

Changing the Narrative

The Role of Communications in Transitional Justiceⁱ

Transitional justice is in a slump. While it still excites academics and think tanks, it is no longer the trail-blazing idea that forced leading human rights, rule of law and peacebuilding theorists and practitioners to stretch their minds and develop new responses to the legacies and moral dilemmas of mass abuse.

Among the least commented causes of the slump is the fact that, for most of the last 20 years, transitional justice institutions have tried to tell too much of the storyline of the legacy of mass abuse on their own, disconnected from a larger national conversation and societal narrative that seek to re-imagine a different future in the aftermath of conflict or authoritarian rule. Some of the most powerful voices shaping such narratives – media, public intellectuals and artists – have been treated as just one more type of ‘stakeholder’, rather than as distinctive protagonists in creating the possibility of transformative results.

This essay argues that communications and narrative must occupy a much more central part of the vision of transitional justice, as in the early years of the field. In some cases, the opportunity is ample, because a clear and inclusive nation-building project is underway. Then, it is critical for transitional justice institutions to latch their work onto the project, so that a critical mass of citizens may internalise that work as an organic aspect of the broader process of reshaping the society’s values and identity.

If transitional justice is not part of such a nation-building project – because it never existed or was abandoned – narrative becomes even more important. In these cases, the primary goal

of the transitional justice institutions’ communications strategy must be more in the nature of community building, in the literal and normative sense of the term. Such work implies identifying and if necessary forging coalitions of the groups and individuals who are most invested in a larger nation building and value transformation process. This constituency can include victims’ families, survivors, civil society and youth groups, ethnic and religious leaders, and all those in the media, academia and politics who have a broadly shared vision as to *why* the legacy of past abuse must be faced and never repeated.

The idea that simply flooding the public with technical information on the transitional justice mechanism’s mandate, procedures and activities is sufficient to forge such a constituency – or create reservoirs of popular support – is sheer fantasy. Transitional justice’s impact is not held back by a lack of technical information, but by a failure to focus on the higher goal of delegitimising the dehumanising narratives that impede a better future and helping to replace them with convincing and inclusive ones. The work must be understood creatively, inasmuch as any transitional justice institution has the opportunity to complement its more legalistic tasks with the kind of non-legalistic forums and initiatives (such as when Sierra Leone’s truth commission convened a [National Vision](#) project) that produce the national conversation that is needed in the aftermath of atrocity. But the work must also be understood politically, inasmuch as it often involves hard conversations and disputes over truth, lies and narrative with the political leaders and journalists who see transitional justice as a threat rather than an opportunity.

As this essay argues, the process of humanising those who have been systematically dehumanised can only happen in the arena in which the dehumanisation took place: the public discourse shaped by the media and politics. One look at current conflicts and crises – from Syria, to Sri Lanka, Burundi and Nicaragua – shows how the role of television, radio, online and print media (and their social media amplifiers) remains decisive in laying the ground for hatred and mass abuse. It is the media-shaped public discourse where the ‘other’ is reduced to a problem that needs to be removed and where those prepared to commit the worst crimes are transformed into patriots.

For this reason, the communications strategy of a transitional justice project must work on two fronts at once. First, the media’s role in driving past abuse must be the subject of vigorous public debate – and when criminal conduct is alleged, of investigation. Without this, a reversal of the dehumanisation that made past atrocities possible is not realistic. Secondly, a deliberate outreach strategy should be undertaken to help a broad spectrum of journalists understand the larger purpose behind the transitional justice effort, and why their views and involvement are important. By taking this combined approach,

transitional justice bodies can catalyse critical discussions that may lead to two possibly significant outcomes: greater public understanding of and interest in the role of the media, and government consideration of possible reforms to the media sector that help advance peace and the public interest.

Ultimately, communication strategies in transitional justice cannot be limited to outreach sessions, media training, infographics and ‘human impact’ stories. To achieve any transformation, the effort must be tied to a more multifaceted process and narrative and engage the most powerful voices that shape societal discourse. Above all, the transformative power of transitional justice requires the courage of imagining a different society, which cannot happen without active engagement with the media and similarly influential producers of public opinion. Otherwise, it will not be possible to prevent the transitional justice effort from becoming isolated, its narrative delegitimised and undermined, and its transformative potential deactivated. The goals of transitional justice can only be achieved by promoting consensus around its larger objectives: nation building, tolerance and non-recurrence of abuse.

Breaking with the narratives of the past

The concept of transitional justice emerged in Latin America in the 1980s and early 1990s, with notable cases that included Argentina, Chile and El Salvador. In comparative terms, it was a period marked by high political realism. The legal, moral and practical dilemmas so endemic to transitions were not downplayed or dismissed by the principal actors, but rather acknowledged as starting conditions for anything good to happen. The early experiments were also marked by high ideals and ambitions. The transitional justice policies were understood to have transformative potential, capable of shaping the public narrative for a new political culture and collective memory capable of replacing the ones premised on dehumanisation and exclusion.

