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# The living past in the lives of victims-/survivors of conflict-related sexual violence: Temporal implications for transitional justice

Memory Studies

1–20

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[journals.sagepub.com/home/mss](https://journals.sagepub.com/home/mss)**Janine Natalya Clark** 

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## Abstract

Issues of time and temporality are highly relevant to the field of transitional justice. The very concept of 'transition' and transitional justice processes more broadly reflect a linear and teleological understanding of time that moves in a particular direction. While building on existing temporal critiques of transitional justice, this interdisciplinary article makes two original contributions to this corpus of scholarship – empirical and conceptual. First, emphasizing what it refers to as 'the living past', it draws on qualitative interviews with victims-/survivors of conflict-related sexual violence in Bosnia-Herzegovina, Colombia and Uganda to explore empirically some of the various ways that the past experientially intruded into the interviewees' present. Second, it utilizes the analogy of the coagulation cascade, a biological blood-clotting process, to reflect on how transitional justice processes might move beyond linear temporal conceptualizations to recognize lived experiences of time and the multiple ways that individuals – as well as communities and societies – continue to coexist and transition with the living past.

## Keywords

coagulation cascade, conflict-related sexual violence, the living past, time/temporality, transitional justice

Time moved differently in that world, slowly and cruelly but sharply too, like time must seem to a mouse played with by a cat.

– Culbertson (1995: 182)

## Introduction

In an article exploring the temporal orientation of memory, Klein (2013) maintains that

memory (in almost all of its presentations) is not about the past. It is about the future. From an evolutionary perspective, memory's function is to enable its owner to face life as it comes, rather than to look back as it recedes. (p. 223)

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Making a fundamental distinction between the *how* and *purpose* of memory function, he maintains that it is the common failure to appreciate the subtle difference between the two that underpins ‘our truncated view of memory’s temporality’ (Klein, 2013: 223). This article extends the latter part of Klein’s argument to transitional justice, which, as McAuliffe (2021) notes, ‘is inherently defined by its temporality’ (p. 818).

Transitional justice is fundamentally about ‘addressing past violations as a means of strengthening the capacity of the transitional state to move forward’ (Cavallaro, 2008: 466). This emphasis on ‘moving forward’ reflects a linear understanding of time, conveying an overall ‘teleological narrative of past and future’ (Hinton, 2014: 13). Such an approach to time, however, is flawed, evincing a similarly ‘truncated view of memory’s temporality’ that does not do justice to the latter’s complex lived and experiential dynamics. As Robinson (2020) argues, ‘Experiencing trauma fractures time and often projects survivors into divergent temporal and narratological realities’ (p. 5).

While this research is not the first to problematize a linear conceptualization of temporality in the context of transitional justice (see, for example, Bevernage and Colaert, 2014: 441; Hinton, 2015: 235; Igreja, 2012: 404, Mueller-Hirth, 2017: 187), its particular contribution to existing scholarship is both empirical and conceptual. First, the basic idea for the article developed from a comparative research project exploring how victims-/survivors<sup>1</sup> of conflict-related sexual violence demonstrate resilience and whether and how their social ecologies – meaning their broad environments and ‘formal and informal social networks’ (Ungar, 2013: 256) – support resilience. The concept of resilience, which I will briefly discuss in the ‘Methodology’ section, is not central to this article. What is important to emphasize is that as research participants talked about the various ways that they were seeking to rebuild their lives and move forward, one of the recurring ideas that stood out from the data was the persistent intrusion of the past into the present. Referring to this intrusion as ‘the living past’, the article draws on semi-structured interviews in Bosnia-Herzegovina (BiH), Colombia and Uganda to empirically unpack some of the different ways that the material effects of the past ‘continue to act as living, changing forces on the present and the future’ (Walker, 2014: 48).

Second, the article uses the empirical analysis to develop a conceptual framing that captures the ‘thick time’ (Neimanis and Walker, 2014: 561) of past-present lived connectivities. Specifically, it utilizes the analogy of the coagulation cascade (Hoffman, 2003), a biological blood-clotting process. Hunter (2004) points out that ‘It must be the case that some analogies are better than others’ (p. 152). It is therefore essential to underline that in the context of this research, the use of a medical analogy is not intended in any way to pathologize communities and societies that have experienced large-scale violence and human rights violations. On the contrary, the utility of the analogy lies precisely in highlighting that the metaphorical blood of inflicted wounds cannot and does not easily clot and heal. Rather, this ‘blood’ continues to ooze and seep through and across the neat temporal boundaries of past, present and future. Fundamentally, ‘later traumas can bleed into memories of earlier experiences’ (Stelzig, 2014: 540), just as past traumas can ‘bleed’ into the present. If the analogy of the coagulation cascade thus offers a useful way of thinking about how time experientially moves, the very fact that blood is essential for life further accentuates the *living* past.

Contextualizing this research within a broader corpus of scholarship, the article’s first section discusses some existing temporal critiques of transitional justice. The second section is methodological and outlines the fieldwork on which the article draws. It also discusses some important ethics issues. The third section uses the interview data to empirically explore lived dimensions and expressions of the past in the everyday lives (and broader social ecologies) of victims-/survivors of conflict-related sexual violence in BiH, Colombia and Uganda. Building on the empirical analysis, the final section utilizes the analogy of the coagulation cascade to reflect on how transitional justice processes might move beyond linear temporal conceptualizations to recognize lived experiences of

time and the multiple ways that individuals – as well as communities and societies – continue to coexist and transition with the living past.

