

Accounting for which violent past? transitional justice, epistemic violence, and colonial durabilities in Burundi

Astrid Jamar

To cite this article: Astrid Jamar (2022): Accounting for which violent past? transitional justice, epistemic violence, and colonial durabilities in Burundi, Critical African Studies, DOI: [10.1080/21681392.2022.2039733](https://doi.org/10.1080/21681392.2022.2039733)

To link to this article: <https://doi.org/10.1080/21681392.2022.2039733>



© 2022 The Author(s). Published by Informa UK Limited, trading as Taylor & Francis Group



Published online: 29 Mar 2022.



[Submit your article to this journal](#)



Article views: 456



[View related articles](#)



[View Crossmark data](#)

Accounting for which violent past? transitional justice, epistemic violence, and colonial durabilities in Burundi

De quel passé violent rendre compte ? Justice Transitionnelle, violence épistémique, et durabilités coloniales au Burundi

Astrid Jamar  ab*

^aPostdoctoral Fellow, SOAS, University of London, London, United Kingdom; ^bSenior Postdoctoral Fellow, IOB, University of Antwerp, Antwerp, Belgium

(Received 11 April 2020; accepted 8 November 2021)

The Truth and Reconciliation Commission (TRC) in Burundi has been mandated to account for colonial and post-colonial violence. To examine such accountability efforts, I deploy a decolonial and legal anthropological approach. Through fieldwork in Burundi, I examine the entanglements between violence, accountability, and coloniality; how specific dynamics of violence and hegemonized norms operate within transitional justice (TJ) practices; and by implication how colonial durabilities reproduce themselves. I document three key findings. First, TJ professionals consolidate hegemonic but contested norms to articulate TJ agendas; norms that then gradually ‘slip’, i.e. the gradual weakening of normative commitments moving the burden of accountability from the State to alleged beneficiaries. Second, regular TJ activities reproduce hierarchies of knowledges marked by the epistemic supremacy of Western legalism and power asymmetries; while side-lining political struggles fought through accountability efforts. Third, criticisms of colonialism have been instrumentalised by the ruling regime through the work of the TRC itself, while violence continues to be used to repress political opponents. Overall, I argue that due to the durable effects of colonialism, the Burundian TRC simultaneously accounts for and inflicts violence. Specifically, as TJ professionals adopt texts and run activities that consolidate hegemonized norms, reproduce colonial tropes and take part in strengthening authoritarianism, colonial logics inform whose norms and knowledge matter, thus inflicting epistemic violence.

Keywords: Colonial durabilities; epistemic violence; Burundi; accountability; decolonial anthropology; transitional justice

La Commission Vérité et Réconciliation (CVR) au Burundi a été mandatée pour rendre compte des violences coloniales et postcoloniales. Pour examiner ces efforts traitant des legs de la violence du passé, je déploie une méthodologie anthropologique légale et décoloniale. A travers un terrain ethnographique au Burundi, j’examine les enchevêtrements entre la violence, la responsabilisation (*accountability*) et la colonialité; comment des dynamiques violentes liées à des normes rendues hégémoniques s’introduisent dans la pratique de la JT; et comment les durabilités coloniales se reproduisent à travers cette pratique. Je documente trois résultats clés. Premièrement, les

*Corresponding author. Senior Postdoctoral Fellow, IOB, University of Antwerp, Antwerp, Belgium.
Email: Astrid.Jamar@uantwerpen.be; https://twitter.com/astrid_jamar

professionnels de la JT renforcent la dimension hégémonique de normes pourtant contestées dans l’articulation d’agendas de la JT; des normes qui ensuite « dérapent » progressivement, c’est-à-dire dont les engagements normatifs s’affaiblissent progressivement et déplacent la charge du traitement du passé et les obligations de l’État sur les ‘bénéficiaires’ de ces efforts. Deuxièmement, les activités quotidiennes de la JT reproduisent une hiérarchie des connaissances marquée par une suprématie épistémique du légalisme occidental et par des asymétries de pouvoir tout en négligeant les luttes politiques menées à travers la JT. Troisièmement, les critiques du colonialisme ont été instrumentalisées par le régime au pouvoir à travers le travail de la CVR elle-même, tandis que la violence continue d’être utilisée pour réprimer les opposants politiques. Dans l’ensemble, je soutiens qu’en raison des effets durables du colonialisme, la CVR burundaise rend compte (*account for*) et inflige de la violence simultanément. Plus précisément, les professionnels de la TJ adoptent des textes et mènent des activités qui consolident des normes ‘hégémonisées’, reproduisent les tropes coloniaux et participent au renforcement de l’autoritarisme, les logiques coloniales nous informent quelles normes et les connaissances de qui comptent le plus – quelles connaissances sont considérées plus importantes que d’autres – ce qui inflige de la violence épistémique. Au delà du Burundi, ma recherche encourage à prendre en considération la durabilité coloniale reproduite et la violence épistémique infligée à travers les efforts traitant des crimes coloniaux et de la violence de masse.

Mots clés: Durabilités coloniales; violence épistémique; Burundi; accountability; anthropologie décoloniale; justice transitionnelle

Introduction

Launched in 2014, the Truth and Reconciliation Commission (TRC) in Burundi has been mandated to account for both colonial and post-colonial violence. As part of an ambitious transitional justice (TJ) agenda, the TRC was implemented within a context of increasing authoritarianism and continued political violence. Deploying a decolonial approach to legal anthropology, this article is concerned with the multiple entanglements between violence, accountability and coloniality in Burundi. Whilst TJ scholarship and practice have long debated whether and how accounting for past violence contributes to more democratic and less violent futures (e.g. Kritz and Mandela 1995; Balasco 2013), decolonial legal scholars have also demonstrated how international human rights law and related TJ norms are associated with colonialism (e.g. Mutua 2001; Nesiah 2016; Madlingozi 2019). My contribution to these debates emanates from a fine-grained anthropological analysis of how colonial durabilities are reproduced within TJ practices, illustrating how the field of TJ that claims to account for violence can simultaneously contribute to producing other forms of violence, specifically epistemic violence. I document how colonial durabilities affect institutional responses to mass violence, how hegemonized norms operate, and how TJ professionals inflict epistemic violence as they translate, negotiate, and navigate TJ norms in Burundi.

Epistemic violence is understood as violence taking place within the consideration of what constitutes knowledge; Western-centric hierarchies of knowledge have contributed and continue to contribute to the occlusion and concealment of other forms of knowledge with exterminating and subjugating effects for those whose knowledge is occluded (Santos 2015; Baszile 2006). I argue that TJ professionals involved in the implementation of the TRC are taking part in inflicting epistemic violence when adopting legal frameworks and running activities that deploy hegemonized norms, reproduce colonial tropes, and strengthen authoritarianism by considering what norms matter, which or whose knowledge is promoted or subjugated, and how these norms are used to account for some forms of violence while concealing others. It is through such instances of epistemic violence that colonial durabilities are reproduced in efforts to account for past violence.

Building on the work of Stoler (2016) and Madlingozi (2019), the article grapples with the concepts of ‘colonial durability’ and ‘epistemic violence.’ I bring to light how transitional justice efforts in Burundi have been shaped by ‘the hardened, tenacious qualities of colonial effects; their extended protracted temporalities; and, not least, their durable, if sometimes intangible constraints and confinements’ (Stoler 2016, 7). Following postcolonial and decolonial literature that complicates the linear chronology of pre-, during, post- or neo-colonialism (e.g. Mbembe 2001), the notion of colonial durability captures the long-lasting effects of colonialism within contemporary social and political landscapes. The durability of colonialism has often been occluded by prominent critical scholars – even within postcolonial studies – because of the epistemic biases of Western-centric academic knowledge and as such entailments are wrapped in contemporary problems and hence are not readily visible (Stoler 2016, 3–4, 38). Even as a field that accounts for past violence that is increasingly mobilised to address colonial violence, TJ reproduces such epistemic occlusions and biases.

Madlingozi (2019, 275) approaches the global TJ project as ‘epistemicide’ that ‘suppresses African ways of being in the world’. He then argues that the key successes of the iconic South African TRC were to maintain the myth of Western epistemic supremacy and to encourage the reconciliation of indigenous people in a preserved white order of power. Madlingozi’s analysis is useful to reassess how TJ institutions deploy their hegemonized normative discourse, conceal wider socio-political functions, consolidate discriminatory institutional structures, and, hence, inflict epistemic violence. In Burundi, accountability efforts have been shaped by Western legal principles. Since the introduction of colonial crimes within the TRC mandate in 2018, efforts to account for colonialism and conflict-related violence are being instrumentalised through the TRC itself. Colonial violence and its durabilities are particularly under-studied within scholarship about Burundi (see more in section III).

This paper adopts a decolonial approach to legal anthropology by mobilising ethnographic methods (Cowan, Dembour, and Wilson 2001) and Third World Approaches to International Law (TWAIL). ‘Anthropology of TJ’ is mostly interested in frictions and vernaculars of TJ discourses and local practices (Hinton 2010), but it is mostly silent about the entanglements of the law and colonialism. TWAIL is an intellectual endeavour that ‘assails the creation and perpetuation of international law as a ‘racialized hierarchy’ of international norms and institutions that subordinate the third world by the first world’ (Sripati 2008, 416). Contributions from TWAIL’s scholarship ‘range from illuminating how historical antecedents of modern international law embodied and advanced colonial logics of racialized exploitation, expropriation, and extermination, to deconstructing the contemporary legacies of these antecedents in different fields of international law’ (Achieme and Bali 2020, 1390). Some TWAILs also denounce and disrupt hierarchies of power embedded in international law (Mutua and Anghie 2000; Gathii 2011; Nesiiah 2016). While I employ anthropological methodological tools, I differ from mainstream anthropology of human rights and TJ that mostly understands the translations of legal principles as processes empowering marginalized people.