The ‘never again’ slogan used after the Holocaust and later embraced in Brazil and Argentina; Martin Luther King’s ‘I have a dream’ speech; Mandela’s ‘it is impossible until it is done’ and ‘rainbow nation’ messages: all these were framings of such new narratives, daring society

to imagine a different set of values from those that enabled industrial slaughter of Jews, the ‘dirty wars’ of Latin America, the oppression of African Americans and South African apartheid. If transitional justice ignores these higher aims and narratives – and persists in the judicial political correctness so characteristic today – it has no chance of being transformative. It will remain mired in practical but ultimately technocratic discussions about criminal sentencing standards, truth commission documentation practices, collective reparation definitions and so on. Its impact will merely be legal, rather than also being social and political.

To have this larger impact, two things must happen. First, the court, truth commission, reparation unit or vetting body must understand its place and voice in the larger social and political process of delegitimising discriminatory politics, setting the historical record straight and exposing profound social and institutional failings. Secondly, the transitional justice body

must insert itself into the process of constructing an alternative, inclusive narrative to replace the internalised, violence-producing one. That is because dislodging entrenched views of one's enemies can only happen if there is an attractive substitute for the old identity and narrative.

It is in this context that the role of communications in catalysing the transformative effect of a transitional justice process needs to be examined. In South Africa – the best known example – the Truth and Reconciliation Commission understood its work as part of a much larger social process. Its constituency – spanning victims' groups, civil society, supportive politicians, media, trade unions, academia, artists and religious figures – amplified the content and messaging emanating from the proceedings. It owned the process and the emerging new narrative, with all its imperfections.

But even when the local context is more polarised or adverse – as in the case of the former Yugoslavia, discussed below – transitional justice cannot bypass the arduous task of seeking to shift the narrative. If it does, the effect of its institutions will be limited to those who directly testify or participate; the reserves of political will to see transitional justice policies through and achieve their originally intended impact will dwindle; and the institutions' legacy will be short-lived under the onslaught of reactionary politics and revisionism. The philosophy of 'our work speaks for itself' – which has permeated too many war crime tribunals, truth commissions, vetting bodies and reparations programmes – is a non-starter for any transitional justice that is meant to be transformative. Bad starting conditions might make the work harder, but do not preclude strategies capable of changing the national narrative.

The illusion of existing outside the narrative

In 1996, Bosnia and Herzegovina was emerging from a brutal, fratricidal war that saw extermination and genocide employed in pursuit of political goals. As its people struggled to come to terms with the impact of atrocity and regain some meaning for their lives, the issue of narrative was everything. A set of dehumanising narratives had laid the ground for atrocities unseen in Europe since World War II. Slobodan Milošević and Franjo Tuđman skilfully reached back into history for myths of suffering and glory in the struggle against Ottoman invaders to replace the foundational myth of 'brotherhood and unity' that held together Tito's Yugoslavia. As Ratko Mladić set out to annihilate 8,000 Bosniak men and boys in Srebrenica, he called the deed an act of revenge for what Turks did to Serbs more than 400 years earlier.

When the war finally ended, it was obvious that Bosnians needed a new narrative which would define the context in which they were seeking truth and justice. Yet, it was the international community that ended up defining most of their choices. In 1993, with the war still raging and some of the worst crimes, including the Srebrenica genocide, yet to be committed, the first international war crimes court since Nuremberg and Tokyo was established to "put an end to grave breaches of international humanitarian law, bring to justice perpetrators of such crimes and contribute to restoration and maintenance

of peace."ⁱⁱ It was a momentous development internationally, but it meant immeasurably more to the people of Bosnia and Herzegovina. There was nothing that hundreds of thousands who were victimised wanted or needed to hear more than that somebody – anybody – would deliver justice.

The existence of this court, and the messaging emanating from and around it, elevated the prosecution and punishment of the perpetrators into the central mission of post-conflict Bosnia. The International Criminal Tribunal for the Former Yugoslavia (ICTY) became an integral part of the Dayton peace agreement that ended the war in 1995, acting as the principal mechanism for dealing with the legacy of massive crimes committed in the name of ethnically pure dreams of grandeur. For years, the Tribunal, as everyone in the former Yugoslavia called it, obliterated any notion of alternative, locally-owned initiatives to arrive at truth or justice.

However, the Hague-based Tribunal's mission was rejected by a critical mass of political actors in the former Yugoslavia, especially Serb and Croat leaders. Its framing of justice as the foundation for reconciliation lacked the authentic rooting of a locally-owned political project; instead, wartime narratives continued to shape political and inter-ethnic relations. This resulted in a societal cognitive dissonance: while the

Tribunal delivered on its mission of gathering evidence of crimes and prosecuting perpetrators, the facts impartially established in its courtrooms had little impact on how ethnic groups saw the recent past.

