup>

Acholi religion revolves around notions of the causes of misfortune and the steps or processes necessary to deal with them (Baines 2009, *Roco Wat I Acoli* 2005). Baines explains that the spirits that represent the Acholi cosmology are *Jogi* (singular *jok*) who are ancestral spirits related to the geographical location of a clan and who are

<sup>18</sup> The literature on 'local' forms of justice in the field of TJ has focused on devising methods to apply 'traditional' forms of knowledge in the national reconciliation agenda (Quinn referenced by Baines 2009). James Latingo delineates a framework suggesting ways in which traditional socio-cosmologies can be applied within formal processes of justice (Baines 2009). Such analysis is also provided by Hamber & Wilson 2002, in the context of South Africa. Current research focuses on analyzing local forms of social reconstruction taking the local as the main reference point, rather than the state (Riaño-Alcalá, P. & Baines, E. 2011, 2012, Igreja 2012, 2008, Finnstrom 2010, Theidon 2006, Ross 2010, Shaw 2007, Shaw & Waldorf 2009).

<sup>19</sup> The militarization of politics furthered a culture of conflict (Kustenbauder 2010, Finnstrom 2008, Dolan 2011). Obote's deposition of Kabaka Muteesa II in 1986 reinforced the understanding that the political kingdom suffers violence and that men 'take' by force. In 1986 the NRA came to power along with president Museveni. During this time, the NRA implemented a widespread radio and print propaganda campaign which blamed the Acholi for Uganda's problems. Kustenbauder adds that the generational conflict between Acholi elders and young militarized men, coupled with the failure of incorporating former rebels and soldiers into civilian life generated an environment of tensions, violence and internal terror. Furthermore, the abuse of civilians in the north by the NRA further confirmed the Acholi's fear that they were the government's target, which encouraged the Acholi to form rebel groups (such as the LRA) to 'defend themselves'. The difficulties around the demilitarization of men and women and the long-term problems associated with this resulted in the reinforcement of the traditional fears and discourse around witchcraft and spirit possessions.

responsible for maintaining the moral order, “*Jogi* send misfortune when social transgressions take place within the clan until unity is restored” (Baines 2009:418). Baines adds that the cause of death, such as malaria or a car accident, is less relevant than the reasons for the death, which Baines asks as “actions or events (which) disrupted the moral order and led to that particular person’s death, and how can that order be corrected?” (Baines 2009:418). *Jogi* spirits are active actors in the maintenance of moral order and its reconstruction post-conflict (Baines 2009:418). The *Jogi* can possess anyone, especially women, animals and things providing them with a special power and strength (Behrend 2000).

The power of the *Jogi* spirits can be used for healing as well as for harming (Kustenbauder 2010, Behrend 1999, 2000). In pre-colonial times, Acholi chiefs (*rwodi*) would rely on the power of the chiefdom’s *jok* to maintain the prosperity and fertility of the land and the well-being of the people. During war, the *rwodi* would also invoke the chiefdom *jok* to assist them in defeating their enemies (Kustenbauder 2010, Behrend 1999, 2000). The *Jogi* ensured that individuals maintaining the moral order would be rewarded with blessings and those transgressing the moral order would be punished.

The 1850s, the time of the slave-ivory trade gave rise to increased contact between the Acholi and the Arab traders and other foreign groups, which brought spirits from the outside world, called free *Jogi*. These *Jogi* were not attached to the chiefdom; they mediated the interactions between the inside and outside world in terms of benefits and dangers. The introduction of free *Jogi* gave rise to cults of affliction led by spirit mediums called *ajwaka* who became possessed by the free *Jogi*. Chiefdom *Jogi* became responsible for the moral order of the community and free *Jogi* were responsible for individual healing through the *ajwaka* (Kustenbauder 2010, Behrend 1999, 2000).

British rule introduced Christianity in Acholiland, which incorporated a Christian god and saints leading to a plethora of local interpretations. The Christian god, explained as the source of all goodness, was given the name *Rubanga* and all the *Jogi* became evil spirits in close association with Satan (*jogi setani*). Kustenbauder explains that during this time, witches and witchcraft increased (Kustenbauder 2010, Behrend 1999, 2000).

In the 1940s, along with the East African Revival, a process of indigenization of Christianity began: Christianity by Africans for Africans. In Acholiland, the *Jogi* became sources of guidance, health and power at the community and individual levels (Kustenbaunder 2010, Behrend 1999, 2000). *Jogi* were identified as the saints from the Bible and became holy, giving rise to new spirit mediums who opposed the pagan interpretations of *Jogi*. “Warfare in Acholi society had always been integrally related to spirits and spirit mediums” (Kustenbaunder 2010:461).<sup>20</sup>

During the conflict between the GoU and the LRA (which led to the creation of displaced persons camps) the presence of endogenous *Jogi* greatly diminished. The Acholi were forced to leave their land and to nurture their *abila* (shrines to their ancestors); in addition, the elders, those closest in relation to the ancestors, began to play a lesser role than they used to, a result of the amount of power gained by militarized young men (Baines 2009). During Baines’s research in internment camps, the notion of *kiir* (abominations, illness and curses as a result of the conflict) prevailed (Baines 2009). The camps increased instances of *kiir* for a number of reasons, including issues around limited camp space, which gave rise to sexual immorality. In addition, the dead did not receive proper burial because of the dangers associated with leaving the camp. Another factor was the large number of people dying in the bush (as LRA abductees and combatants) and their unclaimed bodies. All these factors harmed the moral order resulting in an increase of free *Jogi* (*Jogi* that were not related to the clans and the land) (Baines 2009).

Since the conflict, consultations with spirit mediations have increased in order to determine how to address misfortunes or *kiir* (Baines 2009). “Possession by a spirit can only be resolved through cleansing by driving the spirit out, killing it, or accepting and embracing it” (Baines 2009:419). During Baines’s 2005 fieldwork in an IDP camp in Corner Kilak, one of her research assistants witnessed the attack of a cat-man, jumping

<sup>20</sup> *Jogi* retained the dualistic power to heal and provide blessings and to kill and provide vengeance. Alice Lakwena and Joseph Kony (former and current leaders of the LRA respectively) embody this duality, merging Christian notions of the Holy Spirit, *Jogi* and the spirit mediums *ajwaka*. The *ajwaka* invoked the power of the *Jogi* to defeat enemies in battle (Behrend 1999, 2000, Kustenbaunder 2010). “It was this fusion of religious discourse and political ideology that inspired and sustained rebel movements” (Kustenbaunder 2010).

on, clawing and terrorizing the community every night. The cat-man was thought to be a retired Ugandan military officer who would become possessed by the spirits of the dead at night. The community came together and eventually forced the cat-man to leave the camp (Baines 2009). Baines explains that the former Ugandan military officer suffered from *cen*, which is a free *jok*, the spirit of a person who died a violent death or who was treated badly after death (he/she did not receive proper burial). Extensive fieldwork among former LRA abductees shows that *cen* is one of the major grievances affecting people in the north. The spirits of those who were killed in the bush haunt former combatants through nightmares, or trying to kill or injure themselves and others (Baines 2009).