I undertook 19 months of fieldwork between 2008 and 2018 with TJ professionals who worked on the preparation and implementation of the TRC in Burundi – i.e. foreign and Burundian elite working within international organisations, NGOs, victim associations, Western donors and Burundian authorities.¹ Through participant observation, I came to understand TJ as an apparatus composed of the articulation of a set of norms, claims and assumptions; preformatted activities shaped by institutional frameworks of involved international and national organisations, orchestrated and negotiated by TJ professionals who are in turn influenced by their identities, motivations, and trajectories. With an empirical focus on TJ professionals elite, my research does not address how various constituencies of Burundians navigate TJ, but, rather,

how colonial durabilities and power asymmetries are reproduced, including through the romanticisation of the ‘local’ (Sabaratnam 2013), within TJ practice.

I draw attention to three key entangled findings. First, I discuss how TJ professionals inflict epistemic violence through the consolidation of hegemonic but contested norms. Throughout the unfolding of TJ in Burundi, these norms gradually ‘slip.’ By ‘normative slippages,’ I refer to the gradual reduction of commitments contained in their initial articulation in global policy documents through their translations. As norms slip, accountability responsibilities are moved from public institutions to the shoulders of victims and citizens. I argue that normative slippages are too often neglected steps through which epistemic violence is inflicted.

Second, I illustrate how hierarchies of knowledge are reproduced within everyday TJ practice, such as in the organisation of consultations and expert workshops. Throughout, TJ professionals reiterate that what people affected by violence need is truth, but that such truth shall come from the alleged beneficiaries themselves. These processes, I suggest, impose a framework in which victims must testify and produce specific narratives around past violence; framework and narratives that reproduce power asymmetries and resonate with old colonial tropes (see also Madlingozi 2010; Mutua 2001), while side-lining political struggles fought within accountability efforts.

Thirdly, I document how accountability efforts and Burundi’s colonial history have often been instrumentalised. The TRC became operational in 2014, precisely as the country experienced increased authoritarian rule with the consolidating political hegemony of the ruling CNDD-FDD (e.g. Bouka 2017). In 2018, the mandate of the TRC was extended to investigate colonial crimes. Such change of the TJ mandate emerged within a political context in which Western organisations denounced human rights violations, and during which references to colonialism increasingly became a useful tool for the National Council for the Defense of Democracy – Forces for the Defense of Democracy (CNDD-FDD)² regime to respond to such critique of authoritarianism. At the same time, TJ professionals involved in the TRC often fail to appreciate the colonial durabilities they take part in reproducing and in concealing entanglements between colonial and authoritarianism are often concealed.

The article is structured around these three empirical findings. Enmeshed in a context of political violence and intensive peacebuilding efforts, this article explores how colonial duress can be made visible through a decolonial-anthropological review of TRC’s accountability efforts, namely the articulation of its norms, legal discourses, everyday practices, and political mobilisation. Decolonial and post-colonial thought adopted in a bid to unearth how TJ processes – fraught, in very concrete ways, with colonial durabilities – yield limited results in bringing about peace and reconciliation in Burundi. Beyond Burundi, my research calls to consider the colonial duress and epistemic violence reproduced within efforts to address and redress colonial crimes and mass violence.

I. Accountability, normative hegemony, and epistemic violence

I.1. Consolidation of hegemonic norms, concealed heterogeneity of the global, and epistemic violence beyond Burundi

Both within and beyond the Burundian case, there is an enduring reliance on ‘international standards’ despite fragmentation, nuances, and contestations of such standards. Efforts to consolidate standards, best practices, and binding legal frameworks are motivated by the willingness to improve global responses to mass violence. I argue that such efforts create a normative hegemony that in turn inflicts epistemic violence. In this section, I articulate how hegemonized norms constitute epistemic violence through conceptual clarifications of what I understand as

epistemic violence, and the illustrations of three key points: (1) the production of formulaic approaches – i.e. hegemonized norms – concealing diversity and tensions within academic and legal debates about what TJ/accountability could look like; (2) the continued dissemination of hegemonized norms and their underlying contested assumptions in the so-called ‘Global South’; (3) the impact of colonial logics in the adoption of the TJ institutional framework in Burundi. A review of ‘global’ accountability debates is crucial to appreciate its integration through legal texts, promotional material, and TJ activities in Burundi.

Epistemology refers to the enquiry of the nature and grounds of knowledge; epistemic violence is, hence, understood as violence taking place within the consideration of what constitutes knowledge. Santos (2015) describes *epistemicide* as the murder of knowledge. Reflecting on the imposition of Western-centric understanding of the world, he illustrates how unequal exchanges among cultures have always implied the death of the knowledge of the subordinated culture, hence the death of the social groups that possessed it. Applying such analytical lens to the pursuit of universal standards for responses to mass violence, TJ experts contribute to the production of normative knowledge that promotes epistemic supremacy of Western legal standards above and to the detriment of other ways of addressing and accounting for past violence (see also Madlingozi 2019). Santos uses the term *epistemicide* in reference to centuries of colonial endeavours that killed people and their knowledge in colonised territories. In this article, epistemic violence refers to a set of instances through which normative supremacy and knowledge hierarchies – along with racial, gendered, class, ethnic, and political identities – impose preformatted frameworks that document some forms of violence and conceal others.

First, the growing consensus among TJ professionals led to the consolidation of imperfect fragmented claims (associating institutions with a set of societal benefits), their dissemination globally, and the concealment of their actual heterogeneity contained in debates about these norms and within these norms as well – despite extensive debates within critical TJ academic literature (to name few Mendeloff 2004; Lefranc 2008; Sitze 2013; Naftali 2017). Promoters of TJ claim that accounting for past violence advances aims such as the establishment of truth, reconciliation, strengthening of the rule of law, non-repetition, etc. (e.g. Teitel 2000; Hayner 2010; De Greiff 2012). Early works dealing with TJ discussed legal activisms and institutional responses to move away from authoritarianism and build up the foundations for democracy, based mainly on Latin American experiences (e.g. Kritz and Mandela 1995). At that point, debates questioned which mechanism would be best suited and what the associated benefits and limitations were. Building on these debates, a French lawyer, Louis Joinet, established four ‘principles against impunity’: the right to truth, the right to justice, the right to reparation, and guarantees of non-recurrence of human rights violations (United Nations Security Council 1997). These principles are a key example of the transformation of reflections about past violence into the crystallisation and hegemonisation of TJ ‘global’ norms providing for victims’ rights and states’ obligations. The gap between academic debates and the actual dissemination of TJ norms across contexts draws attention to instances of epistemic violence.

Elements of Joinet’s principles and other transitional justice norms are codified into various enforcing degrees from advisory to legally binding texts (Aoláin 2017). While detailed discussions of different norms are beyond the scope of this article, it is important to acknowledge there are critical points of contentions among those debating TJ including among the gatekeepers of what is considered as ‘international standards’ (Dezalay 2017). As with any legal norms, it is apparent that these norms continue to be altered, mobilised, and contested in various ways for multiple social and political purposes in different contexts (e.g. Mutua 2011). Mainstream critical legal scholarship tends to emphasise political opportunism as a side effect of fragmented norms (see Ni Aoláin 2017, 12). Such literature operates within local/international dichotomies, conceals existing normative heterogeneity³ and the coloniality of such universalist global

designs.⁴ Claims to universalism neglects the hegemonisation imposed through the articulation of these fragmented and contested norms into ‘global’, ‘international’ standards.

Second, as normative claims around truth, justice and victimhood have been contested,⁵ these claims have simultaneously been disseminated to the “Global South”. Among peace agreements calling for the adoption of TJ mechanisms from 1990 to 2016, all but one were provided for the “Global South”. The geographic dissemination of such formulaic approaches (set mechanisms associated with social benefits) are concrete examples of such normative hegemony. As this brings attention to the travel of norms, the trajectory of the dissemination, its consolidating effects, and the framing of what is understood as ‘local’ and ‘international’ are important to highlight. Many socio-legal scholars address how norms travel (e.g. Destrooper and Merry 2018). Some celebrate the cascades of human rights and accountability efforts (Sikkink and Lutz 2017), while for others the vernacularisation of global norms is an efficient remedy to adapt these global norms to local contexts (Levitt and Merry 2009; Shaw, Waldorf, and Hazan 2010). By romanticising the ‘local’, TJ and peacebuilding scholars tend to minimise challenges and constraints faced by activists and the inherent political dimensions that cannot be reduced to ‘good TJ professionals’ on one side and ‘bad authoritarian systems’ on the other – another colonial trope.

Tsing (2005) denounces unhelpful projections of the global that ‘is homogeneous precisely because we oppose it to the heterogeneity we identify as locality’ (58). Sabaratnam (2013) considers the ‘local’ as a Western-centric conceptual construction of the other; even when defining the ‘local’ as the diversity of ways in which local agents reshape and resist within a local space, she argues that the intellectual construction of otherness and cultural distinctiveness systematically re-emerge. Okafor (2014) underlines how the disproportioned scrutiny of human rights in the Third World ‘helps to foster a racialised hierarchy in which Third World societies are endemically and perpetually viewed as the sites of human rights violations’ (59). Appreciating these various forms of normative travels and mobilisation, my empirics illustrate how the mainstream ‘global/local’ dichotomy and the underlying colonial depiction of the ‘local’ divert attention from the slippage of ‘a right to truth’ into ‘a moral obligation to contribute to the truth and pardon for a reconciled society’. Through these slippages, the law and TJ professionals participate and reproduce epistemic violence, as I will further demonstrate throughout the text with the case of TJ in Burundi.

