

Spring 5-9-2010

From Truth to Justice: How Does Amnesty Factor In? A Comparative Analysis of South Africa and Sierra Leone's Truth and Reconciliation Commissions

Rachel W. Smith

University of Connecticut - Storrs, Smith.Rachel.W@gmail.com

Follow this and additional works at: https://opencommons.uconn.edu/srhonors_theses

 Part of the [Comparative Politics Commons](#)

Recommended Citation

Smith, Rachel W., "From Truth to Justice: How Does Amnesty Factor In? A Comparative Analysis of South Africa and Sierra Leone's Truth and Reconciliation Commissions" (2010). *Honors Scholar Theses*. 136.
https://opencommons.uconn.edu/srhonors_theses/136

From Truth to Justice: How Does Amnesty Factor In?

A comparative analysis of South Africa and Sierra Leone's truth and reconciliation commissions

Rachel W. Smith
Political Science Honors Thesis
Advisor: Professor Shareen Hertel
University of Connecticut- Storrs

Abstract:

Truth and Reconciliation Commissions (TRC) have emerged in the last few decades as a mechanism for a state to overcome widespread, grave, human rights violations. There are numerous approaches to a TRC all with an ultimate goal: that formerly warring factions, perpetrators, witnesses, and victims can move forward as a united people. I propose that the provision of amnesty is critical to the success of a TRC. I hypothesize that the form of amnesty chosen (i.e. blanket v. conditional amnesty) determines the revelation of truth and realization of justice, which in turn dictates whether a TRC can achieve reconciliation. To test this hypothesis, I use two case studies: South Africa, which has utilized conditional amnesty, and Sierra Leone which has employed blanket amnesty. I create a model for measuring reconciliation. I can then look at the implications of both types of amnesty and assess which, in the end, is more effective. My overarching conclusion is that the provision of conditional amnesty is more effective than blanket amnesty in achieving reconciliation. Ultimately, I hope that this conclusion can be generalized to other TRCs.

Table of Contents

| | |
|---|----|
| Introduction..... | 4 |
| Literature Review..... | 6 |
| Research Design..... | 17 |
| Independent Variables: Conditional and Blanket Amnesty..... | 18 |
| Dependent Variable: Reconciliation..... | 19 |
| Model and Hypothesis | |
| Figure 1..... | 21 |
| Operationalization of the Dependent Variables | |
| Dependent Variable Model: Figure 2..... | 22 |
| Rationale for Case Selection..... | 26 |
| Case Study History | |
| South Africa..... | 28 |
| Sierra Leone..... | 30 |
| Data Analysis | |
| South Africa..... | 34 |
| Sierra Leone..... | 54 |
| Data Analysis Summary..... | 70 |
| Conclusion..... | 74 |
| Appendices | |
| A. List of Abbreviations..... | 77 |
| B. South Africa Map..... | 78 |
| C. Sierra Leone Map..... | 79 |
| D. South Africa Timeline..... | 80 |
| E. Sierra Leone Timeline..... | 81 |
| F. List of TRCs..... | 82 |
| References..... | 84 |

Introduction

“I am a farmer. My father is dead. I have no mother. I have two wives. I have six children. I live at S. The rebels came from K; they met me at S; I ran away. When I ran, my children left me; I was left behind. The rebels surrounded us. They catch us; six of us. They catch me; they tied me; they killed my companions. . . . They tied me on a post. When they are ready to go, they brought a bench. They said “Put your hand” and I said, “Oh God.” So they asked me, “Do you have a God?” . . . They cut off my hand. They cut off both of my hands. Then they left me there. I could not run too far, and I fell down. I cried. I said, “Oh God, I am finished for life. I am finished” (Kelsall 2005, 370).

The above is an excerpt of Sesay Ballah’s testimony given at the Truth and Reconciliation Commission Hearings in Tonkolili, Sierra Leone on July 8, 2003 (Kelsall 2005, 370). His story is comparable to so many other victims of human rights abuses all over the world. The physical and psychological implications of what he has had to endure will stay with him, and forever impact his ability to be self sufficient. Imagine this victim is you, or one of your parents, siblings, sons or daughters. Imagine the perpetrator of these crimes is your neighbor, or another member of your community. Could you forgive them? Could you release the desire for vengeance? Would telling your story and hearing their apology be sufficient to let bygones be bygones? These questions are paramount to a truth and reconciliation commission (TRC) as they determine whether the revelation of truth, with a provision of amnesty, can really lead to reconciliation.

A TRC is one method of a larger process called transitional justice. Transitional justice is the process by which a society slowly recovers and moves forward after wide spread human rights abuses. It marks a transition toward democracy. “The challenge for a new democracy is to respond appropriately to past evils without undermining the new

democracy or jeopardizing prospects for future development” (Crocker 2000, 100).

When new leaders replace a corrupt regime and make the choice to pursue transitional justice, many crucial decisions follow. There are numerous tools of transitional justice, the most obvious of which is criminal prosecution. The choice to prosecute often depends upon the severity of the crime, and compliance with international law (Siegel 1998, 433). Another approach is state sponsored reparations programs which can be offset financially by allowing civil suit against perpetrators. Yet another choice is whether or not to establish a TRC. I will focus my thesis on this final mechanism.

Once the leaders of a transitional government decide to instate a TRC, they must make other choices regarding which tools are most effective in achieving a commission’s goal. Where the TRC is held, and whether it travels around a state, will be important in terms of who gets to testify. Whether the testimonies will be public or private may influence those who are testifying, with the general population as an audience. The decision to grant amnesty and the form it takes also has significant implications. A state may choose to work with a prosecution mechanism, or it may choose to give partial amnesty (to children or for minor crimes, for instance). A state may give conditional amnesty in exchange for a certain expectation of truth, or it may choose to give blanket amnesty to all perpetrators. This leads me to the question: does the provision of one type of amnesty or another undercut justice in a TRC, and as a result, inhibit reconciliation?

The final choice, of what extent to provide amnesty as a tool of a TRC, is the focus of my research. There are such varying views of whether it is beneficial or detrimental, that I think it is crucially important to analyze through the use of a comparative case study. I hypothesize that the form of amnesty chosen determines the

revelation of truth and realization of justice, which in turn dictates whether a TRC can achieve reconciliation. To test this hypothesis, I will analyze two case studies: South Africa, which has utilized conditional amnesty, and Sierra Leone which has employed blanket amnesty. I will create a model for measuring reconciliation. I can then look at the implications of both types of amnesty and assess which, in the end, is more effective.

At the conclusion of my data section it becomes apparent that South Africa, having utilized conditional amnesty, scores higher on the composite reconciliation score than does Sierra Leone; which granted blanket amnesty. The provision of conditional amnesty, coupled with the South African TRC's power to subpoena witnesses, provided a tangible incentive for perpetrators, victims, and witnesses to testify. Sierra Leone did not offer such a concrete incentive and as a direct result, their collection of truth suffered. On the other hand Sierra Leone did an impressive job with their efforts toward restorative justice, a lesson from which South Africa could take some pointers. Ultimately, I hope that this conclusion can be generalized to other TRCs in an effort to achieve the highest level of reconciliation.

Literature Review

There is a growing interest internationally in restorative justice, which seeks to provide peace for the victims of human rights crimes (Graybill and Lanegran 2004). From this motive comes the concept of a TRC. According to the Office of the United Nations High Commissioner for Human Rights, "these commissions—officially sanctioned, temporary, non-judicial investigative bodies—are granted a relatively short period for statement-taking, investigations, research and public hearings, before completing their work with a final public report" (2006, 8). My question is: does the

provision of amnesty undercut justice in a TRC, and in so doing, inhibit reconciliation? Or is it a beneficial tool for a commission to use? There is a long history of debate revolving around amnesty. In broaching this research, I will explore the goals of a commission, including what justice and reconciliation mean in this context; how a commission seeks to achieve reconciliation (i.e. the varying approaches TRC's employ); and the pros and cons of the choice to utilize amnesty.

Justice

Truth itself does not inevitably lead to reconciliation. Underlying the goal of reconciliation is the concept of justice. It is necessary to address the different approaches to justice prior to defining reconciliation. Justice is a relative term. Its definition varies depending upon who is asked, and under what circumstances. This could fall on a spectrum anywhere from the age old concept of "an eye for an eye," to more formal legal action, to some sort of compensatory payment. Two distinct approaches to justice define the boundaries of the spectrum: retribution and reparation (Lambourne 1999, 4).

Retribution involves some sort of punishment for a perpetrator. Elster investigates the concept of retributive emotions, those underlying emotions on the part of the victims which feed a desire for retribution (2006, 34-35). He states that there are five contributing emotional factors: anger, two sources of indignation (one in response to observing unjust behavior, the second from observing the unjust fortune of an individual), contempt, and hatred. Retributive emotions are generated through disapproval of both the actions of an actor, and their personal character. In terms of justice, the question is whether or not these emotions can be resolved without retribution. Retribution can take

the form of prosecution. It can also act as deterrence for the future by means of establishing precedents that human rights violations will not go unpunished.

Reparations, according to Hayner, involve a number of methods of redress, including “*restitution, compensation, rehabilitation, satisfaction and guarantees of non repetition*” (2001, 171). Restitution is a form of compensation (generally monetary) which aims at making amends to the victims. After widespread state conflict involving human rights abuses, the corresponding recovery will need to be both physical and mental. Frequently the repercussions of being damaged both physically and psychologically are economic. Though a financial sum cannot make up for the loss of a loved one, for example, it nonetheless provides assistance as a sort of symbolic apology. This is complicated in a TRC as sometimes there are amnesty provisions instituted by a past regime, in its own self interest, that intentionally do not allow for a case (either civil or criminal) to be brought against alleged perpetrators (Hayner 2001, 170). That is not to say there are not other approaches to reparations. A truth commission which effectively reveals the truth, a state which acknowledges responsibility, and perpetrators who apologize for their actions, all offer some form of satisfaction to the victims.

Retributive v. Restorative Justice

All TRC’s have the choice of whether to pursue retributive or restorative justice. Which approach is most likely to contribute to reconciliation? Restorative justice (which includes reparations and restitution) seems to place more emphasis on healing as a community rather than punishing an individual. It embraces the sentiment of forgiveness and falls neatly into the Christian theology that some truth commissions, primarily South

Africa's, have utilized. By contrast, retributive justice is employed to avoid individuals taking it upon themselves to seek vengeance. "Retribution motivates punishment out of fairness to those who have been wronged and reflects a belief that wrongdoers deserve blame and punishment in direct proportion to the harm inflicted" (Minow 1998, 12).

One limit of retributive justice is that, in many cases, it will never be enough. It cannot fix the damage done, and there is no way the punishment could be proportional to the crime. Aukerman demonstrates a common concern regarding a cycle of revenge which could result from a retributive approach: "...nor does sympathy for the retributive victim's desire that her wrongdoer suffer necessarily mean that such suffering is justified, or even morally right. As Nino argues, retributivism 'presupposes that it is sometimes appropriate to redress one evil with another evil. However, when I add the evil of the crime to the evil of the punishment . . . my moral arithmetic leads me consistently to believe that we have 'two evils' rather than 'one good'" (Aukerman 2002, 56).

Minow argues that if "the longer-term goals include avoiding cycles of revenge, social reintegration of at least lower-level perpetrators should be pursued. In many circumstances, demonizing all on 'that side' means demonizing large segments of the society, including many individuals who believed they were acting for a larger good or who acted out of fear or who rationalized their conduct in other ways" (Minow 1998, 121-122). This brings up a second critique of retributive justice: the concept of blame and, as Aukerman (2002) puts it, character evaluations. In large scale conflict, especially when there are human rights abuses on all sides, it is difficult to assign blame to an individual. "The central premise of individual responsibility portrays defendants as separate people capable of autonomous choice—when the phenomena of mass atrocities

render that assumption at best problematic” (Aukerman 2002, 46). For instance, an individual could be acting in the interest of safety for his family, or his career, especially in the case of lower-level perpetrators. This does not excuse their actions, but it might make restorative justice a more appealing option, particularly when there are violations on all sides.

Reconciliation

According to K. Asmal, L. Asmal, and Roberts, reconciliation is the “ending of the divisive cycle of accusation, denial and counter-accusation; not a forgetting of these accusations and counter-accusations, but more a settling of them through a process of evaluation” (1996, 47). This is a very simple and straightforward definition which, though a good starting point, does not begin to fully illuminate the vast debate surrounding it. Slye requires more, calling for not only accountability, but also for a “human rights culture” whose members respect fundamental human rights (2000, 171). I will address three significant issues surrounding the concept of reconciliation: how forgiveness factors into reconciliation, and the necessity of justice, and the necessity of truth.

Forgiveness is part of the exchange between victims and perpetrators which leads to reconciliation in society. In some cases it is seen as a responsibility of the victim, an expectation. The emphasis put on forgiveness varies from region to region depending upon societal norms. Communities strongly influenced by Christian theology such as South Africa are more likely to incorporate notions of forgiveness into their truth commission (Kelsall 2005). There are other countries, however, such as Sierra Leone, in

which the notions of forgiveness are less culturally salient (Kelsall 2005). Archbishop Desmond Tutu, who presided over South Africa's TRC, advocated for the importance of forgiveness in reconciliation. He employed the values of *Ubuntu*, and encouraged it as the only path to follow in South African's TRC (Gibson 2004, 13). *Ubuntu* is a philosophy that embraces social solidarity and restorative justice. It calls for forgiveness to lead to peace and reconciliation (Gibson 2004, 263). "As Desmond Tutu said in 1985 when resisting apartheid's reformist machinations, 'it is the victims, not the perpetrators, who must say when things are better or not'" (R. Asmal, L. Asmal, and Roberts 1996, 49). By forgiving, the victims can acknowledge a change and begin the process of moving forward.

There is opposition to this philosophy on the part of those who feel too much emphasis is put on forgiveness. Wilson says "*Ubuntu* was 'used to sell a reconciliatory version of human rights talk to black South Africans'" (Graybill 2002, 359). He is not alone in his concern that the victims carry the burden of reconciliation and are stigmatized if they don't accept apologies and relinquish anger or desire for retribution (Graybill 2002; Graybill and Lanegran 2004).

A related debate in defining reconciliation is the question of how justice factors in. Is it a necessary component? Advocates of forgiveness and *Ubuntu*, may indeed not desire retributive justice, but what of restorative justice? Former UN Secretary-General Kofi Annan stated, "There are times when we are told that justice must be set aside in the interests of peace. It is true that justice can only be dispensed when the peaceful order of society is secure. But we have come to understand that the reverse is also true: without justice, there can be no lasting peace" (Annan, 2003). Justice is a necessary component

of differentiating between the goals of an old corrupt regime, and the goals of a new one. “Truth commissions, in general, and the TRC, in particular, purport to be attempts to *balance* the independent forces of both justice and reconciliation. If the priority is simply to bring past offenders to book, to demonstrate respect for the rule of law, and to mark off the new democracy from its unjust predecessor, then trials seem to be the obvious mechanism to adopt” (Allen 1999, 320). TRC’s are created with a different purpose from trials: TRC’s do aim to bring peace and reconciliation through truth, and do not simply depend on retributive measures. Minow supports this latter notion that retributive and restorative justice should coexist, and argues that reconciliation should be achieved in tandem (Graybill and Lanegran 2004, 5).

Finally, there is the consequence of truth for reconciliation. On one end of the spectrum, it is argued that truth is of primary importance. At minimum, partial truths offer something to the families of human rights victims. “Even imperfect truth commissions produce a wealth of previously unknown information” which in itself can lead to a sense of closure for the victims and their families (Tepperman 2002, 139).

On the other end of the spectrum, the import of truth is questioned all together and potentially displaced by the ritual of truth-telling in an effort to lead to reconciliation. Hayner suggests that the ritual of truth telling consists of simply allowing victims to give their testimony as the act in itself may be intrinsically cathartic and sufficient for reconciliation (2001). “By speaking of trauma, survivors regain lost worlds and lost selves” (Minow 2000, 243). Making this private experience public can also be cathartic to those who are an audience for the proceedings (whether they are a victim, or not). Minow hypothesizes that TRC’s humanize the perpetrators and empower the victims so

that everyone becomes human again, a necessary condition for reconciliation (2000, 254). Kelsall focuses on the truth commission of Sierra Leone and questions the necessity of truth itself. He argues there are many reasons the truth was withheld, yet the process continued. It culminated in a “staged ceremony of repentance and forgiveness” which he concludes was successful in achieving its original goal of reconciliation despite its failures in exposing the truth (2005, 380).

Wilson disagrees with the acceptance of an incomplete truth, but believes truth is the key to reconciliation (2001). He cites Benedict Anderson, who argues, “The formulation of a shared national past is simultaneously the basis of the assertion of a shared national future” (Wilson 2001, 14). In other words, truth is a prerequisite for reconciliation.