## Temporal complexities and transitional justice shortcomings

Writing about the Extraordinary Chambers in the Courts of Cambodia (ECCC), a hybrid court established by the Cambodian government and the United Nations (UN) in 2003 to try serious crimes committed by the Khmer Rouge regime, Hinton (2014) underlines that time ‘is a central motif at the ECCC’ (p. 10). It is pivotal to issues such as fairness of proceedings and the fair trial rights of defendants. However, it also ‘constitutes a much bigger backdrop at the ECCC and is directly linked to the ways in which truth and knowledge are produced in the court’ (Hinton, 2014: 10). Illustrating this is the court’s temporal jurisdiction, which is limited to the specific period (from 17 April 1975 to 6 January 1979) during which the Khmer Rouge were in power. While any legal institution must have clearly defined parameters, the Court’s ‘refusal to engage with the factors that mark its unique context’ (Mamo, 2015: 140) necessarily gives a historically compressed version of Khmer Rouge crimes. As Hinton (2014) reflects,

if one key objective of a tribunal is to reveal the truth that has been hidden by the politics of memory, then why not explore the structural and historical roots of the genocide and the ways in which it is linked to geopolitics? (p. 11)

This argument, in turn, can be located within a broader political critique of transitional justice that emphasizes the construction of artificial and/or arbitrary temporal boundaries and their potentially exclusionary effects (see, for example, Kendall and Nouwen, 2013: 243). According to Balint et al. (2014), transitional justice has a significant liberal bias, which is key to understanding its ‘limited temporal response’ (p. 196). When the field began to develop in the late 1980s and early 1990s, there was a strong emphasis on political transition – and more specifically ‘transitions to democracy’ (Arthur, 2009: 324). Liberal democracies, thus, were the most obvious facilitators of transition – and a model for non-democracies to follow and emulate in their transition journeys – but their ‘own problematic pasts’ (Balint et al., 2014: 195) were pushed into the background. In East Timor, for example, transitional justice processes ‘focused on the harms perpetrated by Indonesians following their invasion in 1975 – their mandates did not stretch to those of the colonial Portuguese period’ (Balint et al., 2014: 201). In Australia, the mandate of the so-called ‘Stolen Generations’ inquiry (1995–1997) was restricted to the issue of children’s separation from their families, thus completely neglecting ‘the longer history of invasion and dispossession’ (Maddison and Shepherd, 2014: 257). Such examples support the argument that the temporal dimensions of transitional justice processes ‘can be seen as another manifestation of power asymmetry’ (Evrard et al., 2021: 443).

The operationalization of restricted temporal purviews within transitional justice practice can also contribute to overly narrow framings of violence. The result is the elevation of particular types of crimes and the concomitant neglect of everyday forms of violence that extend across multiple temporalities. As Bueno-Hansen (2015) underlines, ‘The temporally bound nature of transitional justice exists in tension with the continuum of violence . . .’ (p. 15). In the context of her work on Peru, she further emphasizes that continuities of intersecting forms of violence critically challenge ‘[t]he underlying linear temporal logic of transitional justice’ and the posited division between ‘a past filled with atrocity’ and ‘a present based on peace’ (Bueno-Hansen, 2015: 15).

Embedded in the very concept of ‘transition’, moreover, are certain assumptions about how time ‘moves’ and ‘behaves’, consistent with the aforementioned origins of transitional justice and

its ‘liberal vision of history as progress’ (Shaw and Waldorf, 2010: 3). As Ní Aoláin and Campbell (2005) remark, ‘the paradigmatic transition sees itself as a process of closure. There is typically a “deal,” followed by a period of constitutional and institutional change, and possibly “reconciliation”’ (p. 182). In other words, ‘transition’ reflects a linear and teleological conceptualization of time, according to which ‘all the moments (“parts”) [. . .] are ordered and located according to the “final point” of the temporal series of events, which is an end (or aim)’ (Gilead, 1995: 540). Of course, the reality is much more complex.

A crucial dimension of this complexity relates to how time is lived and felt. Langer (1996) writes in this regard about ‘durational time’, which is ‘experienced continuously, not sequentially as a memory from which one can be liberated’ (p. 55). To illustrate the concept, he uses the example of Bessie K., a Holocaust survivor who never saw her baby son again after he was taken away from her. According to Langer (1996),

When she [Bessie K] says ‘since that time I think all my life I been alone’ while sitting next to her husband, she is not complaining or asking for sympathy; she is explaining that the passage of time cannot appease a durational memory . . . (pp. 57–58)

The past, in short, is part of Bessie K. and inseparable from her present; the death of her child constitutes ‘a permanent intrusion on her post-Holocaust existence’ (Langer, 1996: 58) and, by extension, ‘an intricately interlocking series of memory moments that simply refute pattern or chronology’ (Langer, 1993: 50). Relatedly, Kidron’s (2009: 9) work unpacks the different ways that descendants of Holocaust survivors live with the ‘experiential matrix of Holocaust presence’ in their everyday lives. This matrix takes the form of both material (e.g. utensils from Auschwitz, photographs) and embodied reminders. One interviewee, Hannah, reflects, ‘I guess the first thing that comes to mind is my mother’s tattoo [. . .] The first time I remember noticing it was when we were on the bus [. . .] I looked at other people’s arms and saw that they didn’t have one’ (Kidron, 2009: 9).

In a very different context, Igreja’s work in Gorongosa, Mozambique, explores how the past experientially lives on through gamba spirits of the dead taking possession of the living. ‘The presence of the spirits’, he argues, ‘confounds the notion of time as before and after, bringing the past to the present and threatening to jeopardize the future’ (Igreja, 2012: 419). Through the gamba spirits, local people thus live with the past and are forced to relive it (Igreja, 2012: 422). This underscores how embodied experiences – and lived experiences of trauma more broadly – ‘shore up a different understanding of the temporality of war’s violence’ (Touhouliotis, 2018: 89) in ways that are highly relevant to transitional justice. Robinson’s work in Northern Ireland further illustrates this. He talks about his experiences with Henry, a former member of the Ulster Defence Regiment, who took him to the place where he (Henry) was seriously injured by a bomb planted by the Provisional Irish Republican Army (IRA). Reflecting on this, Robinson (2020) comments, ‘By asking me to witness the violence inflicted here as simultaneously past and present, Henry subverted the dominant narration of contemporary Northern Ireland as an allegedly “postconflict” society’.

These diverse examples, in different ways, illustrate what Edkins (2003: xiv) has termed ‘trauma time’, a concept that critically disrupts linear time. Indeed, she maintains that ‘Trauma has to be excluded for linearity to be convincing, but it cannot be successfully put to one side. It always intrudes’ (Edkins, 2003: 16). Bevernage’s (2010: 115) discussion of traumatic memories and – borrowing from Primo Levi (1989) – ‘memory of offence’ captures this ‘intrusion’ and further challenges linear notions of time. This ‘memory of offence’, he argues, essentially bridges temporal distance between the past and present (Bevernage, 2010: 116). In this way, he dispels the

idea – highlighted by ‘the oddly obsessive way in which truth commissions often refer to atrocities as ‘the crimes of the past’, even when they happened recently and are not at all experienced as part of the past’ (Bevernage, 2010: 124) – that transitional justice processes can somehow bring about a rupture with the past. Within the literary field, ‘Ghosts are a privileged theme because they allow an insight into texts and textuality as such’ (Davis, 2005: 378). For Bevernage (2010: 116), they are a ‘spectral’ dimension of “memories of the offence” which refuse to let the past go’, as illustrated by the aforementioned gamba spirits of Gorongosa.

