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Transitional Justice and Mental Health
The Kosovo Case

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Abstract

While the relationship between war and mental health has long been the subject of research, the role of post-war mechanisms such as dealing with the past, better understood as transitional justice, is less well understood at the psychological and social level. The main pillars of transitional justice are legal procedures, truth-finding measures, reparation processes and reforms. Each of these pillars contain psychosocial elements that can have an impact on the psychological well-being of those affected. One of the main objectives of this thesis is therefore to identify the influencing factors and to develop a novel interdisciplinary theoretical framework of how transitional justice mechanisms are related to and positively influence the mental well-being of a post-conflict society. This will be exemplified with actions that go beyond legislation, such as public recognition, national apologies in education, and the establishment of memorials and museums. However, psychometric tools to verify the positive effects of these pillars of transitional justice are still missing. In developing this novel interdisciplinary theoretical framework, this work will identify concepts by focusing on post-war dynamics from different perspectives. It has been shown that in different cases, that a process of coming to terms with the past can accompany a society for decades. Furthermore, the present thesis aims at exemplifying the possibilities of application of the newly developed theoretical framework with the case of Kosovo.

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Abbreviations and Short Forms

UNMIK	United Nations Interim Administration Mission in Kosovo
ICTJ	International Center for Transitional Justice
UN	United Nations
UNMIK	United Nations Mission in Kosovo
EULEX	European Union Rule of Law Mission in Kosovo
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
IMWG DwPR	Inter-ministerial working group on Dealing with the Past and Reconciliation
PTSD	Post-traumatic Stress Disorder
KFOR	Kosovo Force
KLA	Kosovo Liberation Army (ENG)
UÇK	Ushtria Çlirimtare e Kosovës (ALB)
WHO	World Health Organization
WB	World Bank

1 Introduction

More than 20 years after the end of the Kosovo war, its effects in almost all areas of life in Kosovo are still unmistakable. Tensions and divisions not only between the ethnic groups in Kosovo itself, but also between neighboring countries, have become an unresolved factor. Unresolved questions of ethnic conflict and identity from the past are reflected in every confrontation at present.

In the wake of war or dictatorship, the former political order is suspended. The state apparatus must be rebuilt, which can pose great danger for the internal stability of the country. If different rival social groups strive to share power, there is a threat of long-lasting internal conflicts, which in turn can lead to a new war, a civil war. It can lead to the long-term destabilization of an entire region if the new government is not recognized by neighboring states, or if it is even considered a threat. Regardless of this, coming to terms with past injustices is generally regarded as the founding act of a democratic society (Wang, Salihu, Rushiti, Bala, & Modvig, 2010, p. 1).

1.1 Dealing with the past

"Aren't there any more important or pressing problems in the region which should be addressed by various state commissions? Just to name a few: unemployment; poverty; the brain drains of our young people, who continue to leave the region in scores; the dramatic state of the educational system, health care, and the judiciary… And why should we – instead of dealing with those issues that surely concern the future of the region and the welfare of its people – dwell in a past that cannot be changed? Why should we allow our bloody Balkan past to obstruct our way towards a brighter European future?"

(Klarin, 2018)

Dealing with a violent past can indeed be a challenge for societies in transition. However, as Helena Sancho, a human rights scholar, states in her work, dealing with the past is a very important step in the development of a society. She advocates that "a missed opportunity to support the Transitional Justice system is a missed opportunity to achieve development goals" (Sancho, 2014). When serious, systematic human rights violations are

involved, it is common to use the term "Transitional Justice"[1] for post-war mechanisms such as dealing with the past. For a long time, victims have not been playing a major role in coming to terms with a violent past (Bonacker, 2012). Transitional Justice thus initially aimed less at coping with complex social developments but was ultimately seen as a means of dealing with political problems that temporarily occur in phases of social transition.

It was believed that the difficulties in a particular transitional phase could be overcome for a limited time and that Transitional Justice was therefore a transitional phenomenon. These assumptions must now be revised in several respects. It has been demonstrated that in cases like the one of Kosovo, a process of coming to terms with the past can accompany a society for decades. However, the concept of Transitional Justice thus enables societies that have suffered from armed conflict on their way to peace, democracy and the rule of law and to manage the prior conflict in a multidisciplinary and victim-centered process (International Journal of Transitional Justice, 2009).

1.2 Transitional Justice and Mental Health

Scholars argue that Transitional Justice can bring both direct and indirect health benefits, i.e. physical, mental and social well-being (Hofrichter, 2013) This is based on the idea that peace, stability and justice can alleviate health consequences that manifest during and times of war (Hofrichter, 2013). A deeper understanding of the impact of war and conflict and, above all, the practical ways in which a country and its society deal with the past is therefore very important at the level of global Mental Health as well as at the level of general development. Creating effective, targeted interventions that include Mental Health aspects is therefore essential. This can therefore be a determining factor in the implementation of successful reconstruction programs such as Transitional Justice Programs. Sufficient attention should therefore be paid to mental health in post-conflict societies, since not only specific individual Mental Health problems are an issue, but also the negative consequences that Mental Health problems can have for the social and economic functioning of an entire society (Das, 2007).

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[1] Detailed definition follows in chapter 2.2

1.3 Research gap and Justification

While the relationship between war and Mental Health has long been the subject of research, the role of post-war mechanisms such as dealing with the past, better understood as Transitional Justice, is less well understood at the psychological and social level. Phuong, Vinck and Weinstein (2009) identified a gap in the theoretical framework on the connection between Trauma, Mental Health and Transitional Justice. Although mental disorders pose a major challenge to public health because they are the main cause of disability and the third most common cause of the overall health burden after cardiovascular disease and cancer, they are usually not sufficiently taken into account in coping strategies and reforms (WHO, 2003).

In terms of content, this means that the whole concept of Mental Health in the context of post-conflict recovery is still far underdeveloped, although it is extremely important because it affects the ability of individuals to function at almost all levels of society. The philosophy underlying this work is that dealing with Mental Health problems is crucial to achieving a comprehensive social and economic reconstruction of a country that has experienced war or armed conflict.

The research gap identified by Phuong, Vinck and Weinstein (2009) will be addressed by an interdisciplinary development of a new theory that brings Mental Health and Transitional Justice together. Additionally, the case of Kosovo will be discussed in light of the newly developed theory in order to pave the way for future research aiming to apply and test the new theory.

1.4 Purpose and research question

This thesis aims to develop a theory regarding how mechanisms of Transitional Justice relate to and positively affect, influence, or impact the mental well-being of a postwar society. Specific examples will include actions beyond legislation, such as public acknowledgements, national apologies, and the creations of museums and memorials.

In developing this theory, this thesis will identify relative concepts by focusing on post-conflict dynamics from different perspectives. This thesis asks what are important

psychological factors of Transitional Justice in dealing with the past of a post conflict society and to what extent do they influence post-conflict recovery?

Aware of the limitations of data availability, the aim of this thesis is to generate a theoretical framework of the relationship between the main pillars of Transitional Justice and mental well-being and to fill the research gap mentioned above. Furthermore, this work aims to elaborate the predictions of the developed theoretical framework by then discussing them in the light of the Kosovo case. This shall not only give an idea about the usability of the theory and its main assumptions, but also build the base for future comprehensive application of the theory and the testing of its hypotheses.

The findings of this thesis, especially the newly developed theory, shall contribute to the relatively few studies on the relationship between the social, political and psychosocial levels of dealing with the past. In particular, the effects of less legal Transitional Justice mechanism as a curative effect on the psychological well-being of civil society will be investigated, so that in the future they can be treated like directly affected components of Transitional Justice as an essential aspect of post-conflict resolution.

In other words, the first important achievement of the work will be to close the gap between Transitional Justice and Mental Well-being of a society by means of a newly developed theoretical approach. In a second step, this will be discussed for the case of Kosovo, not only to determine more concretely what impact the context of Transitional Justice has had in practice, but also to create a starting point for further research and application of the theory. Particular emphasis will be placed on the question of whether the implementation of certain transitional justice mechanisms can have an impact on the restoration of mental health in a post-conflict society. In order to approach this question from a comprehensive perspective, the analysis will consider the psychological consequences of the war in the context of an "ethnically" divided society. The process of the thesis will be described in more detail below.

1.5 Outline

The first part of the paper introduces the research topic and defines the gap in this area and thus the research question. The second chapter deals with the theoretical framework of the

thesis and is therefore divided into two parts. The first part presents concepts of Mental Health and Mental Well-being with a focus on post-war societies. Terms such as "Mental Disorder" and "PTSD" are explained in more detail, as these terms are crucial for understanding the meaning of well-being in a post-war society.

The third and most critical chapter of this thesis is achieved by bringing together the two concepts of transitional justice and mental health. For this purpose, the psychological elements of "transitional justice" are analyzed and determinants that are affected by "transitional justice" and that can influence the mental health of society are identified. Taking into account the fundamental specificity of the individual processes of "Transitional Justice", the elements of coming to terms with the past are abstracted and categorized. The chapter closes the gap through interdisciplinary theory-building and forms the theory genesis underlying this work. A model illustration is provided for this purpose. The fourth chapter develops the starting point for exemplifying the possibilities of application of the newly developed theoretical framework. For this purpose, a methodology is developed.

The fifth chapter exemplifies the application of the developed theoretical framework to the case of Kosovo. First, a short overview of the historical and political background of Kosovo is given. Next, the applied measures of the individual Transitional Justice pillars in Kosovo are analyzed with regard to the aspects relevant to this thesis. In addition, the social aspects which played an important role in the transitional process are discussed, and an overview of the Mental Health situation in Kosovo will be given. This is intended to record the effects of the measures of the Transitional Justice Mechanism. Chapter 6 provides the answers to the research question and in chapter 7 these results are discussed. The last Chapter 8 summarises the work and the contribution that this work has made and discusses difficulties and prospects for future research.

2 Theoretical Framework

This chapter is divided into two sections. For the purposes of this paper to develop a new theory on the relation between mental health and Transitional Justice (chapter 3) it is necessary to clarify the definitions of certain terms and their relationship to one another. Thus, the first part deals with the concept of mental health and mental well-being. The second part describes the dimensions of the concept of transitional justice.

2.1 Mental health

The WHO (1983) defines health as a "state of complete physical, mental and social well-being". Hence, mental health and physical health go hand in hand: Those who do not feel well mentally are neither really healthy nor capable of performing. The WHO (1984) further defines psychosocial health as "a state of well-being in which an individual is able to use his or her abilities to the full, to cope with the normal stresses of life, to work productively and to contribute to the community".

In an international context, however, it is important to remember that mental health is a concept that has different meanings and values in different countries and cultures and is subject to change in the same culture at different times (UNHCR, 2015).

Psychosocial health, which is the same as mental health, has a strong influence on daily life. It is influenced by many different aspects. As an individual, you can only have a limited influence on whether or not you stay mentally healthy. In addition to personal circumstances and genetic predisposition, social, cultural, economic and environmental factors also have an influence (WHO, 2019).

By 2015, WHO estimated the prevalence of mental disorders in the European Region at 110 million, or 12% of the total population (WHO,2015). However, if statistics of substance abuse disorders are taken into consideration, this figure increases by 27 million (to 15%). The inclusion of neurological disorders such as dementia, epilepsy and headache syndromes, on the other hand, increases the total number by more than 300 million (to 50%).

Figure 1: Model to show the influences on an individual's Mental Health and Well-being
Source: WHO – Risks to Mental Health 2012

2.1.1 Mental Well-Being

In psychological research, well-being is often equated with happiness. One often feels happy or satisfied with one's own life. Positive moods are more common than depressed ones. By and large, life "succeeds". A high level of psychological well-being is usually present when people act as independently as possible, when the demands of their environment can be well managed and positive social relationships are cultivated. Personal development, the recognition of the meaning of life and self-acceptance also support this.

According to the Health Portal of Austria, subjective well-being can be divided into four different dimensions: Freedom from subjective stress ("I can't complain"), Joy as a positive and short-term component of well-being, satisfaction and Happiness as an emotional factor of well-being. Thus, we see that while mental health directly relates chemical and biological activity (i.e. Illness or health), mental well-being describes an even more comprehensive perception of an individual's overall emotional state. This term will therefore be a key concept in this paper.

2.1.2 Mental disorders

A mental disorder is a condition characterized by pathological changes in experience and behavior. They can be associated with deviations in perception, thinking, feeling or even self-image (self-perception) (Gazzaniga, Heatherton, & Halpern, 2017). Mental disorders are typically associated with significant personal suffering or stress and problems in several areas of life. The most common examples of mental disorders are depression, anxiety disorders, cognitive disorders and psychoses (Gazzaniga, Heatherton, & Halpern, 2017).

For the description and interpretation of such developments in a society as a whole, a term has become established that ties in with the psychological understanding of the consequences of violence in individuals: collective trauma. There are hardly any mature and comprehensive theories that deal with the answers at the level of the "assumptions, arguments and concepts" of collective trauma. Before discussing the relationship between transitional justice and psychology in more detail, it is important to first take a look at some terms such as the term "trauma" in general and at the expert discussion on the concept of "collective trauma" and "war trauma".

2.1.3 Trauma

In everyday language, and even among physicians and psychotherapists, a variety of events are referred to as "trauma". The word itself comes from the Greek and means injury. The psychological trauma therefore refers to a "mental injury". Consequently, there is a broad consensus on this term in the scientific literature.

Correspondingly, trauma involves "the confrontation with an event that has actually happened, in which the individual feels vulnerable, injured and helpless and in which the usual defense mechanisms and processing strategies are unsuccessful. Overstimulation is usually so strong that anxiety is automatically generated that can no longer be controlled. As a result, short and long-term mental disorders occur. As a result, short and long-term psychological disorders occur. Traumatization is the process and trauma is the result of this process" (Brand, 1986; Veer, 1992; Mertens, 1992).

From a psychological perspective, traumatization means a deep slump when nothing is the way it was before; the accustomed life, values and attitudes to life are confused if not

disrupted (Lueger-Schuster, 2004, p. 49). One of the most important forms of categorizing trauma, as defined by Maercker (2003), is the distinction between man-made disasters (war, rape) and trauma caused by accidents (disasters, occupational and accident trauma). In addition, a distinction is made between one-time and short traumas (characterized by acute danger to life, sudden occurrence) or long-term traumas (also called "Polytrauma", characterized by multiple, different traumatic individual experiences) on the other hand (Marcker, 2003). In the beginning of the 1960s, Kahn introduced the concept of "cumulative stress" in traumatized people. He argued that even individual non-traumatic experiences can be cumulative, mutually reinforcing and ultimately lead to traumatization or mental breakdown (Khan, 1963).

According to Friedmann in addition to Maercker's division into man-made and natural traumas, a distinction can also be made between types of trauma victims (Friedmann, 2004). Thus, not only those who have experienced the traumatic event themselves, but also those who have not been directly confronted with the traumatic event can develop post-traumatic stress disorder. He refers to these types of trauma victims as primary, secondary and tertiary victims. Primary victims are people who are directly affected by a traumatic event (e.g. victims of violence, survivors). Secondary victims are people who are directly confronted with traumatic experiences of primary victims (e.g. eyewitnesses, emergency and support staff). Tertiary victims are defined as persons who are not themselves affected by a trauma, but family members, friends and close relatives (Friedmann, 2004, p.13)

2.1.4 Post-Traumatic Stress Disorder (PTSD)

Throughout this paper, the state of post-traumatic stress disorder is an important concept addressed. To provide a consistent understanding, a brief definition and explanation of this disorder is given here.

As a consequence of traumatization, the clinical profile of post-traumatic stress disorder can develop. The International Classification of Diseases (ICD-10) describes two mental disorders that can occur in response to an exceptionally stressful life event: Acute Stress Response and Post-Traumatic Stress Disorder. Characteristically, both disorders are the direct result of trauma (Dilling, Mombour, & Schmidt, 2015). Studies that have examined different

population groups with war-related trauma have shown a particularly high prevalence of Post-Traumatic Stress Disorder (Jong, et al., 2001).

According to Maercker, maintenance factors for post-traumatic stress disorder are primarily an avoidant coping style (thoughts and feelings associated with the trauma are avoided/suppressed; not wanting to talk about it, excessive brooding, excessive anger and rage) and cognitive changes (negative thoughts about oneself and the world as well as self-reproaches). In contrast, Maercker also described health-**protective factors** after a traumatic experience as such as the sense of *coherence, disclosure,* and *social recognition* as victims. These factors are explained in more detail in the next section. (Marcker, 2003)

Traumatization, however, also plays a role in severe mental illnesses such as depression, psychosis and anxiety disorders. Furthermore, if there is also an underlying PTSD, the severity and course of these disorders are negatively influenced (Assion, et al., 2009). In other words, the majority of PTSD patients also suffer from depression and psychotic disorders and an estimated 18% of PTSD patients also suffer from other psychotic symptoms (Klaric, Klarić, Stevanović, Grković, & Jonovska, 2007).