This happened for two main reasons. First, the Dayton agreement kept Bosnia's wartime leaders in positions of power, without any corresponding mechanisms or ambitions to delegitimise the political projects that produced the mass atrocities. Consequently, there was no common vision for the country's future. On the contrary, most political leaders from the three dominant groups – Bosniak, Serb and Croat – sought ways of achieving wartime goals by political means.

The integrationist narrative was largely owned by ordinary Bosniaks, the group which had the overwhelming percentage of victims. They embraced the Tribunal as a vehicle for delegitimising the Serb and Croat anti-integrationist projects, because the truth emerging from the courtrooms demonstrated how systematic crimes were used to achieve political and economic goals. This gave birth to the mantra, embraced by most Bosniak political leaders, that The Hague's justice would help correct the sectarian status quo created by the war and by Dayton. At the same time, this made it easy for Serb and Croat politicians to identify the ICTY with Bosniak political strategy and to claim – persuasively and persistently with their electorates – that it was biased against them.

The second reason for the failure to achieve meaningful transformation lies in the Tribunal's own engine room: the judges' chambers. Although a court of this kind is not ordinarily understood to have a mandate to do more than investigate and prosecute, the ICTY leadership rhetorically embraced the transformative mandate given to it by the UN Security Council – constantly repeating its message about delivering justice to the victims, ending impunity and contributing to reconciliation. Yet, it was never prepared to go beyond purely judicial work and ensure that the narrative emerging from the courtrooms became the basis for organised public debate in Bosnia and the region on how to ensure that using atrocities as a political tool would be forever delegitimised. The Tribunal leadership failed, until it was too late, to make an effort at galvanising a broad constituency in the countries of the former Yugoslavia that could build a new foundational narrative firmly reject-

ing wartime myths, fostering acknowledgement of victims' suffering and factually refuting the dehumanising propaganda that had enabled the atrocities and continued to justify and normalise them after the war.

The contradiction between the Tribunal's promises and its actions was best illustrated by the reaction the judges had to the second ICTY president, Gabrielle Kirk McDonald, who insisted on creating an outreach office to bring the accounts and the narrative from the courtrooms closer to local communities. Most of her colleagues viewed the proposal as an 'emotional' reaction to the fact that Serbs continued to deny documented crimes. Although Kirk McDonald ultimately prevailed, resulting in the 1999 creation of an outreach office tasked with communicating in the languages of the region, this came six years into the ICTY's work and was neither part of its regular budget nor central to its strategy. It was not until a decade later, after all investigations were completed and the institution started focusing on its legacy, that there was a semblance of proper engagement by the Tribunal's leadership in conducting local outreach and building a regional constituency to shift the false narratives about past atrocities.

By then, however, the narratives about the court, its legacy and most of the investigated crimes had been cemented by Balkan political elites, the media, religious leaders and education systems under their control. These were carbon copies of wartime myths, dominated by dehumanisation of their enemies, glorification of war criminals and sanctification of their imagined victimhood. The facts established by the Tribunal were seldom accepted in Serbian and Croatian public discourse, and there was no other transitional justice body that could compensate for the lost opportunity.

That made it all the more absurd that the Tribunal never altered its messaging, especially to victims and the public in the region. Instead of managing expectations or making a deliberate effort to shape the broader political and media context in which its reputation and outputs would be evaluated, the Tribunal continued for years to claim publicly, including in reports to the UN General Assembly and Security Council, that its work would bring justice to the victims, end impunity, contribute to reconciliation and even provide a historical record to make revisionism impossible. A more honest message only

came in the last years of its existence; but by then not many were interested to listen, especially as the period was marked by internal scandals and several judgments which contradicted its previous jurisprudence. The ICTY's legitimacy started being questioned even among its supporters in civil society and victims' groups.

The paradox is evident. The Tribunal delivered on its legal mandate: it investigated and prosecuted some of the worst perpetrators, including political and military leaders and heads of state; it established, beyond reasonable doubt, a sea of facts about numerous international crimes; and it amassed a huge and invaluable depository of evidence supporting those facts. Yet, it failed to deliver on the transformative potential it kept marketing to the people of the former Yugoslavia and its UN overseers. It did not provide a sense of justice for the vast majority of victims; it did not end the culture of impunity; it did not hold back the tide of revisionism; and it did not succeed in contributing to reconciliation. The ICTY's legacy shrank, ending up relevant only to those who were prosecuted, the handful of victims who testified and a specialised legion of international lawyers and academics.