Third, the coloniality of accountability norms in their construction, consolidation and dissemination generate excluding and subjugating effects in their implementation (e.g. Mutua 2001; Chimni 2006; Madlingozi 2010; Okafor 2014; Nesiah 2016) by deploying knowledge hierarchies, concealing heterogeneity and tensions, and reproducing power asymmetries. Academic literature endorses similar normative hegemony when appreciating the Burundian process and considering the lack of political will and the political context in Burundi as key obstacles (e.g. Vandeginste 2012; Taylor 2014). In a seminar session I organised to read TJ scholarship with TJ professionals based in Bujumbura in 2013, a Burundian UN worker comments that ‘While the United Nations has principles on which it does not want to compromise, such as the imprescriptibility of crimes, we will have a default solution in Burundi’. A Burundian NGO worker considers ‘Truth is a universal concept, but truth is not honoured in Burundi’. These comments illustrate how these Burundian TJ professionals raised concerns about Burundi’s capacity to respect universal norms. Both research participants located the problem of TJ within the Burundian culture and political context – without considering the wide array of what constitutes truth- and truth-seeking efforts. Envy towards Latin American, Rwandan and South African TJ experiences was expressed during this seminar. The conversation unfolded into the very different perceptions of truths within the group of ten participants. I argue that such universal aspirations that conceal TJ normative frictions and slippages partly emerged out of implicit hierarchies of knowledge.

Wrapped in contemporary problems, the durability of colonial logic is often occluded on such a basis. Retracing the evolution of the TJ norms globally enabled me to portray another picture: negotiations, frictions, and alterations are expected from fragmented and contested norms. An occlusion of such frictions facilitates the dissemination of hegemonized norms and their colonial logics to be absorbed and unfold discretely.

1.2. Mobilisation of slipping norms in Burundi

In the evolving political context of Burundi, the TJ agenda and norms have been long discussed, disagreed upon, and changed among high-level TJ professionals working for Burundian institutions and UN agencies. Throughout, I observed what I coin ‘normative slippages’, norms that slip through the reduction of commitments contained in their initial articulation in global policy documents and their translations in promotional material and sensitisation workshops – such as with the case of the Joinet Principles, often referred to as the four pillars of TJ in Burundi. Specifically, I understand normative slippages as the introduction and mobilisation of hegemonized norms that then slip, moving accountability responsibilities from the State and public institutions to victims and citizens. Through the crystallisation of such normative hegemony with a set of mechanisms, associated claimed benefits, and ‘slipped’ norms, I argue that TJ professionals too often participate in and ignore such slippages. The integration of TJ in the Burundian institutional framework was initiated within the peace process. The 2000 Arusha Peace and Reconciliation Agreement provided for an ambitious transitional agenda and integrated varied mechanisms from these hegemonized norms in Burundi.

The Arusha peace agreement provides for a TRC that would undertake and contribute to ‘investigation’, ‘arbitration’, ‘reconciliation’, and ‘clarification’ of history (Arusha Peace and Reconciliation Agreement, Protocol I, Chapter II, Articles 6 and 8). Both the wording of the institution (Truth and National Reconciliation Commission) and its mandate suggest that such institution would encourage reconciliation, contribute to a clarified and consensual interpretation of history through investigating the truth, as well as recommend reconciliatory and reparation measures. By introducing these hegemonized norms, the detailed TRC mandate entails the supposedly causal relationship between truth-seeking and reconciliation. It mandates public institutions to undertake investigations to classify crimes, establish responsibilities, identify perpetrators and victims. These provisions maintain key nuances, as it states that reconciliation is a long process that goes beyond the work of the TRC itself. The TRC is mandated, here, to advise on follow-up measures rather than instigate reconciliation through investigative work.

TJ commitments were reiterated in the Interim Constitution adopted in 2001 (Articles 229-233), and the first TRC law was adopted in 2004, but never implemented. In 2005, a UN mission was advised to concentrate only on the truth commission and a judicial mechanism. From then, UN and government representatives disagreed on the composition of the TRC, the modalities of immunities and the relationship between the judicial and non-judicial TJ institutions (Vandeginste 2012). Negotiations over the institutional framework draw attention to disagreements about what TJ should look like among Burundians and foreign TJ experts. Another TRC law adopted in 2014 indicates that it will be guided by the following aims: ‘establish truth, national reconciliation and re-establish victims’ dignity’ (Art 5). The 2018 TRC law stipulates that the TRC is mandated to: clarify major violations of political, civil, economic, and social rights; investigate and establish responsibilities, the role of colonial rule in violence in Burundi, the causes and scale of violence; qualify crimes; publish lists of disappeared, victims, and those who stood out in protecting people (Art 6). This law became operational precisely as authoritarianism strengthened.

Street billboards call on the right to truth to encourage people to testify to the TRC: ‘Let’s all contribute to the discovery of the truth on our painful past’ [translated from French – Photo 1].



Photo 1. Street billboard giving direction to the TRC building, Place de Révolution, Bujumbura, photo by the author, June 2018.

The 2018 TRC calendars affirm that ‘The TRC is at the centre of the search for truth and reconciliation of the Burundian people’.

Such calls to come and testify for the truth neglects the political nature of truth-seeking and the context in which it is being promoted. The landscape surrounding the street billboard calling for people to contribute to the truth (Photo 1) illustrates the contradictions between promises and actual practices, as well as the TRC’s entanglement with the wider political context. Following the wider militarisation of the public political space since the failed coup d’etat in 2015, the sign is located between an improvised military camp and a military checkpoint on the top of the road where the TRC is located. Such landscape illustrates the sharp contrast between the utopian projections of TJ and sustained feelings of insecurity in Bujumbura.

At the entrance hall of the main TRC building, a banner (Photo 2) states:

International and local NGOs also take part in normative slippages, as illustrated by the pages about the right to truth and truth and reconciliation commissions in a calendar produced by a European NGO.

Distributed to local authorities in all provinces of the country as a sensitisation tool, the calendar illustrates the TJ normative hegemony with its preformatted approach and underlying assumptions (other pages of the calendar introduce other dimensions of Joinet’s principles). Its visual and textual content conflates the assumed causal relationship between TJ and its claimed benefits: the implementation of a TRC contribute to democracy, reconciliation, accountability, non-repetition, and societal healing (see photos 3 and 4). The calendar text makes clear references to the rights of the victim and obligations of the state to investigate human rights violations. The bubbled texts are shifting the responsibility of truth to the people who will testify: ‘Whoever has a truth about the past shall express themselves’ or ‘The victim gave his/her version. The alleged perpetrator says it is not him. Dear witness, what do you have to say?’. Such images and texts do not portray the undertaking of investigations but rather a call to share the truth and reconcile under a tree or speak in front of TRC commissioners. In reality, the TRC has been gathering testimonies without cross-examinations mostly in a one-to-one session with data collectors and no public hearings; no further (judicial) investigation has taken place so far. The TRC representatives regularly give speeches about the truth they discovered and often give the floor to witnesses in public events.



Photo 2. Banner captured in the entrance hall of the TRC building, Bujumbura 2018, Photo by author.

The drawing on the calendar page on the right to truth depicts a rural setting where people sitting on the grass under a tree are receiving the injunction to tell each other the truth. The drawing shows how traditional references (talking on the grass under a tree to reconcile) are used to disseminate and grant further legitimacy to Western legalistic responses to mass violence (the victims' key priorities are presented as their need and right to the truth). In contrast, the second image portrays an institutional urban setting with those sitting on the main table wearing Western clothing with people wearing traditional clothing testifying in front of them and a cameraman filming in the background. In both drawings, the clothing and sitting positions project clear dichotomies between the 'local' victims that require institutional support and the elite foreign and Burundian TJ professionals that provide such support. Indeed, the French and Kirundi texts on the left refer to support from international experts. Rather than committing to State efforts, these sensitising materials call for people to testify on their experiences of violence and rely on their own efforts to push forward the TJ agenda that TJ professionals set themselves.

Within sensitising campaigns or localising efforts, these normative slippages open the door to further epistemic supremacy and contain prejudices: experts know better what people affected by violence need (in this case truth, reconciliation, and a re-written history). Promotional materials illustrate the evolution from a right to truth (along with the right to justice, reparation, and guarantees of non-repetition – UNSCR 1997) to a moral obligation to contribute to the truth and pardon for a reconciled Burundi. These slippages transform policy and legal frameworks promising a less violent and more democratic future into civil obligations, to tell the truth, pardon, and reconcile. At all stages, TJ professionals take part in normative slippages through discursive

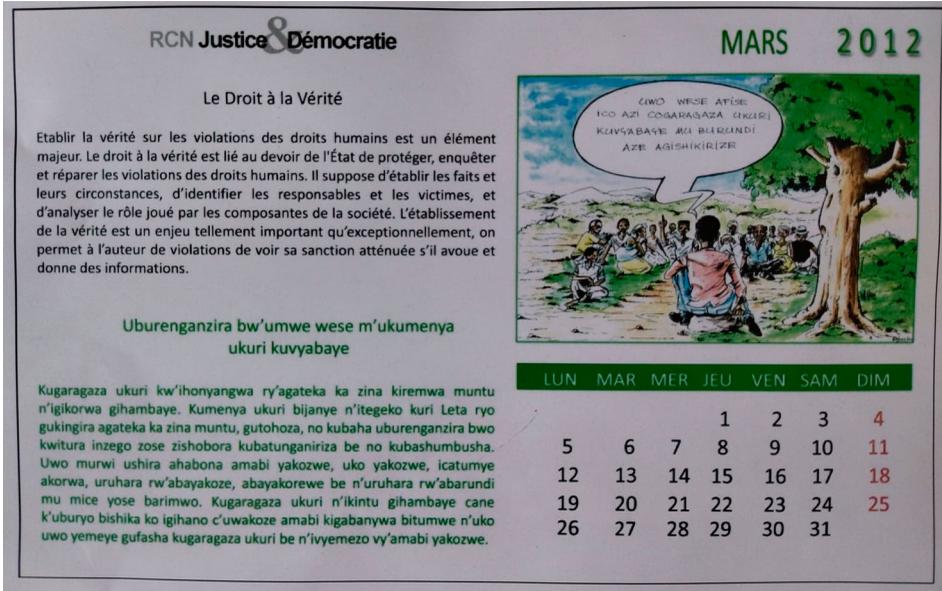


Photo 3. Calendar page on the right to truth.

translations of ‘global’ normative frameworks from national legal texts, policy texts, NGO reports, sensitisation material, slogans, etc. These texts strongly resonate with Arusha provisions about the TRC, but also entail important differences, particularly in terms of reinforced causality (visually with the arrows in between each point, the alterations of state obligations in the banner, and the representation of people sitting together in the calendar). In other words, these slogans are not just simplifications of legal discourses so that they can be better understood and appropriated by the general Burundian public.