In principle, there is a need for early intervention to address mental health problems before they progress, as people who suffer from mental health problems are at higher risk of developing mental and physical disorders (Ristock, 1995).

2.2 Concept and pillars of Transitional Justice

In the simplest of terms Transitional Justice stands for a series of efforts to come to terms with the past of a violent conflict or regime in order to promote transition to a more secure and peaceful democracy in a divided society. It includes all efforts and procedures aimed at dealing with the consequences of violent conflicts and wars, massive human rights violations and other injustices caused by predominantly non-democratic regimes. It includes measures and mechanisms to deal with the past of a violent conflict or regime in order to facilitate the transition to a sustainable, peaceful and largely democratic social order (Weiffen, 2015). The main objectives are to provide a minimum of justice for the victims and survivors of violence and human rights violations, strengthening the population's trust in the legitimacy and

protective function of the state and restoring social relations (German Federal Foreign Office, 2009).

In his 2004 report on Transitional Justice, the United Nations Secretary-General described the concept as *"the whole range of processes and mechanisms that serve a society's efforts to come to terms with serious crimes of the past in order to achieve accountability, justice and reconciliation. These may include judicial and extrajudicial mechanisms with no or varying degrees of international involvement, individual prosecution, reparation, truth-seeking, institutional reform, review and cleansing, or a combination of several of these mechanisms"* (Report of the UN Secretary-General for the Security Council, 2004).

Anna Kaminsky, the director of *Bundesstiftung Aufarbeitung, the Federal Foundation for the Reappraisal of the SED-Dictatorship* explained that "many people are encouraged by the fact that they are not alone with their negative experiences of neglect, exclusion and hostility, but are part of an (inter)national community, and that their problems are often universal and overarching. It was and is very important for them to experience solidarity through the networks" (German Federal Foreign Office, 2009).

A special feature of the concept of transitional justice is that it links the phase of transition with the pursuit of justice, which is not to be understood in terms of criminal law alone. Transitional justice is based on the assumption that only a clear cut after war crimes, violent conflicts or Human Rights violations can allow the transition to peace and security in order to generate confidence in a new form of government and state and contribute to reconciliation between the conflict parties.

Teitel (2003) defines Transitional Justice "as the notion of justice associated with periods of political change, characterized by legal responses to the damage done by previous repressive regimes". More precisely, Jon Elster defines the "legal responses" addressed therein as "processes of trials, purges and reparations". He concretizes "political change" as "transition from one political regime to another" (Elster, 2004).

Like Roman David mentioned in his article on Transitional Justice, no single discipline has the conceptual and methodological scope to cover the study of transitional justice on its own. Dealing with the past in a post-war society requires political, social, psychological and moral dimensions (David, 2017).

Generally speaking, Transitional Justice is an interdisciplinary concept that can be approached from very many different disciplinary perspectives. However, most investigations are carried out by scholars from the spheres of law and political science. Furthermore, the efforts of transitional justice on a social dimension are based on the elements of truth, confession, forgiveness, reconciliation, healing and apology. In this sense, TJ not only looks retrospectively at past injustices, but also looks forward to the future of a society.

The International Center of Transitional Justice defines the main pillars of transitional justice as truth-seeking, justice and prosecution, respect for the rule of law, reparation, and reform (International Center For Transitional Justice, 2020). From a more social science perspective, the following measures must to be taken accordingly (David, 2017, p. 154):

- *"Reparatory measures, which includes all measures that aim to redress the consequences of human rights violations for victims, empower them, and validate the experience of their victimhood*

- *Retributive measures, which includes all measures taken against perpetrators, including criminal, noncriminal sanctions, "revenge", fines, deprivations in pensions and other penalties; as well as non-actions in terms of apologies, and conditional amnesties*

- *Reconciliatory measures, which includes measures that affect the social relation-ship between victims and transgressors and reconciliation in divided society. Apology, expressions of regret, and confessions belong to this category.*

- *Revelatory measures, which include all types of truth revelation, for instance, truth commissions, and the opening of secret archives."*

This categorization of Transitional Justice measures provides an overview at the individual level. In this context, truth-seeking, justice-seeking and reconciliation are political processes that are, however, strongly influenced by societies arising from conflicts, conflicts of interest and access to resources. Furthermore, it is important to bear in mind that the process of pursuing justice through non-legal procedures may be more crucial for the maintenance of the rule of law than trying to deal with purely legal and administrative aspects (Barsalou, 2005, p. 3).

Given the psychological orientation of this concept, this thesis examines measures of transitional justice that are less legally oriented and contribute to the psychological well-being of society. Broadly speaking, the focus will be on less legally oriented approaches to transitional justice, which primarily involve processes of truth-finding, remembrance work, dialogue and joint reappraisal of history, apology and reparation.

Pillars of Transitional Justice

Transitional Justice is not limited to "legal justice" in the strict sense but is often associated with the pursuit of "justice and fairness". Accordingly, there are a number of measures on an emotional and psychological level, so-called "survival tactics" for those who have suffered such injustices and experienced injuries (Hayner,2002).

It has been shown that dealing with the past can have a number of objectives: punishing the perpetrators, finding out the truth, repairing or repairing damage and "paying for it", showing respect to the victims with a formal apology, and to reform institutions to prevent further abuse and strengthen civil society (Hayner, 2002).

In general, it can be said that the Transitional Justice Commission exists with a four-pillar policy: prosecution initiatives, truth-seeking processes, reparations programs and institutional reform (United Nations, 2010). Among these four main pillars, there are also important mechanisms such as, Lustration, Apologies and Forgiveness, Victims' Reparation and Memorialization. The individual pillars and mechanism relevant to this thesis are briefly explained below.

2.2.1 Right to Justice

It is intended to ensure that those that were responsible for the commitment of crimes, often including violations of international humanitarian law and strong violations of international human rights law, will be brought to justice and, if necessary, prosecuted in accordance with international standards for fair trial (United Nations, 2010). In practice, these law enforcement measures can take different forms. They can be international, such as the trials before the International Criminal Tribunal for the former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR) or the International Criminal Court (ICC). They can be held locally, such as in the specialized War Crimes Chamber of the Belgrade District Court or in the War Crimes Division of the State Court in Bosnia. They can also be hybrid, mixing international and domestic elements, as in the Special Court for Sierra Leone (SCSL) or in the trials held by the EU Rule of Law Mission (EULEX) in Kosovo (Humanitarian Law Center, 2015).

2.2.2 Right to Knowledge "Truth-seeking"

Remembering certain matters is not easy but forgetting them is probably impossible. Truth seeking processes enable societies to investigate and deal with past crimes and atrocities. This processes often takes place in societies that have emerged from a period of prolonged conflict or authoritarian rule (International Center For Transitional Justice, 2020). "Truth-telling processes have the potential to promote human development, by giving marginalized individuals and groups a voice, they are politically empowered and mobilized.

However, Truth seeking is often a tightrope act, so as not to disappoint the hopes and expectations that the population has placed in the new government or in international support in coming to terms with the past. After all, a mandate that is too limited, as well as a mandate that is too broad and cannot be fulfilled due to limited resources, can lead to frustration and re-traumatization or promote a culture of impunity. This would make the path to a stable, healthy, democratic population more difficult. Therefore, the achievement of a common history and memory of the past is also essential for reconciliation and progress.

This is achieved through processes of seeking the truth; by creating an established official truth on which there is general agreement, future generations can be prevented from

falling into revisionism and the political elites from manipulating events from the past to fit them into their own political agenda. In particular, the truth allows victims to demand reparations and gradually complete the process of their grieving. By acknowledging the "truth" about a past injustice, the victims receive their recognition which will help to promote the transition to a new democratic and healthy democratic society (Hasgall, 2015).

In Transitional Justice contexts, probably the best-known form of a body searching for the truth is the Truth Commission. The South African Truth and Reconciliation Commission (TRC) was one of the most famous to be convened to deal with national healing after the abuses of apartheid (Clark, 2012). At the time, the aim was to bring victims and perpetrators into a "dialogue" and thus create a basis for reconciliation between the conflicting parties. Priority was given to hearing and perceiving the experiences of the other. There was no pre-selection on political or racial grounds as to whose crimes should be dealt with by the Commission as a matter of priority (Tutu, 2001).

Although court proceedings serve to establish and publish the truth and to punish the perpetrators, they can set back the reconciliation process, especially if all parties involved see themselves as victims (Barsalou, 2005, p. 7). A special feature of truth commissions, in this context, is therefore the victim-centered approach.

In addition, the time frame also poses considerable challenges in the field of Dealing with the Past. In many cases, it takes decades until a culture and policy of silence and impunity is replaced by a responsible policy of remembrance, prosecution, compensation for victims and an appreciation of resistance against injustice and violence. And even if measures are already effective in the short term, Transitional Justice will typically remain socially relevant decades after a conflict or system change, and certain issues will only be tackled after a considerable time lag and may then require international support (German Federal Foreign Office, 2009).

In her book on the challenges of truth commissions, human rights activist Priscilla Hayner describes processes of seeking truth as a complicated affair. She claims that expectations of truth commissions in particular are often much higher than what these bodies can reasonably achieve, and that therefore a sense of disappointment often accompanies the

process and can ultimately lead to victims not appreciating the efforts and the process (Hayner, 2002, p. 6)

The right to knowledge includes measures such as truth commissions, investigation commissions, documentation, archives, history books and the focus on missing persons (German Federal Foreign Office, 2009).

2.2.3 Right to Reparation

Reparation programs have also been developed in some countries as an alternative to truth commissions (Rubio-Marín & Greiff, 2007). In a broader sense, reparations are understood as compensation for an abuse or injury. Following the defeat of the Third Reich, reparations were particularly understood as a contractual sum paid by the surrendering side of a conflict. Nevertheless, reparations are no longer understood to mean only war damage, but also different ways of compensation and other measures granted by those responsible to the victims of serious human rights violations.

In modern times, it should be noted that financial compensation or disbursement funds are among various types of material reparations. Other types of reparation include restoring civil and political rights, overturning unjustified criminal convictions, physical rehabilitation and granting access to land, health care or education. Reparations implemented within the framework of transitional justice often overlap with more comprehensive programs such as development (International Center For Transitional Justice, 2020).

By targeting reparations to directly improve the quality of life of those affected and by moving beyond the usual instruments of reparations such as money, health and education programs, the concerns of transitional justice and development often overlap. These measures are sometimes granted to the families of the victims, often children, in recognition of the fact that giving them a decent future is an important way of coping with the long-term consequences of their trauma (ibid.). The right of the victim of such a crime to reparation and the obligation of the responsible party to provide it have been guaranteed by the United Nation. This includes measures such as memorials for rehabilitation compensation, commemoration days, public apologies and education materials. Their material and symbolic value makes reparations for

victims important, as they are often seen as the most direct and meaningful way to obtain justice (ibid.).

Arriaza & Orlovsky (2009) state that *"Reparations programs present an opportunity to establish trust, specifically by creating a consciousness of survivors as rights-holders"*. Accordingly, the purpose of such measures is not necessarily the restoration of the status quo ante, but rather the recognition that the damage caused by solidarity and the establishment of civil confidence should be remedied.

2.2.4 Reform Processes

Transitional Justice is also essentially about prevention. First and foremost, this means building trust in the institutions, because in dealing with mass atrocities and the legacy of conflict it is now also necessary to fundamentally change the institutions responsible for human rights violations in order to restore the rule of law and thus ensure democratic government.

Dealing with the past should help to prevent renewed violence, atrocities and human rights violations. This preventive aspect is also central to giving refugees the prospect of returning home. For this reason, initiatives for political processes and institutional reform are just as relevant as building trust and the ability to engage in dialogue, transforming conflict narratives and restoring relations. Institutional reform is therefore the process of restructuring the state so that it complies with human rights norms and the rule of law, and keeping the state free of perpetrators, in order to ensure both individual accountability and non-reputation (Humanitarian Law Center, 2015).

Roughly speaking, this includes demobilization, reintegration of ex-combatants, institutional reforms, democratic control of the security sector, impeachment procedures and lustration, but also new healthcare and educational reforms.

3 Theory Development

This chapter brings together the concepts of transitional justice and mental health. It shows the general interaction of war, conflict and mental health. To this end, the social dimensions that play an essential role in this interaction are highlighted. The overall impact of the post-conflict transition period on mental health is discussed at the societal level.

In addition, it will be shown which factors can be considered as strategies in the psychological processing of the consequences of war in post-conflict societies he psychological elements and most critical determinants affected by transitional justice are identified and examined. This includes how transitional justice affects the mental well-being of the society that experiences it. The chapter fills a research gap by creating a new interdisciplinary theory that addresses the relation of mental health and Transitional Justice.

3.1 War, Conflicts and Mental Health

At the outset, it must be acknowledged that the healing of war-related psychological wounds can have an impact on the general social progress of post-war societies. This is to be achieved by demonstrating, through research, that the treatment of the psychological consequences of war at the societal level also allows the individual level of those affected to be addressed.

It should specifically show that mental health must be included in the design of policies, training and interventions, as it facilitates understanding of the difficulties faced by victims of war (Medeiros, 2007).

3.2 Mental Health in Post war Societies

War and armed conflicts, especially those taking place in modern times, which are no longer large-scale clashes between armed forces but local conflicts, and which often involve systematic human rights violations and terrorist activities, generally have a lower mortality rate, but therefore growing and long-lasting psychological consequences for those affected (Vsevolod, et al., 2019). War conflicts, exacerbated by the technologically evolving media, the

Internet and social networks, seem to contribute to a general feeling of instability and promote more fear, which leads to even greater quotas of affected people. (Vsevolod, et al., 2019)

A traumatic event like a war or armed conflict is a shocking, frightening and mostly dangerous experience that affects a person on a deep emotional level. During such an event people can be exposed to many different traumatic situations. This increases the likelihood that mental health problems such as PTSD, anxiety and depression will develop - and lead to worse life outcomes in adulthood. The negative consequences are very common and can also be detected intergenerationally (Vsevolod, et al., 2019). For example, adults who suffered from hunger during the First and Second World Wars and the Spanish Civil War in their childhood and youth had poorer physical and mental health than those who were not exposed to wartime conditions (Havari & Peracchi, 2017).

More generally, the issue of mental health in the post-war period is an underestimated problem that should play a much greater role in today's world, as armed conflicts currently exist on all continents with the exception of Australia and Antarctica. In 2016 there where currently 53 armed conflicts in 37 different countries ongoing, leading to twelve percent of the global population living in an area of armed conflict. This number of armed conflicts marks an all-time high (Kelland, 2019).

Nevertheless, research on the consequences of war on Mental Health has still mostly been conducted mainly with Western soldiers (e.g. Vietnam War veterans). Moreover, the focus of research on civilian war survivors has mostly been on PTSD. Research to date points to the connection between PTSD symptoms and general mental stress (Priebe, Giacco, El-Nagib, 2016).

Apart from this, mental health problems and physical injuries resulting from the experience of war have an important impact on the long-term well-being and mental health (Amone- P'Olak, et al., 2013). Post-conflict stressors as well as coping strategies are also crucial factors for the long-term development of mental health in war affected population (Miller & Rasmussen, 2016). As early studies have shown, the emotional reactions resulting from negative life events can be reduced by coping strategies (Folkman & Moskowitz, 2004; Ridder

& Schreurs, 2001). Therefore, the following sections define the ways in which armed conflict and other systematic violations of human rights can have negative social consequences and affect the mental health of a society.

3.2.1 War Trauma

War is a deliberate and therefore man-made act of violence. The traumas experienced in war and under politically repressive conditions have an impact far beyond the duration of the immediately life-threatening event. Habits, values and attitudes to life are called into question (Pizarro, Silver, & JoAnn Prause, 2006). Populations who have experienced war and violence related trauma, regularly suffer from a different of psychological disorders such as depression, post-traumatic stress symptoms or anxiety (Morina, Schnyder, Klanghofer, Müller, & Martin-Soelch, 2018).

In the case of Kosovo, a study found the 48 percent of civilian adults who survived the war were suffering mood disorders, and 42 percent having anxiety disorders (Priebe, et al., 2010). Lopez Cardozo, Vergara, Agani and Gotway (2000) reported that in Kosovo 17.1% of the participants in the study fulfilled the criteria for PTSD according to DSM IV. In a follow up study in 2003 Lopez et. al reported an increased prevalence of PTSD in up to 25% of respondents in Kosovo (Lopes, Vergara, F, & Gotway, 2000; Lopes Cardozo, Kaiser, Agani, & Gotway, 2003).