The arguments and critiques outlined in this section draw on a wide range of examples from different contexts. Part of the originality of this article lies in its specific focus on victims-/survivors of conflict-related sexual violence. While there exists a rich corpus of literature exploring the issue of sexual violence in conflict (see, for example, Boesten, 2014; Gray et al., 2020; Kirby, 2015; Kreft, 2020; Schulz, 2021; Schulz and Touquet, 2020; Wood, 2018), it has not substantively engaged with the issue of temporality – and certainly not explicitly. One of the few exceptions, Medawatte (2020) maintains that ‘Expanding temporality allows for a broader view of the circumstances that may lead to CRSV [conflict-related sexual violence]’ (p. 686). More particularly, ‘Expanded temporality captures CRSV committed during an armed conflict as well as during political upheavals, riots, and insurgencies’ – and afterwards (Medawatte, 2020: 686). The argument that this article makes is less about expanding temporality and more about complexifying it, through an emphasis on how temporalities ‘are specifically entangled and threaded through one another’ (Barad, 2017: 67). Using empirical data, the article unpicks this ‘entanglement’.

## Study design, methodology and ethics

This research draws on semi-structured interviews conducted as part of a large comparative study about victims-/survivors of conflict-related sexual violence and resilience. The article itself is not about resilience, which I have focused on elsewhere (see, for example, Clark, 2021a, 2021b, 2022a). However, it has problematized the liberal bias of transitional justice, and significant in this regard is the fact that resilience itself has been heavily critiqued as forming part of a larger (neo) liberal agenda (see, for example, Chandler and Reid, 2016; Duffield, 2016; Garrett, 2016; Joseph, 2013). According to Dunn Cavelty et al. (2015), for example,

The formation of the resilient, actively engaging subject may be attributed to the logics of (neo-) liberalism as often alluded to in the literature, or it may be a result of pragmatic ‘buck-passing’ by governments. In either case, resilience redistributes responsibilities – and possibilities of blame. (p. 7)

While my own research does not take an uncritical approach to resilience, it does not theorize it as a (neo)liberal concept. Consistent with a fundamental shift within extant resilience scholarship away from person-centred psychology-based approaches, my work embraces a social-ecological understanding of resilience, locating it in the interactions between individuals and their wider social ecologies (Ungar, 2013: 256). This, crucially, is *not* about simply leaving individuals to ‘govern themselves in appropriate ways’ (Joseph, 2013: 41) and to ‘cope with uncertainty’ (Howell and Voronka, 2012: 4); and nor is it about promoting the message that individuals and communities ‘ought to be “resilient”’ (MacKinnon and Derickson, 2013: 262). Quite the opposite, in fact. As Theron et al. (2021) underline, ‘a social-ecological approach is unequivocal that positive adjustment to significant challenges is co-facilitated by individuals and the systems of which individuals are part’ (p. 361; see also Ungar, 2012: 15). From this perspective, the justification for a comparative research design focused on three very different countries that have all experienced high levels of conflict-related sexual violence over different time periods – BiH, Colombia and Uganda – is

precisely that it maximizes analytical opportunities to explore how different social ecologies respond to, and are affected by, conflict-related sexual violence, and, by extension, how these social ecologies shape, foster or impede resilience.

In the first part of the project, 449 women and men<sup>2</sup> across the three countries – all of them victims-/survivors of conflict-related sexual violence – completed a questionnaire (May–December 2018). There are obvious limitations in using a questionnaire to study a concept as complex as resilience, which is why the project used a mixed-methods design. Approaching resilience from a quantitative angle, however, is a useful way of distilling the concept and stripping it back in a way that facilitates comparative analysis (see Clark et al., 2021). Resilience was quantified using the Adult Resilience Measure (ARM), a 28-item scale divided into individual, relational and contextual sub-scales (Resilience Research Centre, 2016). Each item is scored between 1 and 5, and higher overall ARM scores indicate a higher level of protective resources that potentially support resilience. The remaining sections of the questionnaire – which included demographic information, a Traumatic Events Checklist and questions about current problems – functioned as independent variables to explicate the dependent variable (individual ARM scores). The author, two postdoctoral researchers and several in-country organizations applied the questionnaires.

The sample is in no way representative, which would have been impossible to achieve. However, extensive efforts were made to reach groups of victims-/survivors in each country who were particularly affected by sexual and other forms of violence (e.g. Afro-Colombian and Indigenous women<sup>3</sup> in Colombia (see, for example, Sachseder, 2020; Santamaría et al., 2020)). Another priority was to reach those whose experiences have been significantly overlooked (e.g. Serbs and Croats in BiH (Clark, 2017; Simić, 2018), Lango people in Uganda and male victims-/survivors in all three countries (see, however, Schulz, 2021)). For this reason, the empirical section will note interviewees' gender and ethnicity.

In the second phase of the research, ARM scores were used to divide participants in each country into four quartiles. Interviewees were selected from each of the quartiles, and particular care was taken to respect diversity – especially gender, ethnic and age diversity. In total, the author and two postdoctoral researchers conducted 63 semi-structured interviews (January–August 2019). The interview guide sought to create a space for the interviewees to speak about their lives, their war experiences, the factors that had helped them and hindered them in dealing with those experiences, their resources and the issue of justice (including what they wanted and needed from transitional justice). All interviews were carried out in the local language(s) and recorded using fully encrypted voice recorders.

The author's host institution, the research funder and relevant authorities in BiH, Colombia and Uganda granted ethics approval for the research. Issues that needed to be addressed – the first three of which I will discuss below – included informed consent, possible retraumatization of research participants, security issues, confidentiality, data transfer, data storage, incidental findings and fair benefit sharing. It is also important to note that the guidelines of the World Health Organization (WHO) on researching violence against women – which underline the four key principles of respect for persons, maleficence (minimizing harm), beneficence (maximizing benefits) and justice (Ellsberg and Heise, 2005: 36) – were closely followed.