In assuming what people need and could or could not understand, this material transfers obligations from public institutions to its alleged beneficiaries. It is not stated that the TRC would undertake investigations, rather the TRC becomes a space in which Burundian people shall tell the truth and reconcile with each other. I argue slippages are the result of infiltrated colonial tropes: the historical supremacy of Western legal knowledge enables altering state commitments and blaming the political context rather than re-assessing the assumptions contained in these norms, or their unfolding through dissemination with no or limited attention to such normative slippage.

Being wrapped in contemporary problems, it is not possible to disentangle this articulation of the TJ institutional framework from contemporary legal debates taking place within and beyond Burundi. However, the aspiration for universal visions that then shall be adapted to local contexts (Shaw, Waldorf and Hazan 2010) is central to setting or deviating from domestic accountability agendas. For instance, research participants working for local NGOs stated in discussions with me: ‘Truth heals, we believe in it. Is it not possible to know the truth before justice is done. If there is no reconciliation, there is no truth, the victims will not have feelings of reparation and they will not feel recognised. We will have only a fleeting peace’. They questioned: ‘Are we on the right track? How is this process compatible and in line with the mentalities of Burundians?’. These comments draw attention to other effects of the normative slippages: the absorption of the normative hegemony and underlying paternalism when commenting on accountability efforts. The first interviewee affirms he is fully committed to TJ claims contained in the normative framework; the second wondered if Burundian mentalities are suitable for TJ (rather than the other way



Photo 4. Calendar page on the Truth and Reconciliation Commission.

around – are these norms suitable to address legacies of violence or colonial durabilities?). By reversing the question, I do not imply efforts to address violence should not be undertaken. Even if many research participants adhered to these claims, not all did. Epistemic violence justifies the historical and contemporary epistemic supremacy granted to Western legalistic knowledge and technical expertise held by TJ professionals – an important durability that follows historical processes of concealing non-Western knowledge.

II. Epistemic violence as colonial durability in everyday TJ practice

Behind the well-intentioned discourse, ready-made formulaic approaches reinforce the supremacy of Western-centric legalism and underlying colonial tropes. While TJ legal and policy frameworks in Burundi are referring to truth-seeking and investigations, in practice, activities mostly constitute data-collection, training/expert workshops and exhumation of mass graves. These, I argue, tend to (1) reproduce epistemic supremacy of Western knowledge that consolidate power asymmetries among TJ professionals and between such professionals and their alleged beneficiaries; (2) side-line and obscure critical political struggles; (3) mobilise ‘truth-seeking’ and ‘reconciliation’ for other political purposes – including the instrumentalisation of past violence for regime legitimacy by high-level state officials. To demonstrate these points, I review national consultations and an expert workshop on victimhood as examples of TJ practice.

II.1. Consultations that strengthen normative hegemony

During the 2007–2009 impasse of the TJ agenda, Burundian authorities and the UN mission decided to organise national consultations in which 4,837 Burundian citizens participated. These aimed to create an environment ensuring the general population’s ‘active participation in reconciliation’ and stronger legitimacy for the TJ process (Gouvernement du Burundi 2010,

Table 1. National Consultations Results regarding the TRC Mandate.

What power should be conferred on the TRC?	No(%)	Yes(%)	No opinion (%)
Receive victim's grievance	3.75	93.68	2.57
Investigate violence	0.91	97.96	1.13
Hear perpetrators of violence	8.37	88.86	4.77
Confront perpetrators to victims and witnesses	13.66	80.98	5.37
Establish responsibilities	4.83	91.41	3.76
Allocate reparation	7.64	84.50	7.86
Mediate conflicts and reconcile parties	3.95	92.00	4.06
Encourage victims and perpetrators to pardon	4.57	91.89	3.54
Other Power	13.67	38.30	48.03

14). With a budget of about 1.5 million USD, provided by the UN peacebuilding fund, UNDP and International Organisation of Francophonie, the consultations employed over 100 staff. Presenting quantitative results, the consultations and its report further crystallise the normative hegemony discussed above. As I scrutinise normative hegemony, I critically review the following example of how elite TJ professionals attempted to gather the view of Burundian people; I do not attempt to make any claims about the preferences of the various concerned constituencies; or about how these homogenized global and national agendas impacted grassroots peace activism (see e.g. Niyonkuru and Ndayiragije, 2022).

The first chapter of the report defines transitional justice, truth-seeking, judicial prosecution, reparations, and institutional reforms. These definitions contain TJ contested claims (as discussed in section I.2). The following chapters provide statistics about the mandate, the composition and background (i.e. members' gender and nationality) for each of these mechanisms. Many of the questions were formulated in a way that did not encourage a strong opinion or bore little relevance for practice. For instance, participants could reply yes to preferring a majority of men in the TRC composition but also to a majority of women – the result indicated 70.89% in favour of females and 81.51% in favour of male members of the TRC (Gouvernement du Burundi 2010, 77). As illustrated by Table 1, the question about the mandate of the TRC reinforced the claims and causal relationship between the different elements of the normative hegemonized agenda (author's translation, Gouvernement du Burundi 2010, 76).

This question about the TRC mandate does not reassess to what extent, in what terms, and how truth shall be sought. The question and suggested answers implicitly reaffirm the association of a TRC with its claimed aims (truth-telling, truth-seeking, pardon, reparation and reconciliation). There is no space for interpretations beyond the agenda of what TJ needs to be. The national consultation identified several trends of preference identified with consulted Burundians: a desire for truth-seeking and justice, a preference for collective and symbolic reparations over individual ones, mistrust towards political parties, and the preference for religious and civil society representatives (Gouvernement du Burundi 2010). Because of the utility and credibility concerns of the various organisations involved, no one had an interest in being critical about the consultations. An INGO representative explains: 'The questions were vague; this created a document that can give legitimacy to any argument' (Author's interview, 2013). The 'spirit of the national consultations' was mobilised within battles about the TJ legal framework by various actors for diverse reasons (e.g. the involvement of civil society in the TRC lobbied by international NGOs or the preference for reconciliation and pardon by Burundian authorities).

TJ professionals built upon the TJ normative supremacy and the resulting normative hegemony to consult Burundian people. In other words, they deploy activities that further consolidate the global TJ

agenda (rights to truth, justice, reparations, and institutional reforms for non-repetition purposes, along with their claimed benefits) with a discourse centred around consultative motivations. Academic research about the Burundian population's views on TJ observed that not all were supportive of truth-seeking activities (Ingelaere 2009; Samii 2013). Reviewing TJ in other contexts, many scholars underline the inadequacy of existing institutional formats to listen to or voice victims (e.g. Ross 2003; French 2009). The methodology and the consultations' results were strongly shaped by the normative framework and underlying assumptions brought in by international experts. The almost invisible infiltration of such normative hegemony is presented as the views of the Burundians. Such concealed hierarchy of knowledge documents how experts are taken more seriously than those being consulted. It is a striking colonial durability as policy and academic spheres celebrate the consultations and conceal the limited space these consultations entail for alternative views.

II.2. *Power asymmetries and side-lined politics in expert workshops*

What constitutes knowledge that matters affect interactions and implementing channels. I demonstrate here how TJ professionals take part in reproducing power asymmetries and side-lining politics through the analysis of an expert workshop I attended in 2018. This vignette discusses how empowering legal discourse also slips through everyday interactions among TJ professionals themselves. The overall observation of this vignette applies similarly to the other dozens TJ expert workshops I attended from 2011 to 2018. This workshop took place at the Royal Palace Hotel in the outskirts of Bujumbura and was organised to present and discuss the research report on 'victims of past crises'. It was co-organised by a consortium of European and American NGOs, funded by a European Ministry of Foreign Affairs.