3.2.2 Transgenerational Trauma Transmission

If certain phenomena are passed on from one generation to the next, this is called transmission. Consequently, the traumatic experiences that cannot be sufficiently processed by the affected persons remain a lifelong burden, not only for the affected persons themselves. They are also reflected in the fantasies, self-image, emotional experiences and unconscious actions of their offspring. Most notably in the case of experiences of maltreatment and abuse and experiences of war or torture, transgenerational transmission phenomena occur in subsequent generations (Kellermann, 2001; Castro-Vale, Severo, Severo, Carvalho, & Mota-Cardoso, 2019). There is evidence that pregnant women can pass on anxiety and stress directly

to their children before they are born. This is particularly true in countries where there is war or famine and can affect entire generations. Stress during pregnancy is a risk factor for later depression and other diseases. This is the conclusion of the researchers in Jena. They discovered that stress hormones leave traces in the brains of unborn babies (Frankea, et al., 2017).

According to Radebold, Bohleber and Zinnecker (2009), parents communicate their own ideas such as educational principles, values or world views both consciously and unconsciously to their children. Children who are tied to their parents adopt their ideas and internalize them in order to correspond to their parents. The children and grandchildren of victims of war and violence often manifest deep-rooted fears, insecurities and a sense of loyalty and the desire for retribution. Often this can also strengthen the feeling of a common identity, which is often reflected in nationalist ideologies (Bloomfield & Huyse, 2003).

3.2.3 Collective Trauma

With regard to the concept of collective trauma, it is important to point out that every "collective trauma", whether it be the events of the Holocaust, the dictatorships in Latin America, the nuclear bombings in Hiroshima and Nagasaki or the ongoing conflicts in the Balkans, have specific historical, economic and political backgrounds and each has specific consequences and effects on the individual society (Niethammer, 1995). A particular closeness to the consideration of collective traumas, especially with regard to their long-term consequences, is shown by the debate and research on "collective memory". This has already been carried out on an interdisciplinary basis (e.g. with the participation of sociology, history and literary studies).

So far, differentiated findings and explicit empirical knowledge are only available about traumas of individual people, even if they were not traumatized alone but together with a large number of other people. Thus, there is still no interdisciplinary, systematic approach to the theory of collective trauma.

For this reason, the Berghof Foundation divides the precarious, little-enlightened construct of "collective trauma" into two opposing lines of vision (Kühner, Kollektive Traumata, 2002). The first is to use either the trauma concept of psychology, i.e. to start from

a phenomenology of individual trauma. For the individual phenomena one can then consider whether and how they can be thought at the societal level. That is simply to say: → from individual to collective trauma

The second way is to go from individual trauma to collective trauma. Alternatively, one might look in various disciplines for what they have to say about trauma-related collective phenomena (such as identity or memory) and discuss their implications for collective trauma. Again, simply put, this means: → from "collective" to collective trauma

In the following, factors and instruments implemented by Transitional Justice measures are listed which, based on the literature, can have an influence on society and its psychological well-being and therefore provide support for the healing in this transitional period.

3.3 Psychological Elements of Transitional Justice

"What do we do when the real tyranny is over, with the consequences of tyranny in our country and in our soul?" This question, which Ariel Dorfman posed with regard to the transition from dictatorship to democracy in Chile, can be seen in a similar way for countless similar situations in which people become mass victims of other people's use of violence (Kühner, 2002). From a psychological perspective, societies that have experienced war and trauma are more fragile, both, socially and politically (Barsalou, 2005, p. 4)

Nonetheless, there is still a relatively limited understanding of the individual psychological and emotional impact of transitional Justice measures, such as truth seeking, accountability or victims' experiences of criminal justice in the broader sense or reparation measures. However, there are many studies showing that repression of past events causes intense emotional pain which in turn leads to psychological problems.

Especially in modern psychology, it is assumed that the expression of one's own feelings, namely, the expression of traumatic experiences, is necessary for recovery and mental health. Therefore, populations that have been victims or witnesses of violence in armed conflicts or gross human rights violations can suffer from both mental disorders and identity crises (Barsalou, 2005, p. 4). On a long-term level, societies that have been involved in violent,

ethnic, armed conflicts can experience serious changes through long-term exposure to violence. If the ethnic conflict is not resolved, divided societies may develop within a region, leading to feelings of hatred and instability. When certain ethnic or social groups experience violence, this might have strong impact on their group identity, often leading towards a stronger group identity that gets expressed by clothing or common observable habits. The telling of historical events might end up in glorification of traumatic events. This can have immense impact on future generations (ibid.).

Collective Trauma and Truth Commission

The many atrocities of the numerous wars and armed conflicts of the twentieth century have led to permanent forms of collective trauma for women and for racial, ethnic, political and religious minorities. In order to cope with these atrocities and traumas, a great deal of repair work is needed in the social field. In the course of this work, the relationship between collective trauma and individual trauma and repair work such as that of Transitional Justice will be explained in more detail.

The following concepts are social determinants that can be influenced by the measures of the above-mentioned pillars of transitional justice to an extent that affects the mental health of society. Thus, they function as mediators within the relationship between Transitional Justice and Mental Health.

3.3.1 Defining the concepts of Recovery and Resilience

Resilience, which is derived from the Latin word *resilire* "to bounce back" or "rebound", is also known simply as mental resistance. This is the ability to deal with crises and use them as an opportunity for development by drawing on personal and socially mediated resources. In summary, resilience is the ability of an adult person to maintain his or her own ability to function even after traumatization; health-promoting factors and resources lead to recovery. They enable those affected to better process the traumatic experiences and integrate them (Maercker, 2003).

Similar to the term trauma, recovery can be defined in various ways. Studies of recovery from trauma have come to different conclusions, but most of them are due to the different

definitions of the term. However, the meaning of recovery in the context of Transitional Justice will be further clarified later in this chapter. In the psychological context, one possibility is to define recovery from trauma as the absence of PTSD or posttraumatic stress symptoms. This understanding is followed by numerous studies: the absence of a psychopathology serves as proof of recovery. It is in this sense, and based on the prevalence of PTSD, that researchers suggest that most people manage to recover from trauma (Johnsin, Thomson, & Downs, 2009). The second possibility, which is of greater value for this work, is recovery as part of a gradual return to normality from the stage of traumatic dysfunction. The conceptualization of recovery emphasizes the resumption of a "normal level of function" or the return to active everyday life. This is based on the idea that the individual learns to live with his or her traumatic experiences so that they become part of the self, part of our unique history, and enable a re-engagement with the challenges and opportunities of a good healthy life (Harms, 2015). In the following, factors that are significant in relation to trauma are explained in more detail.

3.3.2 Reconciliation

Reconciliation is a key goal of dealing with the past. It is considered a measure that allows the reestablishment of social relations based on fundamental values such as human dignity, or the right to physical and psychological integrity. A distinction is made between various levels that are not strictly differentiated (German Federal Foreign Office, 2009):

Individual, interpersonal level

The individual or interpersonal level of reconciliation refers to the restoration of interpersonal relationships after experiences of physical, psychological or other forms of violence and human rights violations. This can play a particularly important role after ethnic conflicts, in which people of other ethnicities or religions have to relearn to live together. At the individual interpersonal level, the relationship between victims and perpetrators is particularly important, ideally through psychosocial or faith-based support.

Socio-political level

Generally speaking, the social level of reconciliation focuses on relationships between different groups affected by or involved in a conflict in order to create a common, fired up future. These social groups can be distinguished by social, political, ethnic, religious or other characteristics. Reconciliation processes can take place in the most diverse forums, e.g. in

parliamentary structures, informal dialogue platforms, places of remembrance or spaces provided by religious communities

Institutional level

The institutional level of reconciliation refers to processes aimed at restoring the basis of trust between state institutions and the population. It is mainly about trustworthy and legitimate state institutions such as courts, administration, police, which protect and strengthen individual and collective rights and ensure a system based on the rule of law.

Approaches to acts of reconciliation, forgiveness and apology at the political level include British Prime Minister Blair's apology for the Irish famine or the start of the Bloody Sunday Inquiry in Northern Ireland. Also, when former US President Clinton apologized for the African slave trade and Pope John Paul II apologized to the Jews for the failure of the Catholic Church in confronting Nazism in World War II (Henderson, 2002, p. 16 ff.) were important historical examples of public recognition and apologies (Kadiangandu & Mullet, 2007).

3.3.3 Forgiveness and reconciliation from a psychological perspective

Although the terms reconciliation and forgiveness are often used colloquially to describe the same thing, their meanings are not identical. "As Robert Enright, one of the early pioneers of psychological research on forgiveness, described it, "*forgiveness means that an unjustly hurt person deliberately abandons his or her grudge against a perpetrator in connection with a deep, personal, unfair injury*" (Freedman, 1998; McCullough, 2001).

Forgiveness is an important inter-personal process in which it is not at all times necessary for the victim to make contact with the offender. Put simply, forgiveness is the renunciation of guilt by a person who feels he or she is a victim. It is psychologically a coping strategy that enables a person in a victim position to cope with the burdensome consequences of an external or internal injury (Freedman, 1998). Forgiveness not only helps the committer but is often also beneficial to the forgiving person by enabling him or her to free themselves from dependence on the committer (Kleiter, 2003). Whoever forgives, leaves the victim role behind. Instead of

revenge fantasies, he turns his negative feelings into a "detoxification process" and a positive self-image is developed.

In social terms, the most significant social impact of forgiveness is that it enables reconciliation with the person in perpetrator position and thus the continuation of the relationship (Riek & Mania, 2011) . The concept of reconciliation is based on the idea that perpetrators make reparation for the damage and injuries they have caused, i.e. atone. Consequently, guilt is atoned for by punishment. In this way the persons affected by the injustice experience satisfaction (Bundeszentrale für Politische Bildung, 2019).

In the framework of Dealing with the Past, holistic framework of reconciliation includes processes of mourning, public narratives, truth and reconciliation commissions, legal prosecution of perpetrators, traditional local jurisdiction or the creation of memorials and holidays. In the context of war and violent conflict, reconciliation became known through the Truth and Reconciliation Commission in South Africa, which investigated politically motivated crimes during apartheid. Nelson Mandela, who set up the commission, and Archbishop Desmond Tutu, the chairman of the TRC, became the symbol of reconciliation (Klerk, 2003).
 An overarching understanding of reconciliation includes the implementation of conflict management and peacebuilding measures from the perspective of reconciliation, healing and inclusion, with the aim of creating a culture of openness, dialogue and reconciliation that permeates and influences all areas of conflict management and peacebuilding. (Bundeszentrale für Politische Bildung, 2019; John Paul Lederach, 1999).
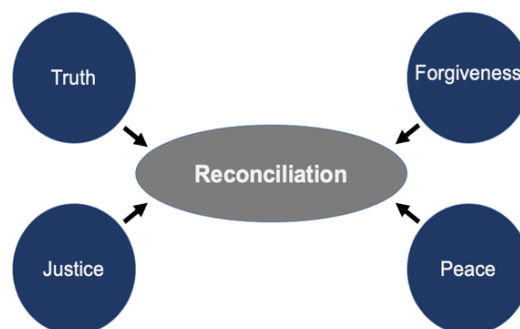

Figure 2: Elements of a reconciliation process according to Lederach

3.3.4 Sense of Coherence

Resilient people do not reject change but can cope with it with great flexibility and the necessary internal capacities. A strong sense of coherence enables individuals to react flexibly to certain situations, so that they are able to activate the appropriate resources. This protective factor involves a *sense of coherence* in order to deal with future challenges. According to Antonovsky (1987) the sense of coherence is the ability to mentally classify an experience, to understand it and to give meaning to the events (Antonovsky, 1987). By giving the affected person the feeling that he or she can contribute something to the outcome or to the processing of what happened, a sense of coherence is conveyed and the affected person is motivated to continue searching for coherence or to create it himself or herself (Singer & Brähler, 2007). If, in the course of one's life, ways of dealing with and coping with a conflict or a problem are acquired, then one is able to deal with problematic biographical events such as war in a meaningful way.

The sense of coherence consists of three main components. First, the *sense of comprehensibility*, describes the ability of a person to assess his environment as comprehensible. People who understand their environment to a high degree are able to classify, explain and deal with unexpected and unpredictable situations. Second, the *sense of manageability*, i.e. the demands that the environment places on a person, can be met with the available resources. People who have a high degree of manageability feel less often treated unfairly by life when an event occurs and do not slip into a victim role. Lastly, the *sense of purpose*, which is the motivating component of the sense of coherence. The person experiences life as meaningful and believes that it is worth dealing with the difficulties and challenges or investing energy.

In addition, the sense of coherence seems to be strongly influenced by income and education level. For example, a random sample in the east of the Democratic Republic of Congo showed that a high sense of coherence had a protective effect against the development of depression and mental stress disorders, but people with fewer potential traumatic experiences had higher income and more education (Pham, Vinck, Kinkodi, & Weinstein, 2010).

Due to the ambiguous results of the studies, the sense of coherence is a controversial protective factor. However, it can be said that it makes a strong cross-sectional contribution to mental health and reduces symptoms of mental disorders. In addition, it is an important part of resilience, and thus protects against stress (Renneberg & Hammelstein, 2006).

3.3.5 Disclosure

Disclosure is the oral or written revelation of the traumatic experiences and the thoughts and feelings associated with them. Speaking openly about the trauma experienced has a positive effect on subjective well-being and health (Maercker, 2003). For this purpose, Müller and Maercker (2006) investigated the influence of factors such as the perceived social esteem as victim and disclosure of traumatic experiences on the processing of traumatization. In their analysis, the results showed an influence of both factors on PTSD symptoms. The self-perceived emotional reaction to the disclosure of traumatic experiences was a relevant predictor.

3.3.6 Acknowledgment, Justice and Mental Health

This section looks at the relevance of *Acknowledgment* and Justice in the context of Transitional Justice, but also in the context of mental health. Especially in the context of truth-seeking, *Social Acknowledgment* often plays an essential role. As already explained in the previous chapter, *Social Acknowledgment* of the violent experiences, victims suffered from, can contribute to overcome trauma. On the other hand, they claim to promote the transition to a new, democratic and constitutional society by acknowledging the "truth" about a past injustice (Hasgall, 2015).

Alongside the entrenchment in the role of victim and the re-traumatization as a result of the often degrading burden of proof in the assessment procedures, it can also lead to increasing self-doubt and a progression of the trauma chain: *"People do not believe me forever and always, I am the eternal loser in this society. I lost back then, and what has my struggle brought me?"* (Gerst & Utz, 2015). Victim recognition and justice take a central role in the processing of mental images of past human rights violations.

Therefore, the concept of *Social Acknowledgment* also plays a special role in reparation programs and legal proceedings. Several publications have highlighted the relevance of social recognition for those affected and its positive effects on mental health. As early as 1989, Solomon, Mikulincer and Flum (1989) showed that the way people are treated after a traumatic event can certainly have an influence on how they recover. Most victims are in need of help after a traumatic event, so social recognition can also help to explain and positively influence the origin and development of trauma consequences (Maercker & Müller, 2004).