Baines explains the cat-man case as a collective story of suffering of the Acholi in the hands of the UPDF (the government military) and the violence committed against the Acholi in a counterinsurgency project that led to the death of thousands (Baines 2009, Baines 2011, Allen 2010, Conciliation Resources 2012, International Peace Institute. 2009, Walter and Duncan Gordon Foundation. 2008, Global Crisis Solutions. 2007). She adds that the Corner of Kilak is on one of the largest army bases in Uganda and that a large number of crimes against civilians and battles occurred in the area resulting in thousands of bodies in the area that have not received proper burial (Baines 2009). “The shunning and expulsion of the cat-man, then, is ‘essentially a mechanism for remembering the past and coping with the experience of terror as well as manifestations of the community’s expectations of justice and revenge’” (Baines 2009:421, quoting Perera 193). The case of the cat-man was one of the many instances of *cen* that Baines recorded. She was given a tour by the elders showing her instances of *kiir* (misfortune and haunting by the spirits in the form of illnesses and deaths) in the community and the myriad of bones that littered the area that had not received proper burial.

The free *Jogi* are evil spirits seeking redress and they do so by transgressing the boundaries between the public and the private. The dead who died ‘out there’ in the bush (or in combat) have infiltrated the homes, including the bodies of the living. As Kwon explains within the context of the Khmer Rouge in Cambodia, “(t)he village ghosts were moving from the margins of the village to the interior spaces of the village homes. Just as the bodies of the war dead were moving en mass to the domains of kinship and community life, their spirits, it seemed, were making a transition from a distant existence

to an existential proximity” (Kwon 2006:87). Baines explains that future Acholi generations are affected by the current occurrences of *cen* as families are destroyed, threatening the basic unit of society, the family and resulting in the internal breakdown of Acholi society (Baines 2009).

Communities organize and call for collective cleanses to appease the spirit world and restore the moral order. A sense of resolution in the spirit world and restoration of the moral order is as necessary as legal and political solutions (Baines 2009). The act of vengeance at the individual level by invoking free Jok is a common form of justice-seeking among the Acholi (Baines 2009). “In the absence of state accountability, justice is delivered through the spirit world” (Baines 2009:423).

A major source of conflict between families, neighbours and friends are children that returned from the bush at the expense of others. As previously mentioned, the conflict between the LRA and the GoU has created a rift between members of the same community. As individuals were forced to kill each other, families at home needed to deal with the choices that their loved ones made while abducted and forced to kill. Families, whose children were murdered by other young neighbours fortunate enough to return home, demand compensation because they claim that the spirits of the bereaved will not stop haunting them until they receive a form of redress (Baines 2009). Unsettled spirits demanding compensation are currently destroying family and community relationships.

For instance, Baines gives the example of Joska, a woman who returned from captivity in the bush. She committed a number of violent acts while she was in captivity, such as the killing of a young boy and a young girl. Joska went through all the cleansing rituals that were provided by the elders to remove the *cen* attached to LRA returnees, nonetheless, Joska continued to be haunted by spirits causing illnesses and despair. Joska’s elders took her to various spirit mediums, until they found one who channeled the two angry spirits that were causing her misfortunes. The spirit medium explained that the ritual cleansing did not work because the spirits demanded compensation. Joska and the elders provided compensation by engaging in ritual cleansing and transferring the evil spirits to a sacrificial goat (Baines 2009). After this, the clan moved to another area and Joska drank *mato oput* (the act of drinking a bitter root to symbolize

reconciliation between Joska and the spirits of the dead). These steps removed the evil spirits that haunted Joska and her family and she is now able to continue with her life (Baines 2009).

This is one of the many examples provided by Baines's extensive fieldwork in Acholiland. She claims that instances of compensation leading to the reconciliation between the living and the dead are not alternatives to formal justice processes. Rather, they are additions and complements to formal justice processes, as the latter cannot fully infiltrate the deep socio-cultural layers affected by the conflict. She claims that "(t)he cosmological perspectives of the war-affected reveal how social repair occurs (or why it fails to occur) among 'intimate enemies' at the micro-level within societies torn apart by conflict. More attention should be paid to such processes, for they occur not solely in African contexts, but globally" (Baines 2009:429).

She adds that while the Acholi are largely excluded from actively participating in truth commissions, reparations programs and government policy, reconciliation among the living and the dead are a resource that is readily available to them. These resources are key in political contexts where tense discussions about appropriate justice methods silence those who are most affected by violence "(w)here deeper injustices persist, the spirit world enables community members to discuss them in public, creating a space that is otherwise closed by government amnesty or not addressed in formal justice processes. It is therefore not only a response to great suffering, but an active form of agency to redress injustice" (Baines 2009:429).

Such forms of agency in the everyday involving multiple temporalities derived from alternative cosmologies to the Western norm are essential to understanding how members of communities live side-by-side in post-conflict settings. Therefore, it is imperative that these perspectives occupy a central space in the transitional justice agenda. The world of the spirits needs to play a paramount role in the restorative justice literature and influence the planning and implementation of restorative justice mechanisms, such as reparations. This does not mean that the spirit world should be appropriated by the discourse of state agencies; it should rather be understood as a legitimate form of restorative justice.

## **5. Limitations – Barriers Between Western Epistemology and The Spirit World**

A major setback of this MA Project is the lack of existing data on victims' perspectives in connection to TJ & the spirit world. In this section, I provide reasons to explain the limited literature on this subject; furthermore, I provide methodological suggestions, gathered from the literature, to address this limitation. I begin this section by delineating key Western epistemological assumptions that discourage the spirit world from legitimately participating in mainstream TJ discourses. The first assumption is the linearity of time, which inherently denies the connection between the living and the dead vis a vis the concept of multiple temporalities, which allows the living and the dead to maintain relationships. In addition, the individualistic fallacy of Western epistemology leads to the need to create clear distinctions between the past, present and future, treating each as a separate entity. Distinct entities are characterized by having a beginning and an end. The idea of closure after mass violence is problematic because individuals that experience multiple temporalities may experience fluid and plural notions of endings.

Another epistemological assumption is the medicalization of the spirit world in the form of 'trauma' and 'PTSD'. While I am not denying that victims that are connected to the spirit world may suffer from trauma-like symptoms, it is paramount to avoid adopting medicalized discourses that delegitimize the inclusion of the spirit world in TJ mechanisms. Lastly I advocate for the adoption of alternative methodology for the inclusion of the spirits in TJ research in order to address the lack of literature depicting the connection between the spirit world and TJ.

## 5.1. Multiple Temporalities in ‘the Everyday’

Mass atrocity affects the process that the dead transgress from the world of the living to the world of the ancestors, from wandering amoral spirits to active social beings in a community (Kwon 2006). Disruptions that occurred in ‘the past’ affect individuals’ understanding of the place they occupy in the world of the living and in the world of the dead. Some worldviews reject the notion of ‘moving on’ from the past as their own sense of self is connected to others both living and dead that dwell in multiple temporalities (Krog et al 2009).