Amnesty

Forgiveness, justice, and truth are all aspects of reconciliation to varying degrees, as explained above. But there is one decision concerning how a TRC is designed which can either help or inhibit reconciliation: namely, how a commission wants to utilize amnesty. According to Black’s Law Dictionary, amnesty is most simply “a pardon extended by the government to a group or class of persons, for a political offense” (2004). It is understood that “forgiveness is deemed more expedient for the public welfare than prosecution and punishment” (Black’s Law Dictionary 2004).

Some might argue that forgive-and-forget is the best policy, that condoning “amnesia” as the best way to move forward as a country (Graybill and Lanegran 2004, 1124). Graybill (2004) identifies three different approaches to amnesty and elaborates

each of them with accompanying case studies. The first is “pardon” (as in the case of South Africa) involving conditional amnesty. Here, amnesty may be granted in exchange for full disclosure of the truth on the part of the perpetrator (R. Asmal, L. Asmal, and Roberts 1996, 16). The second is “punishment” (as in the case of Rwanda) where traditional, local courts (called Gacâca courts) are established to try perpetrators. Finally “amnesia” (in the case of Mozambique) involves collective forgetting. When deciding whether to hold a TRC, the transitional government in Mozambique determined that publicly airing grievances would lead to more conflict and that collective amnesty for all sides was the best way to leave the past behind (Graybill and Lanegran 2004).

In addition, there are also “blanket and “self” amnesty approaches. The case of Mozambique is one form of “blanket amnesty”. A prior regime may also establish a provision of “self-amnesty” which protects the regime’s leaders when they are no longer in power (Young 2002, 216). Taking into consideration these approaches to amnesty, I will explore whether the provision of differing types of amnesty undercuts justice or truth and, in turn, inhibits reconciliation.

Amnesty and justice

R. Asmal, L. Asmal, and Roberts support the idea that “the looming threat of criminal prosecution in the ordinary courts would furnish an incentive for perpetrators to approach [a truth] commission on a voluntary basis and seek reconciliation through genuine contrition” (1996, 24). They argue this is more advantageous for reconciliation than forcing perpetrators to testify in a retributive setting. Markel agrees, and is willing

to sacrifice retributive justice, to some extent, in favor of the revelation of truth which is necessary for reconciliation and nation-building (1999, 391).

Theissen counters by questioning whether the provision of amnesty in fact aligns with international law, as it allows for human rights violations to go unpunished (Theissen 2004, 7). Greenawalt agrees that amnesties given to people responsible for grave war crimes are in fact unjust, and argues further that those given for political reasons alone can also be considered unjust (2000, 195-196). He points to the inconsistency in cases of TRC's in which those who are responsible for serious crimes against humanity may be granted amnesty, while those responsible for unrelated but more minor crimes will likely be charged. (This is a result of narrow TRC mandates which only provide amnesty for politically motivated crimes.)

Amnesty and truth

There is a concern that amnesty does not in fact lead to the revelation of truth. In the case of blanket amnesty, while there is no longer a risk of punishment, there is also no incentive to tell the truth. Graybill and Lanegran discuss Sierra Leone's blanket amnesty as a statement of forgiveness (2004, 10). They question whether blanket amnesty alone would lead to reconciliation. Even within the context of conditional amnesty, there are situations in which suspected perpetrators know there is not enough evidence against them to prosecute, and so feel no need to state the truth to the amnesty commission or to admit guilt (Graybill 2002, 70-71). Others claim they do not remember what happened or blame the effects of trauma for gaps in their testimony (Graybill 2002, 73).

Greenawalt views some form of amnesty as a prerequisite for an effective truth commission. He hypothesizes that “political opponents, may provide the commission with necessary cooperation only if they are assured that they, and those they care about, will receive amnesty” (2000, 191). He argues the effectiveness of a commission, and its ability to reveal truth, depends upon a provision of amnesty. This is supported by Minow who argues that “the conditional amnesty process does not foreclose truth-seeking, but instead promotes it,” in reference to South Africa’s TRC (1998, 56). Slye argues that there is a difference in how a perpetrator approaches a trial versus a truth commission. In a trial, perpetrators invariably seek to evade liability and attempt to raise doubts about their culpability so as to avoid punishment. In a truth commission with an amnesty provision, they are more active participants, and in the case of conditional amnesty it is in their best interest to convey the whole truth (2000, 173).

The concepts of truth, justice, amnesty, and reconciliation are all intertwined, and arguably codependent. “The final document of the Chilean Rettig Commission states that, ‘only upon a foundation of truth [is] it possible to meet the basic demands of justice and to create the necessary conditions for achieving national reconciliation’” (Wilson 2001, 13-14). Amnesty can serve as a tool in augmenting truth and justice, which can be effective together (Sikkink and Walling 2007). In answering my question of which form of amnesty best promotes reconciliation, I must first define reconciliation in terms of truth and justice.

Research Design

Looking at the literature surrounding a TRC, there are numerous independent variables which could influence the prospects for reconciliation. Some of these independent variables include: the international relationships that a country maintains, and whether other countries or NGO's are contributing to their post conflict peace-building process. The government structure (before, during, and after conflict) is also important; it matters whether or not there is a new cast of leaders or significant overlap with those of the past regime. A country's economic structure and culture are also influencing factors. All of these could affect the achievement of reconciliation. For my thesis I will focus on one key independent variable, amnesty. I will explore variation in the types of amnesty offered, and the effects of variation on reconciliation.

My thesis analyzes the relationship between the blanket and conditional amnesty (i.e. independent variables), and the dependent variable, reconciliation, in the context of a TRC. The research design will include a definition of each variable, and a hypothesis as to their relationships. It will operationalize the definition of reconciliation and determine how it can be measured. I will explore this relationship through analysis of two case studies of transitional justice: South Africa, and Sierra Leone. Later I will explain why I chose these case studies, and the nature of my data. Ultimately, I will analyze primary and secondary source data to determine whether my hypothesis (i.e. that the choice of amnesty directly affects the achievement of reconciliation) is supported or not, and some possible outcomes.

Independent variables: Forms of Amnesty

Amnesty is one of an assortment of tools of transitional justice. The purpose of amnesty in a TRC varies from commission to commission, depending upon the specific goals of the TRC. For my purposes, I will focus on the two of the most widely debated forms of amnesty: blanket amnesty and conditional amnesty.

Blanket amnesty can be established in two forms. The first is known as self-amnesty, in which a regime builds amnesty into the legal system in order to protect principals of the regime from any future prosecutions. A clear example of this took place in Ghana, where the Rawlings administration “entrenched a self amnesty in the 1992 Constitution which barred any legal measures from being taken against members of either the provisional National Defence Council (PNDC) or the Armed Forces Revolutionary Council (AFRC), both military regimes headed by Rawlings himself” (Valji 2006, 10). The second is simply called blanket amnesty. It generally involves the granting of unconditional amnesty to all individuals involved in politically motivated crimes regardless of affiliations, and without requiring anything in return. It is instituted post conflict, in the belief that it will facilitate reconciliation. Both Uruguay and Sierra Leone employ this form of amnesty “in order to bring lasting peace” to their country (Evenson 2004, 737).

Conditional amnesty, as its name suggests, gives full or partial amnesty in exchange for truth. Truth is distilled from victim, perpetrator, and witness testimony in an effort to create a shared national history. Amnesty is usually given as a reprieve from prosecution, but is often coupled with some form of reparations. One approach to conditional amnesty was seen in Liberia, which has afforded amnesty to children and

those responsible for more minor crimes. Another is seen in South Africa, which has granted amnesty in exchange for full disclosure of crimes resulting from national conflict.

This thesis explores whether one form of amnesty or another positively affects the prospects for reconciliation

Dependent Variable: Reconciliation

Many debates exist surrounding the concept of reconciliation, and few scholars agree on one comprehensive definition. Some emphasize truth, while others require justice, forgiveness, or simply an end to conflict. In my view, each of these aspects is important; hence, I conclude that reconciliation is a process which involves forging a balance between truth and restorative justice after extensive internal conflict. The two are not mutually exclusive, but rather are codependent if reconciliation is to be determined successful; they each offer crucial aspects.

Truth consists of victims, witnesses, and perpetrators giving testimony and together reconstructing an accurate narrative of past events, i.e. a national historical record in the context of transitional justice (Wilson 2001, 14). It also involves acknowledging responsibility (whether on the part of the state as a whole or on the part of the individual people). Only by creating a process through which individual people can engage in truth-telling is a state able to rebuild itself after massive internal conflict. The collaboration of all sides is an important feature of reconciliation.

The literature review outlined the debate between proponents of retributive justice and those of restorative justice. In my definition of reconciliation, I emphasize a restorative approach. Restorative justice is a collective effort towards healing as a

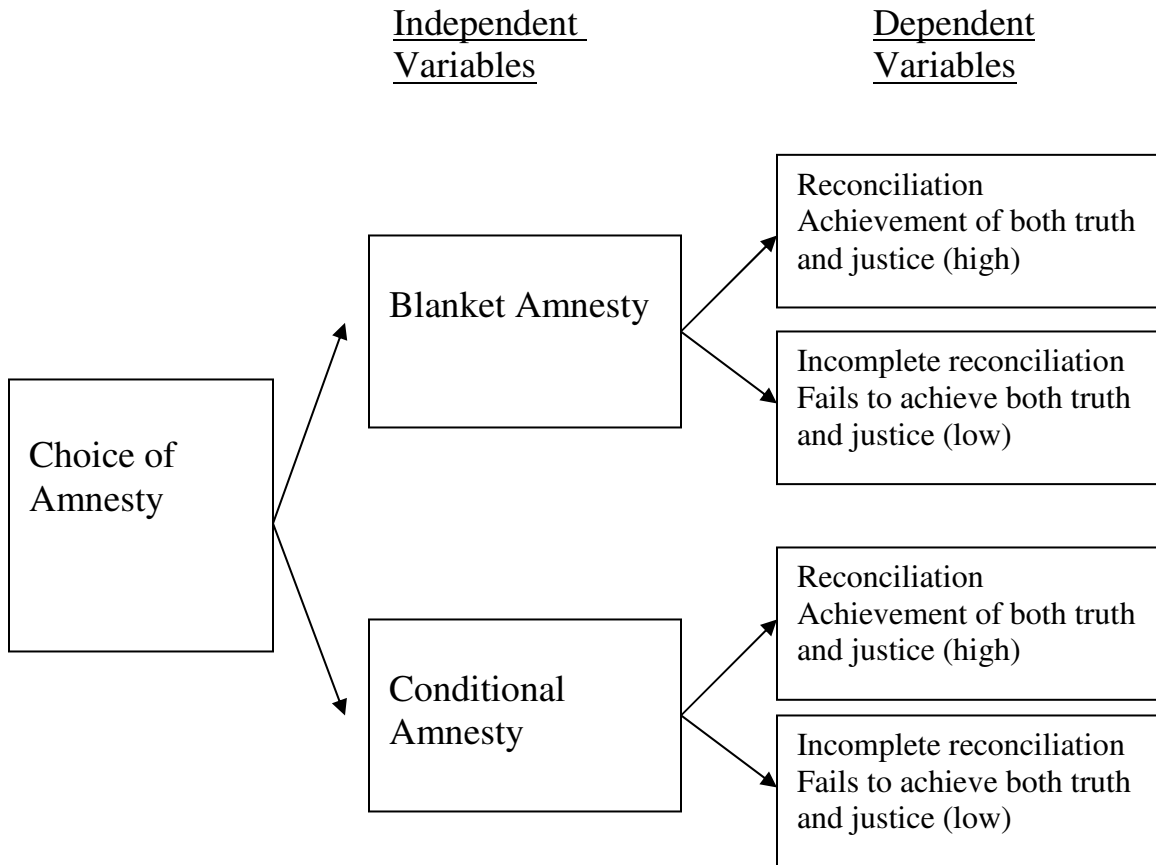
community. It involves awarding reparations to the victims of previous abuse in an attempt to redress past wrongs. Reparations consist of rehabilitation both for the victim (in terms of mental and physical assistance), as well as for the perpetrator (in an effort to ease them back into the community as a law abiding citizen). Restorative justice also strives for non-repetition of abuse, based on learning from the past. It is thus contingent on the revelation of truth and involvement of all groups in society. A final characteristic of restorative justice is that perpetrators are required to provide restitution to their victims. This could include monetary compensation for past offenses either by individual perpetrators, or the state; community service on the part of the perpetrator, so that they may contribute to the rebuilding of a nation; and contrition on the part of a perpetrator, who acknowledges responsibility.

Model and Hypothesis:

Having defined two approaches to amnesty and having defined reconciliation, I can now lay out the causal relationship between the two concepts which I want to explore in this thesis. I hypothesize that the decision of whether to utilize blanket amnesty or conditional amnesty (independent variables) will ultimately determine whether a TRC is successful or unsuccessful in achieving reconciliation (dependent variable).

The following diagram presents a model of the independent variables and the four possible outcomes of the dependent variable:

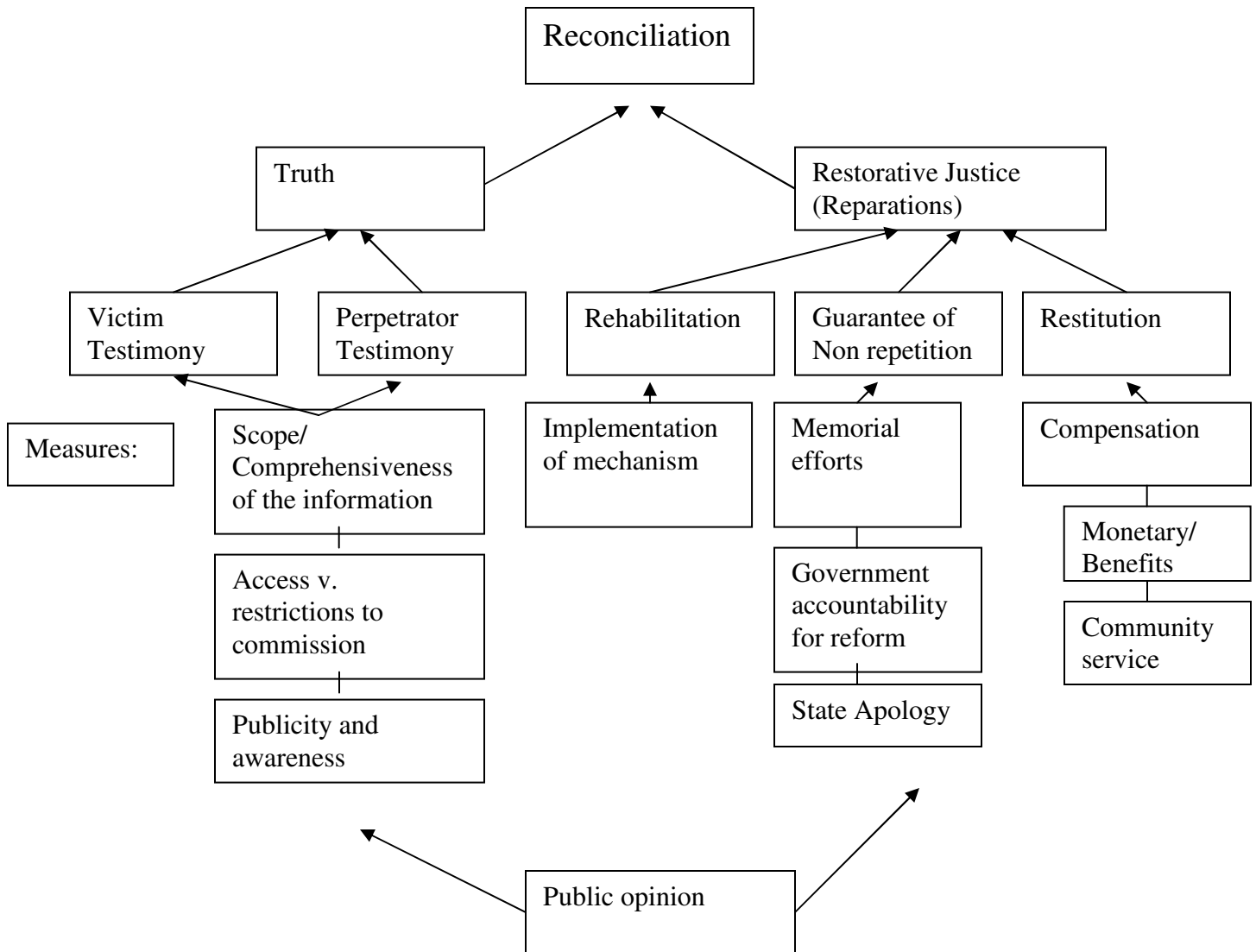
Figure: 1



Operationalize the Dependent Variable:

My definition of reconciliation encompasses the realization of both truth and restorative justice. Reconciliation is literally comprised of multiple inputs, as illustrated below:

Figure 2:



This model helps to break down necessary components of reconciliation. The first component is truth. To be effective, a TRC must elicit a high level of truth from participants. This can be measured by characteristics of victim and perpetrator testimony. First and foremost is the quality of the information. Does the information given actually constitute truth? This is determined based upon whether testimony is corroborated by

others in the form of a fellow victim or perpetrator, a victim confirming a violation on the part of a perpetrator, or a perpetrator taking responsibility for the claim of a victim. Truth also depends upon the scope/comprehensiveness of the information. Was there widespread public awareness of the TRC and the information is elicited? Did everyone have a chance to testify who wanted to do so? Was the mechanism itself accessible to the general population? Answering “no” to any of these questions could result in the exclusion of a segment of the population from the process. It is thus important that the opportunity for full and complete truth-telling is not restricted.