None of this is to suggest that the Tribunal's task was easily achievable. The exigencies of due process that the ICTY had to respect; the indifference of many of the Tribunal's political masters; the vicious propaganda in the region: these and other factors limited its ability to shift the narrative. But the Tribunal's leaders utterly failed to accept that in order to deliver on its proclaimed mission – expressed in lofty terms on the first page of every report to the UN General Assembly – they needed a high-priority strategy focused on 1) frontally addressing media-promoted denial and revisionism as one of the main threats to the court's impact, and 2) expert staff dedicated to supporting and mobilising a broad constituency, beyond a small group of hardcore supporters in civil society, that could separate myths and facts and help advance a cultural and narrative shift toward recognition of the 'other'. Instead, the judges treated such ideas as falling outside the Tribunal's mandate. This misunderstanding, and the excuses it spawned, soon became the norm with many other international post-conflict accountability mechanisms.

Constituency building as an insurance policy

The leaders of transitional justice bodies must work with the context they have, not the one they want. The ICTY operated in circumstances where there was no unified political narrative framing the reasons *why* a process of reckoning with the abuses of the past and their dehumanising myths was necessary. It thus needed to engage in some proactive way in the process of building one.

But what happens when there is such a unified narrative at the outset of a transitional justice process, but the political will and public interest, perhaps thin to begin with, evaporates mid-way through? The answer is similar: the leaders of the court, truth commission, reparation agency or vetting body must interpret their mandate expansively and make things like public engagement, media relations and constituency building central elements of their mission, staffing and budgeting. They should focus such efforts on those who can play an outsized role in shifting social values and shaping a new narrative, including victims' groups, but also journalists,

intellectuals, youths, religious leaders, artists and others.

For the members of a constitutional reform commission, such a participatory, dialogue-oriented approach would be self-evident. Yet, the common reflex of transitional justice bodies that find themselves operating in unexpectedly reversed political circumstances is to think that the indifference or opposition to their work is insurmountable, or somehow due to lack of information. "If only the public were better informed about the great work we do and were able to see it for themselves, they would embrace and support our mission", one will often hear. This is nonsense. The problem is never lack of awareness or technical information, but of social consensus or internalised public understanding of why the process is necessary in the first place: a challenge the transitional justice institutions must accept and own.

Sri Lanka is an illustrative, albeit unconventional, example. In 2015, the coalition government

led by President Maithripala Sirisena (UPFA) and Prime Minister Ranil Wickremesinghe (UNP) came to power after unseating Mahinda Rajapaksa, a Sinhalese nationalist whose government was credited with defeating the Liberation Tigers of Tamil Eelam (LTTE) insurgency that lasted some 30 years. The last stage of the war in 2009 was marked by widespread killings and enforced disappearances of Tamil civilians and combatants alike. In the six years that followed, the government faced allegations of torture and disappearances of Tamils as well as Sinhalese political opponents and journalists.

The 2015 election victory came on the back of a popular movement that united former political rivals, civil society groups, activists and progressives of different stripes in a call for good governance, constitutional reform, an end to corruption, and national reconciliation. This narrative was clearly captured in the Vision 2025 document issued by the Prime Minister's office: "People in the north, south, west, and centre came together [in 2015] to vote for: a change in Sri Lanka's political culture against the politics of ethnic and religious division and extremism on all sides; against impunity; for a strong democracy; for the rule of law and good governance; for reconciliation and sustainable peace; equality; upholding promoting and protecting human rights of all and the pluralistic nature of our society; and for inclusive and equitable growth and development of the country."ⁱⁱⁱ

Sri Lanka's new government co-sponsored a resolution at the UN Human Rights Council which set out a laundry list of transitional justice plans. The commitments included to establish a body to ascertain the fate of missing persons, an office for reparations, a truth commission and an accountability mechanism to prosecute perpetrators of international crimes. The government then created a national Consultation Task Force (CTF), led by prominent civil society figures, to gather the views of victims and the public on the priorities and desired outcomes of the promised transitional justice mechanisms. The consultation process also served, indirectly, as a vehicle that helped galvanise a constituency behind these promises.

But when the Task Force's comprehensive recommendations landed on the government's desk, they received a cool reception, principally due to the recommendation to establish a hybrid war crimes court. The issue was that former Presi-

dent Rajapaksa, now in opposition, was a far better communicator and would use the issue to punish the government in the court of public opinion. He would argue that war heroes should not be put on trial, and that the Sri Lankan people, not the UN, should tackle the issues of the past.

The government was neither able nor willing to respond with a compelling narrative explaining why and how transitional justice, including trials, was integral to the broad new direction the country required. In the face of the opposition's more effective communications capacity, the disillusionment of the civil society coalition that formed the core of those who carried the consultation process increased. The primary constituency of that process was being lost.