Victor Igreja suggests that “indigenous understandings and practices of justice and healing are constituted by multiple temporalities that blend present, past and future in contingent and contested ways and on an ongoing basis” (Igreja 2012:404). Transitional justice literature, on the other hand, is based on notions of linear temporality (Jackson 2005, Igreja 2012, Edkins 2011, Baines 2009, Leebaw 2011, Das 2007, Kwon 2006). The underlying assumption is that peace agreements are the initial stage of a transition, followed by justice, reconciliation and healing practices with predetermined lifespans (Igreja 2012).

Several authors claim that local everyday notions and practices of justice should be the norm, rather than the alternative to mainstream TJ mechanisms (Igreja 2012, Baines & Riaño-Alcalá 2012, Theidon 2006, Das 2007, Shaw & Waldorf, Fletcher & Weinstein & Ross 2010). Riaño-Alcalá and Baines define the relationship between justice and the everyday as “how justice and social repair are variously negotiated and constructed in the context of everyday life” (Riaño-Alcalá & Baines 2012). Vena Das explains the relationship between local notions of justice and social repairs as ‘the descent into the ordinary’: the process of descending into the everyday after an event or a series of events of extreme violence that are outside of the ordinary. As Das points out in her own words, “life (is) recovered not through some grand gestures in the realm of the transcendent but through a descent into the ordinary” (Das 2007).

Riaño-Alcalá and Baines claim that an analysis of how justice is experienced and constructed in the everyday is a messy practice as the researcher encounters complex and sometimes contradictory understandings of local realities, meanings and visions

(Riaño-Alcalá & Baines 2012). "It makes visible the reasons why conventional justice practices within the transitional justice 'toolkit' cannot be a single momentary response to mass violence, for the lens of the everyday reveals justice and social repair to be dynamic and perpetually in the process of renegotiation (Riaño-Alcalá & Baines 2012). The authors make a reference to Rosalind Shaw and Kimberley Theidon's analysis of 'politics of scale': "where the 'local' is at the bottom of a hierarchy of knowledge and power and the practices of ordinary people and survivors are subjugated to a 'transcendent, universal and unitary concept of justice, and often through rationalist embarrassment about ritual practices involving spirits'" (Riaño-Alcalá & Baines 2012).

Igreja explains that indigenous justice may include spirits and a myriad of notions of time and space (Igreja 2012). Krog, Mpolweni and Ratele provide an example in their book *There was this Goat* (2009). The book is an exploration of the victimization of Ms. Konile, a woman that gave testimony during the South African TRC. The authors explain that during the TRC hearing, the Commission dismissed Ms. Konile's narrative because it was incomprehensible and incoherent. Ms. Konile's rhetoric did not follow the linear narrative pattern that was requested by the TRC of victims giving testimony. Her testimony involved dreams, spirits and multiple temporalities. The researchers explain that her testimony is not unusual within the context of her cultural background. In certain communities in sub-Saharan Africa, dreams are a bridge between the invisible and the visible world and are part of individuals' daily lives (Krog et al 2009, Igreja 2012). Joska's narrative (the woman haunted by the spirits in northern Uganda) could also be perceived as incoherent in a TRC that is not equipped to comprehend the subtleties of the socio-cultural realm.

Igreja claims that in order for TJ to appreciate the plethora of justice mechanisms that different cultures exhibit, there needs to be a focus on the notion of multiple temporalities: "the coexistence and simultaneous or consecutive experience of multiple time references in everyday life. This idea of multiplicity should be juxtaposed with the dominant idea within transitional justice that the flow of time is homogeneous and mechanistic" (Igreja 2012:407). Anthropologist Nancy Munn supports this notion and suggests a notion of "temporalization that views time as a symbolic process continually being produced in everyday practices. People are 'in' a sociocultural time of multiple dimensions (sequencing, timing, past-present-future relations, etc)...these dimensions

are lived or apprehended concretely via the various meaningful connectivities among persons, objects, and space continually being made in and through the everyday world” (Munn 1992:123).

Emile Durkheim claims that notions of time emerge from frames of reference or ‘collective representations’ (Igreja 2012). For instance, among the Bosavi in Papua New Guinea, people employ ‘placed space-time’ in which place and place-names are important in everyday life and serve as concepts to reference the meaning of events. Igreja explains that within this frame of reference, a violent event would be identified and remembered by the place where it occurred rather than by its timing. This example of socio-cultural experience would be lost for an investigator that operates within the Gregorian calendar (Igreja 2012).<sup>21</sup>

In dominant Western notions of time (and justice or legal processes), time is linear and homogeneous, which derives from Aristotelian sense of time defining time as “before and after” (Igreja 2012, Munn 1992). Anthropological literature on time explains that linear Aristotelian frameworks of time have been utilized during the industrial revolution as a tool to objectify, mechanize and control populations (Munn 1992, Igreja 2012). Within the analytical frameworks underlined in transitional justice, linear time influences and shapes ideas of memory, narrative, history and justice (Igreja 2012). Igreja claims that transitional justice is mechanistic as it employs a linear notion of time based on a past of violence and a present for justice and closure (Igreja 2012). He adds that this type of rigid temporal sequencing is not a pragmatic framework to employ in TJ as it does not accurately represent the complexity of multiple temporalities that individuals experience in the realm of the everyday (Igreja 2012).

<sup>21</sup> In connection to frames of reference and justice systems, Ewick and Silbey argue that legality is a pattern of relationships that is enacted daily in the interpretative schemas people invoke to understand the world that surrounds them. They further propose that consciousness (or “reality” constructed through schemas) is “a reciprocal process in which the meanings given by individuals to their worlds become patterned, stabilized, and objectified. These meanings, once institutionalized, become part of the material and discursive systems that limit and constrain future meaning making.” (Ewick and Silbey 1998:39). Through these discursive systems, or schemas, society dictates the range of opportunities for thought and action and language acts as an index that provides clues on the nature of the parameters of thought. That is, it dictates what exists and what does not exist and what is possible from what is not. Schemas are inscribed in cultural codes, motives, logistics, common sense, hierarchies of values, conventions and binary oppositions (Ewick and Silbey 1998:39).

For people living in contexts of protracted conflict (or violence), “the line between commonplaceness and extraordinariness becomes rather blurred” (Igreja 2012:408). This is a popular criticism of transitional justice (Igreja 2012, Baines & Riaño-Alcalá 2012, Theidon 2006, Das 2007, Shaw & Waldorf, Fletcher & Weinstein, Ross 2010, Fletcher & Weinstein 2002). Individuals with decision-making power isolate a particular event of violence, decontextualizing continuums of violence for the sake of ‘pragmatism’ (Edkins 2011, Leebaw 2011). The assumption is that although violence may have existed prior to the timeline selected by the TJ decision-making authorities, it is overshadowed by a specific event that is considered to be out of the ordinary (Thomson 2011, Nagu & Thompson 2011).