The second component is justice, more specifically: restorative justice. Its three subcomponents include: 1) rehabilitative efforts on behalf of both the victims and the perpetrators; 2) the guarantee of non repetition; and 3) restitution. Rehabilitative measures will include whether or not a state has rehabilitation programs available for both the victim and the perpetrator. Common rehabilitation programs include those geared towards the reintegration of child soldiers as well as ex-combatants; in addition to programs which teach life skills such as farming in an attempt to help a person to become more economically self sufficient.

The guarantee of non repetition is demonstrated by successfully assembling the truth to illuminate past mistakes in order to avoid repetition in the future. Additionally, a state taking responsibility for its actions and holding all perpetrators accountable can demonstrate a commitment to change. It could also result from memorial efforts of the state which include acknowledging wrongs done, honoring the victims, and vowing to make a change. These frequently include physical memorials, public art, or a day of

remembrance; and are most effective when created as a collaboration between victims, perpetrators, and witnesses.

Restitution can be measured most easily in its monetary form, i.e. whether the state or individual perpetrators must pay compensation, how much, or with what frequency? Other forms of compensation could be paid through community service, allowing the perpetrator to contribute a lasting benefit to the community, or to specific victims. They could take the form of a perpetrator apologizing and publicly taking responsibility for his or her actions.

The overall quality of justice can also be measured by public opinion of the TRC, both in reference to the composition of truth and in reference to a specific restorative justice program. This could consist of approval rates of the TRC, expressions of public trust in the TRC, and opinions concerning the perceived success of the TRC. A composite analysis of each of these measurements can help determine whether a high level of truth and justice results from the provision of certain types of amnesty and thus a high level of reconciliation.

In order to apply this model to my case studies, I will rank each indicator of reconciliation on a scale from 1-3: 1 represents a low level of achievement of a given measurement, 2 a moderate level, while a score of 3 signifies a high level of achievement. I will then average the scores of each indicator under the respective truth and restorative justice categories to create a composite score for each category. I will then average these two scores together to get a final number representing a particular case study country's achievement of total reconciliation.

Data Sources

Now that I have operationalized the definition of reconciliation, I will clarify how I will gather my data for the measurements. The comparable information which ultimately allowed me to choose my case studies was made available by the United States Institute of Peace (USIP). This organization has compiled a database of forty-one TRC's which include the name, date, background information, charter, mandate, report, and findings (if available) of each TRC. It is important to my research to look at the charter and mandate of the South African and Sierra Leonean TRC's so as to recognize: the goals of each commission; their chosen approach toward amnesty; and the reasoning behind the choice of amnesty provision. A review of the mandates also offers insight into how each commission approaches reparations. The final report of each TRC also offers significant data in terms of findings as well as recommendations from the commission to the government. Typically, a TRC's final report will recommend a rehabilitation mechanism and a system of restitution for victims. I will also analyze examples of the testimony given at the commissions by perpetrators and victims, as well as witnesses' responses to these testimonies.

Notably, Sierra Leone's TRC put forth a statistical appendix to its final report. This provides information about testimony given, as well as requests for restitution. Comparable information is found in South Africa's final report, which includes the report of the amnesty committee reflecting upon the process and its achievements.

As indicated above, public opinion is also a good resource for judging the nature of justice. The Campaign for Good Governance is an NGO in Sierra Leone which conducted a public opinion poll measuring perceptions of the government post conflict

(including its accountability, and efforts toward peace and reconciliation, among other measures). Additionally, the scholar Amadu Sesay conducted a public opinion poll in Sierra Leone, published in 2007. South Africa's public opinion data comes from Gibson's extensive 2001 Truth and Reconciliation Survey which analyzes (but is not limited to) public approval of amnesty, acceptance and knowledge of the TRC, as well as perceived racial reconciliation.

Case Studies

I selected my cases from among a large pool of TRC's. According to the International Center for Transitional Justice, there are forty-one TRC's, including several currently in progress. Others occurred in the same state more than once (i.e. Chile, Ecuador, Germany, Nepal, Peru, Rwanda and Uganda). Not all of these are officially defined as a "Truth and Reconciliation Commission". Choosing my two case studies was thus mostly a result of a process of elimination. For one, I wanted a comparative set of case studies which were clearly defined as a truth and reconciliation commission. The priority of goals became immediately apparent in the name of the commission. (To name a few, South Korea's commission is titled the Presidential Truth Commission on Suspicious Deaths, Uruguay's is the Commission for Peace, and Guatemala's is the Commission for Historical Clarification. Others such as Côte d'Ivoire, Nigeria, and Chile's 2003 commission specify that they are investigative operations, while Ethiopia and Rwanda work with a prosecution mechanism.) I thus limited the possibilities to strictly "truth and reconciliation commissions" as determined by their title, charter, and mandate. Within this significantly smaller pool, I looked at only commissions which

utilized either blanket amnesty or conditional amnesty. (A few, including Ethiopia, Paraguay and Peru, feed testimonies into a prosecution mechanism. The rest provide some option for amnesty.) Furthermore, the countries selected for my comparative case studies needed to have completed their TRC with a public report. My final pool for conditional amnesty consisted of Algeria, which mandated conditional amnesty, but the result of almost blanket, and South Africa which had a clear mechanism for amnesty provisions. The pool for blanket amnesty was more expansive. I first eliminated those such as Chile (2003-2005) and Ghana (2003-2004) which provided blanket amnesty for the purpose of self-amnesty. From there I was left with Morocco, Democratic Republic of Congo, Uruguay, and Sierra Leone. I eliminated Uruguay as its provision of blanket amnesty is currently under review as unconstitutional. I then chose Sierra Leone over the remaining two commissions as its final report was far more extensive than that of Morocco (2004-2005), and the Democratic Republic of Congo (2003-2007) is still facing a great amount of domestic unrest. As a result, I will be analyzing South Africa's 1995-2002 Commission of Truth and Reconciliation, which employed conditional amnesty, and Sierra Leone's 2002-2004 Truth and Reconciliation Commission, which provided blanket amnesty.

It is important to qualify that in the field of transitional justice research, there is a disproportionate focus on the South Africa TRC. Not only did it occur prior to the Sierra Leone TRC but it was widely publicized internationally and viewed as a model upon its creation. To this day, many comparative case studies include South Africa. Hence, data is more widely available on South Africa than on Sierra Leone. For this reason my data for the South Africa case study utilizes more of the quantitative and primary sources

available while my data for Sierra Leone must rely on more qualitative and secondary sources.

History: South Africa Conflict

The racial conflict in South Africa begins in the 1600's when the Dutch East India Company settled on the Cape of Good Hope. The settlers jointly became known as the Afrikaner people. For the following century, they expanded their territory as well as their numbers and the number of their slaves. An extensive conflict over land ensued between the Afrikaners (also known as Trekboers, Dutch for wandering farmers) and the native Khoikhoi and San tribes. Between the years of 1785 to 1795, Afrikaners extended further into the north and killed thousands of San people while taking roughly 700 people (primarily children) into custody to become slaves on Afrikaner farms (Gascoigne 2001b).

In 1795, a new conflict began to emerge: the British took control of Cape Town. By this point the Afrikaners, relative to the English, were more indigenous to the region and rejected British rule. They also opposed the British parliament's new law abolishing the slave trade. These emerging cultural differences led to what became known as the "Great Trek" of Afrikaners who traveled north into the Zulu tribe's region (South Africa, U.S. State Department). In 1852 and 1854 two Boer republics were created from among the Trekboer people: the Orange Free State and Tansvaal. Their already rocky relationship with the English could not withstand the 1870 discovery of diamonds followed by the 1886 discovery of gold in Boer territory (South Africa, U.S. State Department). The English invaded, thereby prompting the Anglo-Boer Wars. The

British emerged victorious and incorporated the two Boer republics into British property. In May 1910, the two republics with the British colonies became South Africa. All governing power was maintained by whites.

The African National Congress (ANC) was originally created in 1912 in opposition to white domination, and with a goal of ending government restrictions on blacks (Thema 1993, 88). The ANC was unsuccessful in resisting the growing restrictions, and in 1948 the National Party (NP) won an all-white election and apartheid (meaning “apartness”) laws were enacted (Gascoigne 2001b). These laws resulted in state sponsored racism. Discrimination on the basis of race was institutionalized everywhere, extending to a prohibition on inter-racial marriages, and exclusion from specific jobs and restrictions on where a person of color could travel. In 1950, a classification system was enacted that labeled South Africans as either white, black, or colored (anything which was not clearly white or black). These classifications appeared on identity cards and passes, which South Africans were required to carry for travel outside of restricted areas. The passes determined if one was allowed into a white area.

This division was furthered in 1951 with the Bantu Authorities Act which created “homelands” (South Africa, U.S. State Department). Many black South Africans were restricted to living in homelands which supposedly (but often incorrectly) corresponded to their ethnicity. In this way, they were completely disenfranchised from South Africa. By 1981, four of these homelands were created as independent from South Africa. The residents could not legally leave the homelands as they were no longer considered citizens of South Africa. The 1953 Public Safety Act and Criminal Law Amendment Act prohibited any anti-apartheid protests while at the same time increasing the government’s

capability to instill consequences. A state of emergency was declared in 1960 in response to protests of the ANC and the Pan-African Congress (PAC), which included mass violence on the part of the government, resulting in 69 dead, 180 injured, and the arrest of, among others, Nelson Mandela (South Africa, U.S. State Department). This state of emergency was issued again and again until 1989 and led to grave human rights violations. During this time a person could be detained by a police officer for 6 months without a hearing. Thousands died while in detention, frequently as a result of torture.

Finally, in 1986, in response to mass national as well as international opposition to apartheid, the South African government engaged Mandela in discussion. In 1990 the official ban on the ANC, PAC, and other anti-apartheid groups ended, and Mandela was released from prison. 1991 marked the elimination of the last laws which promoted apartheid. In December of 1993 a new constitution was created, and on May 10, 1994 Nelson Mandela became president in South Africa's first non apartheid election. The South African Parliament established a mandate for the South African Commission of Truth and Reconciliation in December of 1995, which would release its final report publicly in 2003 (ICTJ, South Africa).

History: Sierra Leone Conflict

The history of conflict in Sierra Leone is a long one that extends back to the colonial period. Between the years of 1787 to 1794, the British assisted in transporting over 1000 freed slaves from London, the United States, and Nova Scotia, to what was to be called Freetown on the most western point of Sierra Leone (Sierra Leone, U.S. State Department). This evolved into a successful British colony with the help of the Krio

(returned slaves who had become somewhat assimilated into a European way of life). The Krio originally came from all over Africa, but now shared English as a common language, and Christianity as a common cultural point of reference. Needless to say the return of the Krio generated conflict with the indigenous people of Sierra Leone (Gascoigne 2001). From 1896 to 1951, Britain maintained a protectorate over Sierra Leone without the consent of the indigenous inhabitants. The Sierra Leone TRC findings state:

“The Commission finds that the Colonial power in Sierra Leone deliberately created two nations in the same land, one in the colony and the other in the protectorate. The impact of the separate development policies had far-reaching consequences, particularly in the fields of education, access to resources and in the social and political development of the two regions. The policies of the Colonial government led to the preferential development of the Colony at the expense of the Protectorate” (Sierra Leone TRC: Findings 2004, 6).

Although the differentiation between native groups did lead to conflict within the country, ultimately Sierra Leone independence was achieved without violence. In 1951, decolonization was worked into the constitution and by 1961 Sierra Leone became part of the British commonwealth (Sierra Leone, U.S. State Department). In 1967, however, the new democracy of Sierra Leone started its decline. The All Peoples Congress (APC) led by Siaka Stevens won plurality in parliament and began a series of efforts to ensure that he and his party had sole power through a repressive rule. Stevens went so far as to amend the constitution so it would only acknowledge one party, the APC (Sierra Leone, U.S. State Department). The government failed to recognize any opposition, thereby

eliminating the possibility of democratic competition. Corruption increased in 1985, when Maj. Gen. Joseph Saidu Momoh was elected president after Stevens retired. According to the Sierra Leone TRC findings: “By the end of the 1980s, Sierra Leone had become a deeply fragmented country, marked by an almost total lack of national identity. Notions of citizenship and patriotism had become meaningless concepts” (2004, 7). This fragmentation and lack of government accountability established the backdrop for the next ten years of civil war.

In 1991, the Revolutionary United Front (RUF) began attacks on the south-eastern border of Sierra Leone to gain control of diamond mines in the region, while pushing the Sierra Leone army back towards Freetown. In 1992, Capt Valentine Strasser initiated a military coup which resulted in the exile of Momoh to Guinea; Strasser then established the National Provisional Ruling Council (NPRC) as ruling party of Sierra Leone. By 1995, the RUF had gained considerable ground, controlling most of the western portion of Sierra Leone and moving in on Freetown. The NPRC hired mercenaries to drive back these forces in 1995 and by the following year turned over power to a civilian government, at which point Ahmad Tejan Kabbah, a UN diplomat, won the presidency (Sierra Leone, U.S. State Department). However, by 1997 Kabbah was thrown out of office by a violent military coup, at which point, the Armed Forces Revolutionary Council (AFRC), led by Johnny Koroma, wrested control and invited members of the RUF into the government. This was followed by wide scale human rights violations in which RUF leader Foday Sankoh joined Koroma’s military government, and together their supporters ravaged the country (Gascoigne 2001). Sankoh was able to take advantage of the collapsed economic structure and recruit young people for the military

(specifically child soldiers). Additionally, the diamond mining industry was able to provide roughly \$300 million of revenue each year for the rebel forces. As a result of the failed government and economic system more than 40 percent of the country's population was dislocated, with many seeking asylum in surrounding countries (Pratt 1999, Report to the Minister of Foreign Affairs).

The United Nations (UN) opposed Sankoh's coup and instated sanctions on military material imports while also prohibiting international travel by members of the military. Dozens were killed during this time of AFRC and RUF conflict. In March 1998, the Nigerian-led Economic Community of West African States Monitoring Group (ECOMOG) overthrew AFRC and reinstated President Kabbah. This movement instigated much violence in Freetown, which led to what became known as "Operation No Living Thing". The "operation" consisted of murders, torture, and intentional dismemberment of the civilian population. Rebel forces used women and children as shields during their attacks, burned entire cities, and abducted 3,000 children (Pratt 1999). Finally the violence on all sides subsided enough for President Kabbah and RUF leader Sankoh to sign the Lomé Peace Agreement on July 7th 1999, which among other provisions, established a shared government between Kabbah and Sankoh. This would not, however, be the end of the violence. In 2000 RUF rebels took members of the United Nations Mission in Sierra Leone (UNAMSIL) hostage and killed anti-RUF demonstrators. Sankoh and various members of RUF were arrested and removed from government positions. In November 2000, a new peace agreement signed in Abuja in a renewed effort for disarmament, but it was hindered by an attack on the RUF by Guinean forces in response to RUF attacks in Guinea. Peace efforts were made for a third time in

May of 2001, in which a second Abuja Agreement for peace was signed between the government and rebel forces. It ultimately led to large scale disarmament and demobilization of the rebels. On January 18th 2002, the ten year civil war was officially declared over. By May of that year, President Kabbah was re-elected in a democratic election with 70% of the vote. The RUF failed to hold a single seat. In the summer of 2002 the Sierra Leone TRC was established by the president and parliament (as per the Lomé Peace Agreement), and the Special Court for Sierra Leone (SPSL) was instated by the United Nations (USIP, Sierra Leone). In October 2004, the TRC publicly released its final report.

Data Analysis:

South Africa

In this section I will conceptually disaggregate “reconciliation” into a series of subcomponents, and will rank the level of achievement of each sub-component on a scale from 1 to 3 (i.e. 1= low quality, 2= medium, 3= high)¹. The following serves as a reminder of South Africa’s TRC mandate so that we may keep in mind its ultimate goals as we refer back to the operationalized definition of reconciliation. The Promotion of National Unity and Reconciliation Act 34 mandates the TRC “to provide for the investigation and the establishment of as complete a picture as possible of the nature, causes and extent of gross violations of human rights” (Republic of South Africa 1995, 1). To achieve its mandate the TRC was divided into three committees: the Human

¹ For an overview of all the sub-components of reconciliation, please refer back to *Figure 2* (p.21). For a discussion of scoring please see discussion on page 23.

Rights Violations Committee (HRVC), the Reparation and Rehabilitation Committee (RRC), and the Amnesty Committee (AC).

Truth:

Truth is one of the two primary components of reconciliation. It is also a primary goal of the TRC, as stated in its mandate to collect a complete, all encompassing truth with contributions from all sides of the conflict. Collecting an accurate version of the truth completely depends on the willingness of the people of South Africa to testify, and the strength of their testimonies. However, it is important to look at the viewpoint of both the victims and perpetrators in regards to the commission.