Several in-country organizations have been involved in supporting the research, namely, *Snaga Žene* and the Centre for Democracy and Transitional Justice (CDTP) in BiH; *Ruta Pacifica de las Mujeres*, *Profamilia*, *Colombia Diversa*, *El Meta con Mirada de Mujer* and the *Red de Mujeres Víctimas y Profesionales* in Colombia; and Facilitation for Peace and Development (FAPAD) and the Justice and Reconciliation Project (JRP) in Uganda. These organizations, which to different degrees work with victims-/survivors of conflict-related sexual violence, played a crucial role in the study by identifying and contacting potential research participants.

As I have been conducting research in BiH for more than 10 years and have previous experience of interviewing victims-/survivors of conflict-related sexual violence (Clark, 2017), I was also able to rely on some existing contacts.

In addition to designing an informed consent form, which in most cases was read out to research participants, I also developed a procedure – used in both the quantitative and qualitative parts of the research – for verifying that participants were in fact giving informed consent. After the consent form was read out, every participant was asked the following: (1) In your own words, can you tell me something about the research? (2) Can you give me two examples of your rights as a research participant? Participants needed to be able to adequately respond to both questions (as judged by the person taking informed consent). In some cases, the consent form had to be read out twice, and some participants initially struggled with the question about rights; the very idea that they had rights in a research study was alien to them.

To minimize the risk of re-traumatization, interviews were kept as relaxed and informal as possible. Interviewees could pause or stop the interview at any time without needing to give a reason, and all of them received follow-up phone calls within a few days of completing a questionnaire or taking part in an interview (not all of the Ugandan interviewees had telephones, and in such cases contact was made through local facilitators on the ground). Where possible, psychologists or social workers from the in-country organizations made these follow-up calls. A referral network was also built into the design of the study. This meant that if any participants were distressed and needed support, they could be referred to the nearest in-county organization which, if necessary, could make further referrals. Through the study's referral network, seven of the Ugandan participants received medical treatment. One of them, for example, had a hysterectomy. Another had surgery to repair a uterine prolapse.

In BiH, I was able to meet many of the research participants in their own homes, where they felt most comfortable. In situations where they did not have sufficient privacy at home, I met them in the offices of one of the in-county organizations. In Colombia, for security reasons, the research was often conducted in safe spaces provided by one of the in-country organizations. *Profamilia*, for example, which promotes respect for and exercise of sexual and reproductive rights, has clinics across large areas of Colombia. Working closely with these in-country organizations was also important for monitoring the security situation on the ground. Ugandan participants spoke the most about stigma. In most cases, therefore, the research was not conducted within their villages but in the offices of the in-country organizations or in neighbouring villages, in safe spaces provided by the Local Council (LC1).

Turning back to the interviews, which are central to the next section, they were transcribed, translated and subsequently imported into NVivo. I created the codebook over a period of 12 months and used thematic analysis to identify and develop the core themes from the data. Temporality itself is not one of these themes. The meta theme that links the eight themes, however, is connectivity – a concept drawn from ecology and conservation literature and transposed to a social science context as a novel way of thinking about social-ecological systems (Cinner and Barnes, 2019; Folke et al., 2005). What strongly emerged from the interviews was a strong cross-temporal connectivity composed of multi-dimensional sub-connectivities between past and present in the interviewees' everyday lives.

## **The living past and experiential dimensions of temporality**

Some interviewees spoke very explicitly about time, including how it can appear to slow down or stop. Describing the night that guerrillas from the Revolutionary Armed Forces of Colombia (FARC) raped her, a Colombian interviewee who did not identify with any of the ethnic groups



listed in the study questionnaire<sup>4</sup> explained, ‘It was a night that I’ll never forget as long as I live. It was such a long night; I was watching the clock, but clocks can’t hurry’ (interview, Colombia, 14 March 2019). Recalling her time detained in a camp in 1992, a Serb interviewee underlined, ‘Five minutes is like one year of a normal life. Well, that is what it was. That is how I felt’ (interview, BiH, 3 July 2019). These examples illustrate Flaherty’s (2003) argument that ‘There is variation in the perceived passage of time, and [. . .] one’s circumstances condition one’s experience of duration’ (pp. 21–22).

Issues of time and temporality also emerged in other crucial ways. Duncheon and Tierney (2013) have identified two dominant temporal theories. One of these is what they refer to as clock time, ‘a linear, objective characterization of time, aligning with positivist assumptions and scientific inquiry’ (Duncheon and Tierney, 2013: 236). They contrast this with socially constructed time, to emphasize that ‘people may not interpret time in uniform ways, and perceptions of time are not static’ (Duncheon and Tierney, 2013: 237). It is important to stress that this article does not assume that individuals in BiH, Colombia and Uganda all have the same worldviews and understandings of time. What it focuses on, however, are common temporal themes that emerged across the data, and recurrent in this regard was a disconnect between, on one hand, Duncheon and Tierney’s clock time and, on the other, experienced time.

What all of the interviewees strongly articulated, in different ways, was a desire to get on with their lives and move forward – and/or a belief that the best course of action was simply to leave the past behind. Discussing her understanding of the term ‘victim’, for example, a Colombian interviewee who did not understand the question about ethnicity stressed,

. . . as I’ve said before, a person has to try to . . . to keep going. They’ve [referring to the perpetrators, in this case members of the FARC] trodden you down, but you have to burst into new life, like a flower or like a chrysalis, and try to keep going forward. (Interview, Colombia, 13 March 2019)

A female Acholi interviewee who was abducted by Joseph Kony’s Lord’s Army (LRA) in 1993 and spent 9 years in the bush insisted that ‘When you have experienced something in the past, let it go. Let your head forget it so that you don’t think about it all the time’ (interview, Uganda, 1 February 2019).

Indeed, some of the interviewees had found ways of ‘moving on’ with their lives and pushing the past back, at least to some extent. Keeping busy and not leaving oneself much time to think was one such strategy, illustrating Flaherty’s (2003) agentic argument that ‘there is a sense in which we “make” time by exercising control over its allocation’ (p. 28). In BiH, for example, a male Bosniak interviewee who had suffered sexual violence in a camp in 1992 explained,

I have a greenhouse and chickens. So, I am always, err, busy with something. As they say, there is always something to do around the house; mow the grass, fix this and that, feed the dog, clean around, get the chickens, this and that. I have bees. So, my days are always full.