Boesten claims that “observing a continuum – a continuity and affinity in the use of violence rather than rupture and exceptionality – forces us to examine the underpinning norms, values and institutional structures that normalize certain violences and exceptionalize others.” (Boesten 2010:114) She explains that these underlying norms and values may be normalized and perceived as legitimate on the one hand or exceptionalized and perceived as reprehensible on the other. The timeline editing process obfuscates root causes of violence (Nwogu 2010, Leebaw 2011) and pushes the main actors involved in the conflict, survivors, perpetrators and those that dwell in the ‘gray zone’ (Levi 1989), to the margins, bringing the newly elected state to the center. An analysis of the trajectory of the *Tzuultaq’a* and the *Jogi* spirits among the Q’eqchi’ and the Acholi would provide evidence of the continuums of violence that the Q’eqchi’ and the Acholi have endured in pre-colonial, colonial and post-colonial times and it would assist TJ mechanisms to address root causes of violence.

Igreja explains that spirits and spirit possessions demonstrate that the memory of illegitimate killings is not eroded or ‘repaired’ with the linear passing of time and with institutions that are based on time linearity as the case of the Q’eqchi’ in Guatemala demonstrate. Rather, such memories and the emotions attached to them remain alive in the survivors for generations until they are addressed by legitimate (cultural) institutions (Igreja 2012) as seen in the examples of spirit compensation in Baines’ fieldwork. Igreja advocates for a comprehensive notion of transitional justice that embraces multiple temporalities expressed in spirit possessions, the influence of dreams, imagination and emotions.

## 5.2. On Endings and Closure

The individualistic fallacy of Western epistemology leads to fundamental assumptions about the individual and his/her surroundings in mainstream Western academia. These notions go together with the need to create clear distinctions between the past, present & future, treating each as a separate entity. Distinct entities have beginnings and ends. However, the idea of closure after mass violence is problematic. The psychological impact of extreme violence and human rights violations is irreparable. Closure is partial and dynamic (Hamber 2002). Hamber explains that receiving monetary reparations that lack symbolism can sometimes be experienced by survivors as a disrespectful act that betrays the memory of the dead.<sup>22</sup>

It is widely recognized that collective mourning and grief are present in most cosmologies (Retchman 2006, Hamber 2002) as most cultures experience continuity between the world of the living and the world of the dead. In Western cultures, this is recognized through funerals and commemorations of the dead. One of the main differences between current Western mainstream and non-Western cultures is that in the former, there is a clear separation between the living and the dead<sup>23</sup>. The dead embody

<sup>22</sup> In the context of the Khmer Rouge in Cambodia, Richard Retchman explains: "In the aftermath of extermination, the social existence of the deceased depends on the survivors' capacity to always carry them in a shared destiny. For those who survived, the consequences of this rhetoric may generate a distressful feeling of living in a world of death that conforms to the perpetrator's will. The survivor's paradox is undoubtedly one of the principal consequences of this will to deprive prisoners of their human condition. It is a kind of interiorization of the perpetrator's rhetoric. For the survivor to leave this world of death could mean abandoning the dead without a symbolic place where they could exist. But if he/she keeps them only in his/her own memory, that could signify that the survivor remains captive in the perpetrator's world of death. In both cases, the survivor's attempt to escape this paradox fails with the risk of confirming the abominable claim of the torturers." (Rechtman 2006:1)

<sup>23</sup> Note that the comparison focuses on current mainstream Western culture and non-Western cultures. It should be noted that the spirit world has been a major part of Western tradition from literary works such as William Shakespeare's plays to stories and accusations of Witchcraft in Europe and European settler societies. Pagan and Neopagan communities thrive in Western countries; however their beliefs are not considered mainstream. Although Christianity widely spread throughout the West during the Roman Empire and a large number of people nowadays are Christian, parallels exist between pagan notions of the spirit world and Christianity's Holy Spirit, Saints and angels. A correlation is likely to exist between the West's adoption of linear Aristotelian framework of time and its spread during the Industrial Revolution on one hand, and the abandonment of the spirit world in mainstream political and cultural institutions on the other hand.

the culturally constructed other living in a separate world (Retchman 2006, Kwon 2006). In the latter, though they remain in the category of 'otherness', the dead may live in the same world, share the same system of values. In Cambodia, for instance, the living and the dead interact in the realm of the everyday. (Retchman 2006, Kwon 2006). Their encounters could be due to trauma, a disease or to everyday acts.

Retchman adds that "(t)he rhetoric of extermination destroys this symbolic frontier and affirms that there is no more a place for the dead in the 'other' world than a place for the living in the actual world. Both dead and living are identical and merely destined to disappear without leaving any trace or memory. Killing the dead could be a metaphor of extermination, as if it were possible to destroy the symbolic existence of the deceased in order to deprive the living of their humanity" (Retchman 2006:7).

Hamber explains that in bereavement studies, it is widely recognized that there is a continuing bond between the living and the dead, which is essential for dealing with a loss (Hamber 2002). In the literature of trauma in the aftermath of mass violence, it is believed that the living cling on to the dead because the event that occurred is horrific and falls out of the realm of the ordinary and explainable (Das 2007, Edkins 2011, Hamber 2002). Hamber adds that the result of violent loss can affect survivors' ability (or will) to distinguish between present and past, or the existence of the physical separation between the living and the dead.

Hamber adds that repressive political contexts thwart the meaning of death and reframe moral values attached to death as well as what it means to survive political violence and to continue living in its legacy (Hamber 2002). In contexts that remain violent post-conflict, Hamber claims that the dead and the living symbolically coexist (Hamber 2002). The survivor alone is not responsible for reworking and reconfiguring his/her relationship to the violent event(s), but it is also the responsibility of the political and social context that created the violation (Hamber 2002).

### ***5.3. Trauma and the Medicalization of The Spirit World***

Jenny Edkins claims that "(t)rauma is the confrontation with an event that, in its unexpectedness and horror, cannot be placed within the schemes of prior knowledge" (Edkins 2011:39-40). In Edkins's interpretation of trauma, a horrible event disrupts the

linearity of "historical, narrativized time, time which has beginnings and ends...traumatized persons live in two different worlds: the realm of trauma and the real of their current ordinary life" (Edkins 2011:40). This process can be seen in the examples of spirits that haunt the Mayan Q'eqchi' in Guatemala through nightmares and *susto*, and the *Jogi* spirits among the Acholi in northern Uganda, who persecute the living through *kiir*. Nightmares and spirit persecutions bring victims into contact with entities that embody multiple temporalities, in the sense that they connect the 'present time' directly to the 'past'.<sup>24</sup>

Like Hamber, Edkins suggests that trauma time and real time are in binary opposition and individuals experience it as a parallel experience. They dwell in trauma time and in ordinary life. These two temporalities cannot be synchronized; hence the act of giving testimony becomes a challenge as narratives force multiple temporalities to coherently exist at once. Edkins explains that the concept of trauma is a "historically situated social practice" (Edkins 2011:44). This is an important point because victims of state-sponsored violence may or may not suffer from trauma or trauma-like symptoms; however, the discourse of trauma can be utilized to delegitimize the spirit world's engagement with TJ mechanisms. The presence of spirits in the forms of ancestors, spirit possessions and the like that disagree with Western ideas of closure should not be solely attributed to a medical condition. TJ practitioners should strive to understand the spirits' historical and their roles in their communities. Trauma is socially constructed based on clinical and scientific discourses; hence claiming that experiences with the *Tzuultaq'a* spirits among the Q'eqchi' and the *Jogi* spirits among the Acholi are due to trauma could be considered ethnocentric as such entities exist outside western concepts of trauma, within the larger framework of multiple temporalities experienced among both groups. Trauma becomes the medicalized lens through which we construct discourses about those that experience multiple temporalities.