On the other hand, based on the results of Brewin's meta-analysis from 2000, the risk factors for PTSD are a low socioeconomic factor, ethnic minority membership and, of course, trauma intensity. Meanwhile, *Social Acknowledgment* is mentioned as an important protective factor. Maercker and Horn (2013) have developed a socio-interpersonal model for this, within its structure three levels are identified, on which the processes after a trauma take place (*Figure 3*). To date a number of different empirical research studies show the influence that *Social Acknowledgment* can have on the development, course and treatment of PTSD symptoms (Maercker, Heim, Hecker, & Thoma, 2016). The results show that the effect of *Social Acknowledgment* is primarily a predictor of the severity of PTSD symptoms and a protective factor that can positively influence the development of PTSD. Showing compassion for others can modulate the guilt of those affected, thereby taking away their sense of being alone with what has happened (Maercker & Müller, 2004). It can therefore be described as a resource or health promoting factor.
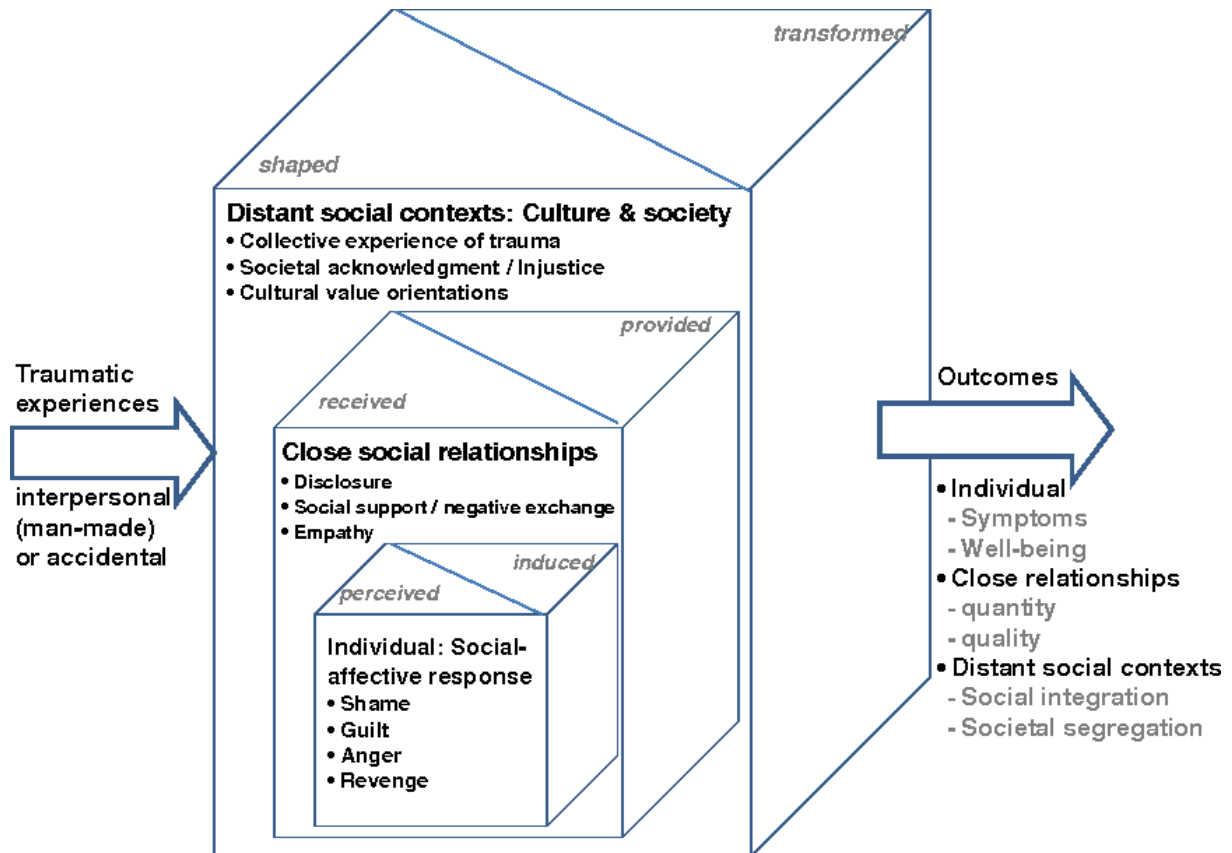
Figure 3: The socio-interpersonal model of Maercker & Horn (2018)

A comprehensive overview of mental health concepts and their links to the main pillars of transitional justice has been provided so far. In particular, the measures of Transitional Justice that influence social determinants, which in turn can have a positive impact on mental well-being, have been explained. After presenting the theoretical model by means of a figure, chapter 4 will then focus on developing a methodology for the new theoretical framework, including the research design and the development of hypotheses and research questions.

3.4 Theory Model

The model which is shown in Figure 4 is derived from the newly developed theoretical framework of this paper. It is designed to provide an overview of the impact dimension of the different determinants that Transitional Justice can influence through its actions and which can then have an impact on mental Well-being. The methodological design of this work therefore consists primarily of its interdisciplinary theoretical foundation. Thus, the theoretical

fundament presented here is derived from the fields of politics, law, sociology and psychology, and public health.

• Truth

• Justice

Empowerement
Mobilization
Process of grieving
Disclouse
Social Acknolwedgment
Reconsiliation

MENTAL WELL-BEING

Justice
Fairness
Social Acknolwedgment
"Revenge"
Willingness for reconciliation

Social Support
Reconsiliation
Justice
Memorials
Commeration
Public Apologies
Social Acknolwedgment

Mental health reforms
Education and Books
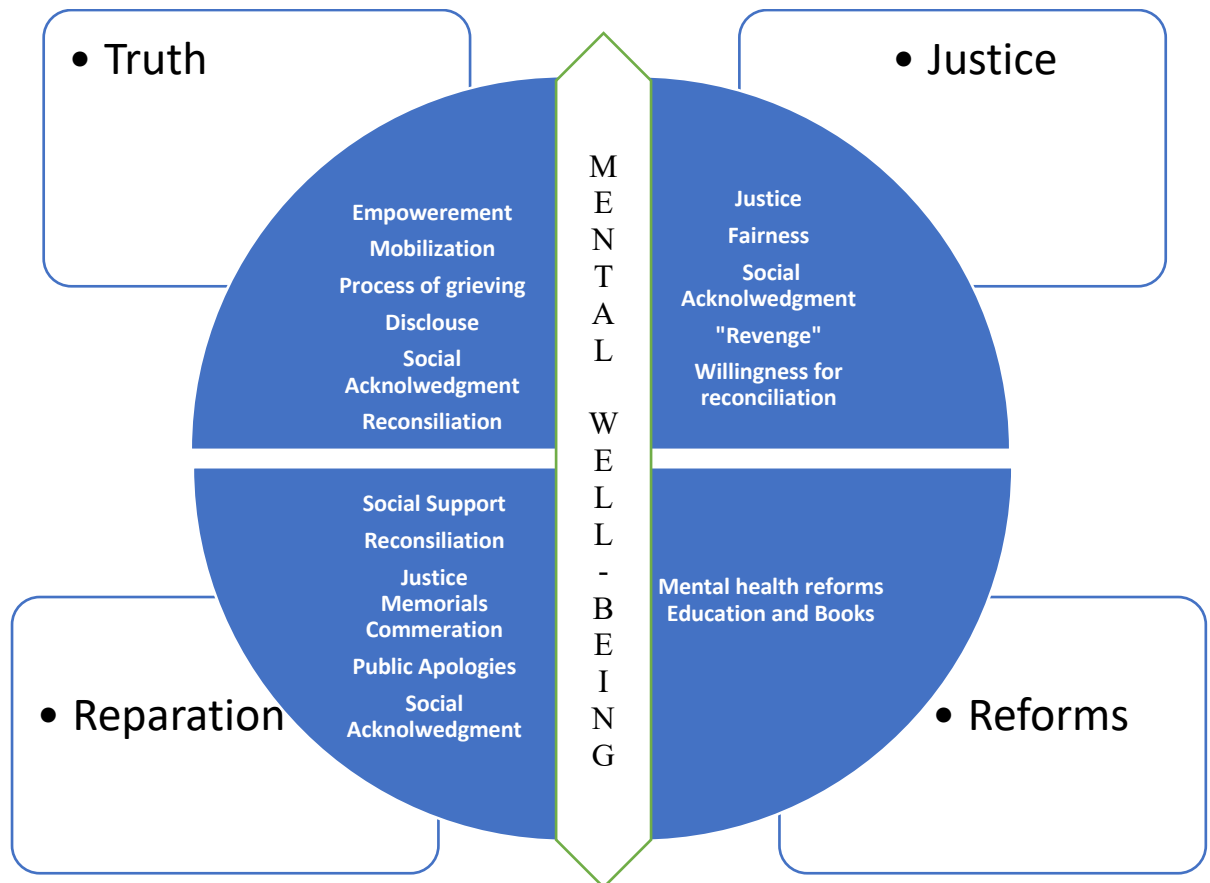
• Reparation

• Reforms

Figure 4: Determinants of Transitional Justice on Mental Well-being

4 Developing a methodology for the new theoretical framework

The aim of the interdisciplinary theoretical framework of this master's thesis is to analyze the impact of Transitional Justice on the Mental Health of the affected population. The main achievement of this thesis consists in the novel development of a theory from the interdisciplinary fields of politics and psychology. Subsequently, the main predictions of this theory were discussed by relating them to the case of Kosovo.

As hypotheses and the research questions deviated from hypotheses are usually an integral part of the methodology section, the theory development, which is this thesis' main aim and needed in order to generate the hypotheses, was already carried out in chapter 3. The research method of this thesis is therefore an interdisciplinary approach to theory development which will be supplemented by a case study. In addition to this new theoretical framework, it aims to give ideas of what aspects have to be observed and what data would be needed in order to apply and test this theory.

Originally, the plan was to apply the theoretical framework to the case of Kosovo by examining the determinants of Transitional Justice measures in Kosovo in order to gain a clearer picture of how dealing with the past can be linked to the psychological well-being of the population. Unfortunately, the current Corona-Virus pandemic made it impossible to gather the data that was needed in order to test the hypotheses that will be derived from the new theory in the next sub-chapter. Furthermore, a complete application of the newly derived theory in form of a comprehensive case study, able to test all of the theories assumptions seems unfeasible within the limited scope of a master's thesis (as the theory development itself was already very complex). However, to examine if the currently available data on Kosovo seems generally compatible with the predictions of the theory, a methodological framework will be developed and the hypotheses will be formulated into research questions, that will then be discussed in chapter 6.

As several studies have already highlighted the long-term effects of ethnic conflict on the mental health and well-being of the population, this paper will focus on the effects of dealing with the past on mental health and well-being. This work acknowledges the main theories of

transitional justice, but also considers determinants of mental health in a post-conflict population.

4.1 Developing hypotheses

Research on post-conflict societies has shown that there is a positive correlation between forgiveness and social recognition and mental health, despite a lack of information on the causal relationship between these constructs. (Gerst & Utz, Konstruktion des Fragebogens Staatliche Anerkennung als Betroffene_r von Menschenrechtsverletzungen und der Zusammenhang mit psychischer Gesundheit und Gerechtigkeitserleben, 2015; Oth, Robins, & Roberts, 2008). However, existing studies still cannot clearly establish that the implementation of transitional justice measures yields positive results among those affected. There is still not yet sufficient information about the psychological effects of transitional justice measures on post-war society. Derived from previous research, the aim of this paper is to examine the relationship between the main pillars of Transitional Justice (Truth, Justice, Repair, Reform) and mental health and other related factors such as ethnic conflict.

From the theoretical framework of this work, it is therefore assumed that the implementation of Transitional Justice measures has an impact on the mental well-being of the society concerned. The four main pillars of Transitional Justice (independent variables) are identified as the main factors that can positively influence the mental health of a post-conflict society (dependent variable). The model developed for this work (Figure 4) separately identifies the individual determinants that can influence mental well-being within each of the four pillars, although these factors overlap to some extent.

To prove that Transitional Justice leads to a general improvement in mental well-being would be an incredibly difficult task. Considering that the Mental Health of a society during a political transition is influenced by countless factors. It would be misleading to ask whether transitional justice leads directly to mental health. Rather, this research attempts to identify the dimensions of mental health that are likely to be influenced by the factors of Transitional Justice Measures. Given the social nature of the concept of Transitional Justice, this thesis will mainly focus on the less legal measures.

Transitional Justice pillars = *independent variable (x)*

Mental Well-being of population = *dependent variable (y)*

<u>Hypotheses</u>

Based on the new theoretical genesis developed in this thesis, following hypotheses are developed:

H_1) *Transitional justice measures have an impact on the recovery of mental well-being in a society:*

$H_{1.1}$) *Law enforcement and prosecutions have a positive impact on the recovery of mental well-being in a post-war society.*

$H_{1.2}$) *Seeking for truth has a positive impact on the recovery of mental well-being in a post-war society.*

$H_{1.3}$) *Reparation procedures have a positive impact on the recovery of mental well-being in a post-war society.*

$H_{1.4}$) *Reform processes have positive impact on the recovery of mental well-being in a post-war society.*

As already mentioned in the first section this chapter, both, the limited scope of this thesis, as well as the current unavailability of suitable data, impedes a full application of the theory in form of a case study which would be able to test the hypotheses on hand. Nevertheless, in order to identify indicators that might support the hypothesis, these hypotheses are being transformed into the following research questions, that will then be analyzed by discussing them for the Kosovo case:

Do law enforcement and prosecutions have a positive impact on the recovery of mental well-being in Kosovo?

Does seeking for truth has a positive impact on the recovery of mental well-being in Kosovo?

Do reparation measures have a positive impact on the recovery of mental well-being in a Kosovo?

Do reform processes have a positive impact on the recovery of metal well-being in Kosovo?

A comprehensive application of this thesis' newly developed theory should be part of future research. This future research could either be undertaken by prospective access to additional quantitative data (e.g. through the KRCT), a comparative case study or new empirical research that could be conducted through interviews and surveys.

Nevertheless, this thesis aims to exemplify a possible application of the novel theoretical framework at the case of Kosovo.

4.2 Case selection: Kosovo

The choice of Kosovo as a case study was based both on the war, which took place only 20 years ago and is widely visible in many political and social spheres in Kosovo, and on the remarkably high prevalence of psychological problems in the population. When visiting Kosovo, the most striking feature is the continued international presence of various organizations. This includes UNMIK, KFOR, EULEX, and various other domestic and international organizations that continue to provide special support in Kosovo. The repression that preceded the actual war and the tragic experience of the war do not make Kosovo an isolated case in world history.

Kosovo is also interesting from an identity perspective, as it is a relatively new independent state, and the relationship between Kosovo-Albanians and Serbs and their ethnic positions are strongly conflicting. Although the population of Kosovo has been confronted with ethnic division, displacement and various traumatic experiences, many countries and peoples are linked by a similar history. The young population in particular, which characterizes Pristina's vibrant cityscape, is a driving force behind this work, which is intended to contribute to the development of society, given the enormous scale of unemployment and the lack of prospects.

However, the fallacy usually associated with a case study is a generalization of a particular circumstance, or in this case, the "extreme" prevalence of mental disorders in the population of Kosovo could lead to false conclusions, as causal relationships can usually only be established to a very limited extent. Nevertheless, the present case study provides a

comprehensive qualitative description of the situation in Kosovo that has not been available before. Whether this case may be extreme or not, it is a reflection of the natural situation of the population.

4.3 Data

For the case study of this thesis, different secondary data was used, compared and critically evaluated. Important socio-economic and demographic data are collected from the previously cited sources and from the statistical offices of the United Nations and the World Bank (WB). The WHO mental health databases and publications are also fully taken into account as they provide a valuable approach to the theoretical and practical description of the relationship between wartime experiences, socioeconomic factors and physical and mental health. In this context, it should be mentioned that not all sources have the same importance for the final evaluation. Further relevant literature within the same research area was primarily researched on the Internet, using both databases and various sources of information. Data collection methods included the selection of secondary data from mainly following documents:

Transitional Justice (in Kosovo)
- Detained Truth: Transitional Justice and Memory Policy in Kosovo, Gezim Visoka
- 2005: Trauma and Transitional Justice in divided societies, Judy Barsalou, United States Institute of Peace
- 2009: Human rights, transitional justice, public health and social reconstruction, Phuong Ngoc Pham, Patrick Vinck, Harvey M. Weinstein

Mental Well-being in Kosovo
- 2006: Kosova Rehabilitation Center for Torture Victims. Long-Term Sequels of War, Social Functioning and Mental Health in Kosovo. Pristina: Kosova Rehabilitation Center for Torture Victims
- 2010: Trauma, mental health, and intergenerational associations in Kosovar Families 11 years after the war, Matthis Schick, Naser Morina, Richard Klaghofer, Ulrich Schnyder and Julia Müller
- 2017: Understanding and Describing PTSD in Kosovo: A Systematic Evidence-Based Review, Naim Fanaj, Erika Melonashi

- 2015: Socio-cultural context and feelings of hatred and revenge in war veterans with PTSD 15 years after war in Kosovo, Ramadan Halimi, Emond Dragoti, Hidajete Halimi, Nazife Sylejmani-Hulaj, Sevdie Jashari-Ramadani

4.4 Sequence of work

The approach of the work is based on the fact that Transitional Justice contains mainly social elements. Since a relevant social approach is therefore assumed, in order to understand the central concept and the theoretical framework of this work, the fundamental understanding of Transitional Justice was first dealt with in a more general context and then, in a second step, its social psychological approach was taken up in the analytical part of the study.

Thus, while the theoretical framework of this work has outlined the main theories and concepts of both transitional justice and mental health, the analytical part of this work will begin by examining the relationship between transitional justice and mental health both from the literature and from other relevant international cases. The resulting conceptual model will then be discussed on basis of the Kosovo case. In particular, it will be examined which Transitional Justice measures have been implemented in Kosovo and what effects they might have on the Mental Well-being of the population.

This will be supported by a comparison of two measurements of the general mental health situation of the population during the first decades of implementation of the transitional justice measures in Kosovo. The first evaluation took place in 2005 from a national wide survey of *mental health-war related disorders with a major focus on Post-traumatic Stress Disorder (PTSD), Depression and Emotional Distress (Anxiety) in a representative population sample* by the Kosova Rehabilitation Centre for Torture Victims (2006). The second evaluation was conducted in 2013 from the survey *Trauma, mental health, and intergenerational associations in Kosovar Families 11 years after the war* (Schick M. , Morina, Klaghofer, Schnyder, & Müller, 2013). Furthermore, the results of the study by Wang et al (2010) also contribute to the analysis, which due to their territorial limitation cannot be considered on their own. The results of the research are further based on the findings of Halimi et al (2015), who examined feelings of hatred and revenge in connection with post-traumatic stress disorder 15 years after the Kosovo war. The approaches and potential impact achieved through the implementation of

Transitional Justice measures in Kosovo will be jointly identified and discussed in order to provide a reference framework for further research in this area, which should address mental health aspects of coming to terms with the past.