Some in the government who were still committed to transitional justice identified communications as one of the problems. The specialised institution in charge of coordinating future transitional justice mechanisms (SCRM) increased its capacity to deliver on a communications strategy to explain and promote the mandates of the envisaged transitional justice institutions. In parallel, there were bodies with complementary messages on reconciliation, including the Office of National Unity and Reconciliation (ONUR), led by former President Chandrika Kumaratunga. However, all such efforts were futile without clear political ownership or a strong constituency outside the government, especially in the face of the opposition's inflammatory narrative in mainstream and social media. No amount of journalist training, memorial exhibits and student workshops could alone overcome the solidification of an anti-transitional justice narrative in the majority Sinhalese population.

Worse was yet to come. Immediately before and during the constitutional crisis of October 2018, President Sirisena's rhetoric started embracing, rather than rejecting, the opposition's attack on the transitional justice process. The push for transitional justice thus became politically orphaned. Technical information and targeted reconciliation initiatives delivered by the likes of SCRM and ONUR had negligible impact, while the original constituency for the process gathered around the CTF consultation process remained on the sidelines, with some strong individual voices but without a popular movement that could mitigate the loss of political will. The communal violence of 2018 and the terrorist at-

tacks in which more than 200 people were killed by IS terrorists in April 2019 pushed transitional justice even further off the radar. Notwithstanding the existence of an Office on Missing Persons and an Office for Reparations, the focus has since shifted to preparation for a future time when a broader constituency and narrative can be rebuilt around *why* transitional justice is in the best interest of all Sri Lankans.

Tunisia's transitional justice story has several parallels to Sri Lanka. In the immediate aftermath of the 'Jasmine Revolution' that deposed Zine al-Abidine Ben Ali's dictatorship in 2011, transitional justice was an early priority and led to the creation of a national consultation process in 2012, followed by the adoption of a comprehensive Transitional Justice Law in 2013. The latter established a Truth and Dignity Commission (TDC) to investigate and document, among other things, the abuses and corruption of the dictatorship. The TDC was given broad powers, including to refer cases for prosecution and recommend reparations. After a fairly transparent process of nominations, the TDC commissioners were appointed; Sihem Bensedrine, an ex-journalist and staunch human rights activist, became chair of the commission.

Regrettably, the TDC was relatively slow in getting off the ground, so the excitement of its main constituency – victims and the revolution's supporters – waned. Internal problems started to emerge, culminating in public conflict with the chair, firing of her deputy and the resignations of three other commissioners. The TDC's communication effort was almost entirely consumed by attempts to limit the damage to its public image, compounded by hostile media coverage. The underpinning narrative connecting the commission to the key motives for the revolution – the fight for the dignity of all Tunisians and dismantling of a corrupt regime – started to dissolve amidst the media noise.

To make matters worse, in 2014, Nidaa Tounes, a new party made up of some of Ben Ali's former cadres, came to power. The attacks on the TDC, a regular feature in the media owned by interests close to Ben Ali's circles, intensified. Eventually, the new president, Beji Caid Essebsi, and his party succeeded in limiting the TDC's powers. Even more importantly, they turned much of public opinion further against it – a task made easier by the confrontational responses of Bensedrine, which alienated the TDC from its pri-

mary constituency of revolutionary youth, victims and human rights groups.

Only the TDC's public hearings helped mitigate some of this mess. With a strong team of communications specialists to advise them, and drawing lessons from South Africa's TRC, Bensedrine and other commissioners recognised the value of live victim testimony in conveying the substance of the body's deeper cause to the public. A comprehensive communications plan was put in place, in which every detail was considered – from the choice of venue (a former holiday retreat of Ben Ali's wife), to victim-centred procedures (including special seating arrangements) and a sophisticated online and media strategy that saw all Tunisian and regional media present. The blanket coverage of testimonies of political prisoners, with their accounts of torture in Ben Ali's prisons and poignant stories of love and loss, catalysed a catharsis in the country which could be felt in real time by the hundreds of thousands following online TV streams and social media coverage.

Although the hearings came late in the commission's mandate and took place only in Tunis, they made it possible to re-galvanise victims' groups and human rights organisations and provide the TDC with reserves of broader popular support to withstand the political attacks during the hearings. Youth movements mobilised, for example, to confront a government bill that would have amnestied the abuses and corruption documented by the TDC. However, once the hearings were completed, things went back to the old patterns of attack and defence, with Bensedrine in the eye of the storm. In 2018, she was shouted out of the parliament when she was due to report on the TDC's last stages of work.

The commission's 2000-page final report, detailing abuses from 1955 to 2013, was released in March 2019. The prime minister accepted it but branded the TDC's work a 'failure' and never actively promoted it. In her final press conference, presenting the report, Bensedrine called on civil society, victims' groups and human rights organisations to 'take over from the TDC and continue the work' on implementing its recommendations. It was the right message, but would have had far more resonance had it formed the direction of the TDC's communications and public engagement strategy from the start.