Due to increasing security fears, this hotel became the preferred location for aid and high policy gatherings, with military men in the parking lot and private security staff also guarding the entry. After my body and bag were checked by a security agent, I walked along a swimming pool and dining tables to reach the seminar room where the TJ meeting was taking place. One central table was facing the rest of the room. The first few rows of tables were arranged in a large U-shape, followed by long rows of tables. When I entered, a Burundian female INGO worker asked me about my affiliation [a British university]. Upon disclosing, I was directed to the first row of tables on the left. The most important guests were directed towards the first row on the right, just in front of me. Staff from INGOs were seated in the middle front row. Representatives from various victims' associations were seated in the back. This spatial configuration of the room materialised who is deemed the most important and the resulting hierarchical power relations at play. [Photo 5](#)

These details draw attention to power asymmetries reproduced in the structure of similar workshops: Who was invited/attending and who was not? Who was sitting where? Who was talking when? What is discussed in the seminar room and outside during the breaks? Speeches from male representatives of the Mayor of Bujumbura and the Embassy of the funding country launched the day. Next was an introduction by the head of the mission of the American NGO leading the project and the president of the TRC – all men. This specific workshop focussed on the draft report produced by a Burundian consultant about victimhood in Burundi. The Burundian male consultant then presented his findings, followed up by formal comments from another Burundian consultant. They all celebrated the progress of the TRC and the contributions made by this American NGO. These four African male speakers were seated at the main table facing the whole room decorated with a golden tablecloth, a setting that is interestingly similar to the visual representation of the TRC in the calendar above. Still, the calendar claimed victims would come and testify publicly. Here, representatives of victim associations were invited, but not given any special attention in the agenda and asked to sit in the back of the room. Power asymmetries were



Photo 5. NGO workshop on victims in the Royal Palace Hotel, Bujumbura, June 2018 (Photo by Author).

also reproduced along gendered dynamics: while no woman had any prominent role in running the workshop, the victim depicted is a female vulnerable victim.

After presenting his research questions and methodology, the author of the draft report presented us with this testimony from a research informant to elaborate his definition of a victim:

How do the people of Vumbi understand the concept of victims? ‘... they came to do what they wanted (rape) to you, even if they were in displaced people’s huts, they found you there, especially if you lived alone as a woman or a girl. At that time, many people contracted the AIDS virus, and many others got pregnant from rape. Then the second time, a soldier wearing a red beret came and said: it is us that ensure your safety and we left our women in Bururi. I cannot be without a woman while you are there.’ I told him: My life is already ruined because I have been raped several times; do what you want. I was unable to fight this man and he raped me outside in front of the door [Text from PowerPoint slide translated from French by the author].

In his presentation, the consultant put forward the repetitive effects of cyclical violence on victims, physical and psychic forms of suffering and transgenerational transmissions of trauma. He differentiated between good victims able to promote non-violent communication from bad victims who promote revenge (see Madlingozi 2007). His presentation reinforced the perception of vulnerable victims that need to be saved by outsiders from various savage, sexual predators. It contained extremely sexist elements by depicting victims as powerless and female with a strong emphasis on sexual violence (see also Jamar 2021). In such discursive production of victims, the speakers also othered themselves from the identity of victims. Representatives of victim associations present in the room would not necessarily see themselves represented by such definition. Like TJ entrepreneurs discussed by Madlingozi, this elite expert was producing the category of ‘vulnerable victims’ in need of salvation from TJ professionals and the TRC. Madlingozi points out (2010, 225) that ‘the knowledgeable experts and on the other side black victims who need saving – re-enact and perpetuate the civilizing mission of the past centuries’. Within such re-enactments, TJ professionals inflict epistemic violence by silencing victims, neglecting their agency while claiming they are listening to them.

The organisers and speakers turned a blind eye to the underlying political dimensions at play. In the main room, nobody raised the political dimensions of interpretations of past violence. Yet, most of us who attended and were familiar with TJ in Burundi knew the trajectory, ethnic, social, and political background of the speakers. Despite seemingly apolitical, the knowledge of each

other's background contains strong political implications when interpreting their comments. As soon as we stepped out of the room for breaks, these dynamics changed.

While queuing for coffee in the morning, a Burundian representative of an opposition civil society association commented to me that TJ was like a chameleon, as it takes so many shapes and shades for various political purposes. At the same time, the president of a victim association mostly associated with Tutsi victims was being interviewed by a journalist. He was silent during the plenary session, but then he stated that what Burundian victims want is justice (Iwacu 2018).⁶ These disconnected short conversations during thirty minutes of break were more informative about the iceberg of politics in TJ matters than the six hours of plenary discussions.

As illustrated with this workshop, interactions taking place through the everyday proceedings of TJ efforts and spatial configuration in seminars rooms enact the epistemic supremacy of some TJ professionals over others. The power asymmetries displayed in these interactions are entangled with the wider political history of the conflict, gender, and class divisions among the different people having an active role and attending such workshops. Personal backgrounds, overt or concealed political affiliations and employment are key factors that affect who would/could say what and when. This aid-dependent environment reproduces inequality among TJ professionals themselves and silences contradictions and political and social dynamics. With expatriate and urban Burundian elite staff sitting at the top of hierarchical relations, everyday TJ practice involves paternalistic conduct that reproduces a civilizing slant. Nevertheless, many continue to produce and endorse, at least officially, a well-intentioned discourse of empowerment (e.g. Baaz 2005) and the projection of an idealistic vision of a peaceful and democratic future that is falling short in practice. Their epistemic supremacy too-often results in the presumption that projects are failing because of local issues and political context – rather than assessing the hegemonized TJ norms and implementing channels imported into Burundi.

III. Accounting for violence in the post-colony: colonialism and accountability as authoritarian instruments

The previous sections illustrate how the successive translations of norms are concealing the penetration of colonial logic and epistemic violence within TJ practice. In Burundi, this analysis cannot be separated from the trajectory of the TRC within the contemporary authoritarian political context. Previous sections already indicate evolving authoritarianism with the increasing presence of security forces, checkpoints, improvised military camps in the Burundian public space, or feelings of insecurity that followed the 2015 crisis. Both rural and urban landscapes are also marked by numerous monuments and flags displaying the ruling party's emblem – a black eagle holding a sword and manioc leaves with the party's colours that exposes the strength and extension of central power (see [Photo 6](#)). Since 2014, more than one thousand people were reportedly killed, thousands tortured, unknown numbers of men and women victims of various forms of sexual crimes, hundreds having disappeared while thousands remained in illegal detention. The denunciation of human rights violations by Western states and organisations led to severe frictions in their relations with Burundian authorities. Representatives of the Burundian governments rejected these accusations and denounced their colonial nature. It is in this context in 2018 that the mandate of the TRC was changed to include 'determine the role of the colonizer in the cyclical violence that has bereaved Burundi' (Article 6.2.c.).

While a reduction of violence has been reported from 2018 in comparison to previous years (van Acker 2019), I discuss in this last section how accountability efforts became an authoritarian instrument entangled with colonialism. I, first, situate relevant scholarship gaps, then retrace how accountability efforts for colonial crimes made a comeback on the political agenda and explain



Photo 6. CNDD-FDD Symbols across different provinces.

the impact of the analytical occlusion of such entanglements between accountability politics, colonialism and authoritarianism in Burundi.

An important proportion of academic scholarship on Burundi is dedicated to the violence occurring since independence (Curtis 2019). Within such literature, passing comments on the negative consequences of colonial experiences under German and Belgian rules are frequent; the fact that colonial rules engendered the crystallisation of ethnic identities, granted socio-economic and political privileges to the Tutsi elite, and excluded other groups from these privileges is widely acknowledged. It has been documented that alliances with colonial structures and anti-colonial agendas shaped emerging domestic and party politics since independence (e.g. Lemarc-hand 1970). However, academic endeavours that scrutinise both physical and epistemic violence perpetuated by German and Belgian colonial indirect rules from 1895 to 1962 are scarce (Gahama 1983; Palmer 2019) and rarely consider its durable effects within the contemporary context. Post-independence violence is often disconnected from insights made by decolonial scholars. In numerous different contexts, decolonial scholars illustrate how colonial violence goes beyond material violence and draw crucial attention to its too-often occluded emotional, cultural, economic, and epistemic forms as well as their numerous entailments in reproducing new forms of racism, oppression, and inequality globally (e.g. Fanon 2004 [1961]; Mbembe 2001; Mamdani 2007; Stoler 2016; Smith 2016). Mbembe presents the post-colony as ‘a series of corporate institutions and a political machinery that, once in place, constitute a distinctive regime of violence’. Doing so, he forces us to (1) look beyond a binary divide between colonial and post-colonial violence; and (2) appreciate the continuously evolving form of the machinery perpetuating violence – two points particularly relevant for scholarship on Burundi.

Despite scholarly occlusion, accountability for colonialism and colonial crimes were included in the Arusha peace agreement. Specifically, the protocol dedicated to causes of violence mentions the role of colonial administrations in heightening ethnic tensions, discriminatory practices, and the destruction of certain cultural values (Chapter I, Protocol I, 2000). The draft agreement stated that Belgium was responsible for the murder of Prince Louis Rwagasore in 1961, leader of the decolonial movement and Prime Minister of Burundi. The then Belgian

Prime Minister, Louis Michel, asked for provision to be removed from the draft. Nelson Mandela, the lead mediator, submitted the request to Burundian parties who refused. Mandela unilaterally deleted the paragraphs assuming Burundi would need Belgian's aid to implement the ambitious reforms formulated in the peace agreement (Daley 2008, 213). Until recently, no further efforts had been taken to account for the violence inflicted during the colonial period. Still, this episode exposes how (neo)colonialism is ubiquitous in Burundian politics and diplomacy. Deleting that sentence for the sake of aid dependency had a negative impact on the peace process itself as it re-opened debates on key points of contentions between the parties. In addition, concealing responsibility for colonial violence and its political impacts under the guise of third-party mediation is also an important sign of colonial duress.