4.5 Limitation

As mentioned earlier, this thesis has some limitations. Most notable is the inability to interview those directly affected by Transitional Justice measures in Kosovo due the impact of the Coronavirus on international travel as of this writing. Unfortunately, there is not a sufficient cross-sectional study on the mental state of the entire population from 2007 onwards, and the state of mental health could therefore only be established through small studies that are not sufficiently representative either by the number of participants or by their geographical focus. Quantitative studies on the subjective perception of the Kosovar population with regard to the Transitional Justice measures are currently not available. This relation/causality could have been operationalized through subjective surveys, e.g. the feeling of hatred or the subjective feeling of justice and fairness, however, there are insufficiently developed surveys like these for Kosovo.

5 Case Analysis

The analysis is divided into two parts. The first part of the chapter begins with a general overview of the Kosovo conflict. This is followed by a comprehensive analysis of the Transitional Justice procedures that have been implemented in Kosovo. The second part is devoted to the analysis of the psychological aspects of Transitional Justice in Kosovo and is followed by a detailed analysis of the relationship between Mental Health and factors influencing Transitional Justice. In addition, Mental Health studies at two measurement points will be used to assess the impact of these measures.

Because of the social dimension of coming to terms with the past, the analysis attempts to examine the extent to which aspects of coming to terms with the past can influence post-war society. In order to compensate for possible deficits, further studies are consulted and analyzed. The results of the analysis are then discussed, and conclusions drawn. Finally, the limits of the work are explained and further research in this area is encouraged.

5.1 Historical Background

Kosovo is one of the youngest countries in the world. Its population of 1.8 million people is predominantly of Albanian origin. In its constitution, the Republic of Kosovo is defined as a multi-ethnic state. The seven acknowledged minority groups living in the country are referred to as "communities" in official documents (European Center for Minority Issues Kosovo, 2020).

Among these communities are the Serbs, Bosnians, Turks, Gorani, Roma, Ashkali and Egyptians, each represented by a star on the flag of the Republic of Kosovo. While the Kosovo Albanians form the majority community at state level, in some municipalities they fall into the minority category (European Center for Minority Issues Kosovo, 2020) .

Although Albanians and Serbs live in Kosovo, there is no real sense of harmony between them. The clearest sign of this is that Albanian and Serbian communities in Kosovo live in parallel societies. While 130,000 thousand Serbs live in Kosovo, they are dependent on the support of the Serbian authorities (International Crisis Group, 2020). The settlement areas are

separate, with two communities each living their own lives. The children are taught according to Serbian curricula, the health insurance is from Serbia, the pension payments come from Belgrade and they even use Serbian currency (OSCE, 2010).

Currently in seven Kosovar municipalities there is an ethnic Serbian majority: Serbia North-Mitrovica, Zubin Potok, Leposavić, Zvečan, Štrpce, Klokot, Gračanica, Novo Brdo, Ranilug and Parteš. These municipalities represent around 15% of the total area of Kosovo (OSCE, 2010).

To get a complete understanding of the Kosovo conflict, the conflicts between the Kosovo Albanians and the Serbs, one has to dig deep into history and follow the developments in this "region", from its origin to the present phase. However, this would exceed the scope of this work. A brief overview of the situation is therefore given in the following.

5.1.1 Historical Background of the Kosovo Conflict
The roots of the inter-ethnic conflict in Kosovo go back deep into history. As a result of the Balkan War at the beginning of the 20th century, the Ottoman Empire in Europe was pushed out of the territory of today's Kosovo to the present borders of Turkey. Although the country was predominantly inhabited by Albanians, it was not annexed to the newly founded state of Albania. Instead, the territory was ceded to Serbia. Many Serbs saw this as a reconquest of Kosovo. The Serbian Orthodox Church had always regarded the "Kosovo-Metohija" as the holy land of the Serbian nation, as it has some major religious centers in the region. Thus in 1918, Kosovo became part of the newly founded Socialist Federal Republic of Yugoslavia. The Albanian population, whose majority converted to Islam under the Ottoman Empire, was henceforth perceived by the Serbian population as an ally of the Ottomans and thus as an enemy of the Serbian nation (Armakolas I. , et al., 2017).

It followed that both ethnic groups claimed the territory of today's Kosovo for themselves. In this respect, one could say that the conflict between the Kosovo Albanians and the Serbs was always about its territory. Ever since, violent clashes between the two ethnic groups have occurred from time to time.

5.1.2 Kosovo war and its present relationship with Serbia

The centuries-old discrepancy between the Serbs and Albanians is therefore also cited as the reason for the most recent conflict, the Kosovo war. In the course of the Kosovo war, armed conflicts erupted between the Serbian-Yugoslav army and the paramilitary KLA, which was striving for Kosovo's independence (Toma, 2019). On one side of the conflict, the Kosovo Albanians were demanding their own independent state. In doing so they invoked international law. According to international law, people have the right to find their own state (International Covenant on Civil and Political Rights , 1976). On the other side of the conflict, the Serbs, who claim Kosovo as their holy land, are not willing to give it away at any price. Over the years, the conflict between Serbian armed forces and Albanians increased until it escalated in 1998. More and more Albanians defended themselves by increasingly joining the KLA. Massive arrests, attacks on the civilian population, torture and *ethnic cleansing*[2] were to follow. During the conflict, NATO intervened militarily in March 1999.

Following the agreement between the Federal Republic of Yugoslavia and NATO, Kosovo was placed under international administration and declared independence from Serbia in 2008 and is now recognized as such by 114 states (Nato, 1999; Euractiv, 2019).

Independence, however, does not mean the end of the conflict. The Serbian state continues to regard Kosovo as a separate entity within Serbia. Serbian foreign policy attempts to counteract the general recognition of Kosovo's statehood (Euractiv, 2019; Constitution of the Republic of Serbia, 2006). To date, relations between Kosovo and Serbia have been dominated by the conflict over Kosovo's independence and have not achieved true peace. The effects of this longstanding conflict on society will be discussed in this thesis.

5.2 Transitional Justice in Kosovo

Numerous human rights violations, war crimes and crimes against humanity have been committed as a result of the Serbian government's tough crackdown on Kosovo's aspirations for independence in the 1990s and the war that followed. These include extrajudicial deaths,

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[2] In its resolution 1993/9 of 20 August 1993 the UN General Assembly considered that these measures and practices constituted a form of ethnic cleansing.

sexual violence, enforced disappearances and arbitrary arrests (The Inter-Ministerial Working Group of the Republic of Kosovo, 2017).

Since the end of the war in 1999, a number of actors in Kosovo have begun to deal with dealing with the past. Accordingly, various areas of Transitional Justice have been dealt with by different institutions, with not only international actors and the government but also civil society and the media playing an important role. Among the numerous initiatives and organizations involved in Transitional Justice in Kosovo is the inter-ministerial working group on Dealing with the Past and Reconciliation (IMWG DwPR), which was not established until 2012. It must be borne in mind in all respects that processes of Transitional Justice are not separate from other processes, as there are a number of political, state-building and other processes, both governmental and non-governmental, that overlap with Transitional Justice initiatives in Kosovo (The Inter-Ministerial Working Group of the Republic of Kosovo, 2017).

5.2.1 Criminal prosecutions of the war crimes committed in Kosovo

Since the judicial sector in Kosovo was practically non-existent after the war, the process of finding suitable judicial personnel was influenced by UNMIK's stated aim of establishing a judiciary that reflects the different ethnic communities in Kosovo. However, building a multi-ethnic judicial system remained a very difficult task. Kosovo Albanians were systematically excluded from participation in state administration for years. The majority of Serbian judicial personnel left Kosovo and moved to the parallel institutions created in Serbia. This meant that they were confronted in Kosovo with a judicial system that was obviously inexperienced. (Amnesty International , 2008)

It was assumed that the judicial process of Transitional Justice the past could only be successful and win the confidence of the population if there was both an ethnically and politically independent system (Kosovar Institute For Policy Research and Development, 2008).

In an attempt to maintain law and order, more than 50, NATO soldiers arrived in Kosovo within a very short time. Faced with the complete collapse of the former justice system, the UN has set up a transitional system for law enforcement and justice within days of arrival. This

system was crucial to the credibility and effectiveness of the mission (Kosovar Institute For Policy Research and Development, 2008).

The ICTY, on the other hand, has dealt with the largest international cases of war crimes and human rights violations. The dimension of rule of law has been taken over by EULEX Kosovo by 2008, which is a civilian mission of the European Union, sending up to 2,000 police officers, judges, prison guards and customs officers to Kosovo. They were and still are to support the country in building up its police, judiciary and administration (EULEX Kosovo, 2020).

In Kosovo, while peace is generally seen as a fragile achievement, justice, on the other hand, depends on the perception of individuals and ethnic groups. While for the majority of Kosovo Albanians, independence is seen as the ultimate justice, it can at the same time be seen as inadmissible for Kosovo Serbs and thus represent a renewal of threats *(i.e. they will become victims of revenge)* (Kosovar Institute For Policy Research and Development, 2008).

For years, social psychologists have been working with people involved in court cases to better understand how they perceive such processes as fair or unfair and how the outcome is ultimately good for society and contributes to its further development.

Jayakordi, reports in 2017 that most studies on procedural justice have found that witnesses define a "fair trial" as a process based on three main criteria. First, goodwill, meaning that they perceive that the court officials, from the judge to the social worker, care about them and their experiences. Second. neutrality, meaning that talking about their experiences in a neutral and unbiased forum, and finally, respectfulness, meaning whether they have been treated professionally and with dignity.

Nevertheless, during the Transitional Justice Measures, the lack of international judges and prosecutors often delayed the criminal proceedings, sometimes by up to five years. The massive backlog of prosecutions continued, and the failure to adequately regulate witness protection continued to prevent people from going to court. In addition, victims and their

families have not received the reparations to which they were entitled under international law in civil proceedings (Amnesty International , 2008).

At the international level, UNMIK has been accused of "not fulfilling its mandate of the Justice Mission". On several occasions, there have even been cases of scandals due, among other things, to corruption within UNMIK and EULEX. For example, senior officials of the UNMIK Mission, which administered the country on behalf of the UN until 2007, awarded airport contracts in return for bribes. However, no charges were ever brought, as they all enjoyed immunity as international aid workers (Kokot, 2014). For years rumors have been circulating on EULEX that in numerous legal cases politicians have been spared for corruption and murder, and there are still many unsolved cases from the ranks of politicians who still rule the country and are connected with corruption. These incidents have led to the population losing confidence in international institutions and in EULEX in particular. After 21 years after the end of the war, Kosovo is still in a political crisis (Amnesty International , 2008; Kokot, 2014).

5.2.2 Truth-seeking measures in Kosovo

After several attempts to find the truth, Kosovo still lacks an organizational sector where a common version of the truth can be approached that could serve as the basis for a common future together both within the Kosovo society and with its neighboring states.

In 2001, the President of the Federal Republic of Yugoslavia at that time, Vojislav Kostunica, then consisting of the still united Serbia and Montenegro, announced the establishment of the Truth and Reconciliation Commission in Yugoslavia to investigate the causes of the conflicts in Slovenia, Croatia, Bosnia and Kosovo (Pejic, 2001). Among other things, due to the under-representation of minorities and alleged partiality, it lacked support for its mandate in civil society and the public. However, following the dissolution of the Federal Republic of Yugoslavia in 2003, which became the State Union of Serbia and Montenegro without a single report being submitted, the Yugoslav Commission simply ceased to exist (Freeman, 2004).

The question and decision about truth-finding, apportioning blame and accountability of the various actors has increasingly led to public discontent in post-war Kosovo. As Gezim

Visoka (2017) notes, Transitional Justice processes in Kosovo were mainly concentrated at the institutional level, so that aspects such as truth finding, victim support, apologies, social compensation and reparations tend to be ignored and have rather low priority in the whole process. Barsalou and Baxter (2007) state that "national and international actors of transitional justice in and truth commissions have for the most part missed the opportunity to include commemoration ceremonies in their initiatives". Remembrance processes generally are a sensitive issue, dealing with linguistic and material constructions, interpretations of the past through official government discourses and practices, and broader social remembrance through everyday narratives and practices (Visoka, 2016).

Hodgkin & Radstone (2003) argue that "disputes about the meaning of the past are also disputes about the meaning of the present and about ways to move the past forward". In the context of the ethnic conflict between Kosovo and Serbia, however, this also means that the question of finding the truth is based on two fundamentally different approaches. Still, the non-recognition of Kosovo as an independent nation by Serbia means that the Kosovars still do not feel sufficiently appreciated in what has happened. These have further aggravated Kosovo's conditions in the area of dealing with the past, making Kosovo a country that is "politically and geographically ethnically divided and where minority populations are accumulating" (Hehir, 2011). The ICTY focused on "high-ranking civil, police and military leaders, regardless of the conflict party, who can be held responsible for the crimes committed during the armed conflict in Kosovo" (ICTY 1999). In conclusion, neither UNMIK nor other international actors in Kosovo have made any efforts to establish an official truth-finding process that focused on the victims and not on the prosecution of the perpetrators (Visoka, 2016).

Armed conflicts, systematic violations of human rights that are either committed or not prevented by the state, have negative social consequences and affect the mental health of individuals (Thoms & Ron, 2007). Therefore, civil society associations took the initiative to set up a regional commission to investigate war crimes and other human rights violations committed on the territory of the former Yugoslavia between 1 January 1991 and 31 December 2001. This RECOM initiative consists of a network of non-governmental organizations, associations and individuals and has proved to be an independent body set up to investigate and, in particular, to publish the facts concerning all victims, war crimes and other serious

human rights violations related to wars (Ristić, 2019). RECOM, comparable to the failed Yugoslavia Commission of 2001, has the task of shedding light on the political and social context from which these circumstances emerged. Their mandate included "6700 representatives of civil society, including human rights organizations, victims, families of victims and missing persons, refugees, veterans, former inmates, lawyers, artists, writers, journalists and other prominent figures" (Rudan, 2018, p. 4). In this way, they keep these issues very close to society and create a sense of well-being for the general public, who, for the first time, are dealing with these issues publicly and independently.

Not only the 13,000 victims who lost their lives during the comparatively short wartime, but also the 6,000 missing persons whose disappearance has still not been solved, represent a painfully unresolved chapter in Kosovo's recent history (UN High Commissioner for Human Rights, 2017). To this day, families still mourn for family members of whom they do not know what happened to them. "*What was done to find the missing persons? How is it possible that twelve years after the war there is no information? . . . I hope that RECOM, if adopted, will take our requests into consideration and will help us to implement it despite many accusations"* (Di Lellio, 2013). These quotations of Kosovo- Albanian women *appear to* reflect a not very successful Dealing of the Past from their community. It is precisely these questions arising in the lives of the bereaved which have an extremely negative and traumatic effect. The feeling of unawareness of their loved ones dissolves a deeply rooted trauma in many families. As recognition of victims is crucial in transitional societies, the focus should be on restoring the dignity and self-esteem of victims and their relatives so that they can fully participate in social, economic and political life (Verdeja 2006, p. 454).

A memorial to the victims of war crimes (civilians, wounded and prisoners of war), fallen (soldiers) and disappeared persons (those who disappeared violently during the armed conflict between the Serbian authorities), the Yugoslav army and the KLA in Kosovo was therefore established by the Humanitarian Law Center (HLC). *Kosovo Memory Book* should include all parties to the conflict. In its retrospectively created virtual nature, it is practically untouchable and masters scope, range and diversity, while at the same time fulfilling the necessary requirements for global and reliable retrieval (Visoka, 2016).

The Kosovo Memorial Book's website states: *"In time, when data on the fate of those still missing will be available, with information on secret mass graves and new evidence of crimes and victims, The Kosovo Memory Book will have become the most reliable witness to our recent past"* (Kosovo Memory Book 1998-2000, 2011). In this way, the victims and their families are publicly respected, taking into account all the circumstances of their situation. This book makes it possible to read all the names of victims and missing persons and to find out who they were and how they finally died. It makes an appeal to people to remember them. It is still possible for anyone who knows someone who died in the war or is still missing to register in this book. It is no longer about taking someone on trial or prosecuting them. Through detailed explanations of the individual's life and where they were last seen, it emphasizes the emotional dimensions of this inhuman act and creates a platform of honor and acknowledgement.

According to public opinion surveys in Kosovo, however, the majority of people are more in favor of prosecuting perpetrators than of more reparative and alternative solutions, while the overwhelming majority support efforts to find out the truth about disappeared people regardless of their ethnicity (UNDP 2012: 6). As the study also shows that the reconciliation between the Kosovar ethnic communities is dependent on finding the truth about past crimes.