He further added, ‘This is very important, this, this sort of therapy, to overcome all of this’ (interview, BiH, 11 February 2019). In Colombia, some of the participants were social leaders and emphasized that their work was helping them to go forward. An interviewee from the Indigenous Nasa people<sup>5</sup> stressed that ‘My life is very busy at the moment. I’m not so passive as I was before. Right now, I’m very busy because I’m working on a project with the girls, the women’. This interviewee had set up an association, in 2016, to help other women and girls who had suffered conflict-related sexual violence, and her work had become an integral part of her life. Asked, for example, about the impact of the sexual violence she suffered (from paramilitaries), she opined that ‘For me

it has become something good – not because of what was done to me, but rather because of what I'm doing with it now' (interview, Colombia, 6 March 2019).

Yet, what also emerged from many of the interviews was 'a clashing of temporalities' (Brun, 2016: 394). Fundamentally, what interviewees essentially articulated was a desire for time to move in a particular (linear) way, which was often in tension with their *lived experiences* of time. As a male Bosniak interviewee reflected, 'I live with the memories of war, those experiences . . . When, in the evening, when you don't sleep – and I sleep poorly – they come back to you . . . These images, what happened in the camps, mistreatment, sexual . . .' (interview, BiH, 4 March 2019). For many of the interviewees, in short, the past had become an 'interwoven copresence' (Kidron, 2009: 16) in both their everyday lives and the social ecologies with which their lives were interconnected.

To explore this interweaving in more depth, it is useful to note Barad's (2014) discussion of time as 'out of joint; it is diffracted, broken apart in different directions, noncontemporaneous with itself. Each moment is an infinite multiplicity' (p. 169). Highlighting this 'infinite multiplicity' are the myriad ways that the past can experientially 'hook onto' and weave itself into the present, working from the inside out. A useful place to start, thus, is with bodies themselves and the various ways that they can 'store' the past – illustrating what Fassin (2008) terms 'the corporeal presence of memory' (p. 316).

Some interviewees spoke about physical pain due to beatings and mistreatment that they had suffered. Some also talked about physical injuries that had permanently altered their bodies, physically and/or functionally. A Colombian interviewee who did not identify with any particular ethnic group gave an especially harrowing account of what she had gone through. Emphasizing that 'I lost my internal organs because of the beatings they [FARC guerrillas] gave me – my insides are a mess', she described how she had needed an operation to remove her ovaries and womb. She also pointed to a drooping eyelid – the result of an injury she had sustained – and talked about wanting to get her 'smile fixed' because her perpetrators had pulled out some of her teeth. In her words, 'So, as I say, it's still going on and I am still suffering from the armed conflict. All the memories are still with me' (interview, Colombia, 29 March 2019). Speaking about her time in a camp in Sarajevo, a Serb interviewee recalled, 'So, there were rapes and . . . Everything. Beatings, I mean. The effects remain because consequences . . . From the beating, I cannot . . . I don't have strength in my arms' (interview, BiH, 2 June 2019).

Krieger (2005), discussing embodiment, argues that 'Whether used literally or figuratively, it insists on bodies as active and engaged entities' (p. 351). It is significant in this regard, following on from the previous examples, that in some cases, interviewees' embodied memories of the past affected what their bodies could actively do and how they engaged with the world around them. This was a particularly recurrent idea within the Ugandan interviews. Many of the Ugandan interviewees were subsistence farmers and some of them could no longer work on the land and sustain themselves. A male Acholi interviewee, for example, who was raped by government soldiers and later abducted by the LRA, recounted that during his time in the bush with the rebels, he was frequently made to carry heavy loads (see, for example, Prosecutor v. Ongwen, 2021: para. 153). As a result, his chest was now weak and he did not have the physical strength to dig. In his words, 'I have found that I am not doing all that well. This is because of my bodily weakness. Unlike in the past, I now have to hire a person to perform some of the work my heart wants' (interview, Uganda, 26 March 2019). That the past continued to manifest in his body had thus interfered with the 'cyclical rhythms' of his everyday life (Evans, 2012: 831). In Uganda, loss of physical strength was also linked to the fact that some interviewees had been infected with HIV.<sup>6</sup>

Bodies were a prominent theme within the data, and interviewees offered powerful 'embodied accounts of war that more effectively convey the loss and suffering of people affected by it'

(Hyndman, 2007: 36). If embodied memories necessarily shape how time is experienced, relatedly, interviewees also continued to ‘live’ the past through the emotional legacies that it had left in their lives. Feelings of emotional pain and hurt (which the Ugandan interviewees primarily expressed through the language of a ‘bleeding heart’) were prevalent and contributed to keeping the past ‘close by’. As one of the female Bosniak interviewees reflected, ‘You feel as if someone took away your wings, someone took them. You feel wounded’ (interview, BiH, 22 February 2019).<sup>7</sup> Feelings of pain and hurt, in short, had created strong emotional memories, and research has shown that such memories are temporally resilient to the extent that the passage of time has little effect on them (Weymar et al., 2011: 639).

Time was also a relevant factor in the sense of how old the interviewees were when they suffered sexual violence. Some of them had been very young, which often contributed to and fuelled their feelings of emotional pain and loss. A Bosniak interviewee who was raped in a camp explained, ‘It is difficult for me. My soul is hurting. I mean, my childhood was destroyed with it, because I was very young . . . I was not even 15. I was a child. I find this horrible [crying]’ (interview, BiH, 19 February 2019). In some cases, moreover, there were additional exacerbating factors. A male Colombian interviewee who did not identify with any particular ethnic group recounted how guerrillas from the FARC took over his family’s ranch at a time when he was ‘very young’. He was raped in front of his mother and she was raped in front of him. ‘That left scars’, he emphasized, ‘that I saw . . . what they did to my mother and my mother saw what happened to me . . . when it happened. So, it has been very hard to get over that’ (interview, Colombia, 30 January 2019).

Corporeal and emotional legacies of war and human rights violations necessarily exist within wider socio-ecological contexts (Marchand, 2010: 2), and what strongly emerged from the interview data was that in, some cases, interviewees’ environments – and their interactions with them – constituted powerful reminders that further helped to sustain the living past. In Colombia, for example, notwithstanding the signing of a historic peace agreement between the government and the FARC in 2016, ongoing security issues and the continued presence of armed actors meant that many of the interviewees continued to face the same risks and dangers within their environments.