D) Victim and Perpetrator Testimony

The Human Rights Violations Committee (HRVC) was mandated to hear testimonies from victims of human rights violations and corroborate them through an extensive database (Republic of South Africa 2003, vol. 1 [4] 148). It was considered in the best interest of a victim to testify to the HRVC not only for the psychological benefits, but also so that their information could be transferred with recommendations to the Reparation and Rehabilitation Committee (RRC). Additionally, perpetrators named by victims could be summoned to the commission to testify themselves and either be sent to a prosecution mechanism, or appeal to the Amnesty Committee (AC).

The TRC in general was a very emotionally-charged atmosphere. Victims were connected to their stories and shared them in extensive detail, drawing out the emotions of the rest of the commission and audience. In one instance, during a particularly graphic

and moving testimony from a mother who lost a son, Archbishop Tutu “put his own face down on the table in front of him and wept uncontrollably” (Allen 2006, 352).

Commissioner Mary Burton stated in reference to public testimony, “the right to be heard and acknowledged, with respect and empathy, did contribute to a process of healing in many cases” (Graybill and Lanegran 2004, 6).

Furthermore, there was a clear incentive for the perpetrators to testify for the commission. They could voluntarily approach the AC or be subpoenaed to the commission if their name was tied to a crime by either a victim, witness, or other perpetrator (Graybill 2002, 69). The AC was then mandated to determine whether the perpetrator had shared his or her complete story in as much detail as possible and whether his or her crimes were politically motivated. If these conditions were met the perpetrator would be granted amnesty and begin the process of rehabilitation and reintegration into the community. If they did not meet the requirements of the AC, perpetrators could be prosecuted for their crimes in a court external to the TRC (Republic of South Africa 2003, vol. 1[5] 8).

There were religious underpinnings to the commission which resonated culturally with many South Africans. Tutu constantly linked religious concepts to the notion of Ubuntu and encouraged perpetrators to repent and victims to forgive. He argued that the work of the TRC was not just about securing amnesty but instead was aimed at demonstrating cooperation and group solidarity to promote harmony. A common theme emerged akin to Ubuntu: that “group interests should prevail over individual rights” and would ultimately lead to reconciliation for all. Wilson has criticized this approach and the legitimacy of the “truth” gathered as a result of Ubuntu. He states that the

“constitutional right of citizens to due justice, to pursue civil claims against perpetrators, is taken away by amnesty laws...this was justified in terms of a uniquely African form of compassion, or *Ubuntu*. By combining human rights and *Ubuntu*, human rights come to express compromised justice” (Wilson 2001, 11).

On account of the South African TRC in working directly with the prosecution mechanism, if a complete truth is not obtained by the AC, the restorative justice option yields to retributive justice, so a victim is not deprived of justice. The victim’s and perpetrator’s perception of the TRC rests on the commission’s ability to gather testimonies and to engage both victims and perpetrators in order to obtain the full story. It was clear that both victims and perpetrators had a strong incentive to come to the commission and testify, and to share their experiences over the prior three decades of conflict. My overall rating for the quality of victim and perpetrator testimony then is high, i.e. 3 on a scale ranging from 1 (low) to 3 (high). [Score: 3]

II) Scope and Comprehensiveness of Information

One important aspect in determining whether the TRC achieved a high level of truth to contribute to reconciliation is whether or not the people of South Africa are satisfied with it. Ultimately, the people have to accept that the truth gathered is complete and impartial in order for it to be effective. Academic James L. Gibson, conducted extensive public opinion surveys on various aspects of South Africa’s TRC. He included members of the four major racial groups in South Africa in the interview pool (African, White, Coloured, and Asian Origin), and provided surveys in numerous different

languages in order to make them accessible to all. Ultimately he collected 3727 completed interviews (Gibson and Macdonald 2001, 2).

Participants were asked to rate their “satisfaction with specific aspects of the performance of the truth and reconciliation commission”. The following table graphically represents Gibson’s findings.

Table 1:

| Satisfaction with Specific Aspects of the Performance of the Truth and Reconciliation Commission | | | | | | |
|---|---------------|-----------------|----------------|----------|------------|------|
| | Excellent Job | Pretty Good Job | Pretty Bad Job | Poor Job | Don't Know | N |
| <i>Providing true and unbiased account of country's history</i> | | | | | | |
| African | 46.2 | 38.9 | 5.3 | 2.1 | 7.6 | 2000 |
| White | 3.6 | 30.9 | 28.0 | 19.6 | 17.9 | 986 |
| Coloured | 13.6 | 34.5 | 9.5 | 4.8 | 37.6 | 484 |
| Asian Origin | 18.8 | 53.1 | 10.6 | 5.7 | 11.8 | 245 |
| Percentages (Totaling to 100%) | | | | | | |

(Gibson and Macdonald 2001, 22)

Gibson received a fairly positive response from the majority of those who took the survey, especially within the black South African group (i.e. the “African” in the table above) which comprises the vast majority of the population (78%). The majority believed the TRC did either a “pretty good job” or “excellent job” gathering a “true and unbiased account of the country’s history” (Gibson and Macdonald 2001, 2).

A second significant contributing factor in the assessment of truth is the provision of conditional amnesty, and its ability to draw people into participating in the TRC. The Commission received 21,000 statements from alleged victims and 7,124 from individuals pursuing amnesty (Republic of South Africa 2003, vol. 2 [1] 2). Over “50 public

hearings were held, spanning a total of 244 days”, comprised of what the commission deemed representative cases (Hamber and Kibble 2007, 12). Because of the sheer volume of statements, there was not sufficient time for all contributors to be heard. All of these statements were processed and turned over to the RRC with recommendations. Cases that both demonstrated a variety of human rights violations and were representative of a generalized pattern of abuse (about 10% of the total) were chosen for public testimony (Hamber and Kibble 2007, 12).

Desmond Tutu, in the forward of the final report, stated that there was in fact public displeasure when a case in prosecution was dismissed because of reasonable doubt, which often resulted from a lack of witnesses. By contrast, in the TRC he said “Amnesty applicants often confessed to more gruesome crimes... yet their assumption of responsibility, and the sense that at least people were getting some measure of truth from the process, resulted in much less anger” (Republic of South Africa 2003, vol. 1 [1] 1). The provision of conditional amnesty effectively drew out information and required people to take responsibility for their actions who otherwise may have attempted to maintain their innocence in a court setting.

Additionally, the commission had the power to subpoena witnesses, and the right to search and seizure, which gave them the authority to investigate cases thoroughly. This was a novel concept for TRCs (Hamber and Kibble 2007, 14). It ensured that the information gathered was in fact the truth, as it could be measured against other’s testimony. As a result, the AC had the strength to extract meaningful testimonies from those who may have been reluctant to share.

Unfortunately, the TRC was underutilized by the white community. Even if many of them simply benefited passively from apartheid, testifying to the commission as a witness could have provided a vehicle for expressing an apology and could have benefited the overall process of reconciliation.

Ultimately, there was an extensive effort from the commission, victims, perpetrators, and witnesses in general to collaborate and piece together what is largely perceived to be an accurate picture of the conflict and resulting human rights violations. Thereby, my overall rating for the quality of the scope and comprehensiveness of information is medium-high. [Score: 2.5]

III) Access v. restriction to commission

Because of the geographic size of South Africa and in the interest of facilitating easy access, the commission decided to decentralize. It created its primary office in Cape Town with four regional offices in Cape Town, Johannesburg, Durban, and East London, and a sub regional office in Bloemfontein (Republic of South Africa 2003, vol. 1 [6] 6). The committee members and commissioners then made a proactive attempt to communicate with members of the surrounding communities. Additionally, they held community hearings and information sessions in which they would travel to a particular community, which helped to lend context to testimonies given by victims, perpetrators and occasional experts (Republic of South Africa 2003, vol. 1 [6] 16b). Nevertheless, the commission deemed the access to the commission insufficient and extended its efforts to ensure the rural populations were being equally represented. The TRC assigned a “community liaison officer” to each region to coordinate efforts with local partner

organizations in order to train statement-takers who would have access to these communities and make sure their voices were heard. “The project increased the number of statements taken by the Commission by almost 50 per cent” (Republic of South Africa 2003, vol. 1 [6] 16c).

The commission continually expanded its availability until they could ensure the TRC was accessible to all. Hence, I rate access to the commission as being high.

[Score: 3]

IV) Publicity and awareness

The TRC would have been of little use if the population of South Africa were unaware of its existence and purpose. This is why the country embraced an educational campaign with a slogan of “revealing is healing” to demonstrate the ultimate goal: that truth leads to reconciliation. The commission took initiatives to work with local media, NGOs, and think-tanks to distribute informational booklets to the public and present resources through television, radio, and newspapers (Republic of South Africa 2003, vol. 1 [9] 31-32). The state and the TRC also emphasized the concept of Ubuntu, in an effort to make a cultural connection with the people.

According to Gibson’s study, the proportion of the population “expressing little or no awareness of the TRC activities” was as follows:

Table 2:

“Percent Expressing Little or No Awareness of the TRC Activities

| | |
|--------------|-----|
| African | 11% |
| White | 12% |
| Colored | 33% |
| Asian origin | 9% |

(Gibson 2004, 92)

It is clear that advertising campaigns were effective in educating the public, especially in the many rural areas of South Africa. It is worth mentioning that there was a positive correlation between awareness of the TRC and confidence in the TRC, which also held true with the Colored South Africans (who had the least awareness of the TRC)—meaning that as they became aware of the commission, they also tended to be more confident in its actions (Gibson 2004, 92).

During the TRC, the South African Broadcast Company aired live coverage of the public hearings in addition to a weekly program which was shown every Sunday from April 1996 to March 1998 and provided a summary of the week’s events (Gibson 2006, 416). This program consistently had one of the highest popularity ratings on television; however, even more people became aware of the TRC’s activities through extensive radio exposure. Additionally, the TRC’s decision to hold public hearings in rural communities further increased awareness and educated the people on their option to testify.

The final report of the TRC and the process more generally assigned blame to all parties regardless of whether or not they were presently in a position of power.

Additionally, all had an incentive to testify to the commission, which made itself widely

available. My assessment of the quality of publicity and public awareness is thus high.

[Score: 3]

I calculate the average of all the sub-components of truth to be: 2.875; which signifies a high level of truth gathered.

Restorative Justice:

Restorative justice is the second major sub-component of reconciliation. The RRC and AC both contributed significantly to achieving restorative justice in South Africa. The AC had the ability to actually investigate crimes and subpoena witnesses in order to bring justice to victims, and the RRC was mandated to develop recommendations to the government in terms of rehabilitation and reparations for victims. The following is a discussion of the constitutive elements of restorative justice, each of which I rate for overall quality in the South Africa case.

I) Rehabilitation

a) Implementation of mechanism

Guy Lamb of the Center for Conflict Resolution at the University of Cape Town researched the reintegration and rehabilitation of ex-combatants. He found that 77% of respondents did not have the equivalent of a high school diploma, which greatly restricted their employment options especially--since 80% were less than 50 years of age and have been an asset to the work force (Lamb 2003, 1-2). Many of the respondents depended on family members for basic necessities and support, and about a third said they suffered from psychological problems. Lamb reported informal support structures existing among

social networks of ex-combatants, who discussed job opportunities and strategy as well as political progress; 83% of ex-combatants responded that they did belong to a community (2003, 3). Though an internal support group and community acceptance are undoubtedly important to overall well-being, the inability of ex-combatants to be economically self-sufficient was draining for those they depended upon as well as for their communities. “Many former combatants have been unsuccessful in effectively reintegrating into civilian society and consequently further targeted support for these individuals is required” (Lamb 2003, 4). This does not necessarily involve government providing certain amenities to ex-combatants, but giving them the skills to acquire necessities themselves.

In terms of victims, there is a very slow process toward obtaining physical and mental health assistance although it was recommended by the TRC. “There has been some movement in recent years towards providing services and benefits through the programs of various government departments. However to date these have been ill-coordinated and without a monitoring function in place it is impossible to assess actual impact” (University of Witwatersrand 2010, Traces of Truth).

South Africa does need formalized rehabilitation programs specific to adult victims of apartheid. The country does make a visible effort to make these amenities available to children; there are specific programs aimed at demobilization, reinsertion and reintegration of child soldiers, for example, one of which is funded by the World Bank. Additional resources are contributed by UN agencies such as United Nations Children’s Fund (UNICEF). It appears the process of the TRC has helped to reintegrate some ex-

combatants, but more targeted assistance would be beneficial. My overall rating for quality of the implementation mechanisms for rehabilitation is thus low. [Score: 1.5]

II) Guarantee of non repetition

a) Memorial efforts

The final report of South Africa's TRC refers to memorials as a form of "public official acknowledgement". The commission viewed a memorial as a form of symbolic reparations, which "are also wider in scope or more holistic than those customarily awarded as damages in successful civil claims" (Republic of South Africa 2003, vol. 1 [5] 95). In this way, the reparations are more lasting and will have intergenerational implications. There were ceremonial aspects to the TRC which served to memorialize those who were lost over the preceding decades of conflict. They typically involved prayer and other religious acts which many in attendance could internalize, in addition to the lighting of a memorial candle, and the singing of hymns and songs at each hearing (Republic of South Africa 2003, vol. 5 [1] 10).

There are also numerous government-initiated permanent memorials in the process of being created, some of which include the Women's Monument to recognize the involvement and active effort of women against apartheid. The Nelson Mandela Museum opened in 2000 and is comprised of a museum, a youth center, and a visitor's center. In 1998 the Ncome Monument and Wall of Remembrance were established with a museum opening the following year, to honor Zulu involvement. Additionally, the government took the TRC recommendation to pursue a Freedom Park. This project is expected to be completed in 2010 and honors the anti-apartheid movement and those who

fought for freedom and equality in South Africa. The park was “hailed by President Thabo Mbeki as ‘...the fulcrum of our vision to heal and reconcile our nation...’” and will reshape the skyline of the capital city Pretoria (Lomholt and Welch 2008).

There is also a War Graves Project in progress which aims to “archive photographs of every single South African and Rhodesian war grave from the second Anglo-Boer War, Bambatha Rebellion, WW1, Rand Revolt, WW2, Korea, Freedom Struggle, Angola-Border War, Non World War and Police to present day” (War Graves Project 2010). These photos will eventually contribute to a physical memorial as well as one online, so that those who cannot travel to the grave sites of their loved ones may still feel connected, and receive closure (McLean 2010).

These are but a few of the memorials, monuments, and government facilities created to honor those who were lost during the past decades of violence, as well as to acknowledge the violations of the past and to serve as a guarantee of non repetition. My overall assessment of the quality of war memorials is thus high. [Score: 3]

b) Government accountability for reform

Public opinion surveys are one method researchers can employ to assess whether the government is taking adequate precautions to ensure past human rights violations are not repeated and that the reform promised is achieved. Gibson’s survey included questions on respondents’ perceptions of government success in “ensuring that human rights abuses won’t happen again” (2001, 22). The results are described below:

Table 3:

| | Excellent Job | Pretty Good Job | Pretty Bad Job | Poor Job | Don't Know | N |
|---|---------------|-----------------|----------------|----------|------------|------|
| <i>Ensuring that human rights abuses won't happen again</i> | | | | | | |
| African | 48.6 | 36.4 | 4.5 | 1.9 | 8.7 | 1999 |
| White | 6.2 | 32.1 | 21.7 | 18.0 | 22.1 | 983 |
| Coloured | 18.3 | 28.2 | 6.8 | 8.0 | 38.7 | 486 |
| Asian Origin | 18.9 | 46.7 | 11.1 | 7.0 | 16.4 | 244 |
| Percentages (Totaling to 100 %) | | | | | | |

(Gibson and Macdonald 2001, 22)

Gibson received mixed reviews here, depending upon the ethnicity of the respondent, though across the board the majority of responses fell into the “Pretty Good/Excellent Job” category (2001, 22). With coloured people responding “Don’t Know” in relatively high numbers (38.7) (Gibson and Macdonald 2001, 22).

A first step in fostering government accountability is the decision to provide conditional amnesty for all parties. No group was exempt from being subpoenaed to the TRC to serve as a witness. Once subpoenaed, an individual could apply for amnesty or risk being sent to a prosecution mechanism if he or she was tied to a politically motivated crime.