Moreover, a survey was conducted to obtain opinions on whether measures should be implemented to establish the truth about war crimes trials and similar events during the war, based on fact-finding to uncover war crimes. In 2014, 24 per cent wanted this, two years later, in 2016, even 30 per cent. However, when it came to the question of who should search for the truth, the differences between the ethnic groups were more likely to be considerable. Twenty-five per cent of Kosovo Albanians believed that the most appropriate way to find the truth about the crimes committed during the Kosovo war should be war crimes trials based on facts, while 20 per cent of Kosovo Serbs believed that the truth could best be uncovered through the work of a Serbian government commission (Armakolas I. , et al., 2017).

5.2.3 Reparation Measures in Kosovo

"Rape was not a rare and isolated act committed by individual Serbian or Yugoslav forces but was deliberately used as a tool to terrorize the civilian population, extort money from families and force people to flee their homes." (Human Rights Watch, 2001).

In accordance with the report drawn up by Human Rights Watch during the 2001 war in Kosovo, rape and other forms of sexual violence served as weapons of war on the one hand and as instruments of systematic ethnic cleansing on the other. Eventually, there was a number of significant violations of humanitarian law or serious violations of Human Rights required some form of reparation. These included, in particular, the killing of civilians and prisoners, the destruction of private and cultural property, victims of sexual violence and mass deportations (Ridea Institute, 2019). But can such deliberate violations of human rights be repaired or compensated at all? In retrospect, how can something in this dimension ever be remedied or made up for?

Within the framework of the reparation pillar, many different mechanisms can be applied such as restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition, as they all have important social and psychological functions of rehabilitation, reintegration and appreciation of victims (Humanitarian Law Center, 2015). Reparations are a form of justice aimed at compensating victims for their losses and acknowledging the injuries they have suffered. As mentioned earlier in this paper, a right for reparation can take on different forms. Nevertheless, Reparations can be an crucial part of the reconciliation process for the vulnerable groups who have suffered as a result of the conflict, such as young people, women, victims of torture and ethnic minorities.

A differentiation between the two is nonetheless important, given the different types of responsibilities, rights and recognition involved. Reparation by a State means recognition of both the damage caused to the victim and the responsibility of the State to protect the rights of the victim (Sancho, 2014). In this context, Kosovo's position in the Negotiation for Reparation process shall first be presented around the four types of reparation recognized under international law, which *are **(1) Guarantees of non-repetition, (2) Restitution, (3) Compensation** and **(4) Apology*** (Ridea Institute, 2019).

Guarantees of non-repetition

In light of the historical situation and the ongoing tensions that still exist between Serbia and Kosovo, there are grounds for Kosovo to insist on receiving formal guarantees from Serbia that it will not repeat past crimes, as documented in many official reports. Such a guarantee should serve as a contractual, treaty-based safeguard against the repetition of past violations by Serbian authorities. In this context, these guarantees stated in a separate clause of the comprehensive legally binding agreement between the Republic of Kosovo and the Republic of Serbia.

Restitution

According to a report, Kosovo is demanding the return of damaged property (Todorovski, Zevenbergen, & Molen, 2014)). As mentioned in a statement, the European Union, for example, had estimated the cost of rebuilding Kosovo at least US$ 4 billion over a period of only three years. The damage caused should include both private and public property (schools, religious and cultural objects and related property). Whatsoever, direct individual transfers of funds can have a positive influence on development of a society. (Sancho, 2014). However, when considering the use of this type of reparation program, it should be borne in mind that victims might get the feeling that they are being compensated in a very simple way.

Compensation

The acknowledgement of the victims' suffering is an important step towards restoring their dignity, which has often been the target of crime, and it is all the more important in transition to restore this dignity and give them an equal social and legal status.

The logic of monetary compensation also assumes that it is proportionate to the loss. By playing an active role in the discussion on compensation, victims are freed from their passivity and victim status and become equal partners in the process of exploring the transitional justice process and the new social interaction. This is particularly important for women who were sexually violated during the Kosovo war and are often left behind as impoverished widows. In this case, of course, material reparations are often necessary for the victims, especially in poor countries.

Apology

Satisfaction, or apology in most cases, is one of the possible forms of reparation recognized by international law. With statements such as *"Do people who have been victims of genocide and persecution, with some 20,000 raped women and 15,000 dead, now have to give up something in order to receive recognition"* and *"Serbia should recognize Kosovo to apologize for what it did, not only in the latest war but earlier as well "*, former Kosovar Prime Minister Ramush Haradinaj naturally fuels the unease of the Kosovar population towards the Serbs (N1, 2019). With this statement by Haradinaj, he seems to be pointing not only to the fact that no apology has been made, but also to the fact that there are no signs of recognition in the peace process by Serbia. In Kosovo, the main reason why many Albanian victims have been unwilling to cooperate with those they consider to be their perpetrators is that "members of the state" have planned and carried out violence against them but have never acknowledged this (Lellio, 2013, p.139). Again, this aspect shows the great influence that social recognition can have on a society's willingness to reconcile.

5.2.4 Reforms in Kosovo

In the process of transitional justice, it is also important to fundamentally change former institutions, especially those responsible for human rights violations, in order to restore the rule of law and the established culture of impunity. Public institutions such as the police, military and judiciary in particular often become instruments of human rights violations in conflicts, and it is important to reform them after the transition. Such institutional reform can include measures to remedy individual deficiencies of a structural nature, through organizational and legal reforms such as institutional restructuring, new laws and amendments, and above all through the implementation of educational measures (Humanitarian Law Center, 2015).

Nevertheless, since declaring independence in 2008, Kosovo has been recognized by many countries. With the exception of Slovakia, Romania, Greece and Spain all NATO countries recognized Kosovo. However, until recently, Kosovo did not have a proper army. The Kosovo Security Forces (Albanian Forca e Sigurisë së Kosovës (FSC) were the armed forces of the Republic of Kosovo which were established on 21 January 2009. The government of Kosovo is thus fulfilling a requirement from the UN plan, which forms the basis for the constitution of the young state. The armed forces are subordinated to the Ministry of Defense,

which was founded in 2008, and are expected to include at least ten percent non-Albanian members. The FSC is a multi-ethnic, lightly armed and uniformed force under democratic civilian control. Its role is to respond to crises inside and outside Kosovo Protection of the civilian population inside Kosovo Support for the civilian authorities in the event of natural disasters and other emergencies (Constitution of Kosovo Article 126, Section 4, 2008).

In spite of the fact that there are several other countries in the world that do not have a permanent military, in view of Kosovo's inability to de-facto control its complete territory, it casts doubt on Kosovo's sovereignty, as it continues to depend on NATO's KFOR for defense, which is one of the reasons why Kosovo's statehood remains incomplete and controversial (Armakolas I. , et al., 2017). However, the ongoing controversy over whether Kosovo will establish its own army led to growing feelings of frustration among most Kosovo Albanians.

Meanwhile, to the delight of the Kosovo Albanians, the Kosovar parliament decided to establish its own army the Kosovo Armed Forces (KAF) in 2018 (Tagesschau, 2020). The parliamentarians present voted unanimously in favor. The decision is intended to transform the army into a real army. According to the new law, the new army is to receive a "mandate to defend the country" with the conversion. But as expected, the Serbian minority boycotted the vote. As a matter of fact, the Kosovo Serbs generally take a very different position on this issue. In fact, they consider that NATO's KFOR is sufficient to meet Kosovo's current security needs and that there is no real and actual need for the transformation of the KSF into the KAF. Serbia also sees this as a threat to the existence of the approximately 100,000 Serbs in Kosovo, which is otherwise almost exclusively inhabited by Albanians (Deutsche Welle, 2018).

As Gezim Visoka (2016) pointed out, the establishment of the KAF even increased frustration among the Kosovo Serbs *"for reasons that are both psychological and real"*. More specifically, he points out that the Serb community in Kosovo *"will always object to the KAF simply because of the possibility that such a force could, in time, become an offensive military force that could be used against them"* (Visoka, 2016). Furthermore, he emphasizes that despite assurances from the central government, Kosovo Serbs continue to fear that the KAF could be abused if the political situation in politically and ethnically sensitive areas like Mitrovica

becomes critical (ibid.). Again, this reflects still the instability and lack of trust among the different ethnic groups towards each other in Kosovo.

These sensitive areas in the life of the population mean that there is a risk of mental illness, especially for vulnerable groups within the population, including women, children and especially people from the more sidelined ethnic group. Research on fragility consistently shows that such circumstances have a negative impact on health, both in general and in areas such as mental health and children's health (Haar & Rubenstein, 2012).

Mental Health Care Reform

Over the past two decades, a renewed reform system has created the opportunity to reform Kosovo's mental health system, which until then had been hospital-focused and biologically oriented. A general reform of mental health was already initiated in Kosovo in 2001. As a result of this restructuring, many mental health and psychosocial organizations have developed and sometimes complemented the reform. Within a short period of time between 2000 and 2001, the Mental Health Task Force (MHTF) developed a strategic mental health plan focusing on community-based mental health services. The strategic plan served as a guideline through which all activities could be managed (Fanaj & Mustafa, 2018).

The adoption of a law on mental health in line with international and regional human rights instruments has even been in place since 2015. With the new reform and the new law, the health budget for 2016 has been increased to 170,000,000 euros, which represents 11% of the total budget. The mental health budget for 2016 was 2,715,899 euros, or 2% of the total budget[3]. In European countries the average for 2016 was 4% of the total budget, so Kosovo seems to be on the right track (Fanaj & Mustafa, 2018).

Overall, it can be said that the continuing lack of health care in Kosovo is a major problem in mental health issues. According to a 2016 Bertelsmann Stiftung report, health services are virtually non-existent in some regions of Kosovo. There was even a lack of psychological treatment facilities in the capital Pristina. Patients who can afford treatment have

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[3] No data available for inpatient

to wait a long time before they can be treated (Bertelsmann Stiftung, 2016). Even though the Transitional Justice measures in the area of reform renewal are aimed to eliminate corruption in order to regain the trust of society, the German Federal Office for Migration and Refugees reported in May 2015 that corruption is still widespread in the health sector in Kosovo (BAMF - Bundesamt für Migration und Flüchtlinge, 2015). The recently revised Strategy on Mental Health in Kosovo (2014-2020) presents forensic psychiatry as an integral part of the overall mental health care system (Salize, Lavikainen, Seppänen, & Gjocaj, 2014).

Education Reform

Structural reforms that promote the integrity of society and ensure compliance with human rights standards are among the most important measures for social development. Such structural reform measures also relate to the level of education in order to increase their knowledge and understanding. These include giving teachers the moral responsibility to convey peace-building values and messages, and helping them to cope with psychological trauma or ethnic tension, both representing additional problems (Humanitarian Law Center, 2015). For this purpose, suitable programs had to be planned and also appropriate educational material had to be developed.

During the administrative period of UNMIK, the education system was therefore addressed by shifting administrative authority from the local level to central institutions. In this way, teaching staff in the schools were replaced by international organizations that conducted seminars and workshops on behalf of the Service (Guri, 2019). In this process, educational plans, strategies and curricula on the quality, inclusiveness and diversity of Kosovo's schools were redesigned to meet international standards. However, despite these new strategic education plans, including a quality assurance strategy for pre-university education and other administrative tools to raise educational standards, the quality of basic education in Kosovo remains relatively low despite these good intentions (Guri, 2019).

The politicized nature of the education system has led to the introduction of education reforms and policies with little foresight and planning, and thus to a lack of policy coherence, says Dukagjin Pupovci, director of the Kosovo Education Centre. In this context, on the decentralization of the education system under UNMIK, he criticizes the fact that the Ministry

of Education has appointed school directors and managers on the basis of political preferences and not necessarily on their qualifications. As Pupovci sees it, this has created a setting in which the government's priority is not to improve the quality of education, but to use the education system as a tool to win elections (Guri, 2019).

5.3 Mental Wellbeing situation in Kosovo

This section attempts to describe the mental wellbeing situation in Kosovo after the war ended. An attempt is made to record the mental state at two measurement points and later compare it with the process of Transitional Justice to determine whether or not it has had a positive impact on mental well-being over time.

Shortly after the end of the war, a survey of Kosovo Albanians found that about 17.1% of respondents reported symptoms of PTSD (Lopes, Vergara, F, & Gotway, 2000). A significant linear deterioration in mental health and social functioning was observed among those over 65 years of age, combined with an increasing number of traumatic events and pre-existing psychiatric conditions. It was also remarkable that the participants expressed strong feelings of hatred towards the Serbs. Similarly, Lopes Cardozo, Kaiser, Gotway and Agani (2003) showed that among Kosovo Albanians, PTSD and general psychiatric morbidity were positively associated with feelings of revenge and hatred shortly after the end of the war.

A general overview of Kosovo Serbs, based on a survey of Serbian communities, showed that immediately after the war there was a high level of social dysfunction and severe depression in these communities. (P, P, Van Dyke M, & C, 2000).

5.3.1 First measurement

In order to determine the long-term effects of post-war mental well-being and the consequences of transitional justice, the psychological state of Kosovo several years after the end of the war is first examined to filter out so-called first-phase effects. This will be done initially in the 2006 survey of the Kosova Rehabilitation Center for Torture Victims. This study documented the long-term persistence of significant psychiatric morbidity among civilians in the post-war Kosovo.

According to the survey, almost 65% of the population had experienced traumatic experiences during the war, traumatizing some 200,000-400,000 people, in addition to the expected initial figure of 200,000-300,000 mentally impaired people in the total population of Kosovo (KRCT, 2006; Salize, Lavikainen, Seppänen, & Gjocaj, 2014).

Overall, 25.8% of the population reported non-specific psychiatric morbidity. However, 27.7% of the population showed significant psychiatric morbidity, as reported by the general health questionnaire-28. In contrast to the initial studies directly after the war, somatic complaints showed a certain improvement. Direct anxiety and insomnia, which are both typical first phase symptoms, have also decreased. However, it remains striking that the prevalence of severe depression has not improved. According to this study, the estimated prevalence of PTSD was 22.05%. It is noteworthy that the number has only decreased by 3% since the first study in 2000, which is an indication that PTSD is a long-term disease caused by the Kosovo war. Persons have either been raped or people with a family member/friend have been murdered during the conflict, as well as people who have experienced other traumatic experiences, are associated with poorer mental well-being.

Within the Albanian population, depression (43.1%) and emotional stress (43.9%) were more common than in the Kosovo-Serbian population, where the prevalence of depression (32.5%) and emotional stress (39.7%) was comparatively lower; however, in both population groups it can be shown that the total number of serious psychological impairments is generally high. (KRCT, 2006).

Furthermore, PTSD as well as depression, emotional stress symptoms and a poorer social functional level were significantly more common in the unemployed population. Although the prevalence of PTSD, depression and other emotional distress was lower than among Kosovo Albanians, Kosovo Serbs have shown an overall high level of symptoms of mental illness. Among the Kosovo Serbs, somatic symptoms such as anxiety and sleep disorders were relatively high compared to the Kosovo Albanians (KRCT, 2006).

Although the study was conducted about six years after the war, it still showed feelings of hatred and revenge in almost 50% of the respondents, even if these are significantly lower than in studies conducted immediately after the war. The number of people who had fantasies of revenge also decreased during this period. PTSD and other psychiatric illnesses may leed to feelings of hate and revenge caused by suppressed aggression associated with the various traumatic events and the fact that 6.4% (n=74) of respondents reported that a family member was still missing because of the war (KRCT, 2006).

5.3.2 Second measurement

Given the still limited availability of data, this study will focus mainly on the mental well-being of Kosovo Albanians but will also provide some additional insights into the mental well-being situation of Kosovo Serbs. Unfortunately, there was no survey available for the years after 2007 that showed the general situation of mental well-being in Kosovo. Therefore, an attempt was made to gain an overview from three smaller studies which were conducted between 2010-2014. These studies mostly include the well-being of families with children and people who have been exposed to traumatic events like war veterans and war widows[4].

The prevalence of mental illness in Kosovo has been consistently described as very high. Numerous Studies indicate that the war-related prevalence of mental illness is decreasing only slowly over the years (Salize, Lavikainen, Seppänen, & Gjocaj, 2014). In a study conducted in 2014 with Kosovar veterans, it was found that about 52% of the participants met the criteria for PTSD and about 38% in a comorbidity with a depressive disorder. Regarding thoughts and fantasies about "revenge" on opponents, 42.8% of the veterans expressed feelings of hatred at the same level (Halimi, Dragoti, Halimi, Sylejmani-Hulaj, & Jashari-Ramadani, 2015). However, it should also be noted that in 2011 the unemployment rate in Kosovo was still around 45%, given that, as demonstrated in the 2005 study by Marshall (2005), low socio-economic status is associated with a reduced coping mechanism for coping with PTSD symptoms. Yet again, depression was one of the most frequently observed mental disorders within the investigations. According to (Morina et al., 2010) 38% of survivors reported depression.

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[4] A woman whose husband has been killed in war.