As one illustration, point 4 of the aforementioned Colombian peace agreement includes a programme to substitute crops, namely coca, that are being used for illegal purposes. As Nilsson and Marín (2021) note, however, coca-growing areas have ‘become a battleground’ for different armed groups (p. 318). This, in turn, forces rural populations into a no-win situation:

if they eradicate as part of the programme they face vengeance from those illegally armed groups; if they don’t eradicate they cannot receive the benefits of the programme and are subject to forced eradication by the military, thereby losing their livelihood. (Nilsson and Marín, 2021: 318)

This was precisely the problem that an interviewee from the Indigenous Pastos people was facing. She was involved in growing coca and explained that people had to leave the crop substitution programme if they wanted to survive. She added,

So . . . the injustice is, as women, we don’t have access [to government crop substitution schemes] because we’re in the middle of a war zone – surrounded by the guerrillas and the *paracos* [paramilitaries] and now, the Sinaloa cartel [an international drug trafficking organization].

In other words, ‘moving on’ – in the sense of finding another means of earning an income – was simply not an option because the environment the interviewee was in did not allow it. As she underlined, ‘So, it’s all the same and we keep growing coca, but further into the mountains’ (interview, Colombia, 4 February 2019).

For Ugandan interviewees, wider social-ecological reminders of the past included verbal abuse and stigmatization from members of their communities and, in some cases, members of their own families. Stigmatization was sometimes a direct consequence of sexual violence. A male Acholi interviewee, for example, talked about some of the abuse that he had faced as a result of experiencing *tek gungu* (a reference to male rape, literally meaning to ‘bend over’ (*gungu*) ‘hard’ or ‘forcefully’ (*tek*)).<sup>8</sup> Whenever people made comments about what he had gone through, he explained, ‘my heart bled. It took my mind back to those things of the past’ (interview, Uganda, 13 June 2019).

Stigma was also often linked to a wider set of war experiences, in particular abduction by the LRA and time spent in the bush. A Lango interviewee who was abducted by the LRA when she was 16 years old, for example, emphasized that ‘people in the community keep telling me that I am a rebel belonging to Kony’. This had made it very difficult for her to move on with her life in the sense of finding a husband. In the interviewee’s words, ‘I don’t have any marriage prospects now. Even if I get into a new home (relationship), it never lasts because of the bad things said about me’ (interview, Uganda, 10 June 2019). While Ugandan interviewees’ multiple experiences of *cimo tok* (literally, ‘pointing at the back of the head’) had negatively affected their lives in different ways, it is also important to look at the issue of stigma in its particular cultural context. On one hand, it facilitated the penetration of the past into interviewees’ present lives, but, on the other hand, it was part of the creation of a new present. In this regard, Macdonald and Kerali (2020) argue that stigmatization ‘serves to regulate the presence and behaviour of LRA returnees in order to restore “normality” in the context of sustained social suffering’ (p. 785).

For many of the Bosnian interviewees, a significant environmental reminder of the past that they wanted desperately to forget was the fact that their communities had changed. Fundamentally, the Bosnian war (1992–1995) was an ethnic war in which ‘People were forcefully displaced from their homes in order to demonstrate that “people [specifically Bosniaks, Serbs and Croats] cannot live together”’ (Tuathail, 2006:143). As one of the female Croat interviewees accentuated, ‘the war disrupted our normal lives. Normal relations’ (interview, BiH, 30 January 2019). More broadly, what also stood out from the Bosnian interviews was a strong sense – partly reflected in the various unanswered questions that some of the interviewees had about the war and everything that had happened – that the past remained unresolved.<sup>9</sup> This is despite the fact that a significant amount of transitional justice work – including trials at the International Criminal Tribunal for the former Yugoslavia (ICTY), proceedings in local courts, institutional reforms and construction of memorials – has taken place in BiH.

One factor that underpins this unresolved past is the persistent ‘competition between different [ethnic-based] memory narratives’ (Moll, 2013: 911), wherein competing interpretations are continually imposed on the past. Systemically, such interpretations reflect the country’s post-war division along ethnic lines and the inevitable impact of a ‘complex politics of identity’ (Laketa, 2019: 178) that does not allow the past to be ‘put to rest in [the] form of a reconciliatory historical master narrative’ (Pötzsch, 2011: 209). Arguably, one of the consequences is that the ‘dominant temporal regime’ (Poell, 2020: 615) in BiH significantly lacks a futurity dimension and instead places a repeated emphasis on the war, the thematic of victimhood and the imperative of ‘never forgetting’. This imperative – which is also reflected in transitional justice processes themselves – is particularly pronounced in relation to the 1995 Srebrenica genocide (Simić, 2009: 229).

This section has empirically explored some of the various ways that interviewees in BiH, Colombia and Uganda experienced temporality in the sense of the different ways that their pasts formed a living part of their presents. Ultimately, the article argues that transitional justice processes themselves should be more sensitive to the complexities of temporality and past-present experiential connectivities. The crimes and human rights abuses that transitional justice deals with,

and their legacies, powerfully illustrate Barad's (2014) argument that 'Boundaries don't hold; times, places, beings bleed through one another' (p. 179). The final section builds on this basic idea of 'bleeding', invoking a biological process to develop a novel framework for thinking about temporality, healing and memory in 'transitioning' societies – and how transitional justice processes might move beyond a primarily linear conceptualization of time.

## Transitional justice and the recognition of temporal complexity

Portillo (2017) uses the concept of 'blood memories' specifically 'as a way to reimagine Native American identity based on ancestral memory rather than the colonial assumption of a purity of blood and lineage' (p. 2). Some interviewees expressed their own form of 'blood memories' related to their particular experiences. Describing wartime events in her town, for example, where there was intense fighting between paramilitaries and FARC guerrillas, a Colombian interviewee who identified as mixed race recalled, 'The world was awash with blood, it was like a river flowing over us' (interview, Colombia, 3 February 2019). Another interviewee, who did not identify with any specific ethnic group, described the violence that she had suffered at the hands of the paramilitaries who raped her. In her words, 'My head felt weighed down because my hair was so stuck together and with the dried blood. It was like I was carrying something on my head . . . It's fixed in my memory' (interview, Colombia, 29 March 2019). Alongside these blood memories, however, the interviewees' stories also strongly conveyed a sense of 'different times [and hence different memories] bleeding through one another' (Barad, 2017: 68). This section seeks to demonstrate that thinking about this 'bleeding' process provides a useful conceptual starting point for exploring how transitional justice theory and practice might better capture the living past and the complex ways that temporality moves and is experienced within societies that have faced violence and large-scale human rights violations.

