



## „Justice heals“

### The Relation Between Combating Impunity and the Recovery of Survivors of Severe Human Rights Violations



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<http://www.justice-heals.org>

## Medical Care Service for Refugees



- medical and psychosocial rehabilitation center for refugees
- aid to immigrants without papers
- Human Rights Organisation



**mfh attends survivors from torture, war crimes and other severe human rights violations:**



- psychotherapy
- social work
- legal support
- Human Rights activities

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## Scientific research:

- from 2001: first investigations
- 2004 - 2007: study
- further publications



**Schmolze, Rauchfuss (2009):**  
Argentina, Cambodia, Chile, East Timor, Ex-Yugoslavia, Guatemala, Paraguay, Rwanda, Sierra Leone, South Africa and Uruguay

### Further research on:

Algeria, Colombia, El Salvador, Germany, Greece, Honduras, Indonesia, Iraq, Liberia, Morocco, Mexico, Peru, Russian Federation, Spain and Turkey

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## 1. What do we mean by “impunity”?

**Impunity is more than the absence of legal justice !**

- social phenomenon affecting society as a whole
- keeps alive the atmosphere of repression



- denies the access to truth
- continues the historical interpretation of the repressors
- keeps perpetrators free from prosecution
- denies acknowledgement and reparation to victims and survivors

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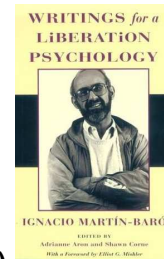
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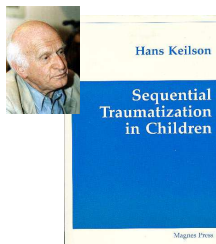


## 2. Our concept of psychosocial trauma

- not only an individual experience
- social and political process
- affects society as a whole
- interrelates individual and society in a traumatic process
- can only be understood within a specific cultural and political context



(Martín-Baró 1996, Reprint)

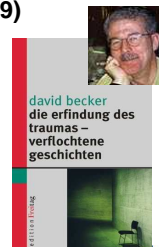


- not only the result from a single act of atrocity
- process of different sequences

(Keilson 1979)

- 'Socio-Political Traumatic Process' = continuum
- perspective depends on developments within society
- survivors need acknowledgement from surrounding society

(Becker 2006)



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## 3a. Impact of impunity on survivors

- perpetuation of exclusion from society
- continuation of social stigmata
- lack of acknowledgement by society
- continuous loss of trust in legal justice
- permanency of degradation and humiliation
- ongoing latent or open threat



- ☞ symptoms may persist
- ☞ elevated vulnerability
- ☞ indignation, distrust, anger, rage and aggression
- ☞ powerlessness, lack of self-confidence and self-determination
- ☞ barrier for overcoming traumatic experiences
- ☞ reactivation of traumatic memories by present repression

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### 3b. Impact of impunity on family members of the forcibly disappeared

- uncertain loss without parting opportunity
- incomplete mourning (no burial / missing grave)
- permanent search for the whereabouts of the missing and circumstances of disappearances
- special target of disinformation and systematic lies by the state
- no opportunity to accept the loss of the beloved ones
- acceptance = betrayal
- reparation = fraud
- psychotic ambivalence
  - between denial and acceptance
  - due to dirty offers such as *information for impunity deals*
- self-accusation for not having been able to protect or to find the missing relative
- frustration, distrust, anger, rage
- exclusion from society and social descent



☞ Impunity after the conflict continues and deepens the traumatic process!

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### Which factors can contribute to the stabilization of survivors?

Legal justice is a necessary but not the one and only step to heal the wounds of the past.



Sustainable recovery of individual and society needs:



- Truth
- Memory
- Justice
- Reparation
- Never again

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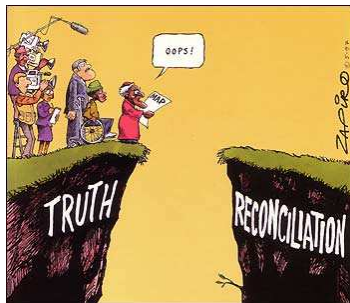
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## ➤ Truth finding:

- allows to speak out the unspeakable
- socializes individual grief and pain
- helps to receive information on the fate of the forcibly disappeared
- changes the discourse within society
- contributes to social rehabilitation



- provides part of the necessary acknowledgement by society
- prepares the construction of a collective memory

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## ➤ Creating a collective memory:



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➤ **Legal justice:**

- reestablish the rule of law
- restore trust in institutions of society
- destroy propagandistic lies and moral values of the past
- redefine who is perpetrator and who is victim
- rebuilt a common sense of ethical values within society
- destroy image of untouchable and omnipotent repressors
- help survivors the acceptance of reparation
- empowerment of survivors:



- ☞ leave victim roles and take part in construction of future
- ☞ regain self-confidence and self-determination by taking responsibility and playing an active role in society
- ☞ overcome powerlessness
- ☞ approach traumatic memories
  - ☞ risk of retraumatization in court
  - ☞ psychological support for witnesses
- ☞ contribution to integrate the traumatic experiences in survivors' biographies
- ☞ Survivors who are not willing to participate actively in court cases, can profit from the chances in public discourse and change of public perception.
- ☞ Acknowledgement for survivors and relatives of forcibly disappeared raises.

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**Public perception of a court sentence in Buenos Aires last week:**



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➤ **Rehabilitation and integral reparation:**

Reparation must never be linked to a final point for prosecution !



Right for compensation may not expire



All types of human rights violations and groups of victims must be included

Reparation schemes must be designed in an integral way:

- material compensation
- symbolic redemption
- comprehensive psychosocial, political and cultural rehabilitation
- reintegration into social life

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➤ **Never Again:**

high risk, that violent past might reoccur without sustainable changes

- ☞ analyze roots of conflict and history escalation
- ☞ derive measures for prevention

Institutional reforms, e.g.:

- military reforms
- strengthening democratic structures
- developing a non-violent practice of conflict resolution
- strengthening the independence of jurisdiction
- coping social injustice
- developing an open and democratic culture within society
- implementation of international law



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