In the West, we fit notions of multiple temporalities, what Hamber refers to as the 'disconnect between inner reality and social reality', within familiar moral and/or

<sup>24</sup> These events can be interpreted through the lens of trauma. However, more research is required on this subject, together with the awareness that 'trauma' is one of many lenses that can be used. Medical discourses should not be treated as more legitimate than other socio-cultural interpretations.

medicalized discourses of trauma. Jenny Edkins explains trauma as “a betrayal of trust” when those forces or communities that were supposed to protect us fail to do so. Our sense of identity depends on the context that we live in and when that context is removed or destroyed, our sense of meaning is gone too. “Events seen as traumatic seem to reflect a particular form of intimate bond between personhood and community, and, most importantly, they expose the part played by relations of power” (Edkins 2011:4).

Edkins claims that once the ‘betrayal of trust’ occurs, individuals that become aware of the illusion of security and contradictory nature of the state become a threat to the state itself. They are labeled as ‘victims’ and ‘survivors’ and they are put through the process of normalization and/or medicalization. Survivor experiences are fitted into discourses of trauma and PTSD. Perpetrators are treated as an exception to the norm, or ‘abnormal’. They are treated as criminals or deviants (depending on the social script of marginalization used at that particular time in history). This process depoliticizes the witness and removes his/her voice in an attempt to conceal the state’s vulnerability. The state utilizes the ‘abnormals’ to create a discourse on what it means to be normal. In other words, the state establishes “forms of life” as Veena Das explains, in which ‘forms’ come before and at the expense of ‘life’. “The aim is the recovery, or the reinsertion of survivors into structures of power” (Das 2007:9).

Although literature on trauma needs to be included in TJ processes (particularly literature that addresses notions of multiple temporalities), medicalizing the connection between the living and the spirits under the umbrella of trauma negates the plurality of lived experience that stems from cultural world-visions. TJ mechanisms play a role in the process of normalization, medicalization of the spirit world and as a consequence the depoliticization of the witness.<sup>25</sup>

<sup>25</sup> Discourses normally used in Truth and Reconciliation Commissions (TRCs) heavily rely on medicalization discourses (Leebaw 2011). They treat trauma as a wound that needs to be cleansed and purified. To what extent are the concepts of ‘reconciliation’, ‘compensation’ and ‘closure’- normally used in TJ - complicit in the process of reinserting survivors in existing structures of power?

### 5.3. Methodological Approach to Working with the Spirit World and Spirit Possessions in Post-Conflict Areas

Collecting 'hard data' from interviews and testimonies in post-conflict zones is challenging as individuals differ in the ways in which they experience violence, which leads to multifaceted narratives of 'truth' (King 2009:127). Elizabeth King refers to Lemarchand as he concludes that the possibility of acquiring 'hard data' from interviews in Rwanda is questionable due to biases around group loyalties and social divisions that rarely allow of objective information (King 2009:134). Roy, on the other hand, explains that not only individuals remember differently, but they also experience violence differently, which leads to multifaceted narratives. The "problem of ferreting out the truth in such a complex environment raises thorny epistemological questions about whether the existence of merely one 'truth' is ever likely at all." (King 2009:134)

Fujii explains that the value of narrative data does not depend solely on the idea of truthfulness and accuracy about a reality that exists 'out-there'. She suggests that the metadata inherent in testimonies about violence yields important information about the present: "it indicates how conditions in the present shape what people are willing to say about violence in the past" (Fujii 2010:231). Systematic silences, evasions and denials demonstrate the existence of established, normative discourses and assumptions about categories of blame and innocence. When informants engage with the spirit world, they create a bridge between the past, the present and the future. The state cannot easily oppress the *Tzuultaq'a* and the *Jogi* spirits as they do not suffer physical harm. Hence, they have the ability to resist without suffering consequences, which is not the case for individuals living in oppressive contexts. The spirits can criticize events that happened in the past, they can be dissatisfied with the present, and they can provide suggestions for the future. A historical review of the *Tzuultaq'a* and the *Jogi* spirits allows researchers to transgress systematic silences.

Fujii defines metadata as the informants' "spoken and unspoken thoughts and feelings which they do not always articulate in their stories or interview responses, but which emerge in other ways" (Fujii 2010:231). Metadata should not be seen as 'data-noise', it should rather be treated as data in itself and as an essential part of data collection and analysis of personal narratives and local histories that are generated in

politically sensitive contexts (Fujii 2010:232). Fujii identifies five types of metadata during her fieldwork in post-genocide Rwanda: rumors, inventions, denials, evasions, and silences. These subcategories fit within the larger 'selective telling' category.

In the context of renegotiating politics in post conflict Indonesia, Bubandt suggests that the spirit world is a useful methodological resource. Bubandt treats the spirits as informants; he refers to them as 'methodologically real' as they are both instruments and actors in the political arena. Spirits and spirit possessions are instances of packed data or "thick description". They should be treated as metadata (Fujii 2010; King 2009) or data in itself in the context of TJ, rather than 'cultural noise' to be filtered out in order to uncover the 'facts' (Krog et al 2009, Baines 2009).

Rumors of spirit possession play a prominent role in periods of extreme political uncertainty and violence (Baines 2009, Igreja 2012) as seen by spirit possessions among the Acholi and the disconnect between the Mayan Q'eqchi' and their land, which is guarded by various *Tzuultaq'a*. In post-conflict settings, rumors reflect insecurities about what can or cannot be spoken about regarding violence in the past as seen in the Mayan Q'eqchi' and the Acholi case studies. When a researcher chooses to adopt an objectivist framework of analysis, rather than interpretivist, rumors may be perceived as barriers as they defy veracity and accuracy of data. However, Fujii proposes that some rumors can lead to new areas of inquiry (Fujii 2010:233).

The act of spirit possession is a form of 'multiple subjectivity' (Bubandt 2009:295; Masquelier 2002:55). Bubandt explains that for Adeline Masquelier, spirit possession is a learned behavior in which the medium negotiates between 'competing subjectivities' that involve one or more spirits, a "ritual but also a contradictory redistribution of multiple subjectivities across bodily boundaries" (Bubandt 2009:296). He adds that in Ternate, Indonesia, the spirits are summoned by the living for both personal and political advice; they are informants of the past, present and future, as well as of the world of the living and the world of the death. They transgress all boundaries; therefore they are regarded as powerful sources of knowledge. Igreja explains that "the experience of possession is said to be one of moving backwards and forwards in time to the extent of experiencing imaginary dimensions of time. To comprehend these uncertain time flows, it is necessary to use the idea of 'non-correspondence', according to which 'the experience of time is

not exhausted by the verbalized and explicit forms of time concepts'. That is, while people are physically in the present, they move beyond this state and establish communication through embodied experiences of multiple temporalities that are not always explicit." (Igreja 2012:415).