Coagulation cascade refers to a blood-clotting process, necessary for wounds to heal, and to the 'molecular interactions regulating coagulation' (Hoffman, 2003: 17). Haemostasis is a crucial part of the process; 'The interaction between platelets and clotting factors results in the generation of a protective hemostatic plug, whose function is to staunch the flow of blood at the site of vascular injury' (Riddell et al., 2007: 123). In the context of societies that have experienced widespread bloodshed and violence, this 'interaction' is far less straightforward. To reiterate, my intention in using a medical analogy is not to pathologize populations affected by war, armed conflict and violence. Indeed, I share Pupavac's (2002) view that 'A prerequisite for the regeneration of war-affected societies is rejection of their pathologization' (p. 507). The utility of the coagulation cascade analogy in the context of this research is precisely that it highlights the 'complexity of the wound repair process' (Gurtner et al., 2008: 321). Multiple and intermeshed experiential 'wounds' – including corporeal, psychological/emotional, relational and structural wounds – do not easily 'heal', nor should we expect them to.

The fact, moreover, that healing is an important aspect of transitional justice – at least in theory (see, for example, Doak, 2011: 269; Robins, 2012: 84) – does not mean that part of the latter's role is necessarily to 'stem' the bleeding process. Understanding the dynamics that are driving temporal inter-bleeding is important, and so too is giving those who participate in transitional justice processes the opportunity and space to express some of the different ways that their past experiences bleed and seep into their present lives. This bleeding metaphor draws attention to the stickiness and viscosity of 'transition', underscoring that individuals – and, by extension, communities and societies – not only transition *to* but also *with*. They 'transition', *inter alia*, with the past etched into their memories, their bodies and their relationships, and with interwoven and crisscrossing temporalities that reflect their lived experiences of time. It follows, thus, that 'a comprehensive notion of

transitional justice has to be anchored in multiple temporalities in order to grasp the dynamic flow of time and deal with the consequences of violent crimes, which do not fade with the passage of time' (Igreja, 2012: 409).

On this latter point, it is necessary to emphasize that it is not only individuals' past experiences that bleed into the present and disrupt linear time. Their present and ongoing experiences can also affect how time moves. LaCapra (2004) observes that 'The event in historical trauma is punctual and datable. It is situated in the past. The experience is not punctual and [ . . . ] relates to a past that has not passed away' (p. 54). For many of the interviewees in BiH, Colombia and Uganda who were involved in this research, the distressing and potentially traumatizing events that they had gone through were not only 'situated in the past'. They were also located in the present, illustrating Vigh's (2008) argument that 'crisis can become background' (p. 6). Interviewees' struggles to obtain 'justice' were just one example. A Bosniak interviewee talked about her ongoing fears linked to impunity and the fact that the two men whom she accused of raping her had never been brought to justice. In her words,

In 1994, if they [the authorities] had locked them up, I would have had the strength then and I would endure all this much easier . . . Because, like this, you are afraid. If they [the perpetrators] were able to do it, then anyone can. Well, this is the hardest pain for a victim, for victims to be . . . I mean, for perpetrators to be left unpunished, and then the victim is afraid that [crying] they will do the same, or even worse. (Interview, BiH, 2 June 2019)

An Indigenous Pastos interviewee explained that she had lost 32 ha of land. Despite the 2011 Victims and Land Restitution Law, which 'created an ambitious institutional framework for the implementation of land restitution and reparation' (de Waardt and Weber, 2019: 210), her land had not been returned to her and she had faced death threats as a result of her efforts to get it back. In addition, her son had been killed and she insisted that she was being persecuted because the police did a 'false positive' on him (meaning that they had deliberately misrepresented him as a guerrilla fighter who was lawfully killed in combat). 'So, tell me', she stressed, 'who should a person confide in? Nobody' (interview, Colombia, 4 February 2019).

The bigger point in this regard is that in communities and societies that have gone through mass violence and social upheaval, there exist many potential factors that can inhibit or neutralize the blood 'clotting' process of multiple wounds. This, in turn, is an important example of why social ecologies themselves matter and why transitional justice processes need to give more attention to them, including to what they do. As Ahmed (2004) notes, 'historical harms live on not only in the body of the individual, but in the "skin" or the intergenerational affectivity of whole communities' (pp. 33–34). As the previous section demonstrated, these ecologies can 'hold on' to – and in some cases instrumentalize – the past, and hence they are necessarily implicated in temporal dynamics. The concept of ecological memory refers to 'The degree to which an ecological process is shaped by its history' (Peterson, 2002: 239). More broadly, social ecologies can fundamentally shape time and 'history' – and how they are lived and experienced.

For some of the interviewees, for example, time had an inherently cyclical dynamic. A Bosniak interviewee who had fought in the BiH army and was raped by two of her fellow soldiers (she was not on duty at the time) emphasized, 'Well, all my life has been difficult and . . . I still hope that one day, all of this will end and it will only be a memory. Perhaps . . . I hope, well, I live for that day, to welcome it with a smile' (interview, BiH, 2 June 2019). Her words 'only a memory' are particularly striking. Notwithstanding the emphasis within transitional justice on memory, greater sensitivity to the temporal complexities and 'bleeding' that this article has underlined ultimately means recognizing that, in some cases, it may be too soon (at least partly) to even speak about

memory. Langer (1993) argues that ‘The faculty of memory functions in the present to recall a personal history vexed by traumas that thwart smooth-flowing chronicles’ (p. 2). Yet, this function becomes redundant when memory is being actively *lived* rather than simply recalled.

Social ecologies are also important for a second reason. Notwithstanding the presence of the ‘living past’, what interviewees in all three countries strongly evidenced was a desire and determination – as noted at the start of this section – to move forward. Furthermore, there were factors – or protective resources – within their social ecologies that were motivating them to do so and which they were actively utilizing to help rebuild their lives. Children/grandchildren were one such factor (Clark, 2022b). In Colombia, women’s associations and victims’ organizations were a particularly prominent protective resource. An interviewee who considered herself mixed race, for example, stressed that

I tell you, for women who’ve been through so many different ways of being victimized, it helps so, so, so much in life to be surrounded by other women who support you and give you a hand. They’re sowing the seeds for a better future for our country. (Interview, Colombia, 10 February 2019)

The crucial point, to return to the coagulation cascade analogy, is that interviewees had ‘powerful procoagulant substances’ (Hoffman, 2003: 17) within their social ecologies. Hence, one way in which transitional justice might positively influence how time is experienced, in the sense of potentially countering some of the weight of the living past, is by recognizing, supporting and investing in the resources that individuals have within their ecologies.