Media's pivotal but neglected impact

If an inclusive shift in public narrative is the necessary goal of any transitional justice project that aims to be transformative, it is obvious that it is vital to engage the media. In the former Yugoslavia, Sri Lanka, Tunisia and just about everywhere, journalists shape discussion and opinion like few others. At their best, they can be impartial fact-finders who vindicate the public's right to know and transmit stories that inform understanding of complex and controversial issues; at their worst, they can be forces of hate and disorder, promoting deliberate falsehoods that lead to mass violence or underwrite repression.

Media that align with political forces prepared to use dehumanisation and incitement in their treatment of the 'other' – seen notoriously in places like Nazi Germany, former Yugoslavia and Rwanda, but likewise in Syria, Yemen and dozens of other conflicts – soften the ground for those who may follow with barrel bombs and electrical rods, indiscriminate shelling, ethnic cleansing and systematic torture. Such media normalise criminal policies and conduct, often mounted as a struggle against some ancient or purportedly inhuman enemy. In the process, they reduce the targeted group to vermin, transforming those prepared to commit war crimes against the defenceless into national heroes and martyrs.

Having abandoned what communications scholar Christopher Bennett calls a 'duty of social responsibility' owed to democracy, such media won't normally change spots when the conflict or dictatorship ends. Often still aligned with political forces fundamentally opposed to accountability or acknowledgment of the criminal deeds and policies they fomented, these journalists cannot be depended upon to champion an honest reckoning of the facts and underlying causes of past abuse, or to be humanising and civilising voices in the public sphere. They must be structurally reformed or journalistically called out if a transitional justice process is to stand a chance of achieving even some of its transformative potential.

Example after example – from Peru to Kenya, Nepal and Poland – shows how powerful unreformed media can be in diluting, delaying and ultimately derailing the effort to reckon authentically with a legacy of mass atrocity. Untamed, their voices will drown out those of other journalists, intellectuals and artists who have the power – alone, or ideally in combination with transitional justice institutions – to transform a divisive war of extreme narratives about the past into a productive dialogue leading toward historical clarification and reasonable forms of accountability and victim reparation.

South Africa's Truth and Reconciliation Commission (TRC) is a telling example of what is possible when the transitional justice role and impact of the media, in both its reformed and unreformed parts, are understood and recognised. It remains the best known truth commission, helped by being a tile in a greater mosaic of the project led by Nelson Mandela to forge a new South African identity and replace the foundational myths of apartheid with an inclusive narrative where race mattered less than citizenship. Though such political conditions cannot easily be replicated, what is transferable is how the TRC set out to engage the broader public in a painful but dynamic national conversation, with media at the heart of its approach.

Alex Boraine, the TRC's late vice-chair, wrote: "Unlike many other truth commissions, this one was centre stage, and the media coverage, particularly radio, enabled the poor, the illiterate, and people living in rural areas to participate in its work so that it was truly a national experience rather than restricted to a small handful of selected commissioners."^{iv} Its backbone was a weekly digest called TRC Special Report, which ran for two years on the main national TV channel (SABC), previously a vital arm of the apartheid regime. It employed some of the best storytellers in South African journalism to tell the 'stories behind the stories' of the TRC and was broadcast in prime time.

In his account of media in the TRC's work, John Allen, press secretary of its chair, Archbishop Desmond Tutu, says that broadcast media coverage of the public hearings on human rights violations was a direct contrast with how dissemination of similar information failed during apartheid. In times before the information bombardment driven by social media, it was television and radio that gave South Africans rich access to those who testified. As Catherine Cole

writes, “broadcast media provided a personalisation and particularisation of the stories the commission called forth - stories that in aggregate could otherwise be mind-numbing in magnitude, scale and sheer brutality. Both the hearings and their promulgation via broadcast coverage made individuals the central site of the commission’s communication”^v

The transformative effect of the coverage was also described by Archbishop Tutu, writing in a South African newspaper eight months after public hearings began:

One of our most substantial achievements ... has been to bring events known until now only to the immediately affected communities – and sometimes to the small readership of alternative newspapers – into the centre of national life. Millions of South Africans have heard the truth about the apartheid years for the first time, some through daily newspapers but many more through television and, especially, radio Black South Africans, of course, knew what was happening in their own local communities, but they often did not know the detail of what was happening to others across the country. White South Africans, kept in ignorance by the SABC and some of their printed media, cannot now say they do not know what happened.^{vi}

The continued interest in South Africa’s TRC reminds us how engagement by public and private media in transitional justice processes is one of the most important, yet comparatively neglected, issues. This is surprising, because the promise of transitional justice lies precisely in the possibility for a critical mass of people to reconsider their past and reimagine their future; to move from a time in which violence and victimisation of the ‘other’ is normal, to one in which sympathy and rights awareness undergird the relationships across communities and between citizens and state. For that to occur, there is no substitute for the central role of journalists of the widest variety in transmitting facts and reporting the stories that, for the first or the umpteenth time, get a nation talking about itself in ways that open rather than close down serious debate.