The running of a fair, democratic election is also a demonstration of government commitment to reform, and 1994 marked the first, universal adult suffrage, post apartheid election. Nelson Mandela achieved an easy victory with an overwhelming 62% of the general vote. Frederik Willem deKlerk who was the incumbent, spoke in reference to the election, characterizing it as “the realization of the vision I spelled out in Parliament on 2 February 1990” (de Klerk 1999, 334). DeKlerk expressed that he simply wanted to attain

a one-third vote because of the system of proportional representation in South Africa, but was not disappointed with his 20% (1999, 334). He said it was “a critical moment for many ANC supporters. Quite a number of them never fully believed that we would really hand over power when the moment arrived” (de Klerk 1999, 334). The ability for South Africa to successfully hold democratic elections and honor the results reflected a high level of government accountability. [Score: 2.5]

i) State apology

While exploring South African perception of government accountability, Gibson asked his respondents if they supported “government compensation in the form of public apologies to the victims” (Gibson and Macdonald 2001, 28). The responses were overwhelmingly positive, as indicated below:

Table 4:

| The Role of the Government in Compensating Victims | | | | |
|---|---------------|----------------|------------|------|
| Government Compensation in the form of.... | Support Doing | Do Not Support | Don't Know | N |
| <i>Public Apologies to the Victims</i> | | | | |
| African | 86.2 | 11.5 | 2.3 | 2004 |
| White | 73.9 | 19.6 | 6.5 | 988 |
| Coloured | 66.5 | 13.0 | 20.6 | 486 |
| Asian Origin | 90.6 | 8.2 | 1.2 | 245 |
| Percentages (Totaling to 100 %) | | | | |

(Gibson and Macdonald 2001, 28)

On August 21, 1996, during his testimony to the TRC, the apartheid-era president of South Africa and leader of the National Party (NP), Frederik Willem de Klerk, made a formal apology for the actions resulting in “pain and suffering caused by former policies of the National Party” (National Endowment for Democracy 1996, 185). He

acknowledged that a “prime purpose of the truth and reconciliation process is to learn from the experiences of the past and to ensure that we never again repeat the same mistakes” (National Endowment for Democracy 1996, 185). He specified that no group could solely be blamed for the decades of human rights abuses, nor could any individual escape guilt whether he or she was actively involved or passively benefited. Likewise, no group could take full credit for ending apartheid and bringing the country to peace. Overall, deKlerk emphasized that it is important to recognize the process of reconciliation as a group process such that there is no way for a country to move forward if people do not take responsibility for the past and get involved in bettering the future.

Thabo Mbeki, leader of the ANC and the post-apartheid president of South Africa (1999-2008) offered a public apology which very much paralleled that of de Klerk. He stated that “the ANC highly regrets the excesses that occurred” during the battle against apartheid (National Endowment for Democracy 1996, 186). He then acknowledged the work of the TRC and stated, “we appreciate the fact that the Commission is pursuing its work without fear or favor” (National Endowment for Democracy 1996, 187).

It is significant that both the last apartheid-era president and a post-apartheid president, apologized on behalf of their respective organizations. Both showed respect for and encouraged participation in the TRC. This sets an example for the rest of the country to follow. Hence I rate the quality of public apology as high. [Score: 3]

Averaging all sub-components of the category, I assign an overall score for the guarantee of non-repetition a 2.83.

III) Restitution

In the South African TRC, restitution was managed through the RRC. While the AC had active powers and legal rights, the RRC could only listen to testimony and go through statements passed over by the HRVC in order to make recommendations to the government. The government, in turn, was free to take or disregard such recommendations. However, as a result of the conditional amnesty provision there was the added aspect: if a perpetrator did not testify adequately under the guidelines of the AC, she or he could be sent to a prosecution mechanism. Though South Africa's TRC focused on Ubuntu, encompassing peace and forgiveness as a community, the possibility of prosecution for those who did not conform offered an additional form of restitution to a victim.

a) Compensation

i) Monetary/Benefits

The RRC did not have any power to actually offer reparations but only to make recommendations to the government. There was a "President's Fund" which was comprised of contributions from parliament and private donations which could be used to fund reparations (Republic of South Africa 2003, vol. 1 [5] 93).

One especially complicated aspect of compensation dealt with the 1994 Land reform program, which sought to "restore land to individuals and communities who can prove they were dispossessed by apartheid policy and practices since the 1913 Land Act" (Andrew 2006, 1). Obviously, restoration of land was impeded by the private owners who had already settled on the land. There are many symbolic methods of compensation

but they mean little when a person believes he or she is rightfully entitled to a piece of land which was unfairly taken away. When it is unfeasible to give the land back to its original owners, it then becomes an issue of negotiating value in order to move forward with monetary restitution. In the South African case, negotiations over land value resulted in a long, drawn-out process with few conclusions. Andrew has argued that “This political framework does not offer a democratic solution to the socially embedded land question. It seems abundantly clear that restitution cannot ‘close this painful chapter of history’” (2006, 14).

Gibson’s survey included questions on public perceptions of government compensation. The responses are summarized as follows:

Table 5:

| Satisfaction with Specific Aspects of the Performance of the Truth and Reconciliation Commission | | | | | | | |
|---|---------------|-----------------|----------------|----------|------------|------|--|
| | Excellent Job | Pretty Good Job | Pretty Bad Job | Poor Job | Don't Know | N | |
| <i>Awarding compensation to victims</i> | | | | | | | |
| African | 43.0 | 30.5 | 9.5 | 7.2 | 9.8 | 2002 | |
| White | 4.5 | 25.4 | 26.3 | 15.9 | 27.9 | 984 | |
| Coloured | 10.9 | 22.8 | 11.1 | 11.5 | 43.6 | 486 | |
| Asian Origin | 15.9 | 40.8 | 13.9 | 14.3 | 15.1 | 245 | |
| Percentages (Totaling to 100 %) | | | | | | | |

(Gibson and Macdonald 2001, 21)

Responses vary by ethnicity, without a general consensus across the board: although the largest response group “African” did have overwhelmingly positive feedback, whites were far less convinced of the TRC’s success and coloured people

overwhelmingly responded they “Don’t Know” how to rate the TRC’s success (Gibson and Macdonald 2001, 21).

In 2003, President Mbeki announced that 22,000 victims of apartheid who testified to the TRC would receive 30,000 rand (about US \$3,800) worth of reparations (Peta 2003). This was a severe disappointment to the victims. Even though it was presented as a symbolic move by the government, it was insufficient in providing real economic assistance to those who had suffered so much. Since 2003, the South African government has moved away from money as compensation to an emphasis on community restitution and symbolic reparation (Sacco and Hoffman 2004, 9). As I have argued previously, a monetary award can never truly provide compensation for the human rights violations that have occurred but instead serves as a symbolic apology that contributes to the guarantee of non repetition. Public opinion data reveals that the people of South Africa for the most part have accepted these modest sums as satisfactory compensation from the government. In this way the South African government has acknowledged the injustices, sought out the victims, and taken steps toward compensation. Yet regardless of the symbolic importance of reparations, many continue to call attention to “the vast inequality between rich and poor, which still is mostly determined by race” (Graybill 2002, 357). My assessment of the overall quality of the monetary component of the TRC’s work is mixed. [Score: 2]

ii) Community Service

There were individual instances of perpetrators taking it upon themselves to pay some sort of restitution for their wrongdoings. For example, Eugene de Kock, formerly of the South African Police, donated the royalties from his autobiography to a trust fund

established for apartheid victims. Another perpetrator helped clear land mines and counted it as a symbolic penance, while yet another considered risking his life to turn crucial information over to the commission as his form of restitution (Hamber and Kibble 2007, 21-22). However, these instances are not representative of the larger population. The National Institute for Crime Prevention and Reintegration of Offenders (Nicro) works with youth to promote restorative justice and reintegration through community service, education, and therapy programs. Yet Graybill states that even the commissioners represented in her article, Alex Boraine and Mary Burton, “are critical of the government's limited response to the Commission's recommendations for substantial reparations” (Graybill 2002, 357). Monetary reparations cannot hope to compensate for what a person has lost as a result of human rights violations, although restorative justice (such as in the form of community service) carries significant symbolic weight. South Africa seems to lack organized community service programs open to adults, despite the fact that such programs could be extremely beneficial for perpetrators as well as victims.

Overall South Africa’s TRC does not provide a formal opportunity for community service resulting in a low score. [Score: 1]

Given the mixed record of South Africa’s TRC in the various sub-components of restitution, the average score is 1.5.

The overall score I assign for Restorative Justice as a composite of rehabilitation, the guarantee of non-repetition is 1.94 (i.e. a medium level of restorative justice).

Therefore, the overall Reconciliation score resulting from the average of truth and restorative justice, is 2.41 which signifies a medium-high level of reconciliation ultimately achieved in South Africa. (Truth-2.875, Restorative Justice- 1.94)

Sierra Leone

Below, I reiterate the mandate of the Sierra Leone TRC as laid out in the Lomé Peace Agreement. It is important to keep the ultimate goals of the commission in the forefront as I assess the TRC's overall success in achieving reconciliation. The Sierra Leonean TRC mandate states:

“The object for which the Commission is established is to create an impartial historical record of violations and abuses of human rights and international humanitarian law related to the armed conflict in Sierra Leone, from the beginning of the Conflict in 1991 to the signing of the Lomé Peace Agreement; to address impunity, to respond to the needs of the victims, to promote healing and reconciliation and to prevent a repetition of the violations and abuses suffered” (part 3 (6) 1).

Truth:

Developing a comprehensive historical record depends upon having valid, comprehensive contributions from the victims, witnesses, and perpetrators. Before I assess the scope and comprehensiveness of the information gathered, it is important to be aware of the mindset of the victims and perpetrators in Sierra Leone with regard to the commission.

D) Victim and Perpetrator Testimony

It is widely accepted that the perpetrators feared the TRC primarily because of its proximity to the Special Court for Sierra Leone². Perpetrators did not trust that the TRC would not reveal information to the Special Court which would have led to their subsequent prosecution. Their doubts were reinforced by the fact that the Commission and the Court sat practically adjacent to each other in Freetown and the officials were

² The Special Court for Sierra Leone was established by the Government of Sierra Leone and the United Nations and is mandated to try “those who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996” (The Special Court for Sierra Leone 2010, about).

frequently seen together. There was actually a rumor that there was an underground tunnel connecting the two (Kelsall 2005, 381). Rosalind Shaw, who wrote a special report on the Sierra Leone TRC for the United States Institute of Peace, reported: “In every district in which I conducted research during the TRC hearings in 2003 (Port Loko, Bombali, Kambia, Tonkolili, and Moyamba), ex-combatants were almost universally fearful of the TRC” (2005, 4). This fear was so pronounced that perpetrators actually attempted to run out the statement takers upon their arrival, or went into hiding themselves. Shaw states, “Ex-combatant’s participation was low in all of the district hearings I attended, and one of the district hearings (Port Loko) was unable to obtain any ex-combatant testimonies at all” (2005, 4). By virtue of the government providing blanket amnesty, ex-combatants made a personal choice as to whether or not they wanted to testify. Various factors influenced their decision to do so or not: a discomfort with the situation, distrust of the commission, dismissal of accountability, or general disinclination to testify.

Victims were hesitant to embrace the commission and opted instead for a “forgive and forget” mentality for two reasons. First, putting the past behind them fell within the norms of their culture better than healing through recanting violations. “People *had* been talking about the violence when the violence was present, but once it stopped, healing took place through practices of social forgetting” (Shaw 2005, 9). Victims and Sierra Leonean society more generally did not embrace the philosophy that talking about the events of the last ten years and revealing a truth would ultimately lead to healing. Many who did testify seemed to do so in an unemotional state. During Kelsall’s field research, he found the testimonies lacked detail, vividness, and an emotional connection (2005,

369). One statement taker to whom he expressed these concerns stated: “They find it hard to say everything about those things, so they are just circling around the truth” (Kelsall 2005, 369). Secondly, victims and witnesses feared retaliation by perpetrators, since many perpetrators served in the government or the new Sierra Leonean army due to the provision of blanket amnesty (Shaw 2005, 5). It became apparent when perpetrators did testify that the audience looked to them to demonstrate a “cool heart” (Shaw 2005, 11). This characteristic of the perpetrator conveyed a transformation and goal to move forward peacefully. It seemed the public was more concerned with ensuring that the ex-combatants in their communities did not seek retaliation than with creating the basis for actual accountability. Hence, the victim’s and perpetrator’s perceptions of the commission were not conducive to gathering a meaningful truth. Thus, my overall score for truth is low. [Score: 1]

II) Scope and Comprehensiveness of Information

The victim’s and perpetrator’s perceptions of the TRC had a direct influence on the scope and comprehensiveness of information the commission was able to gather. What the commission introduced as verbal remembering (i.e. truth-telling with the intent of promoting healing and reconciliation) was not unanimously accepted among the Sierra Leonean population. Drawing on the findings of her ethnographic study, Shaw states, “People in the northern Sierra Leonean communities in which I conducted research discussed the war within their families and inside their houses, but often reminded each other not to ‘pull it outside’” (2005, 9). It is crucial when approaching such a sensitive subject as human rights violations, to align as much as possible and build upon the

philosophy of the local communities (Shaw 2005, 12). In South Africa, for instance, there was a strong emphasis placed on exposing the truth and forgiving, which paralleled local religious beliefs. In Sierra Leone, it was not so simple, and local beliefs were arguably not sufficiently integrated into the TRC. In northern Sierra Leone, for example, some communities embraced the idea of “social forgetting”, choosing not to talk about the violence at all for fear it would lead to further aggression (Shaw 2005, 2). Some areas went so far as to collectively agree not to testify before the commission.

As a result of centuries of reoccurring conflict in Sierra Leone, extending far beyond the ten year civil war, communities developed their own approaches to reconciliation in order to reintegrate perpetrators and move forward. Some communities which had a history of self-initiated reconciliation gave priority to these efforts over those which were state initiated and unfamiliar. In some cases, the TRC actively disrupted traditional practices of reconciliation at the community level, acting as an obstacle with potentially harmful consequences (Shaw 2005, 8-9).

Of the perpetrators who did testify, according to Kelsall’s observations, many did not take responsibility for their actions, often denying any participation (2005, 372). They apologized to the community, once pressured by the commissioners, for associating with groups which were responsible for human rights violations; but this apology meant little when none took individual responsibility. In one interaction between a perpetrator and Bishop Kamara, the witness stated: “I am asking the people of this community to forgive me for whatever atrocities I have done. Because we are RUF and we in the RUF did a lot of atrocities in this country” (Kelsall 2005, 373).

Frustrated upon interviewing a perpetrator known to have committed violations to which he would not admit, one commissioner stated that the community knew of these atrocities and that “if you do not come out to publicly declare what you have done and ask for forgiveness for what you have done, you are not likely to get forgiveness” (Kelsall 2005, 373). As a result of the blanket amnesty provision this is essentially the worst the commission could threaten: that a perpetrator would not receive forgiveness. Hence, there was little concrete incentive for perpetrators to publicly unveil all of their wrongdoings.

Although it was forbidden by the TRC for the audience to show disapproval with a testimony, the negative reactions to the perpetrators were evident. A district representative of the People’s Party stated to Kelsall, “We are not happy! They have not told the truth. They are lying!” (2005, 377). Other members of the community threatened to drive them out if they did not admit guilt and give an honest apology. By the end of the testimonies, it seemed too many observers unlikely that a lasting reconciliation could be achieved (Kelsall 2005, 377).

The mandate of the TRC included collecting an unbiased, complete truth, and addressing impunity in order to advance a peaceful reconciliation process. I would argue that the decision of certain groups around the country (particularly a geographic area such as northern Sierra Leone) not to testify, or at least not revealing the complete truth, resulted in an incomplete truth as all groups were not involved. This incomplete historical record came at the expense of addressing impunity which in turn undercut the process toward reconciliation. The limited truth gathered from victims and witnesses in conjunction with a lack of individual responsibility on the part of the perpetrators who

did testify, resulted in a low level of scope and comprehensiveness of information.

[Score: 1]

III) Access v. restriction to commission

The TRC was in Freetown for two weeks and thereafter traveled to twelve different locations around Sierra Leone. In an effort to make the commission accessible it was willing to transport witnesses to the venue so that transportation would not be an obstacle. Bishop Humper stated to one witness early on, “Tell your brothers and sisters not to be afraid to come and testify because even in the provinces transportation will be made available for witnesses” (Sierra Leone TRC Ap. 3, 38). There were 7,706 statements taken, though not all who were interviewed participated in hearings or gave testimony out of either personal choice, or in the interest of time. The commission attempted to hear testimony from a representative portion of the population and to publicize a wide variety of crimes (Sierra Leone TRC Ap. 1, 33). There was some frustration by those who would have liked to, but were not given the opportunity to publicly testify. Their truth was still gathered, just not in a public hearing as those were reserved for the worst crimes, and those which covered a representative spectrum of crimes. This did limit the number of people actually able to talk about their experiences in public, but all of the testimonies were still gathered, and the choice to proceed in this way was made by the TRC in an effort to tell a complete story. As a result I rate the access to the commission as high. [Score: 3]

IV) Publicity and awareness

Prior to the start of the TRC, workshops in Freetown and provincial towns employed “sensitization material” in order to raise awareness of the coming commission, its purpose and goals (Shaw 2005, 8). Advertising consisted of print and images to increase understanding. “Leaflets included drawings of burning villages, followed by drawings of ex-combatants testifying in front of stern civilians” with sayings meant to promote the TRC to the public. Sayings included “Truth hurts, but war hurts more” and “Truth today! Peaceful Sierra Leone Tomorrow” which advocated for the power of truth over social forgetting (Shaw 2005, 8).