2015 was a turning point for aid politics in Burundi. Increasing denunciations of human rights violations led to aid cuts and sanctions. From 2016 to 2018, each time reports denouncing human rights violations were released, hundreds demonstrated in front of the buildings of European embassies and UN agencies in Bujumbura to protest Western interferences in domestic affairs and their colonial nature. Three authors of the 2016 UN report were declared *personas non-grata*, including Pablo de Greiff, the then UN Special Rapporteur on TJ. The Burundian government suspended cooperation with the UN OHCHR. In 2017, the Parliament adopted a law for INGOs that complicates the procedures to operate in the country. Gradually, critique of neo-colonialism and colonialism turned into an authoritarian tool to divert from ongoing violence and criticise political opponents, as illustrated by the lines from the investiture speech of President Evariste Ndayishimiye in June 2020:

The past fifteen years, during which the CNDD-FDD presides over the destiny of the country, have allowed us to know the truth about the various crises Burundi experienced. These fifteen years have shown us that we are still under the contempt of the colonizer. This was evident in 2015, when lawless puppet Burundians allied themselves with foreigners with the intention of setting their country on fire.

The President refers here to the 'truth' about Burundi's violent past, neo-colonialism and the tense diplomatic relations with Belgium, the EU, the UN, as well as connections of some politicians and activists in exile with Western institutions. Political opposition groups are also mobilising the colonial experiences and neo-colonialism within their political agendas and are deploying their own efforts to account for violence that tends to conceal violent episodes their networks might be associated with.

Launched in late 2014, the implementation of the TRC was heavily affected by the political context. Funding aimed at the TRC from both EU (multi & bilateral) institutions could not be channelled through Burundian authorities because of aid sanctions imposed during the 2015 crisis and denunciation of human rights violations. The €4 million promised were never delivered. Several NGOs and organisations that lobbied for accountability turned their backs on the TRC by distancing themselves or openly disapproving it. With an ambitious mandate and limited financial capacities, the TRC first struggled to operate. Throughout the first four years of its mandate, it praised itself for having gathered 67,000 depositions and identified 4,400 mass graves. Since December 2019, the TRC scaled up the exhumation of mass graves (Jamar and Major forthcoming). Pictures of hundreds of bodies exhumed are shared weekly on the Twitter accounts of the TRC president and commissioners. Speeches in press conferences and texts commenting on these pictures of exhumed bodies are again referring to truth, healing, and reconciliation, with extensive references to the 1972 genocide [perpetrated by Tutsi-led army against Hutu elite, events still negated by some opposition groups] (Lemarchand 2011). Presenting its annual report to the legislative chambers, the President of the TRC affirmed 'the crime of genocide

was committed against Bahutu in Burundi in 1972 and 1973' (Harerimana 2021). The report itself received extremely mixed reactions from representatives of victims' associations and political parties (Ndabashinze and Haburiyakira 2021). The more recent emphasis on 1972 and 1973 renders the TRC and its work a central source of controversy in relations to politics of accountability, as well as intensifies the polarization between different political and victims groups.

During fieldwork in June 2018, a few TJ professionals spontaneously commented about colonialism. As I was pulling out paper to start taking notes, a TRC member of staff [openly supportive of the CNDD-FDD regime] told me that the Belgian colonial occupation was worse than the German one. However, when I asked about colonialism directly, most research participants were unwilling to comment. From those willing to speak, it emerged the political crisis and related aid withdrawal created frustrations towards their Western partners. One stated: 'Despite international standards and the machinery that is supposed to protect us, they [the international partners] left us there in the lion's den ... The international community talks with the government while [graphic details about politicians involved in murders]' (Interview, Burundi, 2018 – Translated from French by the author).

The different events draw attention to various evolving and contemporary entanglements between colonialism and authoritarianism in the Burundian post-colony. Occlusion towards such entanglements projects an inaccurate binary vision of a violent national system clashing with colonial Western interveners. My empirical emphasis on TJ professionals illustrates two key important nuances. First, 'successful' TJ professionals (those with the best employment conditions) are often those that master the TJ norms to be able to present well to international partners, while simultaneously holding a pro-regime or neutral political agenda to be able to navigate the authoritarian environment. Second, anti-colonialism or ideological allegiance to the West continue to be part of internal politics in Burundi. In other words, condemning colonialism is not necessarily part of a decolonial project confronting the durable imperial logic, i.e. confronting 'differential allocation of resources and rights – and the racialized distinctions in which they are cast' (Stoler 2016, 21). At the same time, the penetration of colonial logics and the political instrumentalisation of colonialism through TJ does not render the issues of paternalism and racism perpetuated by international actors less important.

Many TJ professionals and political actors promote a vision of 'a better Burundi' that address its violent past and contemporary poverty, but in practice, they are undertaking a violent agenda that provides them with major socio-economic gains (Filipi and Witting 2020). Madlingozi (2018) criticises analysts that depict early black lawyers who wrote the South African Constitution as key decolonial thinkers. Rather, he argues that these educated lawyers, who were loyal to the old colonial world and sought to protect their own privileges, 'played a decisive role in the spread of principles of Western constitutionalism as originally formulated by European theorists' and 'contributed to the (re)constitution of Western modernity and the colonial order' (2018, 528–9); observations that resonate strongly with the entanglements of TJ professionals with Western legalism, its colonial logics, authoritarianism and the obtained material privileges in Burundi. The political hegemony of Tutsi Military elites set at independence was only reversed in 2005. The CNDD-FDD contemporary modes of governance continue to operate with differentiated allocations of resources and rights along political affiliation and ethnic lines. Such entanglements are not readily visible but rather trapped in contemporary problems of violence.

Through the mobilisation of truth-seeking and its idealistic functions, the TRC produces a specific narrative of the conflict that simultaneously accounts for the violence that contributes to the legitimacy of the contemporary authoritarian system, conceals other forms of violence, and intensifies political polarization. Rather than undesired side-effects of frictions between global norms and local practices, I argue that epistemic violence – the concealing of colonial and authoritarian entanglements – enables normative slippages and authoritarian vernaculars (see more Jamar and Major [forthcoming](#)) of the right to truth.

Conclusion

As TJ is increasingly promoted as a tool to address colonial crimes (United Nations 2021), I call for further attention to the colonial duress entailed within the condemnation of colonialism and the consequential accountability efforts. Examining the TRC in Burundi, I illustrate how colonial durabilities are reproduced in response to colonialism and mass violence through epistemic supremacy contained in Western-centric approaches. These different forms of colonial residues affect the mobilisation and translation of norms, everyday practice, and interactions among professionals involved in the TRC implementation.

For some scholars, the travels or adaptation of norms to ‘local’ contexts is sufficient to refute the colonial duress contained in human rights and TJ (e.g. Destrooper and Merry 2018, ix). My research equally illustrates that norms travel in Burundi and beyond. In these travels, norms do slip – reducing commitments contained in the initial articulation of global policy documents through their translations – not only because of authoritarian dynamics but also as tools and norms are deployed through channels and logics marked by colonialism. While there is a wide consensus that the historical experience of colonialism is part of the problem, I argue that the durable effects of colonialism need to be addressed within accountability efforts. Other scholars have similarly addressed the coloniality of TJ and how it enables the reproduction of colonial systems rather than redress, repair or confront them (e.g. Sitze 2013; Madlingozi 2019 in South Africa; Robinson and Martin 2016; Talaga 2018; MacDonald 2019 in Canada; Browne 2021 in Palestine and Israel; Nyeyenzi Bisoka 2020; Jamar and Bisoka 2022 in Belgium), all constituting a global TJ project committed to ‘the spread of western modernity’ (Madlingozi 2019, 275) and, hence, inflicting further epistemic violence. Even if my argument is built upon decolonial scholarship emerging from various contexts, colonial duress takes diverse shapes across all these processes.

In Burundi, the slipping hegemonized norms transformed a right to truth to a moral obligation to contribute to the truth and pardon for a reconciled society; empowering legal discourses into practice that subjugate the experiences and knowledge of some TJ professionals, as well as reproducing power asymmetries among TJ professionals themselves. These slipping norms have been useful for other political purposes, including legitimacy and/or authoritarian ones for both foreign and Burundian actors – processes through which TJ professionals inflict epistemic violence and, hence, take part in reproducing colonial durabilities. With an emphasis on TJ professionals, the article does not provide insights from beneficiaries targeted by TJ efforts. Still, my decolonial legal anthropology illustrates the colonial duress that is reproduced by the concealment of normative heterogeneity, hegemonisation, slippages, as well as the side-lining of politics and activist efforts and co-existing contradictory narratives about past violence taking place within an often romanticised ‘local’.

Beyond Burundi, decolonising accountability efforts can only take place through pluriversal approaches that simultaneously delink from the imperial nature of TJ and acknowledge alternative ontological understandings of violence. Universally driven, international standards and positivist truth-seeking efforts are promoted, mobilised, and contested by TJ scholars, professionals, and activists. In contrast to such universal approaches to human rights, a pluriversal ontology engages with the idea of ‘a world entangled through and by the colonial matrix of power’ in which case ‘a way of thinking and understanding that dwells in the interstices of the entanglement’ is needed (Mignolo 2018). We can utilise such ontological frameworks to rethink thinking (Ndlovu-Gatsheni 2018, 32–37) and capture alternative ways to articulate understandings of violence, re-imagine institutional responses to violence and pluriversal epistemic frameworks to reassess how we know what we know and, hence, how we can account for violence as I aim to demonstrate in my future work.