Priebe et al. (2010) reported that even compared to the other former Yugoslavian countries such as Macedonia, Bosnia or Serbia, Kosovo has a significantly higher rate of mental disorders in depressive disorders (Fanaj & Mustafa, 2018). An 11-year study carried out 11 years after the end of the Kosovo war showed that the presence of depressive symptoms among civilians (57% women, 37% men and their children (20%) still significantly high even compared to other post-war societies. In the same study it was found that eleven years after the Kosovo war, the incidence of anxiety symptoms among civilian adults is still significant, with 61% among women, 41% among men and 51% among children (Schick M. , Morina, Klaghofer, R., & Mueller, 2013; Fanaj & Mustafa, 2018). In a study of war widows by Morina et al. it was found that the psychological symptoms among them ranged between 34% and 82% (Morina & Emmelkamp, 2012).

Furthermore, it has been shown that the level of hatred and desire for revenge was apparently more pronounced among veterans who experienced cases of murdered or missing family members during the war. A higher level of hatred and desire for revenge was also found in veterans who were diagnosed with PTSD. The traumatic long-term anchoring in society can in many ways be influenced mainly by a variety of cultural and religious factors. The influence of transitional justice on these sociocultural factors will be discussed in the next chapter.

5.4 The impact of Transitional Justice on society

While some progress has been made in the legal and administrative sectors of transitional justice, the reconciliation process in the ex-Yugoslav region, particularly in Serbia-Kosovo, is still a long way off. The existence of deep divisions between the ethnic community, consisting mainly of Kosovo Albanians, and the largest minority community and the Kosovo Serb community is an important feature of Kosovo's demographic structure (Baliqi, 2015). Although the IMWG DwPR continues to function as a forum for dialogue between Kosovo and Serbia, limited progress has been made in exchanging sensitive issues (IMWG DwPR, 2017).

Remarkably, Bekim Blakaj, Executive Director of the Centre for Humanitarian Law in Kosovo and member of the IMWG DwPR, doubts that the work of the IMWG DwPR could have influenced the perception of the Kosovar society. In his opinion, the existence of the IMWG DwPR is hardly known in the wider society (The Inter-Ministerial Working Group of

the Republic of Kosovo, 2017, p. 275). It might, however, be countered by arguing that it is not the knowledge on the institution itself that is the decisive point for society, but rather the fruit-bearing measures and processes.

5.4.1 Recovery process of the society

Healing is generally defined as any activity aimed at promoting the mental health of people who have had traumatic experiences. In the context of Transitional Justice, this healing process is known to be long and intense and is usually linked to the process of restoring national and local support to restore a sense of security, normality and connectedness (United States Institute of Peace, 2020).

In the course of the ethnic conflict, the issue of social exclusion is central to the healing process. For the extent of social exclusion of large population groups can determine the degree of the healing process in a country. Still, reparation programs are an opportunity to build trust, especially by informing the survivors of their rights as rights holders. The moral and political substance of reparations is different from normal initiatives and can therefore serve as a starting point for social inclusion efforts, which are central to recovery and development.

It remains fundamental to Kosovo that both Albanian Kosovars and Serbian Kosovars identify strongly with their respective conflict parties, and in both ethnic groups there was a widespread perception that crimes were committed exclusively by members of the other group, although in reality this was much more complex and not true. Accordingly, before the trials it was often predicted that charges against Kosovo Albanians would reduce the perception of the legitimacy of the bodies among ethnic Albanians, while charges against Serbian Kosovars would reduce the perception of the legitimacy of the bodies among ethnic Serbs. This is exactly what has happened, because from a psychological point of view, trauma does not simply disappear with time, but witness testimony and telling and hearing the truth will not immediately lead to healing (Hamber, 1995;1998a). It can be assumed that finding the truth will not simply lead to healing. These are complex circumstances that will lead to healing within the context in which the truth finding should take place, and it is important in what process and context this revelation takes place (Hayes, 1998; TRC, 1998).

5.4.2 Ethnic identity and conflict

On the basis of OSCE data estimates for 2010 and 2013, a total of 146,128 Serbs lived in Kosovo, representing 7.8 per cent of the total population - 70,430 in northern Kosovo and 75,698 in southern Kosovo, with a total of less than 10 municipalities in which Serbs are in the majority (Minorityrights, 2018). Although Kosovo is a multi-ethnic state, as the short video report "Growing up in Kosovo, I have never met a Serb" clearly shows, in reality there is an ethnic division among the population (Monetta, 2019). This means that most ethnic communities have no contact with each other in daily life. Like no other place, Mitrovica is the best example of the ethnic conflict in Kosovo. The city clearly shows how difficult the coexistence of the population groups has been until today. The Serbs live in the north, the Albanians in the south, separated only by a river, but hardly anyone dares to go to the other side. The report also shows that although there are around 146,000 Kosovo Serbs living in Kosovo, it is perfectly normal that Kosovo Serbs and Kosovo Albanians would never meet each other for a lifetime. The fact that they do not speak the same language is only one of the systematic features that prevent the two ethnic groups from living together peacefully. To this day, both Serbia and the vast majority of the 70,430 Serbs living in the north of Kosovo refuse to recognize Kosovo's independence. Serbian flags fly in the north of the city and signs proclaim in Cyrillic and English: "This is Serbia". There are Serbian schools, Serbian courts and a Serbian health system, all of which are financed by Serbia. In Mitrovica there have been repeated violent riots between Kosovo Serbs and Kosovo Albanians.

In examining identity formation in Kosovo, the relations that Kosovo Albanians currently maintain with other Albanians in the region (in Albania, Macedonia, Serbia and Montenegro) will be of particular importance, because apart from the pronounced socio-cultural similarities, economic and political cooperation between Albanians in the region is now more intense than ever before. These relations are based on a common cultural background, but they also mutually support the political power structures and political interests in the respective regions (Baliqi, 2015).

In his analysis of the construction of identity in post-war Kosovo (2020), Bekim Baliqi takes up the intensive public debate on the question of the identity of the Kosovar population that has arisen directly from the war. In the course of this debate, many Kosovo Albanian

intellectuals and politicians had shown skepticism and rejection of the idea of creating a separate "Kosovo identity". Conversely, in their comments, some others openly advocated and supported the concept of a "Kosovar over-ethnic identity", arguing that this was an inevitable development of the intended state-building process (Baliqi, 2020). Moreover, the post-war transition of recent years has generally led to an increasing differentiation of the regional identities of "Albanians", although this identity formation is increasingly contributing to an almost anti-Serb attitude. However, leaving aside economic and political interests and focusing on the socio-psychological aspect, is this a constructive approach to the reconstruction of a multi-ethnic country where the cause of the war was exactly the same ethnic conflict?

6 Results

Research Question

In order to answer these questions, it is important to start by looking at the identified determinants of the individual pillars that may have an impact on well-being. Since it is not possible to verify the direct effects of transitional justice measures on recovery or the development of well-being due to the limited data available, an attempt will be made to identify the effects on the basis of the two measurement periods and the transitional justice measures that were taken before this period.

Q1) Do Law enforcement and prosecutions have a positive impact on the recovery of mental well-being in Kosovo?

Kosovar society is still largely shaped and divided by this in terms of understanding how the country has come to terms with its past. Although criminal prosecution and criminal proceedings were enforced in Kosovo, they were not carried out in an idealistic manner. Many criminal proceedings took years to be initiated and, as discussed in the analysis, there were also cases where no legal action was taken. The main institutions and bodies of the Kosovar executive, legislative and judicial branches have still not succeeded in making a convincing attempt to initiate a comprehensive process of transitional justice. Due to the lack of a serious institutional commitment to the implementation of existing legal norms and frameworks, the majority of citizens declared that they had no confidence in the mechanisms of the Kosovar government to deal adequately with issues of "dealing with the past". While it has been shown that adequate law enforcement and the general administration of justice have a positive impact on mental well-being, the complexity and nature of these processes in Kosovo suggests that this positive impact has not been achieved among the general population.

Building on the above analysis of transitional justice measures in Kosovo, this thesis assumes, therefore, that the unfavorable and poorly functioning law enforcement processes have hindered the reconciliation process in Kosovo and have also contributed little to people's sense of justice. Without justice, individuals may not feel socially recognized, which can lead to a variety of cognitive dysfunctions. It is assumed that criminal prosecutions have not had a

positive impact on restoring the well-being of society. However, in view of the judicial system through the new judicial systems and the general reorientation of the rule of law in Kosovo, it can be assumed that this has had a significant positive impact on the well-being of the population. Accordingly, no unilateral, clear answer can be given for the first pillar of legal reforms.

Q2) Does Seeking for truth has a positive impact on the recovery of mental well-being in Kosovo?

The seeking for truth serves a very emotional and less objective purpose. Such an instrument serves to create a platform for all conflict actors to talk about all their truths. There were, however, no processes of truth-finding as elaborate as those carried out in South Africa or Rwanda in Kosovo. Even though some civil society initiatives such as the Kosovo Memory Book and the like have been built up over time, international efforts for societal action have been left behind. The transitional justice system, which was largely run by international organizations, was more interested in restoring stability than in seeking the truth about the past and bringing justice to the victims.

Nevertheless, this thesis analyzes that such a process of talking and listening or seeing about what happened (digital medium) has strong psychosocial characteristics; that it brings reparation and recognition to the victims and remembers them as individuals (and not only as elements of the process). This focus on individuals often also leads to the "humanization" of those involved in a conflict, including from the "other" side, thus making progress towards reconciliation. While truth goes hand in hand with social recognition, the ethnic groups in Kosovo do not feel recognized among themselves. The sometimes deeply rooted traumas and anger can therefore be further entrenched. This ultimately leads to a continuing division and distances itself from a reconciliation process

In general, measures to find the truth are not always directly helpful, and the therapeutic effect of disclosing traumatic experiences has often been questioned. For example, a renewed confrontation can increase the suffering and further expose or hurt the victims through certain

platforms and events (Stein et al. 2008). In Kosovo, however, there were initially no victim-centered measures for public disclosure.

Since no proper truth-seeking measures could be identified during the first period of measurement, no statement can be made about the effect on mental well-being.

Q3) Do reparation measures have a positive impact on the recovery of mental well-being in a Kosovo?

There has been no public apology from Serbia, nor any form of reparation and compensation, neither has there been any sign of recognition of the peace process. This circumstance shows the great influence that social recognition can have on the willingness of a society to reconcile which does not currently exist. Not only is the approach of reconciliation missing, but also that both sides are well aware of their hostile attitudes and positions through the transparent media interaction. The affected persons lack the feeling of guilt, shame, remorse or social support from their former perpetrators. Therefore, the strong feelings of hatred and revenge at both measuring points may also have been caused by these factors.

Education is another essential factor for society in the reparation's effort. However, education has become a central point of conflict between Kosovo Serbs and Kosovo Albanians in Kosovo, and it is still a difficult issue between the two parties. Education was used by both sides of the conflict as an instrument of political opinion-forming. As a result, not only do the Serbian communities follow strictly the same educational system as in Belgrade, but they have not made major changes to some parts of the politically and historically important aspects in the schoolbooks. In her analysis of textbooks from an educational policy perspective, Narcisa Semić has identified specific ideological constructions and reproductions of irreconcilable Serbian and Albanian claims on national space and territory. The content of the textbooks suggests that incompatible Albanian and Serbian ethnonational narratives continue to exist. Both the Albanian and Serbian narratives consistently assign an exclusive victim role (Sievers & Semic, 2020). Her broader analysis refers both to the political context of non-recognition and to the emotional certainty inherent in nationalist aspirations (Armakolas I. , et al., 2017)

Moreover, Albanian is not taught in Serbian schools in Kosovo, which means that the "new" generation of Kosovo Serbs do not speak Albanian and, in response, Kosovo Albanians do not teach Serbian either, so that the "new" generation of Kosovars do not have a common language in which to communicate and have to resort to English. According to the Kosovar Education Strategy Plan 2011-2016, which was led by the Ministry of Education, the vision for education was to create an inclusive education system and provide all citizens of the Republic of Kosovo with equal access to quality education at all levels, which will ultimately contribute to the long-term development of the country through increased social cohesion among the various communities in Kosovo.

Although this has been achieved for the benefit of several ethnic minority groups in Kosovo, it has not had the desired effect of reducing the ethnic divide between Kosovo Albanians and Kosovo Serbs. This parallel educational system is seen by both Serbs and Kosovo Serbs as an essential contribution to Serbian survival in Kosovo, which has thereby acquired political significance and is therefore a form of denial of the existence of Kosovo. It also refutes the idea of recognition and apology of any kind, as these aspects demonstrate a certain attitude and sentiment and lead to a persistently tense relationship between the two communities. Simplified, educational reforms have developed around ethnic segregation and have failed to address the roots of the conflict, but instead reflect and amplify it through their creation.

Thus, it is observed that there are many shortcomings and difficulties with regard to reparation measures and that these have probably not contributed to the recovery of well-being in Kosovo.

Q4) Do reform processes have a positive impact on the recovery of mental well-being in Kosovo?

It is difficult to identify developments and effects of certain reform processes because they were carried out immediately after the war, such as the period of UNMIK administration or the new reforms in the education sector already implemented in 1999/2000. As already mentioned in the analysis, about 200,000 to 400,000 people would have been traumatized after

the war and at least 200,000 to 300,000 people would have suffered from other mental illnesses, i.e. a total of 400,000 to 700,000 mentally ill people in Kosovo. Even the new reforms in the field of mental health could not guarantee minimum care, especially for this number. Especially since the costs of psychotherapy still have to be borne by the people themselves. Despite the fact that the reform policies have been widely supported by administrative organizations such as EULEX and UNMIK, many people have lost hope in these organizations as a result of the corruption cases and other scandals of recent years.

A crucial turning point in the recovery of the population's well-being is likely to be Kosovo's independence in 2008. While the Kosovo Serbs have since been concerned about their existence and security and this has had a negative impact on them at the second measuring point, for the Kosovo Albanians this is a long-awaited goal that has been achieved and is accompanied by great recognition and dignity. Another moment which has led to conflicting feelings in the two communities is the final decision on the creation of a Kosovo army, which has once again created a feeling of unease among the Kosovo Serbs and a great deal of turmoil in Belgrade. However, the Kosovo Albanians always welcome it and regard it as a success.

These two examples show very well how different transitional justice measures can affect the population in different ways. While one measure helps one section of the population to get rid of their pain and grief and dispel it, for the other section it leads to a feeling of insecurity and the feeling of loss of control over their lives.

Since it was mentioned at the beginning of this paper that some of the determinants of the pillars that may impact mental well-being overlap, the development and impact of education is not discussed again, as it has already been discussed in the reparation measures. Nevertheless, this represents a factor that negatively counteracts the healing of mental well-being. With regard to the reform procedures, it is complex to make a statement because of the different points of view. In particular, the large difference between the two ethnic groups must be taken into account.

Thus, this thesis would argue that the implementation of the different reforms carried out over the years has had a positive impact on the restoration of the mental well-being of

Kosovo Albanians but could also lead to a regression in social integration and their subjective perception of security for Kosovo Serbs.

7 Discussion

Since both the overall theoretical framework of this work and the theoretical model developed by them are based on the fact that the effects of the individual pillars of transitional justice are closely interlinked and often overlap in their effects, the following section does not divide the pillars strictly along thematic lines. The acquired findings will be discussed in this section.

The case analysis on Kosovo was intended to examine the extent to which the theory developed on the psychological effects of transitional justice can also be applied in practice. Despite the limited data available, it was not possible to identify clear effects of the individual factors. However, it was possible to make some general assumptions.

Challenges of Transitional Justice in Kosovo

In this context, it is important to point out that the transitional measures from conflict to peace in Kosovo are not sufficient to clarify how past violations have been dealt with and how truth and justice have been established for victims on all sides of the conflict. Measures of transitional justice are one way of dealing with the transition, but international influences, as well as the media and civil society, clearly play an equally important role. Furthermore, other events and circumstances affecting people's well-being may also play a role during the period of implementation of transitional justice measures. However, filtering these out would require a more complex analysis.

As mentioned in the analysis, different attempts have been made in different areas of transitional justice, which have not always been successful. It should be borne in mind that just because a measure has been implemented does not necessarily mean that it has been successful. Visoka (2016) in his study on the unsuccessful transitional justice Implementation in Kosovo stressed that "the political elites in Serbia and Kosovo were not prepared to deal with the past because such a process was perceived as harmful to their respective national interests, humiliating for the ethnic identity of both countries, unhealthy for the peacebuilding process and destabilization for ethno-nationalist groups". Similarly, a report by Impunity Watch has highlighted that transitional justice mechanisms, which often respond more directly to the needs

of victims and society as a whole, such as reparations and truth commissions, have not received such strong support from the international community in Kosovo. (Ahmetaj & Unger, 2017).