The contrast with Bosnia and Herzegovina is striking. Despite overwhelming evidence of massive crimes committed against non-Serbs in Republika Srpska (RS, the Serb-dominated entity within Bosnia and Herzegovina) and established

by the ICTY and local courts, the media there continues targeting Bosniaks with virulent propaganda, denying crimes they suffered and celebrating the most notorious war criminals. The coverage essentially parrots the political views of the ruling elite in the RS and Serbia, which have fully rehabilitated the politics of Radovan Karadzic, the Bosnian Serb who led a campaign of systematic extermination of non-Serbs on the Bosnian territory envisaged for the future Serb state.

Though Karadzic was ultimately brought to justice, his legacy of promoting fear and hatred is well described in the ICTY judgment against him:

Radovan Karadzic was at the forefront of developing and promoting the ideology and policies of the SDS and creating the parallel governmental, military, police and political structures that were used to establish and maintain authority over Bosnian Serb-claimed territory and further the objective of [removing non-Serbs through commission of crimes]. Karadzic was a central figure in the dissemination of propaganda against Bosnian Muslims and Bosnian Croats, which identified them as the historical enemies of the Serbs and insisted that co-existence was impossible. He played on this historical narrative, and his rhetoric was used to engender fear and hatred of Bosnian Muslims and Bosnian Croats and had the effect of exacerbating ethnic divisions and tensions in BiH.^{vii}

Karadzic’s ugly narratives nevertheless continue to permeate political and public discourse, decisively shaped by the Serbian and RS media. Despite modest attempts at media reform, the same agents of dehumanisation, masked as journalists, are in business today. They serve different masters but the same ideology. Victims of some of the worst atrocities, including Srebrenica, the Markale market massacre, the [Tuzla Kapija massacre](#) and others, are mocked by Serb politicians whose voices are amplified through public television, radio and other media in the RS and Serbia. The effects on reconciliation are foreseeably corrosive, devastating the capacity of victims to forgive.

For any chance of transformation of this frozen conflict into a stable, lasting peace, the shift from denial to acknowledgment must happen in the Serbian and RS media. Objective news and drama programmes need to be produced to hu-

manise non-Serb victims again and demonstrate that empathy for the other is not betrayal of Serbdom, as Karadzic's ideology teaches and the ICTY's judgements failed to unteach.

The contrasting cases of South Africa and Bosnia and Herzegovina highlight that media coverage can be a friend or foe of transitional justice; but in either, the media's voice and influence will be determinative. It is thus confounding to see that in the communication strategies of most transitional justice bodies, the media are almost entirely relieved of their responsibility – positive or negative – as a key driver of social beliefs and behaviour. Their deliberate role in incitement, dehumanisation and normalisation of repression is rarely examined with a view to achieving lasting reform. Even the journalists who were victims rather than promoters of violence receive comparatively little attention from tribunals and truth commissions, despite having often fought bravely to uncover truths about past crimes, risking their lives and livelihoods in the effort.

Although it is not the role or place of transitional justice bodies to reform the media, early in their mandate they can and should catalyse public debate on its past actions and future possibilities and needs. This can help expand space for the emergence of a freer press (and the laws and regulatory reforms that may be required) and reduce space for a propagandistic

one. It can likewise lead to a direct dialogue with journalistic associations and media groups about their role in the transitional justice process, helping them understand why dealing with the past is important for victims and society, but also how their active role can help ensure that the complex and diverse truths of the past are exposed in a way that is honest and productive for all.

To change something as entrenched as the values, culture or narrative of a society, the institutions associated with transitional justice must take the press far more seriously, knowing that it will never be the website or Facebook page of a tribunal, truth commission or reparations agency that creates an environment favouring transformation and peaceful coexistence; nor will it be the courageous testimonies of victims and perpetrators. The determining factor will be what the media presents and encourages us to believe; what it forces us to reconsider; and what it puts on the national agenda. The voices and stories of all involved will be known and internalised by a great many, rather than an honourable few, only if media is at the strategic centre of transitional justice, as both a subject of interest and an interlocutor of the highest importance. That applies to courts as much as other transitional justice bodies, even if the strategic considerations are not identical.

Moving forward

This essay has argued that transitional justice cannot contribute to changing a divided society's dominant narrative and self-understanding in the midst of a transition unless its institutional leaders view themselves as politically-engaged, communication-intensive actors rather than legal technocrats who operate outside of or remain above the political sphere. Twenty years ago, the point was so obvious that it did not bear mention; today it requires reiteration.