## Conclusion

Commenting on the late Charlotte Delbo’s work about her experiences in Auschwitz, Pokhrel (2009: 109, citing Delbo, 1990: 109) reflects,

The narrator vividly invokes us to witness the timeless world of torment, ‘. . . look at the clock on the public square. The time the clock shows is the time it happened that time. Something in the clock’s mechanism broke with the first salvo. We haven’t had it repaired. It is the time it was that day’.

Barad (2017) discusses the Hiroshima clock, its two hands ‘etched into eternity – a larger one pointing due east and a smaller one pointing a bit south from west’ (p. 59). Like the clock to which Delbo referred, the Hiroshima clock has ceased to work and time is ‘off its hinges, frozen and disengaged’ (Barad, 2017: 59). In both examples, however, the clocks’ static hands tell their own time – a time that conveys the reality of lived experiences.

Problematizing linear conceptualizations of time that frequently characterize transitional justice discourse, this interdisciplinary article has used qualitative data from interviews with victims-/survivors of conflict-related sexual violence in BiH, Colombia and Uganda to empirically analyze what it terms ‘the living past’. It has conceptualized this living past as a cross-temporal ‘bleeding’, ultimately using the analogy of the coagulation cascade to reflect on how transitional justice processes might better capture complex experiential flows of time that cut across and seep between past/present binaries.

In his critique of the dominance of legalism within transitional justice, McEvoy (2007: 440) advocates a ‘thicker variant of transitional justice’ which means, *inter alia*, ‘being open to the insights of disciplines and forms of knowledge other than law in better understanding the meaning of justice in transitions’. This article argues that a ‘thicker variant’ of transitional justice should also encompass a ‘thicker’ understanding of time that is open to the multiple and complex ways

that people live and experience time. Fundamentally, there is a need for transitional justice mechanisms and processes to ‘echo the temporalities of people affected by violence’ (Mueller-Hirth and Oyola, 2017: 185) and, by extension, to allow these temporalities, like broken clocks, to tell their own story. This, in turn, raises bigger questions about the role of memory in ‘transitioning’ societies. The introduction to this article cited Klein’s (2013: 223) argument that memory is not about the past but about the future. Ultimately, however, the issue is not only about the temporal orientation of memory, but also about cross-temporal experiential entanglements that shape memory and its possibilities.

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## Notes

1. This article uses the terminology of victim-/survivor to reflect the fact that some interviewees identified more with one term than the other – and some viewed themselves as both victims and survivors.
2. It is important to note that only 27 of the participants were men. This reflects the immense challenges of finding and gaining access to male victims-/survivors (see, for example, Edström and Dolan, 2020: 175).
3. Establishing contact with Indigenous communities was especially challenging, and the two Colombian organizations that supported the research from the start – *Profamilia* and *Ruta Pacífica de las Mujeres* – played a crucial facilitating role in this regard. In total, 19 Indigenous women took part in the quantitative stage of the research (i.e. by completing a questionnaire), of whom 3 were also subsequently interviewed. The 19 women came from the following Indigenous groups – Awá, Coconucos, Embera Chami, Nasa, Pastos, Wayu and Zenú.
4. While ethnicity was a relatively straightforward concept in BiH and Uganda, with research participants having no difficulties identifying their own ethnicity from the options listed in the study questionnaire, this was much less the case in Colombia. Seven of the interviewees did not identify with any of the given ethnicity options (Afro-Colombian, Indigenous, mixed race (Mestizo), Raizal and Roma or Gitano/a) and two of them did not understand the question. Some of them simply saw themselves as Colombian. Some of the women, moreover, placed a strong emphasis on their identities as *campesina* (peasants or small farmers). In hindsight, *campesina/o* should have been included as one of the options in the questionnaire, to better reflect some of the different ways that people in Colombia identify themselves.
5. As only three of the Colombian interviewees, as previously noted, were Indigenous, there was not enough data to explore the significance and influence of their individual Indigenous traditions and cultures. That the interviewee from the Nasa people evidenced a strong activist sentiment from the very start of her interview, however, is consistent with the fact that ‘The Nasa are well organised, with a long-standing resistance identity [ . . . ] and Indigenous rights advocacy tradition’ (Arbeláez-Ruiz, 2022). In 2001, for example, the Nasa people created the Indigenous Guard in order to defend their lands and protect their communities, which have been heavily targeted by armed groups (Alther, 2006: 286).
6. In the quantitative part of the study, 21% of the 152 Ugandan participants who completed a questionnaire said that they had been infected with HIV. In addition, 6.3% of the Bosnian participants, 21.6% of the Colombian participants and 32.8% of the Ugandan participants responded that they had been infected with other sexually transmitted infections as a result of conflict-related sexual violence.
7. A Colombian interviewee who identified as mixed race invoked similar imagery when speaking about her own daughter who was also raped. In the interviewee’s words, ‘It’s as if they’ve clipped her wings. They’ve clipped her wings. It has been very hard to watch’ (interview, Colombia, 4 February 2019). It was also the case, however, that several of the Colombian interviewees referred to wings in a positive



sense. The female interviewee from the Indigenous Nasa people, for example, spoke about ‘letting all the pain go and allowing something good to flourish’. She continued, ‘I’ve been transformed, psychologically. It has been a transformation – like a butterfly coming out of its chrysalis and spreading its wings’ (interview, Colombia, 6 March 2019).

8. According to Schulz (2018), during the late 1980s and early 1990s, ‘sexual violence against men [in northern Uganda] was geographically widespread enough for the Acholi population to invent a new term to describe this tactic: *tek-gungu*’ (p. 1109).
9. This idea of the unresolved past, however, was not specific to the Bosnian interviewee. In Colombia, for example, an Indigenous Embera Chami interviewee spoke about her missing brother and the everyday challenges of having no information about him. She explained that ‘We don’t know what happened in the war, whether he’s alive or not, whether he’s alive and imprisoned . . . I keep hoping that I will see him again – alive’ (interview, Colombia, 11 February 2019).

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