Publicity was comprised of radio, television, and print media (Sierra Leone TRC Ap.3, 147). During the commission there was a 45 minute summary of the day’s events on television each night. Sesay’s study asked respondents “whether they were aware of the existence of the Truth and Reconciliation Commission set up at the end of the civil war” (2007, 34) The respondents consisted of elites, public, traditional leaders, and religious leaders. In total, 93.8% responded “yes” they were aware of the commission, with the remaining 6.2% responding “no” (Sesay 2007, 34). It is important to note however, that the study was focused around Freetown which also received a disproportionate amount of the TRC publicity. “The TRC would have been differently received had it not been more explicitly framed as a process that would enable people to put the past behind them” (Shaw 2005, 12). The inability of the commission to develop a philosophy that would resonate with the community was detrimental to the revelation of truth. However, the TRC’s message did reach most of the people of Sierra Leone, particularly those closer to Freetown. Though publicity could have extended further and

been more personalized to the people of Sierra Leone, it is true that almost everyone was, at minimum, aware of the commission. Thus, my overall rating for publicity and awareness of the commission is moderate. [Score: 2]

I calculated the average of the sub-components of truth to be 1.75 which signifies a medium/ medium-low level of truth gathered.

Restorative Justice:

The Lomé Peace Agreement promised “appropriations for public education, public health, infrastructural development, and compensation for incapacitated war victims as well as post-war rehabilitation and reconstruction” (Government of the Republic of Sierra Leone, and Revolutionary United Front of Sierra Leone 1999, (7) 6). The following are a series of related factors.

I) Rehabilitation

a) Implementation of mechanism

At the time the statements of victims were taken by the commission, 67% “had not received medical attention or counseling following the abuses” (Final Report Ap. 3, 38). In the following years there were other rehabilitation projects built for both victims and ex-combatants that were created with the help of NGO’s and intergovernmental organizations. Some of these include mechanisms especially focused on the rehabilitation and reintegration of child-soldiers into their communities. For instance the Child Advocacy and Rehabilitation (CAR) program run by the Sierra Leone Red Cross Society (SLRCS) has a number of centers around Sierra Leone. The program focuses on

educating the children, teaching them life and occupational skills and giving them a community which offers support. Roughly 2,400 children had enrolled by 2005 (Clifford 2006, 1). The SLRC also seeks to inform communities about the Convention on the Rights of the Child (CRC) as well as to offer educational support services such as information on how to obtain employment, agricultural strategies, and sanitation (Clifford 2006, 3). The Community Reintegration and Rehabilitation Project was started during the peace process at the end of the war. “The project sought to contribute to social stability and facilitate the return of displaced and refugee populations by investing at the earliest possible moment in the rehabilitation of destroyed villages” (Sierra Leone: Community Reintegration and Rehabilitation Project (P040649) 2003, 1). The project boasts returning 220,000 displaced people to their communities of choice, and implementing 269 projects in “agriculture, community infrastructure, education, health, micro-enterprise promotion and reintegration and others” (Sierra Leone: Community Reintegration and Rehabilitation Project (P040649) 2003, 1). Among many other contributions, this project helped 84 schools and 28 health centers return to operation (Sierra Leone: Community Reintegration and Rehabilitation Project (P040649) 2003, 1). Contributors included the International Development Association (IDA), the African Development Bank, and the Sierra Leonean government.

The Rehabilitation of Basic Education program, for which the Sierra Leonean government borrowed money from the World Bank for a project from 2003 to 2009, was aimed at preventing conflict and rebuilding the education system (Sierra Leone: Rehabilitation of Basic Education 2003). This was a primary concern of the people who testified in the TRC.

There does appear to be a concerted effort on the part of the government to offer rehabilitation mechanisms to the people of Sierra Leone. For the most part, the projects are based on offering support and teaching so that the people can be more self sufficient. There is a joint international effort to provide sufficient resources and therapy to the people of Sierra Leone. Overall I assess the implementation of rehabilitation mechanisms in Sierra Leone to be high. [Score: 3]

II) Guarantee of non repetition

a) Memorial efforts

The Sierra Leone TRC's final report states that: "Insofar as memorials bring people together, such public spaces may promote reconciliation between enemies" (Sierra Leone TRC Ap. 4, 5). Memorials spark a dialogue about the issues of the past and tie them to the present. They serve as a constant reminder of the violations of the past, so that they may be guarded against going forward. Memorials also offer symbolic reparations to the victims by not discounting their suffering.

The discussions about creating a memorial included ideas from people on all sides of the conflict. The desire and effort to make the memorial accessible to everyone marked a very forward-looking moment of unification; giving the people of Sierra Leone a common goal. Considerable research went into the creation of memorials in Sierra Leone. The people of Sierra Leone expressed an interest in memorials built around the concept of hope and not forever focusing on a negative time in history (Sierra Leone TRC Ap. 4, 7). The commission cites a traditional practice in Sierra Leone to bury the dead outside of the town and simply bring back a stone from the burial site to keep in

their home to show that the lost loved one will not be forgotten (Sierra Leone TRC Ap. 4, 7).

The final report notes that high levels of illiteracy in the country have made it necessary to design memorials so that they are accessible to everyone. Options include visual art, as well as theater. One idea for a memorial which takes the previous concerns into account was presented by the perpetrators. It consists of a cement wall in a public place into which perpetrators would leave imprints of their hands symbolizing their promise to “never use these hands again to pick up a weapon and strike a fellow human being” (Sierra Leone TRC Ap. 4, 8). It has yet to be created but discussion is underway in a forum involving all of the stakeholders, which, in itself, will contribute to the process of reconciliation.

Another method of recognizing those who were lost, acknowledging wrongdoing on all sides, and moving forward as a community, is through ceremony. At the close of the commission there was a reconciliation ceremony which “had a remarkable impact on the hearings, transforming the atmosphere from one of virtual crisis and farce, to one of emotional release and reconciliation” (Kelsall 2005, 378). The perpetrators were given another opportunity to apologize which they again did on behalf of their respective political factions, but there appeared to be more emotion involved which pleased the audience.

Between the building of permanent memorial efforts, the process of collectively deciding on them as well as ceremonial events which fit into the cultural norms of Sierra Leone, the people of Sierra Leone were able to recognize the past, which directly

promotes non-repetition. As a result, my assessment of the memorial efforts is thus high.

[Score: 3]

b) Government accountability for reform

The Sierra Leone TRC looked to the South African TRC for guidance, and replicated the South African commission’s use of information gathered to help the victims find their loved ones and give them a decent burial (Sierra Leone TRC Ap. 4, 4).

Though the TRC did well in recognizing the past as depicted above, through memorials, the provision of blanket amnesty meant there was little legal accountability for individual ex-combatants. Many chose not to testify at all, and really had no incentive to do so without an internal drive and trust in the commission. They were also allowed to continue working in the government, as many choose to do today (Shaw 2005, 5).

In a survey delivered by the Campaign for Good Governance in Sierra Leone, participants were asked their opinion of:

Table 6:

“Whether the government is accountable”

| | | |
|-------|-------|--------|
| Yes | No | Unsure |
| 54.6% | 13.1% | 32.3% |

[The quality of] “The government’s fight against corruption”

| | | | | |
|-----------|------|---------|-----|----------|
| Very high | High | Average | Low | Very low |
| 23,1% | 25% | 35.4% | 13% | 3.1% |

[The quality of] “The government’s effort to maintain peace and reconciliation”

| | | | | |
|-----------|-------|---------|-------|----------|
| Very high | High | Average | Low | Very low |
| 11.5% | 26.6% | 39.6% | 16.9% | 5.4% |

[The quality of] “General security situation”

| Improved | High | Average | Low | Very low |
|----------|-------|---------|-------|----------|
| 9.6% | 31.5% | 40.4% | 12.7% | 5.8% |

(Lawrence 2009, 6-8).

Although the provision of unconditional amnesty does not allow the government to hold perpetrators (including those of the government) accountable for human rights violations, the public does seem to perceive an effort on the part of the government to pursue reform. Each of the above questions received a majority of “average” or “high” responses, conveying that people have faith in the government to improve their living situations. Consequently, my overall assessment for government accountability for reform in Sierra Leone is medium-high. [Score: 2.5]

i) State apology

An official apology on the part of the government is symbolically significant, regardless of whether the political group in office was responsible for human rights violations or not. It does not consist of an individual taking responsibility; rather it involves a promise by the current government that it will not allow the country to return to the dangerous state from which it has emerged. Sierra Leone’s president throughout the time of the TRC, Ahmad Tejan Kabbah, refused to issue a formal state apology for the ten year war (Shaw 2005, 5). The TRC Chairman, Bishop Joseph Humper, supported the president’s statements, contributing to victim’s hesitancy to reveal their stories, and leading to wide-spread questioning of the unbiased nature of the TRC. The Chairman went so far as to thank the pro-government militia, the Civil Defense Forces (CDF), for “defending the country” (Shaw 2005, 5).

According to the TRC final report, the CDF were responsible for 5.9% of the human rights violations during this conflict, which ranks them fifth among the twelve perpetrator groups identified in the final report (Sierra Leone TRC Ap.1, 25). Their violation types included disproportionately fewer property destruction violations, but were higher than many of the perpetrator groups in the areas of assault/beatings, torture, detention, extortion, and sexual abuse. They had the highest proportion of abductions among perpetrator groups (16.6%) (Sierra Leone TRC Ap. 1, 26).

Koroma stated in a presentation to the APC: “President Kabbah made a statement in Makeni that the North should apologize to the rest of the country because Foday Sankoh, the RUF Leader has a northern name and is said to have hailed from the North. This unfortunate statement caused great resentment among northerners who saw it not only as a poor effort to disguise the real origin of the RUF but also as a deliberate attempt to create a regional divide and fan ethnic animosity” (Koroma 2003).

The state chose not to apologize for the ten year war and the state decided on the provision for blanket amnesty. The state has members serving in government positions who were known ex-combatants and have no incentive to testify and apologize for their actions; there is no risk of repercussion for not doing so. While encouraging the Sierra Leonean people to utilize the commission and apologize for wrongdoings, the state’s refusal to set an example by doing so does not lend itself well to conveying a guarantee of non-repetition. Therefore, my overall assessment of the quality of public apology is low. [Score: 1]

Averaging all sub-components of the category, I assign an overall score for the guarantee of non repetition in Sierra Leone a 2.167.

III) Restitution

Restitution includes compensation for the victims, either paid by the government or the perpetrators. In the testimonies given to the TRC, many Sierra Leoneans sought monetary restitution which would enable them, in turn, to educate their children. They also pointed to the lack adequate facilities and opportunities for education more generally. Much of this was addressed under the section of rehabilitation.

b) Compensation

i. Monetary/Benefits

It took a long time for the government led reparations programs to actually get off the ground in Sierra Leone. For years after the violence, there was an incongruity between what compensation was promised, and the lack of action that was taken to deliver on these promises. Over the past few years the situation has improved. In response to the recommendations of the TRC final report, the government has created the National Commission for Social Action (NaCSA), which at the close of 2008 began registering those who were eligible for reparations (Turay 2008). The commission focuses on amputees, victims of sexual abuse, those severely wounded, and women who lost husbands as a result of war and children. Registration centers are scattered around Sierra Leone. Those who come provide some sort of documentation and the lists are corroborated with other records such as testimonies of the TRC. They also seek out known victims whose names are provided by the TRC. This program is exclusively for victims who have not previously been compensated and excludes ex-combatants or military. The government established a National Steering Committee which is comprised of 19 major stakeholders including the office of the president, victims, and civil society

groups to oversee the program and ensure meaningful and individualized benefit packages for the victims (Koroma 2009). Hence, I rate the quality of monetary compensation and benefits, medium-high. [Score: 2.5]

ii) Community Service

Community service can be utilized as a way for perpetrators to apologize for their actions and pay back their communities. In Sierra Leone there was a focus on reintegration of ex-combatants, but it was primarily focused on providing them with a means to support themselves and a community which would accept them rather than paying back a community which they had harmed. There were also rehabilitation programs for child ex-combatants which operated on a community level. However, there was no significant community service program. As was explained earlier, perpetrators did not typically take individual responsibility for their actions and thus there lacked a program for them to repay the community. Given that there was no established framework for community service, the category receives a low score. [Score: 1]

The sub-components comprising restitution varied in quality. The average score for overall Restitution in Sierra Leone is 1.75

The comprehensive score for Restorative Justice comprised of averaging each sub-component score, rehabilitation, the guarantee of non-repetition, and restitution, is 2.31 (i.e. a medium to medium-high level of restorative justice was achieved)

Therefore, the composite Reconciliation score resulting from the average of truth and restorative justice, is 2.03 which signifies a medium level of reconciliation ultimately achieved in Sierra Leone. (Truth-1.75, Restorative Justice- 2.31)

Data Analysis Summary:

The following comparative tables contrast the performance of the two countries analyzed and contrasted in this report. The specific indicators rated are included in an overview diagram, figure 2 on page 21.

Table 7:

Truth:

Victim and perpetrator perception of the TRC and inclination to utilize it:

| South Africa | Sierra Leone |
|--------------|--------------|
| 3 | 1 |

Scope and Comprehensiveness of information gathered:

| South Africa | Sierra Leone |
|--------------|--------------|
| 2.5 | 1 |

Access v. restriction to the TRC

| South Africa | Sierra Leone |
|--------------|--------------|
| 3 | 3 |

Publicity and public awareness of the TRC

| South Africa | Sierra Leone |
|--------------|--------------|
| 3 | 2 |

Average:

| South Africa | Sierra Leone |
|--------------|--------------|
| 2.875 | 1.75 |

Restorative Justice:

Rehabilitation

Implementation of mechanism:

| South Africa | Sierra Leone |
|--------------|--------------|
| 1.5 | 3 |

Average:

| South Africa | Sierra Leone |
|--------------|--------------|
| 1.5 | 3 |

Guarantee of non repetition

Memorial efforts:

| South Africa | Sierra Leone |
|--------------|--------------|
| 3 | 3 |

Government accountability for reform:

| | |
|--------------|--------------|
| South Africa | Sierra Leone |
| 2.5 | 2.5 |

State apology:

| | |
|--------------|--------------|
| South Africa | Sierra Leone |
| 3 | 1 |

Average:

| | |
|--------------|--------------|
| South Africa | Sierra Leone |
| 2.83 | 2.167 |

Restitution:

Monetary Compensation:

| | |
|--------------|--------------|
| South Africa | Sierra Leone |
| 2 | 2.5 |

Community Service:

| | |
|--------------|--------------|
| South Africa | Sierra Leone |
| 1 | 1 |

Average:

| | |
|--------------|--------------|
| South Africa | Sierra Leone |
| 1.5 | 1.75 |

Total truth average:

| | |
|--------------|--------------|
| South Africa | Sierra Leone |
| 2.875 | 1.75 |

Total restorative justice average:

| | |
|--------------|--------------|
| South Africa | Sierra Leone |
| 1.94 | 2.31 |

Total reconciliation average:

| | |
|--------------|--------------|
| South Africa | Sierra Leone |
| 2.41 | 2.03 |

Critical to the goals of any TRC is the ability to achieve a balance between truth and justice. The commission is expected to achieve a high score on each variable without one being at the expense of the other. Simultaneously, the TRC must factor in a decision on amnesty: whether to use it, and in what form. This automatically upsets the balance between truth and justice. Amnesty is entered into the equation in order to yield a higher level of truth with the understanding that the truth will also help to bring about a higher level of restorative justice, while retributive justice is put to the side. There is an expectation set forth that the benefits of some form of amnesty outweigh the costs, and that forfeiting retributive justice will not ultimately come at the expense of reconciliation.

The two case studies, South Africa and Sierra Leone, approached this amnesty decision in two different ways. South Africa employed conditional amnesty, maintaining an option of retributive justice and setting up a transparent framework for the attainment of amnesty. By contrast, Sierra Leone applied blanket amnesty and thereby foreclosed the possibility of retributive justice in favor of a collective forgiveness and an expectation of truth. Reconciliation in both cases was clearly impacted by the choice of differing types of amnesty. In my comparative analysis of South Africa and Sierra Leone, the four measures of reconciliation for which the countries had the largest score difference include: victim and perpetrator perception of the TRC, scope and comprehensiveness of information, implementation of rehabilitation mechanisms, and a state apology.

For the first measure of truth (i.e. the victim and perpetrator perception of the TRC and inclination to utilize it) the South Africa TRC received a score of 3 because victims utilized the commission to reveal their stories and apply for restitution. Additionally, the provision of conditional amnesty provided a tangible incentive for

perpetrators to come and testify before the commission, so that both sides of the story were heard. Conversely, the perpetrators in Sierra Leone, whose TRC received a score of 1, did not typically feel compelled to testify for the commission when there was nothing tangible to be gained, and in fact did not trust the commission itself. Likewise, the victims did not trust that the benefits of piecing together a national history (which would be comprised of primarily victim testimony) would outweigh the potential dangers of revealing other's wrongdoings, or speaking out against certain political groups.