One criticism of the Transitional Justice in Kosovo was that it was not victim-centred enough. The issue of "victim-centredness" is central to transitional justice measures such as RECOM and is a useful identity marker, both for war crime survivors and for the people behind the concepts of such instruments. For example, the Kosovan coordination group for RECOM faced a challenge when the people it interviewed did not meet their expectations of the behaviour of a "victim" (innocent, apolitical), as they did not take the form of a "humble victim", but were far from being homogeneous, highly opinionated, political, divisive and intransigent. These features may have been typical of an unreconciled society that still does not feel that it has acted fairly.

The question arises, however, whether these transitional justice measures should remain victim-centred some 20 years after the war, given that the number of victims is declining proportionately and that minors before and during the war now make up the majority of the population in Kosovo (Di Lellio, 2013). Consequently, these measures must be tailored to the current needs of society and must address long-term weaknesses and backlogs. One such weakness is the encounter between ethnic groups. Otherwise, these "target groups" will deal with the past in different ways, given their different needs of the new generation, interests and knowledge.

In terms of truth-finding measures, this pillar was largely neglected in Kosovo. It was only through civil society measures years later that some platforms such as the Kosovo Memory Book could be established. There was definitely no focus on the reconciliation process, nor were organizations sensitized to the issue of truth and reconciliation. For this reason, the transitional justice system has partly provoked a countermovement of domestic and regional ethnonationalist developments, partly initiated by the political elites to advance current and future political agendas. The benefits that victims can derive from telling their stories must be part of a long-term process in order for them to fully unfold. Accordingly, in the case of Kosovo, however, there was no ex-post care for the victims. In fact, empirical studies have shown that the Truth Commission's ability to alleviate the negative feelings of the victims was mixed. A

survey conducted in Rwanda showed that a significant number of people had experienced the Truth Commission as a traumatic and painful experience (Eytan, Munyandamutsa, Nkubamugisha1, & Gex-Fabry, 2017)

Alongside legal, truth and other measures, reparations are probably one of the factors most lacking in the transitional justice system in Kosovo. The Kosovo Albanian population has received neither a public apology nor any other form of repentance. The aim of reparations is to compensate the victims, but this process could include assumed positive effects of compensation on peace and reconciliation. This missing aspect in the case of Kosovo could very well show that, as the model says, factors such as reconciliation and forgiveness are not addressed and that there are therefore no positive effects on psychological well-being.Taken as a whole, it can be concluded from the improvement in mental well-being, that transitional justice measures that focus on forgiveness and reconciliation can have positive effects on forgiveness on mental health and .To underline this, studies such as those by Lundahl, Taylor, Stevenson, & Roberts, 2008, show that forgiveness interventions not only lead to an increased willingness to forgive on the part of the victims, but also to pronounced positive effects such as hope and self-esteem and to less pronounced negative effects such as depression and anxiety. But when does forgiveness become tolerable? In the theory developed, the determinants are for the most part the pillars of reparation and justice.

Although the case analysis for Kosovo did not reveal any demonstrably positive effects on the "right to justice" pillar, it is not concluded that the "right to justice" in general cannot have positive effects on the restoration of mental health in a society. Rather, it is considered that Kosovo's failure to implement judicial measures is the main reason for the lack of positive effects. Indeed, in a study on the importance of the psychosocial dimension in post-war Kosovo Basoglu (2005) concluded that those affected showed "stronger emotional reactions to impunity, greater fear and loss of control over life, less confidence in people's good will, greater loss of meaning". Accordingly, it can be assumed that although there were prosecutions processes, important factors such as the feeling of fairness could not be communicated collectively. In view of the fact that many perpetrators got away and many important trials were conducted much too late, it can be assumed that this damaged the feeling of social recognition.

While the ICTY focused largely on high-level perpetrators, other trials had to be conducted within the Kosovo judicial system. Due to the weak administrative structure, cases were sometimes not dealt with until many years later, and some socially important areas, such as sexual violence during the conflict, were never adequately addressed. Furthermore, throughout the period of international assistance in Kosovo, the problems of witness protection and preservation of evidence were not satisfactorily resolved. As has already been mentioned, a large part of the political elite has successfully shunned Kosovo's judicial institutions. The fact that impunity has remained an unresolved problem directly undermines the positive effects of the Transitional Judicial Mechanism and has created not only distrust but also dissatisfaction and feelings of injustice and unfairness in society. This has been underlined by the numerous scandals of the international organizations.

The thesis was already that the international prosecution of war crimes could only reach a very limited number of perpetrators, but not the many war criminals and perpetrators on an individual level, so that no full legal protection and no sense of complete fairness could be achieved. This may therefore be an important factor in the slow development of mental health recovery and the discourse on social justice and reparation. Factors that have led to high levels of PTSD and depression have been associated in Kosovo with high rates of emotion and fantasies of revenge. Therefore, in the case of Kosovo, it is concluded that the "right to justice" has not had the expected positive impact on the well-being of society due to its rather complex circumstances. Nevertheless, given the new legal infrastructure and the general reorientation of the rule of law in Kosovo, it is considered that this aspect may have had a significant positive impact on the well-being of the population.

Concerning reconciliation in general, the Transitional Justice measures in Kosovo have led to a situation where both Kosovo Albanians and Kosovo Serbs feel that many of the violations committed during the conflict have gone unpunished. Accordingly, both parties felt that "the other party" was given preferential treatment, particularly in the prosecution of crimes. This is a recurring theme, especially in connection with mass grave excavations such as that of Rudnica[5] (Humanitarian Law Center, 2015). This perception of the two communities has

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[5] The mass grave in Rudnica, near Raska, 250 kilometers south of Belgrade, was discovered in cooperation with EULEX. It contained the mortal remains of 250 Kosovo Albanians (EULEX, 2013).

accordingly contributed to deepening the ethnic divide. The theoretical reflection on the concepts of mental health, truth, confession, forgiveness and post-conflict reconciliation has shown the extent to which these concepts are linked (Humanitarian Law Center, 2015).

Another striking feature was that the feeling of revenge was still very strong among the Kosovars in the first measurement period until 2006. However, these feelings could partly be attributed to the then very tense and unresolved political relations between the Albanian and Serbian ethnic groups. In this context it is important to mention that Kosovo was declared independent in 2008, and this important step has had a positive impact on the general well-being of the population. However, due to the rapid cultural change, it can be assumed that the society is much less resistant. Various factors for the persistence of PTSD and its development could be the effect of pre-war psychosocial stress, significantly higher exposure to multiple traumatic events during the war, rape, refugee and displacement experiences of Kosovars.

From a socio-cultural perspective, Kosovo Albanians are known for their pride, patriotism, courage, fidelity, loyalty, devotion to the family and commitment to the preservation and respect of moral values (Halimi, Dragoti, Halimi, Sylejmani-Hulaj, & Jashari-Ramadani, 2015). In general, psychological problems in the Kosovan cultures, especially in relation to men and boys, are confronted with a cultural taboo, which typically leads to psychosomatic illnesses due to suppressed emotions. These culture-specific factors also show how important the culture-sensitive implementation of transition measures should be. Also, the severe psychosomatic complaints in Kosovo Serb communities may indicate a predisposition of the population to report somatic, anxiety and insomnia symptoms rather than being aware of their depressive state and social dysfunction. The fact that the Serbian population sample has different patterns of psychosocial complaints can be explained by several factors, such as limited use of general psychosocial services and cultural stigma that does not allow sufficient room for psychosocial complaints.

Thus, despite major efforts and positive developments in mental health reforms in recent years, there is insufficient development of strategies to promote mental well-being and prevention or similarly functioning programs, such as strategies for suicide prevention or information systems, as well as knowledge and research in the field of mental health. In

addition, there is no report containing data on mental health relevant to policy, planning or implementation and administrative purposes for the last four years. Similarly, no other separate studies on mental health activities have been published. Although the head of WHO Pristina Office, Skender Syla, has called the 2015 mental health reform a success story, there are major gaps and weaknesses in all areas of health care in Kosovo (UNKT, 2016). Moreover, Mental disorders are still not recognized by insurance systems, which means that people with mental disorders often have to pay for their own treatment, so they do not even turn to a professional (Fanaj & Mustafa, 2018). The level of mental illness in Kosovo remains very high. This includes not only the typical psychological consequences such as anxiety disorders and depression, but also drug abuse, insufficient physical activity and unhealthy eating habits (UNKT, 2016). Meanwhile, the high poverty rate and high unemployment, which underline social inequalities, and the insecure health system are among the main reasons why life expectancy and health status of Kosovars are among the lowest in Europe. Given the lack of promotion of health promotion and education, basic social and educational needs should be taken into account. In connection with Transitional Justice measures, there has been a serious lack of additional investment and implementations in health reforms and health system management and, as a long-term consequence of the war, is now shaping the general mood in the country.

As mental health conditions in Kosovo are developing very slowly, the importance of prevention and health promotion in this area is also growing. The promotion of mental health takes place mainly where people live together, i.e. in families, in day-care facilities and schools, at work or in other public settings. Accordingly, the promotion of mental health and the prevention of mental disorders is a cross-cutting policy task that affects all areas of society. Certainly, more proactive peace commissions would help to develop the promotion of tolerance, the promotion of dialogue and the prevention of violence (United States Institute of Peace, 2020). Nevertheless, little effort has been invested in this kind of promotion in the context of transitional justice. During the excursion of the EMA Global Campus of Europe only the "Europe House in North Mitrovica" of the European Union could be identified for this area (Europe House Kosovo, 2020). However, the resources available to this organisation for the cultural promotion of ethnic inclusion, especially of children and youth in ethnically conflict-ridden regions such as Mitrovica, are very limited. It is also worth mentioning that in the last

eight years there have only been two permanent staff members for this organization (interview during the excursion of the EMA Global Campus Europe, 2020).

8 Conclusion

This chapter briefly summarizes the conclusions of the master's thesis and gives recommendations for further elaboration and research. The main result of this thesis was the novel development of a theory from the interdisciplinary field of politics and psychology. The thesis aimed to show a first approach to how the developed theoretical model can be applied. Furthermore, it was to be examined whether the predictions about the social determinants of the theoretical framework of this thesis are leading in the right direction.

This work has contributed to a starting point for understanding the impact that the different pillars of transitional justice can have on the mental well-being of a society. It has also provided a starting point for understanding which pillars and factors in the Kosovar population can have a positive or negative impact on the restoration of mental well-being, especially after wars and ethnic conflicts.

At the same time, it was intended to show an approach to how such an application could be applied with the existing model. In essence, this work examined the social determinants that play a role in transitional justice and contain psychological elements that, if properly implemented, can have a positive impact on the restoration of mental health in post-war societies. Although the limitations mentioned in the thesis did not allow a direct identification of the impact of the pillars, this work provides the basic theoretical framework for future work based on this newly developed theoretical model.

Transitional justice creates processes of forgiveness and healing by bringing perpetrators to the light of truth and compensating victims through legal and non-legal measures. Although this paper assumes that measures such as truth-finding and disclosure have a positive influence, it is also known that in various studies that repeatedly show that the memory of systematic human rights violations and general political violence significantly reduces the willingness to forgive, because the willingness to forgive can decrease when victims and their relatives are in places they have experienced, which in turn contradicts the healing effect of memorials, commemoration days or changed street names and the like. In the course of the reparation programs, no positive impact could be identified. However, it was shown that

reparation programs can help to achieve a socio-culturally relevant transformation while addressing both the root causes and the immediate needs of the affected population. Apart from the guarantees of non-repetition, which appear to be the minimum the Serbian government could promise the Kosovar population, there was no compensation, restitution or public apology from the Serbian government. It can therefore be assumed that poor processing of Kosovar society with regard to the war and ethnic conflict could be caused by these factors. However, this requires further investigation.

However, it has been shown that the implementation of new reforms has made a valuable contribution to the self-confidence and security of the population. Reforms in mental health care and education also have a direct positive impact on mental health through the provision of counselling. In particular, important implementations such as the independence of Kosovo, which was achieved in 2008, also have a major impact on the dimension of social recognition. Therefore, it is assumed from this thesis that the implementation of reforms in Kosovo has a positive impact on the restoration of people's well-being through its therapeutic effect.

The numerous psychological and material needs of post-war society could obviously not simply be met by a number of different institutions or measures of transitional justice, such as a criminal prosecution truth commission or new reforms. However, factors such as truth can complete the sense of justice, and this can be seen as an integral part of an emotional recovery that builds confidence in the future. The expected effectiveness of the Truth and Reconciliation Commissions of the Society for Truth in Kosovo in bringing justice and reconciliation to communities has not shown the expected successful progress in implementation. Although it is clear that transitional justice measures in general have certain limitations in terms of their therapeutic effect, they have not brought the two once hostile communities closer together.

Civil society truth-finding measures may have come too late in the case of Kosovo. Nevertheless, the digital platform of the Kosovo Memory Book, created a few years ago, can now be seen as a kind of healing tool. Through its digitalized form, the Kosovo Book Memory Book opens a sphere that transcends temporal and geographical boundaries. It is at the same time a social and political space in which both frustration and sadness can be expressed. It is a

platform that offers the possibility of a therapeutic exchange. It can also be seen as a first step towards satisfying the needs of the victims. For future research it would be important to capture the perceptions of such measures in order to make their therapeutic effect tangible.

As a further result of the analysis of this work, it is assumed that the lack of punishment for this conflict and the resulting lack of justice for those affected in Kosovan society has aggravated the social and psychological problems of people with traumatic experiences and thus hindered the healing process. The slow progress in restoring psychological well-being observed in the two measurement areas supports this thesis.

In considering this work, it is important to take into account the various political processes and developments that Kosovo has gone through over the years. Given the general ethnic tensions that have escalated from time to time and the independence achieved in 2008, it is important to take into account the different political phases and developments in Kosovo. Post-conflict societies are socially and psychologically deeply hurt and divided societies. Rooted, unhealed scars from the past between individuals and communities carry the risk of an uncertain future. When it comes to transitional justice measures in post-conflict regions, the central role of mental health in the social processing of traumatic experiences of those affected and in social development is often neglected. The dissertation therefore contributed to a better understanding of the relationship between transitional justice and mental health measures and their impact on social development in post-conflict regions. It also focuses on the dynamics of ethnic conflicts, especially with regard to the case of Kosovo.

In conclusion, transitional justice is recognized as a valuable instrument. Each pillar contributes to the partial reconstruction of political and legal institutions at the state level to restore the rule of law and thus contributes to the development of a solid civil society by healing victims, promoting reconciliation and revealing the truth about the past through various dimensions. However, transitional justice measures cannot replace long-term aspects of development initiatives aimed at the well-being of communities but can be a supporting factor in building confidence and self-determination in the target population, which are the basis for more positive long-term interaction between the state and society itself.

The thesis is intended to provide an incentive for future, more sociopsychological oriented measures within the framework of Transitional Justice, especially in ethnically divided societies. After all, experience has shown that memorials, survivors and "successors" can stimulate and facilitate the process of researching memories of the past, thereby facilitating exchanges between ethnic, cultural and religious groups and promoting social reconstruction (United States Institute of Peace, 2020). However, such measures can not only have a positive impact on society's mental health, but also run the risk of reviving old tensions at memorial sites. This makes it all the more important that the conceptual framework for commemorative events and memorial sites in general is preferably provided by on-site consultation and design (United States Institute of Peace, 2020). After all, a reflected and careful understanding of the cultural context sensitizes the practical measures that are taken and thus leads to greater success in the mental recovery of a society.

Recommendation for further research

It is therefore important that future studies based on this theoretical model can verify the direct effects of transit justice measures on mental well-being. This should preferably be done at a checkpoint before the implementation of the measures and afterwards to see the effect. Surveys are also necessary to measure people's subjective perceptions. In general, study designs with control groups are a suitable means to investigate such effects. Ideally, the subjective perceptions of these measures should be collected on each individual Implementation, e.g. views and emotional thoughts about truth-finding measures, specific memorials, law enforcement cases, or the reimplementation of reforms. As a first step, a comparison point would be required before any measure is taken to determine the measured difference. The second step is the subjective perception after the intervention to determine whether the psychosocial determinants are affected.

In addition, future studies on the mental well-being of a society could be compared with persons who do not "participate" in transitional justice measures. In other words, the control group could be the rest of the population if a measure is very victim-centered and targeted at specific individuals. The application of such an approach would make it possible to distinguish direct participation in transitional justice interventions from the general effects on the

population concerned or the general population. In particular, it would answer the question of the significance of victim-centered interventions.

There is still a considerable need for research on the psychological effects of transitional justice interventions, such as truth and reconciliation commissions or reparations programs, on the affected population. Ideally, transitional justice interventions should be accompanied by the person concerned throughout the duration of the intervention, and additional factors should be studied, especially those that influence social development within the country and their mental health. There is also insufficient research on the impact of law enforcement measures on the mental health of the person concerned. It would therefore seem appropriate to investigate further facets of the conflict-specific burden on those affected in future studies. These may include the subjective perception of the severity of the experience or additional conflict-related effects such as the extent of the losses suffered.

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