Perhaps some consider political journalism less relevant today than in the past, due to the weakening of traditional media (radio, TV, print) and the rise of non-traditional digital and social media. It could also be that, because of the progressive codification and mainstreaming of international standards, some consider the last fifteen years of transitional justice as a qualitative improvement, rather than de-

cline. However, both views should be deeply questioned. The most frequently cited cases of effective transitional justice remain those from the first 20 years (Argentina, Chile, South Africa, Sierra Leone, etc.), not the last fifteen, in no small measure because their transitional justice institutions had a broader understanding about the centrality of media and communications in dealing with the past and helping generate an environment conducive to participatory debate and inclusive values for the future.

To get things back on track, communications must be understood as existing *in* the mandate of war crimes courts, truth commissions and the like, not as an auxiliary activity 'supporting the core mandate.' The leaders of these bodies must be attuned to larger social goals and needs, hiring and promoting an influential team of specialists to ensure that communications and

constituency building priorities are considered in the design and implementation of work plans at every stage and every level of operation. This includes writers and artists who can use material from the investigations, daily work and public events to develop and publicise stories that express what statistics cannot and that mesh intuitively with any new narrative under construction.

Building upon that, discussions about the role and impact of print, radio, television and social media must be included in the design stage of the transitional justice process, taking into consideration their decisive role in shaping public opinion. Models of engagement limited to information sessions and media training on transitional justice are wholly inadequate. There must be sustained, substantive engagement and discussion with and through journalist associations (or a tailored platform) to regularly canvass the issues of the moment. Special reporting projects can also be undertaken to improve the scope and quality of coverage.

Above all, transitional bodies must proactively insert themselves in the contest of *creating* discourse, rather than just managing or responding to others. This implies harnessing the capacity of a wide variety of influential opinion makers; creating and effectively disseminating original stories and interviews; and initiating online and public debates. Having visibility only when responding to spoilers' attacks and disinformation feeds the negative information loop and is what such actors seek. Through proactive engagement, with a purpose-built, broad-based transitional justice constituency, courts and commissions do not need to do most of the responding to political attacks but can rely on their external supporters.

This implies the need for transitional justice leaders to understand their institutional 'place' in the process of enabling a cultural and narrative shift. This understanding must guide the communications strategy, both in terms of engagement with their primary constituencies and support networks, as well as in the creation and dissemination of relevant content.

Beyond this, the capacity of transitional justice institutions to change the narrative in a divided society depends on more mundane choices and values. For example, to build and sustain the trust of the media and mobilise key constituencies, courts and commissions should communicate openly and professionally about the effects of political attacks, budget restrictions, obstruction or other outside influences. Also, in the realm of training, the focus should be inward not outward: staff need to learn how to relate to and deal with the media, more than the reverse. As to managing victims' and society's expectations, transitional justice leaders must carefully distinguish between the concrete deliverables that their body is producing (e.g. a report, reparations package, or criminal sentence) and the values it is promoting (e.g. truth, justice, accountability, solidarity). Prosecuting some perpetrators does not equal delivering justice or ending impunity.

In the end, the 'our work speaks for itself' philosophy must be abandoned by those shaping the communications strategies of transitional justice bodies. The approach negates – and wastes – the social roles and responsibilities of the bodies' leaders in fostering the creation of new, inclusive societal narrative. It also wastes the scope, in friendly and hostile contexts alike, for building productive relations with influential news and social media; organising and galvanising constituencies with a deep stake in the process of forging a new national narrative; and helping as many as possible become genuine owners of the messages emanating from the relevant court, truth commission, or reparation agency. To change the narrative, transitional justice bodies first need to change their mindset.

Endnotes

- i IFIT thanks Refik Hodzic and the many experts who contributed ideas and valuable insights to this paper.
- ii UN SC Resolution 827: http://www.icty.org/x/file/Legal%20Library/Statute/statute_827_1993_en.pdf
- iii “Vision 2025: A Country Enriched” (Introduction): <http://www.pmooffice.gov.lk/download/press/D00000000061EN.pdf>
- iv Cited in Catherine M. Cole, *Performing South Africa’s Truth Commission: Stages of Transition* (Indiana University Press, 2009), p.5.
- v Catherine M. Cole, “Reverberations of Testimony: South African Truth and Reconciliation Commission in Art and Media,” in Clara Ramírez-Barat, ed., *Transitional Justice, Culture, and Society: Beyond Outreach* (Social Science Research Council, 2014).
- vi Cited in John Allen, “Media relations and the South African TRC” (unpublished paper), p.3.
- vii ICTY Trial Judgement Summary in the case of Radovan Karadzic, p.4: http://www.icty.org/x/cases/karadzic/tjug/en/160324_judgement_summary.pdf

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