The second measure which reflected a great disparity between the two cases is the scope and comprehensiveness of information gathered. This is, again, a direct result of the provision of amnesty. The TRC's ability to gather an accurate historical record depends upon gathering accounts from representative groups. If the perpetrators are not inclined or motivated to testify, then a comprehensive perspective is absent from the record. Additionally, the South African TRC was able to subpoena witnesses or perpetrators which would then want to testify in exchange for amnesty and in order to avoid punishment. These differences resulted in South Africa's TRC score of 2.5 versus Sierra Leone's TRC score of 1.

In terms of a state apology, South Africa's TRC received a score of 3 as a result of both leaders (during and after the apartheid), offering apologies to the people of South Africa. Sierra Leone's TRC, which received a 1, maintained many of the same government officials who were in place during the conflict and who did not take individual responsibility for their actions. Nor did they have an incentive to do so, as a result of the blanket amnesty.

The final significant difference between the scores results from a difference in the implementation of a rehabilitation mechanism. South Africa scored 1.5 while Sierra Leone scored 3. Rehabilitation is an issue which is crucial looking forward. South Africa clearly excelled in gathering truth but Sierra Leone ultimately scored higher in the area of restorative justice. In future commissions, these two issues need to be addressed simultaneously. Sierra Leone's efforts toward rehabilitation and the reunification of its people proved to be more comprehensive and effective than that of South Africa. The measures in which South Africa scored lower in this area include rehabilitation mechanisms and restitution. This is, in part, a result of a lack of follow through on the part of the state.

A low point of both TRCs was community service. This is a powerful mechanism which contributes to restitution and to restorative justice but was overlooked in both cases. It is not as concrete as monetary restitution, but many aspects of the TRC are symbolic (such as apologies and memorials) and these can be equally if not more powerful and lasting. Looking forward, community service offers unexplored potential and should be further investigated as a means to improve a restorative justice score.

Conclusion:

Ultimately, a TRC is a tool of transitional justice, meant to address wide spread human rights violations, offer justice to the victims, and ultimately provide peace and reconciliation to the state so that the people may unite and move forward as one (ICTJ 2010, What is Transitional Justice). A TRC is specifically mandated to compile a complete historical truth and offer some form of justice (most typically restorative).

According to my research, the provision of conditional amnesty utilized by South Africa revealed a high level of truth while maintaining a medium level of restorative justice. Therefore, South Africa's reconciliation score surpassed the score resulting from Sierra Leone's blanket amnesty, and proved conditional amnesty to be the better option. However, South Africa does need to focus on the follow-through of restorative measures for them to adequately take the place of retributive justice. Should this be accomplished, they could achieve a high score in both areas and thereby attain a high level of reconciliation.

The South Africa TRC had the benefit of greater funding, more media attention, and Archbishop Desmond Tutu as a charismatic leader of the commission; and yet Sierra Leone was able to achieve a higher score in terms of restorative justice. Sierra Leone compromised the level of truth and trust the commission achieved by employing blanket amnesty in place of a conditional amnesty approach. However, Sierra Leone implemented better rehabilitation and compensation mechanisms. The approaches of South Africa and Sierra Leone can be joined in future commissions, by utilizing conditional amnesty while focusing on restorative justice techniques, so as to best address both components of reconciliation.

Overall, neither TRC was perfect; neither completely achieved the ultimate goal of reconciliation. However, important steps were taken, many of which will set a precedent for future commissions while others will provide lessons to be learned. Significant aspects of these two commissions which future commissions could learn from include South Africa's approach to the TRC and conditional amnesty, which involved three different committees and worked cooperatively with an external prosecution

mechanism. This was a novel approach and provided additional organization and structure, as well as the ability to reach out to the entire population and secure a comprehensive truth. Looking forward, Kenya is expected to establish a Truth, Justice, and Reconciliation Commission (TJRC). Their Commission of Inquiry has highly advised that this include a prosecution mechanism in order to achieve the “justice” aspect (ICTJ 2010, Kenya). It is expected that Kenya will take many of the lessons learned from South Africa’s TRC, but it will be interesting to note their approach to restorative justice, whether they can fill in South Africa’s deficiencies.

Additionally, there is frequently debate surrounding whether heads of state should apologize for the actions of a state whether or not they were directly responsible. In South Africa there was considerable doubt surrounding the first diplomatic election and whether the government would really turn over power. The apology from the old and new governments was a milestone and set the stage for change and acceptance. Finally, the popular support of Sierra Leone’s rehabilitation mechanisms and the effort to assist and reintegrate all parties involved in the conflict (perpetrators, victims, witnesses, and child ex-combatants) should surely be transferred to future commissions.

It is clear that a high score in one area of reconciliation is not sufficient to offset a low score in another. Conditional amnesty proves to be the best approach in terms of gathering truth, which automatically raises the level of restorative justice achieved; however, it alone is unsatisfactory. Truth and justice are inherently intertwined, and there needs to be a concerted effort toward both areas for reconciliation to be realized.

Appendix A: List of Abbreviations

| | |
|---------|---|
| AC | Amnesty Committee |
| AFRC | Armed Forces Revolutionary Council |
| ANC | African National Congress |
| APC | All Peoples Congress |
| ECOMOG | Economic Community of West African States Monitoring Group |
| HRVC | Human Rights Violations Committee |
| ICTJ | International Center for Transitional Justice |
| NP | National Party |
| NPRC | National Provisional Ruling Council |
| PAC | Pan-African Congress |
| PNDC | Provisional National Defence Council |
| RRC | Reparation and Rehabilitation Committee |
| RUF | Revolutionary United Front |
| SPSL | Special Court for Sierra Leone |
| TRC | Truth and Reconciliation Commission |
| UN | United Nations |
| UNAMSIL | United Nations Mission in Sierra Leone |
| USIP | United States Institute of Peace |

Appendix B: South Africa: Map



(Central Intelligence Agency, South Africa)

Appendix C: Sierra Leone: Map



(Central Intelligence Agency, Sierra Leone)

Appendix D: South Africa: Conflict Timeline

- 1652- Dutch East India Company settled on the Cape of Good Hope and formed the first permanent white settlement
Together with the other settling countries (Germany and France) they became known as the Afrikaner
- 1700s- Dutch (known as Trekboers) expand their territory for farming and in so doing move into the territory of the Koikhoi and San tribes
- 1785-1795- Trekboers are responsible for killing roughly 2500 San people and taking about 700 (primarily children) into custody to become slaves
- 1795- British take control of Cape Town sparking conflict with the Afrikaner (or Trekboers)
- 1836- “Great Trek” of the Afrikaner north into Zulu territory
- 1852 and 1854- Boar republics of Transvaal and Orange Free State were created
- 1870- Discovery of diamonds in Kimberly (Boar territory)
- 1886- Discovery of gold in Boar territory
- 1880-1881, and 1899-1902- Anglo-Boar Wars
- May 1910- British colonies plus the two Boar republics created South Africa
- 1948- National Party (NP) won all-white election
Apartheid laws were created
- 1950- classification system enacted
- 1951- Bantu Authorities Act created “homelands”
- 1953- Public Safety Act and Criminal Law Amendment Act were passed
- 1960- State of emergency declared in response to protests of black South Africans
Mass political violence and corruption followed for the next 25 years
- May 1961- South Africa declared its self a republic, independent of Britain
- 1986- Government began talks with Mandela
- February 1989- F.W. DeKlerk became president
- 1990- DeKlerk un-banned the ANC, PAC, and other anti-apartheid parties
- 1991- last “pillars of apartheid” were eliminated
- December 1993- new constitution was created
- 1994- First non-racial elections
- May 10, 1994- Nelson Mandela became president
- December 1995-2002- Commission of Truth and Reconciliation (TRC) was mandated
- February 3, 1997- new permanent constitution entered into force
- 2003- TRC final report was released publicly

Appendix E: Sierra Leone: Conflict Timeline

- 1652- First freed slaves brought to Sierra Leone
- 1787- British helped 400 more slaves to Sierra Leone
- 1792- Freetown was established as British colony
Thousands more freed slaves would be brought to Sierra Leone
- 1951- Decolonization in the works
- 1961- Sierra Leone became independent with the British Commonwealth
- 1962- Sir Milton Margai, Sierra Leone People's Party (SLPP) was elected Prime minister
- 1966- Sir Milton Margai dies and is replaced by half-brother, Sir Albert Margai
- March 1967- All Peoples Congress (APC) won plurality of seats in parliament
- April 1968- Siaka Stevens (APC leader) was declared by Parliament- Prime minister
- 1978- Constitution was amended to accept only APC as a political party
- October 1985- APC (by Steven's suggestion) named Maj. Gen. Joseph Saidu Momoh president in a one-party referendum
- March 1991- Revolutionary United Front (RUF) began attacks on the eastern boarder of Sierra Leone to gain control of the diamond mines and thereby pushed back Sierra Leone army
- April 29, 1992- Capt Valentine Strasser initiated a military coup which resulted in the exile of Momoh to Guinea and established National Provisional Ruling Council (NPRC) as ruling party of Sierra Leone
- 1995- RUF controlled most of the western side of Sierra Leone and was moving toward Freetown
NPRC hired mercenaries to drive back RUF forces
- April 1996- NPRC handed power over to civilian government, at which point Ahmad Tejan Kabbah, a UN diplomat, won the Presidency
- May 25, 1997- Armed Forces Revolutionary Council (AFRC) overthrew President Kabbah and proceeded to invite members of RUF into the new government
- March 1998- Nigerian led Economic Community of West African States Monitoring Group (ECOMOG) overthrew AFRC and reinstated President Kabbah
This instigated much violence on the part of the RUF in Freetown
- January 6 1999- rebels attacked Freetown
ECOMOG retaliated including them as active members of the conflict
- July 7 1999- President Kabbah and RUF leader Sankoh signed Lomé Peace Agreement
- 1999-2000- United Nations Mission in Sierra Leone (UNAMSIL) established
- 2000- RUF violated Lomé Peace Agreement, held UNAMSIL members hostage
- May 8, 2000- Members of RUF killed 20 anti-RUF demonstrators
Sankoh and various members of RUF were arrested and removed from government positions
- November 2000- new peace agreement signed in Abuja
Guinean forces attacked RUF bases in response to their attacks in Guinea
- May 2001- second Abuja Agreement for peace was signed
disarmament proceeded
- January 18, 2002- President Kabbah officially declared the civil war over
- May 2002- President Kabbah was re-elected
- Summer 2002- Sierra Leone Truth and Reconciliation Commission (TRC) opened
Special Court for Sierra Leone (SCSL) opened
- October 2004- TRC released final report

Appendix F: List of TRCs

| Truth Commission | Duration | Amnesty? |
|------------------------------|----------------------|---|
| Solomon Islands | 2009-2010 (expected) | blanket(mostly) amnesty, no self incrimination |
| Kenya | 2 years anticipated | conditional amnesty, works with prosecution |
| Ecuador 07 | 2007-2009 | mandate-no amnesty, results? |
| Liberia | 2006-2009 ~ | partial amnesty-children and more minor crimes |
| Morocco | 2004-2005 | blanket amnesty-don't name alleged perpetrators |
| Paraguay | 2004-2008 | investigate--> contribute to prosecution |
| Algeria | 2003-2005 | conditional amnesty, almost blanket |
| Chile 03 | 2003-2005 | blanket self-amnesty |
| Democratic Republic of Congo | 2003-2007 | blanket amnesty- for all but the worst |
| Ghana | 2003-2004 | blanket self-amnesty built into constitution |
| Sierra Leone | 2002-2004 ~ | blanket amnesty-for those not in tribunal |
| Timor-Lest (East Timor) | 2002-2005 ~ | amnesty for minor crimes |
| Serbia and Montenegro | 2002-2003 | not impartial, disbanded |
| Peru 01 | 2001-2003 ~ | no amnesty, can refer to prosecution |
| Panama | 2001-2002 | blanket amnesty because can't conclude responsibilities |
| Cote d'Ivoire | 2000-2001 ~ | violence followed then amnesty-03 |
| South Korea | 2000-2004 | investigates, names perpetrators for prosecution |
| Uruguay | 2000-2002 ~ | blanket amnesty- Expiry Law |
| Nigeria | 1999-2002 | investigatory |
| Rwanda 99 | 1999-today | no amnesty, gacaca-concession program |
| Guatemala | 1997-1999 | no real prosecutions, perpetrators names not given |
| Ecuador 96 | 1996-1997 | not completed, see 07 |
| South Africa | 1995-2002 ~ | conditional amnesty-if full disclosure |
| Burundi | 1995-1996 ~ | provisional amnesty- for all but the worst |
| Germany 95 | 1995-1998 | investigative- no amnesty provision? |
| Haiti | 1994-1996 | investigative, prosecutions in the works |
| Sri Lanka | 1995-2000 | evidence can't be used in prosecutions |
| Ethiopia | 1993-2007(?) ~ | no amnesty- investigates and prosecutes |
| Rwanda 93 | 1993 | no prosecutions- still problems in gov.- 94 |
| El Salvador | 1992-1993 ~ | blanket amnesty, even though unconstitutional. |
| Germany 92 | 1992-1994 | investigative- no amnesty provision? |

| | | |
|------------------------|--|---|
| Chad | 1991-1992 | amnesty? Investigation, but little done after |
| Chile 90 | 1990-1991 ~ | blanket amnesty-old regime still has influence |
| Nepal 90 | 1990-1991 | investigative No prosecutions? |
| Peru 86 | 1986-1988 | ineffective with political influence-see 2001 |
| Uganda 86 | 1986-1994 | investigative |
| Argentina | 1983-1984 | Essentially blanket amnesty |
| Zimbabwe | 1983-1984 | blanket amnesty, no formal report only investigated disappeared- |
| Bolivia | 1982-1984 | underfunded |
| Brazil | 1979-1982 | blanket amnesty- but unofficial project |
| Uganda 74 | 1974 | |
| Mozambique | Protocol VI Cease-fire collective amnesty for all sides | Protocol VI. (3) all prisoners, except for those being held for ordinary crimes, shall be released by the parties |
| Bosnia and Herzegovina | 2001 | little diversity, ended without producing final report or recommendations |

International Center for Transitional Justice (ICTJ) 2010
United States Institute of Peace (USIP) 2010

References:

- Allen, John. *Desmond Tutu: Rabble-Rouser for Peace: The authorized biography*. Chicago: Chicago Review Press, 2006.
- Allen, Jonathan. "Balancing Justice and Social Unity: Political Theory and the Idea of a Truth and Reconciliation Commission." *University of Toronto Law Journal* 49, no. 3 (Summer 1999): 315-353. <http://web.ebscohost.com/ehost/pdf?vid=6&hid=105&sid=3613405e-e5ca-40d4-83a8-fb822a1dee29%40sessionmgr10> (accessed October 11, 2009).
- Andrew, Nancy. "The Dilemmas of Apologizing for Apartheid: South African land restitution and the Modimolle land claim." Paper presented at ...At the frontier of land issues: Social embeddedness of rights and public policy. institut de recherche pour le développement. http://www.mpl.ird.fr/colloque_foncier/Communications/PDF/Andrew.pdf (accessed February 14, 2010).
- Annan, Kofi. "The Hague, Netherlands, 11 March 2003 - Secretary-General's Statement to the Inaugural Meeting of Judges of the International Criminal Court." Office for the Spokesperson for the Secretary General. <http://www.un.org/apps/sg/sgstats.asp?nid=280> (accessed November 7, 2009).
- Asmal, Kader, Louise Asmal, and Ronald Suresh Roberts. *Reconciliation Through Truth: A Reckoning of Apartheid's Criminal Governance*. Claremont, ZA: David Philip Publishers, 1996.
- Aukerman, Miriam J. "Extraordinary Evil, Ordinary Crime: A Framework for Understanding Transitional Justice." *Harvard Human Rights Journal* 15 (2002): 39-97. <http://www.law.harvard.edu/students/orgs/hrj/iss15/aukerman.shtml#Heading58> (accessed October 11, 2009).
- Black's Law Dictionary*. 8th ed. West Publishing Co, 2004.
- Central Intelligence Agency. "Africa: Sierra Leone." The World Factbook. <https://www.cia.gov/library/publications/the-world-factbook/geos/sl.html> (accessed March 25, 2010).