Bubandt suggests that the category of 'informant' is based on the widespread philosophical idea of the bounded self, or universal individualism. Current research in anthropology attempts to deconstruct the notion of the self (Bubandt 2009) Bubandt adds that the "one-body-one-person-one-mind model" (Bubandt 2009:298) does not reflect the complex web of subjectivities that he encountered in the field. He often encountered more subjects or informants than physical bodies.

The idea of multiple subjectivities contained in one physical body is not limited to the realm of spirit possession. Bubandt mentions that people with dissociative identity disorder, soothsayers and channellers are examples of anthropology's relatively recent focus on 'emergent forms of life'. I would add that the field of TJ has recently embraced the concepts of 'victim-perpetrator', 'complex political perpetrator' (Baines 2009) and 'intimate enemies' (Theidon 2006) to describe the complex and multiple positionality of social actors abducted and forced to be involved in armed combat.

Our physical bodies are a container for a myriad of 'potential informants' (Bubandt 2009). "As Ewing has suggested, even during normal dialogue people routinely make rapid shifts among multiple expressions of self (Ewing, 1990). Although these multiple self-representations are held together by an overarching experience of wholeness, they are often inconsistent and even conflicting (1990:274)" (Bubandt 2009:298)

Ewing suggests that researchers move away from myopic dichotomies between the Western bounded universal individualism notion of the self on one hand, and the relativist multiple form of self. Instead, "multiple and conflicting projections of self may coexist within an overarching sense of self that people around the world struggle to maintain against the exigencies of life." Thus, researchers should focus on how "multiple self-representations are organized, contextualized, and negotiated in dialogue" (Ewing quoted in Bubandt 2009:298). In order to accomplish such analysis one can "relate the

conflicts and inconsistencies in the multiple forms of self representations that emerge during dialogue to a larger social and political context” (Bubandt 2009:298).

At the methodological level, spirits are informants that can be interviewed; Bubandt claims that their personal narratives and political agency can be traced in the intersection between the political and the subjectivity of spirit encounters. Lukes proposes that there are three dimensions of power: the ability to influence decision-making, the ability to highlight certain debates and censor others, and finally the capacity to influence the wishes of others (Bubandt 2009). Individuals often utilize the political influence of spirit possession for their own private purposes. However, an instrumentalist analytical framework often obfuscates the richness of meta-data (Fujii 2010, King 2009).

This type of analysis also assumes that there is a universalized and naturalized understanding of the meaning of ‘politics’ (Bubandt 2009), defined by Enlightenment notions of human rationality and manipulation of the invisible world for the sole purpose of power. It further naturalizes a divide between the mundane and the metaphysical. This notion denies that for some, the spirit world is ontologically real, as is the world of politics. That is not to deny that spirits can be used as instruments of power; it is rather to add a layer to this dimension and claim that spirits are positioned social actors, whom can be methodologically treated as informants shedding light into the socio-political context in which they influence and operate (Bubdandt, Baines 2009, Igreja 2012). Spirit possessions are important meta-data that shed light onto unspoken tensions in post-conflict societies.

## 6. Conclusion

In post-conflict transitional contexts, communities that were targeted during the conflict and that continue suffering structural inequalities - such as the Acholi in northern Uganda and the Mayan Q'eqchi' in Guatemala - rely on spirits to open new social spaces where survivors can express their dissatisfaction with the status-quo (Igreja 2012, Baines 2009, Viaene 2009). The *Tzuultaq'a* and the *Jogi* spirits dwell in the everyday realms of the Q'eqchi' and the Acholi and they encourage individuals to deal with situations that have not been 'repaired' by their respective governments.

The *Tzuultaq'a* and the *Jogi* spirits support and reinforce the idea of multiple temporalities because they connect pre-colonial times, to conflict times, and to the present. They are the markers of the past, present and an uncertain future, and therefore they transgress notions of linear temporality (Igreja 2012). "The spirits are located in the invisible present and simultaneously transport their hosts and the audience to the war" (Igreja 2012:419).

In Guatemala, the Q'eqchi' are not allowed to perform the necessary rituals to bring their *muhel* back because ancestral land is now privatized. "Our spirits have stayed there. That is why we dream. It is as though we were up there in the mountains once again, it is as though the soldiers are still haunting us when we sleep" (Interview excerpt in Viaene 2009:22). Another interviewee, a Q'eqchi' spiritual guide explains the how a lack of redress for the spirit world translates to the world of the living: "Their spirits were not returned to them, that is why they still dream. It appears that are suffering once again, it is as though the war has started again...Now, carrying out the (ritual) means recovering this spirit, making it return to its rightful (place), to where it should live, to where it used to live" (Viaene 2009:22).

In northern Uganda, spirit mediators and the surviving elders employ the elements and tools at their disposal to create a sense of 'repair'. The Acholi have also suffered displacement and lack of access to their ancestral land (Dolan 2011, Finnström

2008). In contrast to the Mayan Q'eqchi, the Acholi are able to perform some<sup>26</sup> cleansing rituals outside of ancestral land since the once clan and land-based *Jogi* adapted to exposure to foreigners, creating the free *Jogi*, wandering spirits that the elders and the mediums can directly access through socio-cultural knowledge. However, the Q'eqchi' *Tzuultaq'a* spirits are topographically dependent and can only be accessed through connection to land of origin.

In the case of the Q'eqchi', the state included the socio-cultural realm in the planning stages of the comprehensive reparations program; however, at the implementation level, the state has blocked essential socio-cultural tools that the Q'eqchi' require to create a sense of 'repair' outside of formal state institutions. The planning stages of the reparations program in northern Uganda are currently in progress; voices and socio-cultural practices of the Acholi are currently included. Political will and further community consultations will determine if the GoU will include the socio-cultural realm, and the necessary tools that the community requires, in the implementation of the reparations program.

Igreja and Baines suggest that the socio-cultural realm and notions of multiple temporalities, embodied in spirits, are essential to the process of 'repair' at the micro-everyday-level. Further analysis of the trajectory of the *Tzuultaq'a* and the *Jogi* spirits among the Q'eqchi' and the Acholi could provide additional evidence of the continuums of violence that the Q'eqchi' and the Acholi have endured in pre-colonial, colonial and post-colonial times and it would assist TJ mechanisms to address root causes of violence in order to produce effective comprehensive reparations programs. This type of inquiry demonstrates that political history can radically transform the cosmological realm and people's interaction with it.

This paper does not claim that formal reparations programs<sup>27</sup> are devoid of useful transition material, but it does suggest that the socio-cultural realm and survivors'

<sup>26</sup> Connection to ancestral land is still paramount among the Acholi and it is the GoU's responsibility (along with the community) to resolve violent undergoing land disputes.