Notes

1. Many TJ professionals work across these spheres consequently and/or simultaneously. Depending on the setting, TJ elite professionals and key political figures also introduce themselves as victims of the conflict or as professionals delivering TJ.
2. The party was created out of the jointure of the CNDD (the political wing) and the FDD (the military wing) of the group founded in reaction to Ndadaye's assassination by FRODEBU in 1994. It registered as CNDD-FDD, a national party, in 2005. It won the election the same year and has been the ruling party since (see more Burihabwa and Curtis 2019).
3. Extensive research disputes the automatic benefits attached to truth-seeking initiatives, namely its reconciling, healing, or preventive functions (e.g. Mendeloff 2004; Burnet 2009; French 2009; Ross 2003; McEvoy 2018).
4. Decolonial scholars call out global designs with universal aspirations that exclude other cosmologies as inherently imperialist/colonial (Grosfoguel 2012, 94; see also Sousa Santos 2015; Mignolo 2018).
5. I document elsewhere the endogenous appearance of transitional justice efforts in Latin American peripheries to a global hegemony that gradually disseminated to the East and mushroomed speedily and predominantly in Africa (Jamar 2019). All these TJ mechanisms provided for in peace agreements suggest positive and causal relations between reconciliation, justice, healing and truth. Systematic references to terms such as 'truth', 'justice', 'reconciliation' continue to imply that the establishment of TJ institutions would facilitate a transition from a violent past towards a peaceful future; tackling authoritarian legacies for democratic aspirations; reparations for victims and punishment of perpetrators; as well as the transformation of social relations between violent enemies into reconciled neighbours.
6. The identity of the interviewee, the background of the victim association he represents, and the call for judicial accountability demonstrate together a strong opposition towards the regime and its TJ allies present in the room. This interview was still possible in 2018. A victim representative was arrested in 2020 as he was about to give a press interview about TJ. Even if released without charges, this incident illustrates further restrictions on the freedom of press, intimidation, as well as who seems to be allowed to comment on the TRC and victimhood.

Acknowledgement

Part of this research was funded by UK Aid from the UK Department for International Development (DFID) and the Law School Research Fund of University of Edinburgh. The author wishes to thank all these who have taken the time to participate and contribute to discussions related to the research. Earlier versions of the article benefitted strongly from encouraging and insightful feedback from Masa Mrovlje, Alena Polenska, Charlotte Mertens, David Mwambari, Stéphanie Perazzone and Gérard Birantamije, the journal editors and the two anonymous reviewers; the author is particularly grateful for the support received from the Special Issue editors. The information and views set out in this publication are solely these of the author and do not necessarily reflect the official opinion of DFID or any other reviewer. Neither DFID nor any person acting on their behalf may be held responsible for the use which may be made of the information contained therein.

Disclosure statement

No potential conflict of interest was reported by the author(s).

Funding

This work was supported by DFID and the Law School Research Fund, University of Edinburgh.

ORCID

Astrid Jamar  <http://orcid.org/0000-0002-9706-2034>

References

- Achieme, E Tendayi, and Asli Bali. 2020. "Race and Empire: Legal Theory Within, Through, and Across National Borders." *UCLA L. Rev* 67: 1386.
- van Acker, Tomas. 2019. "Burundi'." In *Africa Yearbook Volume 15*, edited by Victor Adetula, Benedikt Kamski, Andreas Mehler, and Henning Melber, 285–295. Leiden, Boston: Brill.
- Aoláin, Fionnuala Ní. 2017. "After Things Fall Apart: Challenges for Transitional Justice Futures." *Human Rights and International Legal Discourse* 11 (1): 23–40.
- Baaz, Maria. 2005. *The Paternalism of Partnership: A Postcolonial Reading of Identity in Development Aid*. Reference, Information and Interdisciplinary Subjects Series. Zed Books.
- Balasco, Lauren Marie. 2013. "The Transitions of Transitional Justice: Mapping the Waves from Promise to Practice." *Journal of Human Rights* 12 (2): 198–216.
- Baszile, Denise T. 2006. "In This Place Where I Don't Quite Belong: Claiming the Ontoepistemological in-Between." *From Oppression to Grace: Women of Color and Their Dilemmas Within the Academy*, edited by Mizelle, Nathalie D, 195–208. Virginia: Stylus Publishing.
- Bouka, Yolande. 2017. "Burundi: Between War and Negative Peace." In *War and Peace in Africa's Great Lakes Region*, edited by Gilbert M. Khadiagala, 17–31. Cham: Springer.
- Browne, Brendan Ciarán. 2021. "Disrupting Settler-Colonialism or Enforcing the Liberal "Peace"? Transitional (In) Justice in Palestine-Israel." *Journal of Holy Land and Palestine Studies* 20 (1): 1–27. doi:10.3366/hlps.2021.0255.
- Burihabwa, Ntagahoraho Z, and Devon EA Curtis. 2019. "The Limits of Resistance Ideologies? The CNDD-FDD and the Legacies of Governance in Burundi." *Government and Opposition* 54 (3): 559–583.
- Burnet, Jennie E. 2009. "Whose Genocide? Whose Truth? Representations of Victim and Perpetrator in Rwanda." In *Genocide: Truth, Memory, and Representation*, edited by Alexander Laban Hinton and Kevin Lewis O'Neill. Durham NC: Duke University Press.
- Chimni, Bhupinder S. 2006. "Third World Approaches to International Law: A Manifesto." *Int'l Comm. L. Rev* 8: 47–73. doi:10.1163/187197306779173220
- Cowan, Jane K, Marie-Bénédicte Dembour, and Richard Wilson. 2001. *Culture and Rights: Anthropological Perspectives*. Cambridge: Cambridge University Press.
- Curtis, Devon EA. 2019. "What Is Our Research for? Responsibility, Humility and the Production of Knowledge About Burundi." *Africa Spectrum* 54 (1): 4–21.
- Daley, Patricia. 2008. *Gender & Genocide in Burundi: The Search for Spaces of Peace in the Great Lakes Region*. African Issues. Bloomington, IN: James Currey.
- De Greiff, Pablo. 2012. "Theorizing Transitional Justice." In *Transitional Justice*, edited by Williams Melissa, Rosemary Nagy, and Elster Jon, 31–77. New York: University Press.
- Destrooper, Tine, and Sally Engle Merry. 2018. *Human Rights Transformation in Practice*. Philadelphia: University of Pennsylvania Press.
- Dezalay, Sara. 2017. "The Role of International NGOs in the Emergence of Transitional Justice: A Case Study of the International Center for Transitional Justice." In *Research Handbook on Transitional Justice*, edited by Cheryl Lawther, Luke Moffett and Dov Jacobs, 202–220. Cheltenham, Northampton, MA: Edward Elgar Publishing.
- Fanon, Frantz. 2004 [1961]. *The Wretched of the Earth*. Trans. Richard Philcox. New York: Grove Press.
- Filipi, Andrea, and Katrin Wittig. 2020. 'Burundi'. In *Africa Yearbook Volume 16*, edited by Awedoba Albert, Kamsi Benedikt, Mehler Andreas and David Sebudubudu, 296–306. Brill: Leiden & Boston.
- French, Brigittine M. 2009. "Technologies of Telling: Discourse, Transparency, and Erasure in Guatemalan Truth Commission Testimony." *Journal of Human Rights* 8 (1): 92–109.
- Gahama, Joseph. 1983. *Le Burundi Sous Administration Belge: La Période Du Mandat 1919-1939. Vol. 6*. Paris: KARTHALA Editions.
- Gathii, James Thuo. 2011. "TWAIL: A Brief History of Its Origins, Its Decentralized Network, and a Tentative Bibliography." *Trade L. & Dev* 3: 26.
- Gouvernement du Burundi. 2010. "Rapport Des Consultations Nationales."
- Grosfoguel, Ramón. 2012. "Decolonizing Western Uni-Versalisms: Decolonial Pluri-Versalism from Aimé Césaire to the Zapatistas." *TRANSMODERNITY: Journal of Peripheral Cultural Production of the Luso-Hispanic World* 1 (3): 88–104.
- Harerimana, Egide. 2021. 'La CVR Qualifie Les Crimes de 1972-1973 de Génocide Contre Les Hutus', 12 2021, Iwacu edition. <https://www.iwacu-burundi.org/la-cvr-qualifie-les-crimes-de-1972-1973-de-genocide-contre-les-hutus/>.
- Hayner, Priscilla B. 2010. *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*. New York, NY: Routledge.