- Central Intelligence Agency. "Africa: South Africa." The World Factbook. <https://www.cia.gov/library/publications/the-world-factbook/geos/sf.html> (accessed March 25, 2010).
- Clifford, Paul. "Child Advocacy and Rehabilitation in Sierra Leone." *Committee for Conflict Transformation Support*, no. 31 (June 2006): 1-4. <http://www.c-r.org/ccts/ccts31/clifford.htm> (accessed February 13, 2010).
- Crocker, David A. "Truth Commissions, Transitional Justice, and Civil Society." In *Truth v. Justice: The Morality of Truth Commissions*, edited by Robert I Rotberg and Dennis Thompson, 99-121. Princeton: Princeton University Press, 2000.
- DeKlerk, F. W. *The Last Trek- A New Beginning*. New York: St. Martin's Press, 1999.
- Dimitrijević, Nenad. "Justice beyond Blame: Moral Justification of (the Idea of) a Truth Commission." *Journal of Conflict Resolution* 50, no. 3 (June 2006): 368-382. http://ft.csa.com/ids70/resolver.php?sessid=eka5qksnf7fu59pfjcr8rv49d7&server=csa web113v.csa.com&check=6a0e61d31a32863a1aea948627152848&db=sagepol-set-c&key=0022-0027%2F10.1177_0022002706286952&mode=pdf (accessed October 4, 2009).
- Elster, Jon, ed. *Retribution and Reparation in the Transition to Democracy*. New York: Cambridge University Press, 2006.
- Evenson, Elizabeth. "Truth and Justice in Sierra Leone: Coordination between Commission and the Court." *Columbia Law Review* 104, no. 3 (2004): 730-767. <http://web.ebscohost.com/ehost/pdf?vid=4&hid=9&sid=c22c6649-188a-4840-946c-ad14abeff51f%40sessionmgr11> (accessed October 11, 2009).
- Gascoigne, Bamber. "History of Sierra Leone." History World. From 2001, ongoing. <http://www.historyworld.net/wrldhis/PlainTextHistories.asp?historyid=ad45> (accessed November 22, 2009).

- . "History of South Africa." History World. From 2001, ongoing.
<http://www.historyworld.net/wrldhis/PlainTextHistories.asp?groupid=588&HistoryID=aa62>rack=pthc> (accessed November 23, 2009).
- Gibson, James L. "The Contributions of Truth to Reconciliation: Lessons from South Africa." *The Journal of Conflict Resolution* 50, no. 3 (June 2006): 409-432. <http://www.jstor.org/stable/27638497> (accessed February 14, 2010).
- . *Overcoming Apartheid: Can Truth Reconcile A divided Nation?* New York: Russell Sage Foundation, 2004.
- Gibson, James L, and Helen Macdonald. 2001. *Truth— Yes, Reconciliation – Maybe: South Africans Judge the Truth and Reconciliation Process*. Research Report, Institute for Justice and Reconciliation. Rondebosch: Institute for Justice and Reconciliation. (accessed February 14, 2010).
- Government of the Republic of Sierra Leone, and Revolutionary United Front of Sierra Leone. "Peace Agreement Between the Government of Sierra Leone and the Revolutionary United Front of Sierra Leone." Agreement, Lomé, Togo, July 7, 1999. Sierra Leone Web. <http://www.sierra-leone.org/lomeaccord.html> (accessed February 15, 2010).
- Grandin, Greg, and Thomas Miller Klubock, eds. "Truth Commissions: State Terror, History, and Memory." Special issue, *Radical History Review*, no. 97 (Winter 2007).
- Graybill, Lyn S. "Assessing South Africa's Truth and Reconciliation Commission." *Canadian Journal of African Studies* 36, no. 2 (2002): 356-361.
http://www.allacademic.com/meta/p_mla_apa_research_citation/1/7/1/0/6/p171060_index.html (accessed October 1, 2009).
- . *Truth and Reconciliation in South Africa: Miracle or Model?* Boulder: Lynne Rienner Publishers, Inc., 2002.

Graybill, Lyn S., and Kimberly Lanegran. "Pardon, punishment, and amnesia: three African post-conflict methods." *Third World Quarterly* 25, no. 6 (2004): 1117-1130. <http://web.ebscohost.com/ehost/pdf?vid=2&hid=103&sid=40ecea6-5561-4b32-86e5-418b281b0039%40sessionmgr104> (accessed October 1, 2009).

Greenawalt, Kent. "Amnesty's Justice." In *Truth v. Justice: The Morality of Truth Commissions*, edited by Robert I. Rotberg and Dennis Thompson, 189-210. Princeton: Princeton University Press, 2000.

Hamber, Brandon, and Steve Kibble. "From Truth to Transformation: South Africa's Truth and Reconciliation Commission." Center for the Study of Violence and Reconciliation. <http://www.csvr.org.za/wits/papers/papbhsk.htm> (accessed February 14, 2010).

Hayner, Priscilla B. "Fifteen Truth Commissions--1974 to 1994: A Comparative Study." *Human Rights Quarterly* 16, no. 4 (November 1994): 597-655. <http://www.jstor.org/stable/762562> (accessed October 11, 2009).

———. *Unspeakable Truths: Confronting State Terror and Atrocity*. New York: Routledge, 2001.

Jeffery, Anthea. *The Truth About the Truth Commission*. Johannesburg: South African Institute of Race Relations, 2001.

Kelsall, Tim. "Truth, Lies, Ritual: Preliminary Reflections on the Truth and Reconciliation Commission in Sierra Leone." *Human Rights Quarterly* 27, no. 2 (May 2005): 361-391. http://muse.jhu.edu/journals/human_rights_quarterly/v027/27.2kelsall.pdf (accessed September 29, 2009).

"Kenya." International Center for Transitional Justice.

<http://www.ictj.org/en/where/region1/648.html> (accessed April 15, 2010).

Koroma, Allieu Vandii. "Repairing War Victims in Sierra Leone: Some underlying challenges in the reparations programme." Sierra Leone Court Monitoring Programme. http://www.slcmp.org/drwebsite/commentaries/Repairing_War_Victims_in_Sierra_Leone.shtml (accessed February 13, 2010).

- Koroma, Ernest Bai. "Promotion National Reconciliation and National Reintegration (Including reparation)." Presentation, Truth and Reconciliation Commission, August 5, 2003. Sierra Leone Web. <http://www.sierra-leone.org/Other-Conflict/ernestbaikoroma-080503.html> (accessed February 14, 2010).
- Lamb, Guy. *South Africa: Reintegration into Civilian Life of Ex-Combatants*. Nordiska Afrikainstitutet. <http://www.nai.uu.se/publications/news/archives/033lamb/> (accessed February 14, 2010).
- Lambourne, Wendy. "The Pursuit of Justice and Reconciliation: Responding to Genocide in Cambodia and Rwanda." Working paper. Columbia University, 1999. Columbia International Affairs Online. <http://ciaonet.org/isa/law01/> (accessed November 4, 2009).
- Lawrence, Christian. *Opinion Poll Report on Governance in Sierra Leone: Are they getting there?* N.p.: Campaign for Good Governance, 2009.
- Lomholt, Isabelle, and Adrian Welch. "Pretoria Building : New African Development." e-architect. http://www.e-architect.co.uk/africa/freedom_park.htm (accessed February 14, 2010).
- Markel, Dan. "The Justice of Amnesty? Towards a Theory of Retributivism in Recovering States." *The University of Toronto Law Journal* 49, no. 3 (Summer 1999): 389-445. <http://www.jstor.org/stable/826004> (accessed November 7, 2009).
- McLean, Ralph. "In Remembrance of South Africa's War Dead." South Africa's War Graves Project. <http://www.southafricawargraves.org/> (accessed February 14, 2010).
- Minow, Martha. *Between Vengeance and Forgiveness: Facing History After Genocide and Mass Violence*. Boston: Boston Beacon Press, 1998. <http://www.netlibrary.com/Reader/> (accessed November 5, 2009).

———. "The Hope for Healing: What Can Truth Commissions Do?" In *Truth v. Justice: The Morality of Truth Commissions*. Edited by Robert I. Rotberg and Dennis Thompson., 235-260. Princeton: Princeton University Press, 2000.

National Endowment for Democracy. "Documents on Democracy: South Africa." *Journal of Democracy* 7, no. 4 (October 1996): 185-188.
http://muse.jhu.edu.ezproxy.lib.uconn.edu/journals/journal_of_democracy/v007/7.4docs_on_democracy.html (accessed February 14, 2010).

Office of the United Nations High Commissioner for Human Rights. *Rule-Of-Law Tools for Post-Conflict States: Truth Commissions*. New York: European Union, 2006. <http://www.ohchr.org/Documents/Publications/RuleoflawTruthCommissionsen.pdf> (accessed October 15, 2009).

Peskin, Victor. *International Justice in Rwanda and the Balkans: Virtual Trials and the Struggle for State Cooperation*. New York: Cambridge University Press, 2008.

Peta, Basildon. "Mbeki Awards One-off Payments to Apartheid Victims." *The Independent* (UK), April 16, 2003, World edition.
<http://www.independent.co.uk/news/world/africa/mbeki-awards-oneoff-payments-to-apartheid-victims-594637.html> (accessed February 14, 2010).

Phelps, Teresa Godwin. *Shattered Voices: language, Violence, and the Work of Truth Commissions*. Philadelphia: University of Pennsylvania Press, 2004.

Posel, Deborah, and Graeme Simpson, eds. *Commissioning the Past: Understanding South Africa's Truth and Reconciliation Commission*. Johannesburg: Witwatersrand University Press, 2002.

Pratt, David. *Sierra Leone: The Forgotten Crisis*. Report to the Minister of Foreign Affairs, the Honourable Lloyd Axworthy, P.C., M.P. from David Pratt, M.P., Nepean-Carleton, Special Envoy to Sierra Leone, April 23, 1999. <http://www.globalsecurity.org/military/library/report/1999/crisis-e.htm> (accessed December 6, 2009).

- Republic of South Africa. "Legacy Projects." Department of Arts and Culture.
http://www.dac.gov.za/projects/legacy_projects.html (accessed February 14, 2010).
- . "Promotion of National Unity and Reconciliation Act 34."
Department of Justice and Constitutional Development.
<http://www.justice.gov.za/legislation/acts/1995-034.pdf> (accessed February 14, 2010).
- . "The TRC Report." Truth and Reconciliation Commission Final Report. 2003.
<http://www.justice.gov.za/trc/report/index.htm> (accessed February 14, 2010).
- Rice, Andrew. *The Teeth May Smile but the Heart Does Not Forget: Murder and Memory in Uganda*. New York: Metropolitan Books, 2009.
- Roht-Arriaza, Naomi, and Javier Mariezcurrena, eds. *Transitional Justice in the Twenty-First Century: Beyond Truth versus Justice*. New York: Cambridge University Press, 2006.
- Sacco, Therese, and Wilma Hoffmann. "Seeking Truth and Reconciliation in South Africa: A social work contribution." *International Social Work* 42, no. 2 (2004): 157-167. <http://isw.sagepub.com/cgi/reprint/47/2/157> (accessed February 14, 2010).
- Sesay, Amadu. *One Size Fit All? The Sierra Leone truth and reconciliation commission revisited*. Discussion Paper 36. Uppsala: Elanders Gotab AB, Stockholm, 2007.
- Shaw, Rosalind. *Rethinking Truth and Reconciliation Commissions: Lessons from Sierra Leone*. Special Report 130. Washington, DC: United States Institute of Peace, 2005.
- Siegel, Richard Lewis. "Review: Transitional Justice: A Decade of Debate and Experience." *Human Rights Quarterly* 20, no. 2 (May 1998): 431-454.
<http://www.jstor.org/stable/762773> (accessed November 24, 2009).

- "Sierra Leone." International Center for Transitional Justice.
<http://www.ictj.org/en/where/region1/141.html> (accessed April 8, 2010).
- "Sierra Leone: Community Reintegration and Rehabilitation Project (P040649)."
 The World Bank. <http://siteresources.worldbank.org/NEWS/Resources/SL-Community-Integration-text.pdf> (accessed February 13, 2010).
- "Sierra Leone: Rehabilitation of Basic Education." The World Bank.
<http://web.worldbank.org/external/projects/main?Projectid=P074320&theSitePK=40941&piPK=64302789&pagePK=64330676&menuPK=64282137&Type=Implementation> (accessed February 13, 2010).
- Sierra Leone Truth and Reconciliation Commission. *Sierra Leone Truth and Reconciliation Commission Final Report*. 2004.
- Sikkink, Kathryn, and Carrie Booth Walling. "The Impact of Human Rights Trials in Latin America." *Journal of Peace Research* 44, no. 4 (2007): 427-445.
<http://jpr.sagepub.com/cgi/reprint/44/4/427> (accessed October 4, 2009).
- Slye, Ronald C. "Amnesty, Truth, and Reconciliation: Reflections on the south African Amnesty Process." In *Truth v. Justice: The Morality of Truth Commissions*, edited by Robert I. Rotberg and Dennis Thompson, 170-188. Princeton: Princeton University Press, 2000.
- Snyder, Jack L., and Leslie Vinjamuri. "Trials and Errors: Principle and Pragmatism in Strategies of International Justice." *International Security* 28, no. 3 (Winter 2003/04): 5-44.
http://muse.jhu.edu/journals/international_security/v028/28.3snyder.pdf (accessed September 29, 2009).
- Solomon, Richard H. "Resources and Tools." United States Institute of Peace.
http://www.usip.org/resources-tools/latest?page=2&filter1=**ALL**&filter0=**ALL**&filter2=2222&filter3=**ALL**&filter4= (accessed October 10, 2009).
- "South Africa." International Center for Transitional Justice.
<http://www.ictj.org/en/where/region1/625.html#BAC> (accessed November 23, 2009).

Special Court for Sierra Leone. "About." The Special Court for Sierra Leone.
<http://www.sc-sl.org/ABOUT/tabid/70/Default.aspx> (accessed March 25, 2010).

Teitel, Ruti G. *Transitional Justice*. New York: Oxford University Press, 2000.

Tepperman, Jonathan D. "Truth and Consequences." *Foreign Affairs* 81, no. 2
(March-April 2002): 128-145.
<http://web.ebscohost.com/ehost/detail?vid=6&hid=12&sid=1c24aec5-beb2-4796-b8ee-b9de978fd308%40sessionmgr4&bdata=JnNpdGU9ZWZWhvc3QtbGl2ZQ%3d%3d#db=aph&AN=6249415#db=aph&AN=6249415> (accessed September 30, 2009).

Theissen, Gunnar. *Supporting Justice, Co-existence and Reconciliation after Armed Conflict: Strategies for Dealing with the Past*. Edited by Alex Austin, Martina Fischer, and Norbert Ropers. Wiesbaden: Berghof Research Center for Constructive Conflict Management, 2004.
http://www.berghof-handbook.net/uploads/download/theissen_handbook.pdf
(accessed November 7, 2009).

Thema, R.V. Selope. "How Congress Began." In *Seme: the founder of the ANC*, compiled by Richard Rive and Tim Couzens, 85-91. Trenton, NJ: African World Press Inc., 1993.

"The Truth and Reconciliation Commission Act 2000." United States Institute of Peace. <http://www.usip.org/files/file/resources/collections/commissions/SeirraLeone-Charter.pdf> (accessed February 13, 2010).

Turay, Joseph. "Sierra Leone: Registration for War Victims Kicks Of." *Communicating Justice: Reporting transitional justice in Africa*, December 4, 2008. http://www.communicatingjustice.org/en/stories/02012009_sierra_leone_registration_war_victims_kicks (accessed February 13, 2010).

United Nations. "Examples Of Restorative Justice Applications In South Africa." UN Habitat. http://www.unhabitat.org/downloads/docs/1841_93228_Restorative_justice.pdf (accessed February 14, 2010).

University of Witwatersrand. "TRC Category-4. Reparations." *Traces of Truth: Documents relating to the South African Truth and Reconciliation Commission*. http://truth.wvl.wits.ac.za/cat_descr.php?cat=4 (accessed April 8, 2010).

U.S. Department of State. "Background Note: Sierra Leone." Bureau of Public Affairs: Electronic Information and Publications Office. <http://www.state.gov/r/pa/ei/bgn/5475.htm> (accessed November 22, 2009).

———. "Background Note: South Africa." Bureau of Public Affairs: Electronic Information and Publications Office. <http://www.state.gov/r/pa/ei/bgn/2898.htm> (accessed November 23, 2009).

Valiji, Nahla. *Ghana's National Reconciliation Commission: A Comparative Assessment*. Occasional Paper Series. International Center for Transitional Justice, 2006. <http://www.ictj.org/static/Africa/Subsahara/GhanaCommission.pdf> (accessed November 8, 2009).

Verwoerd, Wilhelm. *Equity, Mercy, Forgiveness: Interpreting Amnesty within the South African Truth and Reconciliation Commission*. Edited by Albert W. Musschenga and Paul J.M. van Tongeren. Leuven, BEL: Peters, 2007.

"What is Transitional Justice." International Center for Transitional Justice. <http://ictj.org/en/tj/#1> (accessed April 8, 2010).

Wilson, Richard A. *The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-Apartheid State*. Cambridge: Cambridge University Press, 2001.

Young, Gwen K. "All the Truth and as Much Justice as Possible." *U.C. Davis Journal of International Law and Policy* 9, no. 1 (Fall 2002): 209-246. (accessed November 7, 2009).

Zorbas, Eugenia. "Reconciliation of Post-Genocide Rwanda." *African Journal of Legal Studies* 1, no. 1 (Spring 2004): 29-52. http://www.ciaonet.org/journals/ajls/v1i1/f_0015495_13575.pdf (accessed September 29, 2009).