<sup>27</sup> These programs are part of the macro-level symbolic and material interactions of the socio-cultural realm

voices<sup>28</sup> need to be taken into consideration in the planning and implementation stages of such programs. Although reparations programs cannot 'repair' broken socio-cultural fabrics, they can aid in the process, while keeping self-regulatory and reflexive methods to avoid appropriating the notion of 'repair'. "(E)very day practices of transitional justice are better understood as part of broader indigenous institutions and people's routines, including quotidian forms of talking, bodily reactions, spirits of the dead and objects that become agents and mediums of conflict resolution" (Igreja 2010:421).

<sup>28</sup> The micro-level symbolic and material interactions of the socio-cultural realm

## References

- Allen T, Vlassenroot K. *The Lord's Resistance Army: Myth and Reality*. (Allen T, Vlassenroot K/eds.). Zed Books, 2010; 2010:288.
- Annan J., Blattman C., Carlson K., and Mazurana D. 2011. Civil War, Reintegration, and Gender in Northern Uganda. *Journal of Conflict Resolution*. 55: 877-907
- Baines, E. (2009) *Spirits and Social Reconstruction: Rethinking Transitional Justice*. African Affairs.
- Baines, E. (2009) Complex Political Perpetrators: Reflections on Dominic Ongwen. *Journal of Modern African Studies*: 47(2) pp 163-191.
- Baines, E. (2011). Gender, Responsibility and the Grey Zone, *Journal of Human Rights*, (TBA).
- Behrend, H. (1999) *Alice Lakwena and the Holy Spirits: War in northern Uganda, 1986–97*. James Currey, Oxford
- Behrend, H (2000) *Power to Heal, Power to Kill Spirit Possession and War in Northern Uganda*. Spirit Possession, Modernity and Power in Africa. University of Wisconsin Press
- Boesten, J. (2010) Analyzing Rape Regimes at the Interface of War and Peace in Peru. *International Journal of Transitional Justice*: 4(1) 110-129.
- Bronwyn Leebaw, *Judging State-Sponsored Violence, Imagining Political Change*. Cambridge University Press, 2011.
- Bubandt, N. 2009 Interview with an ancestor: Spirits as informants and the politics of possession in North Maluku. *Ethnography* 10; 291

Conciliation Resources 2012. "Dealing with complexity in peace negotiations: Reflections on the Lord's Resistance Army and the Juba talks" [http://www.c-r.org/sites/www.cr.org/files/Dealingwithcomplexity\\_201201.pdf](http://www.cr.org/sites/www.cr.org/files/Dealingwithcomplexity_201201.pdf)

Das, V. (2007) *Life and Words: Violence and the Descent into the Ordinary*.

Dolan, C. (2011). *Social Torture: The Case of Northern Uganda 1986-2006*. New York: Berghahn Books

Dustin Sharpe. *Interrogating the Peripheries: The Preoccupations of Fourth Generation Transitional Justice*. *Harvard Human Rights Journal*. 2012. Forthcoming (search online)

Edkins, J. (2011) *Trauma and the Memory of Politics*. Cambridge University Press

Espinoza, C., Ortiz Rojas, M. L. & Baeza, P. R. (2002). *Comisiones de Verdad: Un Camino incierto?: Estudio Comparativo de Comisiones de la Verdad en Argentina, Chile, El Salvador, Guatemala y Sudafrica Desde las Victimas y las Organizaciones de Derechos Humanos*. Santiago: Corporation for the Promotion and Defense of the People's Rights/Association for the Prevention of Torture

Ewick, P. & Silbey, S. (1998) *The Common Place of Law: Stories from Everyday Life*. Chicago. The University of Chicago Press.

Finnström, S. (2008). *Living with Bad Surroundings: War, History, and Everyday Moments in Northern Uganda*. Durham N.C.: Duke University Press.

Finnström, S. (2010). *Reconciliation Grown Bitter? War, Retribution and Ritual Action in northern Uganda*. In Shaw, R., and L. Waldorf. *Localizing Transitional Justice: Interventions and Priorities after Mass Violence*. Stanford University Press. 2010

Finnström, S. ( 2012 ). *KONY 2012, Military Humanitarianism, and the Magic of Occult Economies*. *Africa Spectrum*, 47(2-3), 127-135. Retrieved June 17, 2013

Fletcher, L. and Weinstein, H. (2002). *Violence and Social Repair: Rethinking the Contribution of Justice to Reconciliation*. *Human Rights Quarterly*, 24(3), pp. 573 – 639.

- Fujii, L. Shades of truth and lies: Interpreting testimonies of war and violence. *Journal of Peace Research*: 47(2), 2010. 231-241.
- Global Crisis Solutions. 2007. "Situation Report: The Juba Peace Talks: The Chequered Road to Peace for Northern Uganda".
- Hamber, B. (2011). *The Psychological Impact of Truth Commissions*. In D. J. Christie (Ed.), *Encyclopedia of Peace Psychology*. Hoboken, New Jersey: Wiley-Blackwell.
- Hamber, B. & Wilson, R. (2002) *Symbolic Closure Through Memory, Reparations and Revenge in Post-Conflict Societies*. *Journal of Human Rights*, 1(1)
- Hamber, B. (2009). *Transforming Societies after Political Violence: Truth, Reconciliation, and Mental Health*. Springer: New York.
- Hamber, B. (2000). *Repairing the Irreparable: Dealing with double-binds of making reparations for crimes of the past*. *Ethnicity and Health*, 5 (3&4) pp 215-226
- Huyse, L. 2008. *Traditional Justice and Reconciliation after Violent Conflict: Learning from African Experiences*. International Institute for democracy and Electoral Assistance. Stockholm
- Igreja, V. (2012) *Multiple Temporalities in Indigenous Justice and Healing Practices in Mozambique*. *International Journal of Transitional Justice*. Forthcoming SI on TJ and the Everyday, 2012
- Igreja, V., Béatrice Dias-Lambranca and Annemiek Richters (2008). *Gamba Spirits, Gender Relations, and Healing in Post-Civil War Gorongosa, Mozambique*. *Journal of the Royal Anthropological Institute*: 14(2)
- Internal Displacement Monitoring Centre. 2010. "Uganda: Difficulties Continue for Returnees and Remaining IDPs as Development Phase Begins"
- International Peace Institute. 2009. "From Uganda to the Congo and Beyond: Pursuing the Lord's Resistance Army". Ronald R. Atkins.
- Jackson, M. (2005). *Storytelling events, violence, and the appearance of the past*. *Anthropological quarterly*, 78(2), pp. 355 – 375.

JLOS Justice Law and Order Sector (2012). JLOS Reparations Policy and Programming Workshop.

Juba Talks. 2008. "Agreement on Accountability and Reconciliation between the Government of the Republic of Uganda and the Lord's Resistance Army/Movement" <http://www.ucdp.uu.se/gpdatabase/peace/Uga%2020070629.pdf>

King, Elizabeth. 2009. "From Data Problems to Data Points: Challenges and Opportunities of Research in Postgenocide Rwanda". *African Studies Review*, 52(3): 127-148.