- Hinton, Alexander. 2010. "Introduction: Toward an Anthropology of Transitional Justice." In *Transitional Justice: Global Mechanisms and Local Realities After Genocide and Mass Violence*, 1–22. New Brunswick, NJ: Rutgers University Press.
- Ingelaere, Bert. 2009. *Living Together Again: The Expectation of Transitional Justice in Burundi: A View from Below*. Antwerp: Universiteit Antwerpen, Institute of Development Policy (IOB).
- Iwacu, 2018. "Justice transitionnelle au Burundi - Quand le mal a du mal à passer." Iwacu Webtv. <https://www.iwacu-burundi.org/justice-transitionnelle-au-burundi-quand-le-mal-a-du-mal-a-passer/>
- Jamar, Astrid. 2019. *The Crusade of Transitional Justice Tracing the Journeys of Hegemonic Claims*. London: British Academy, Democracy and Violence.
- Jamar, Astrid. 2021. "The Exclusivity of Inclusion: Global Construction of Vulnerable and Apolitical Victimhood in Peace Agreements." *International Journal of Transitional Justice* 15 (2): 284–308.
- Jamar, Astrid, and Laura Major. *Forthcoming*. "Managing Mass Graves in Rwanda and Burundi: Authoritarian Vernaculars of the Right to Truth." *Social Anthropology, Evidencing Mass Crimes: Truth, Inquiry and Expertise in Mass Grave Exhumations* 30 (4): 51–81.
- Jamar Astrid and Nyenyezi Bisoka Aymar. 2022. 'Pacification du passé colonial belge : auto-érotisme et décentrement décolonial' Mediapart - Blogs, 10 February, accessible at <https://blogs.mediapart.fr/plis/blog/100222/pacification-du-passe-colonial-belge-auto-erotisme-et-decentrement-decolonial>
- Kritz, N. J., and N. Mandela. 1995. *Transitional Justice: How Emerging Democracies Reckon With Former Regimes: Country Studies*. Transitional Justice: How Emerging Democracies Reckon with Former Regimes. United States Institute of Peace Press.
- Lefranc, Sandrine. 2008. "La Justice Transitionnelle N'est Pas Un Concept." *Mouvements* 53 (1): 61–69.
- Lemarchand, René. 1970. *Rwanda and Burundi*. Westport, CO: Praeger Publishers.
- Lemarchand, René. 2011. "Burundi 1972: Genocide Denied, Revised, and Remembered." In *Forgotten Genocides: Oblivion, Denial, and Memory*, edited by René Lemarchand, 37–50. Philadelphia, PA: University of Pennsylvania Press.
- Levitt, Peggy, and Sally Merry. 2009. "Vernacularization on the Ground: Local Uses of Global Women's Rights in Peru, China, India and the United States." *Global Networks* 9 (4): 441–461.
- MacDonald, David. 2019. *The Sleeping Giant Awakens: Genocide, Indian Residential Schools, and the Challenge of Conciliation*. Toronto: University of Toronto Press.
- Madlingozi, Tshepo. 2007. "Good Victim, Bad Victim: Apartheid's Beneficiaries, Victims and the Struggle for Social Justice." *Law, Memory and the Legacy of Apartheid: Ten Years After AZAPO v President of South Africa*, edited by Wessel Leroux and Karin Van Merle, 107–126. Pretoria: Pretoria University Law Press.
- Madlingozi, Tshepo. 2010. "On Transitional Justice Entrepreneurs and the Production of Victims." *Journal of Human Rights Practice* 2 (2): 208–228.
- Madlingozi, Tshepo. 2018. "South Africa's First Black Lawyers, AmaRespectables and the Birth of Evolutionary Constitution—a Review of Tembeka Ngcukaitobi's *The Land Is Ours: South Africa's First Black Lawyers and the Birth of Constitutionalism*." *South African Journal on Human Rights* 34 (3): 517–529. doi:10.1080/02587203.2018.1557371.
- Madlingozi, Tshepo. 2019. "La Coexistencia Pluralista de Steve Biko "Después" Del Conflicto." In *El Pluriverso de Los Derechos Humanos La Diversidad de Las Luchas Por La Dignidad*, edited by Bruno Sena Martins, and Boaventura de Sousa Santos, 253–280. Tres Cantos: Akal.
- Mamdani, Mahmood. 2007. "Political Violence and State Formation in Post-Colonial Africa." International Development Centre - Working Paper Series, No 1.
- Mbembe, Achille. 2001. *On the Postcolony*. Vol. 41. Berkeley, CA: Univ of California Press.
- McEvoy, Kieran. 2018. "Travel, Dilemmas and Nonrecurrence: Observations on the "Respectabilisation" of Transitional Justice." *International Journal of Transitional Justice* 12 (2): 185–193. doi:10.1093/ijtj/ijy013.
- Mendeloff, David. 2004. "Truth-Seeking, Truth-Telling, and Postconflict Peacebuilding: Curb the Enthusiasm?" *International Studies Review* 6 (3): 355–380.
- Mignolo, Walter. 2018. "On Pluriversality and Multipolarity." In *Constructing the Pluriverse - The Geopolitics of Knowledgde*, Bernd Reiter, edited by Reiter, Bernd, 90–116. Durham and London: Duke University Press.
- Mutua, Makau. 2001. "Savages, Victims, and Saviors: The Metaphor of Human Rights." *Harv. Int'l LJ* 42: 201.
- Mutua, Makau W. 2011. "A Critique of Rights in Transitional Justice: The African Experience." In *Rethinking Transitions: Equality and Social Justice in Societies Emerging from Conflict*, edited by Gaby Ore Aguilar and Felipe Gomez Isa, 31–45. Cambridge, Antwerp: Intersentia. doi:10.1017/9781839700743.004.
- Mutua, Makau, and Antony Anghie. 2000. What Is TWAIL? In, 31–40. JSTOR.
- Naftali, Patricia. 2017. *La Construction Du "Droit à La Vérité" En Droit International*. Brussels: Bruylant.

- Ndabashinze, Renovat, and Felix Haburiyakira. 2021. 'Rapport d'étape de La CVR: Un Rapport Salué Par Les Uns et Décrié Par Les Autres', Iwacu. 12 2021. <https://www.iwacu-burundi.org/rapport-detape-de-la-cvr-un-rapport-salue-par-les-uns-et-decrie-par-les-autres/>.
- Ndlovu-Gatsheni, Sabelo J. 2018. "The Dynamics of Epistemological Decolonisation in the 21st Century: Towards Epistemic Freedom." *Strategic Review for Southern Africa* 40 (1): 16–45.
- Nesiah, Vasuki. 2016. "Theories of Transitional Justice: Cashing in the Blue Chips." In *The Oxford Handbook of the Theory of International Law*, edited by Anne Orford and Florian Hoffmann, 1–21. Oxford.
- Niyonkuru René-Claude and Réginas Ndayiragije. 2022. 'Whose Peace Agenda First? Unravelling the Tensions Between National Peace Processes and Local Peacebuilding in Burundi. In *Confronting Peace – Local Peacebuilding in the Wake of a National Peace Agreement*, edited by Allen Susan, Hancock Landon, Mitchell Christopher and Mouly Cécile.
- Nyeyezi Bisoka, Aymar. 2020. "The Absence and Its Masks: Belgian Parliamentary Committees on Colonisation and the Problem of Dignity." *Mediapart Blog*, 9 October 2020. <https://blogs.mediapart.fr/plis/blog/091020/absence-and-its-masks>.
- Okafor, Obiora C. 2014. "International Human Rights Fact-Finding Praxis in Its Living Forms: A TWAIL Perspective." *Transnat'l Hum. Rts. Rev* 1: 59.
- Palmer, Jack. 2019. *Entanglements of Modernity, Colonialism and Genocide: Burundi and Rwanda in Historical-Sociological Perspective*. London: Routledge.
- Robinson, Dylan, and Keavy Martin. 2016. *Arts of Engagement: Taking Aesthetic Action In and Beyond the Truth and Reconciliation Commission of Canada*. Waterloo: Wilfrid Laurier University Press.
- Ross, Fiona C. 2003. "On Having Voice and Being Heard Some After-Effects of Testifying Before the South African Truth and Reconciliation Commission." *Anthropological Theory* 3 (3): 325–341.
- Sabaratnam, Meera. 2013. "Avatars of Eurocentrism in the Critique of the Liberal Peace." *Security Dialogue* 44 (3): 59–278.
- Samii, Cyrus. 2013. "Who Wants to Forgive and Forget? Transitional Justice Preferences in Postwar Burundi." *Journal of Peace Research* 50 (2): 219–233.
- Santos, Boaventura de Sousa. 2015. *Epistemologies of the South: Justice Against Epistemicide*. London: Routledge.
- Shaw, Rosalind, Lars Waldorf, and Pierre Hazan. 2010. *Localizing Transitional Justice: Interventions and Priorities After Mass Violence*. Stanford, CA: Stanford University Press Stanford.
- Sikkink, Kathryn, and Ellen Lutz. 2017. "The Justice Cascade: The Evolution and Impact of Foreign Human Rights Trials in Latin America." In *International Law and Society*, edited by Laura A. Dickinson, 319–351. Oxon, New York: Routledge.
- Sitze, Adam. 2013. *The Impossible Machine: A Genealogy of South Africa's Truth and Reconciliation Commission*. Ann Arbor, MI: University of Michigan Press.
- Sousa Santos, Boaventura de. 2015. *Epistemologies of the South: Justice Against Epistemicide*. Routledge.
- Smith, Linda Tuhiwai. 2016. *Decolonizing Methodologies: Research and Indigenous Peoples*. Bloomsbury Publishing.
- Sripati, Vijayashri. 2008. "The United Nation's Role in Post-Conflict Constitution-Making Processes: TWAIL Insights." *International Community Law Review* 10 (4): 411–420.
- Stoler, Ann Laura. 2016. *Duress: Imperial Durabilities in Our Times*. Durham: Duke University Press.
- Talaga, Tanya. 2018. *All Our Relations: Finding the Path Forward*. Carlton North: House of Anansi Press Toronto.
- Taylor, David. 2014. "Transitional Justice and the TRC in Burundi: Avoiding Inconsequential Chatter?" *Contemporary Justice Review* 17 (2): 195–215.
- Teitel, R. G. 2000. *Transitional Justice*. New York: Oxford University Press.
- Tsing, Anna Lowenhaupt. 2005. *Friction: An Ethnography of Global Connection*. Princeton: Princeton University Press.
- United Nations, General Assembly. 2021. 'Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence - Transitional Justice Measures and Addressing the Legacy of Gross Violations of Human Rights and International Humanitarian Law Committed in Colonial Contexts'.
- United Nations Security Council. 1997. 'Question of the Impunity of Perpetrators of Human Rights Violations (Civil and Political) - Final Report Prepared by Mr. Joinet Pursuant to Sub-Commission Decision 1996/119'. E/CN.4/Sub.2/1997/20.
- Vandeginste, Stef. 2012. "Burundi's Truth and Reconciliation Commission: How to Shed Light on the Past While Standing in the Dark Shadow of Politics?" *International Journal of Transitional Justice* 6 (2): 355–365.