Krog, A., Ratele, K., and Mpolweni, N. (2009) *There was this Goat: Investigating the Truth Commission Testimony of Notrose Nobomvu Konile*. University of Kwazulu Natal.

Kustenbauder, M. (2010). *Northern Uganda: Protracted Conflict and Structures of Violence*. *War and Peace in Africa*, ed. Toyin Falola and Raphael Chijioke Njoko. Durham, NC: Carolina Academic Press, pp 451-482.

Kwon, H. (2006) *After the Massacre: Commemoration and Consolation in Ha My and My Lai*. Berkeley: University of California Press.

Levi, P. (1989) *The Drowned and the Saved*.

Liu Institute for Global Issues. 2005. Gulu District NGO Forum. *Roco Wat I Acoli. Restoring Relationships in Acholi-land: Traditional Approaches to Justice and Reintegration*. 1-123.

Magarrell, L. (2007). *Reparations in Theory and Practice*. Reparative Justice Series: International Center for Transitional Justice

Masquelier, A. (2001) *Prayer Has Spoiled Everything: Possession, Power, and Identity in an Islamic Town in Niger*. Durham, NC: Duke University Press.

Masquelier, A. (2002) 'From Hostage to Host: Confessions of a Spirit Medium in Niger', *Ethos* 30(1/2): 49-76.

- Mauss, M. (1954), 2011 edition. *The Gift: Forms and Functions of Exchange in Archaic Societies*. Martino Fine Books.
- McClain, L. (2011). Summary Report - What Became of Reparations?: A Dialogue Among Civil Society Actors On The Future Of Reparations For Victims Of Conflict In Northern Uganda. Justice and Reconciliation Project & International Centre for Transitional Justice pp 1-12.
- McEnvoy, K. (2007), 'Beyond legalism: towards a thicker understanding of transitional justice', *Journal of Law and Society* 34 (4) pp. 411–40
- Miller, Z. (2008) Effects of Invisibility: In Search of the 'Economic' in Transitional Justice. *The International Journal of Transitional Justice*, 2, pp 266-291.
- Munn, N. (1992) *The Cultural Anthropology of Time*. *Annu. Rev. Anthropol* 21 pp 93-123
- Nagy, R. *Transitional Justice as Global Project: Critical Reflections*. *Third World Quarterly*: 29(2), 2008. 275-289.
- Ngari, A. & McClain, L. (2011). Policy Brief: Pay Us So We Can Forget: Reparations for Victims and Affected Communities in Northern Uganda. Justice and Reconciliation Project. Pp 1-8.
- Nwogu, N.(2010).When and Why It Started: Deconstructing Victim-Centered Truth Commissions in the Context of Ethnicity-Based Conflict. *International Journal of Transitional Justice*, 4(2), pp. 275 – 289.
- Oliver, R (2009). A post-liberal peace: Eirenism and the everyday. *Review of International Studies*. 35(3)
- Oskar N. T. Thoms, James Ron, and Roland Paris (2010) 'State-Level Effects of Transitional Justice: What do We Know?' *International Journal of Transitional Justice* 4 (3) pp 329-354
- Rechtman, R. (2006). The Survivor's Paradox: Psychological Consequences of the Khmer Rouge Rhetoric of Extermination. *Anthropology & Medicine*, 13(1) pp 1-11

- Riaño-Alcalá, P. & Baines, E. (2011). The Archive in the Witness: Documentation in Settings of Chronic Insecurity. *International Journal of Transitional Justice* 5 (3), pp. 412 – 433
- Riaño-Alcalá, P. & Baines, E. (2012) *International Journal of Transitional Justice Special Issue: Transitional Justice and the Everyday*. The *International Journal of Transitional Justice* 6(3).
- Ross, F.(2010). An Acknowledged Failure, in Shaw, R. and L. Waldorf, Eds. *Localizing Traditional Justice: Interventions and Priorities after Mass Violence*. Stanford:Stanford University Press. (Chapter 4).
- Shaw, R. and Waldorf, L. (2009). Introduction. In *Localizing Transitional Justice*. Stanford: Stanford University Press.
- Shaw, R. (2007). Memory Frictions: Localizing the Truth and Reconciliation Commission in Sierra Leone. *International Journal of Transitional Justice*, 1(2), pp. 183 – 207.
- Suarez-Orozco, M. (1991) "The Heritage of Enduring a Dirty War: Psychological Aspects of Terror in Argentina." *The Journal of Psychohistory*, 18(4), 469-505.
- Theidon, K. (2006) *Justice in Transition: The Micropolitics of Reconciliation in Postwar Peru*. *Journal of Conflict Resolution*, 50(3) 433-457
- Thomson, S. (2011). Whispering truth to power: The everyday resistance of Rwandan peasants to post-genocide reconciliation, *African Affairs*, 110 (440), pp. 439 – 456.
- Thomson, S.M. and Nagu, R.(2011). Law, Power and Justice: What Legalism Fails to Address in the Functioning of Rwanda's Gacaca Courts. *International Journal of Transitional Justice*, 5(1), pp. 11 – 30.
- United Nations High Commissioner for Human Rights (2011). *The Dust Has Not Yet Settled: Victims' Views on The Right to Remedy and Reparation*, A report from the Greater North of Uganda. United Nations Human Rights pp 1-97
- UN Women Report (2012). *As Reparations Are Considered in Northern Uganda, Ways Are Sought to Equally Include Female Survivors*.
- US Council on Foreign Relations. *Foreign Affairs*. 2011. "Obama Takes on the LRA"

Van Boven, T. (2010). The United Nations Basic Principles and Guidelines on The Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law. United Nations Audiovisual Library of International Law.

Viaene, L. (2010) Life is Priceless: Mayan Q'eqchi' Voices on the Guatemalan National Reparations Program. *The International Journal of Transitional Justice*, 4 pp 4-25

Viaene, L. (2010).The internal logic of the cosmos as 'justice' and 'reconciliation': micro-level perceptions in post-conflict Guatemala, *Critique of Anthropology*, 30 (3), pp. 287 – 312.

Viaene L. (2011).Dealing with the legacy of gross human rights violations in Guatemala : grasping the mismatch between macro level policies and micro level processes. *International Journal Of Human Rights*,15 (7), pp. 1160 – 1181.

Walter and Duncan Gordon Foundation. 2008. "Promoting an Inclusive Peace: A Call to Strengthen Canada's Peace-Making Capacity. Country Study: Peace and Justice in Northern Uganda"

Wilson, R. (1991). Machine Guns and Mountain Spirits: The Cultural Effects of State Repression Among the Q'eqchi' of Guatemala. *Critique of Anthropology* 11(1) 33-61

Wood, E. (2003).*Insurgent Collective Action and Civil War in El Salvador* (Cambridge Studies in Comparative Politics)New York: Cambridge University. Press, 2006.

World Health Organization. 2005. "Health and mortality survey among internally displaced persons in Gulu, Kitgum and Pader districts, northern Uganda"