

# Confronting Atrocity Conference

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**Truth Commissions and Transitional Justice Processes in Africa:  
Assessing Impacts and Legacies**  
**#TRCconfAccra**

**University of Ghana, Accra, Ghana**  
**August 26-27, 2019**

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[Note: Arrival August 25; Conference August 26 and 27; Departure August 28]

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## Abiodun

### Truth Commissions and Post Conflict Peace Building in Africa: A Recipe for Restoration or Retributive Justice

**Adiat A. Abiodun**

Obafemi Awolowo University  
Centre for Distance Learning  
Ile-Ife, Osun State, Nigeria  
adiatbdn7@gmail.com

#### Abstract

This article explores the nature and significance of Truth and Reconciliation Commissions in Post-conflict peace building process in Africa. Using the Nigeria's Human Rights Violation Investigation Commission as a case study, the paper appraises the nature and significance of Truth Commission, established after the collapse of military rule in the country in 1999. Just like any other Truth Commission in Africa, the Oputa Panel Report was reluctantly published but not implemented by the Nigerian government. This further creates divisions in the society, while human rights abuses by state institutions and powerful individuals continued unabatedly, even under civilian regimes. Using semi structured interview as primary data, supplemented with secondary data from extant literature, this paper examined the extent to which the panel in its mandate was committed to restorative or retributive justice. The paper examined the impact of the panel's mandate on peace and protection of human rights in the country. Its main argument is that, lack of implementation of the resolutions of the commission is a major reason why it has failed to deliver either restorative or retributive justice to the affected people. Consequently, the absence of justice at the

end of the commission exercise also impacted negatively on human rights record and post conflict peace building process in the country.

**Keywords:** Retributive Justice, Restorative Justice, Africa, Post Conflict Peace Building, Human Rights.

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## Abioro

### Persistent Conflict and Perceived Post-conflict Peacebuilding in Southern Kaduna Region of Nigeria

**Tunde Abioro, PhD**

Department of Local Government Studies  
Obafemi Awolowo University  
Ile-Ife, Osun State, Nigeria  
abiorotunde@gmail.com;  
babioro@oauife.edu.ng

#### Abstract

The cycle of individual and communal lives from birth to death is supposedly preserved by government through institutions. However, activities such as political, social and economic are engaged to make ends meet wherein government is to serve as unbiased regulator. The activities that play out in Southern Kaduna has reflected politics of being on one side with interplay on: origin, identity, religion and locality while on the other hand, it reflects politics of belonging that plays on: kin, reciprocity and stranger-status. It has thus resulted to violence, suspicion and persistent conflict. The study examines citizen's inclusiveness in the membership of peacebuilding initiatives as well as the people's perception of the sincerity of government. The research



method was mixed with the adoption of in-depth interviews and governmental publications and documents to enrich socio-historical approach, particularly those relating to contestation in the region. The study found out that just like situations in other north central region of the country, the crisis exacerbates by the government's inability to mediate fairly between warring parties to ensure fairness and justice as well as failure to apprehend and punish the culprits, thus, the spate of violence continues.

**Keywords:** Conflict, peacebuilding, justice, Southern Kaduna, politics

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## Adepoju

### **Culture, Gender and Peacebuilding: A Study of the Sierra Leone Truth Commissions' Investigations and Public Hearings**

**Oluwayemisi Ajoke Adepoju**  
Department of Political Science and  
International Relations  
Covenant University, Nigeria  
yemisiadepoju92@gmail.com

## Abstract

The role of gender in conflict resolution and peacebuilding is increasingly emphasized in multilateral policy discourse. Promoting gender equality in peacebuilding is an open-ended process and part of a broader commitment to equality. The study examines the role of culture in ensuring a gender-inclusive peacebuilding processes especially in the Sierra Leone Truth and Reconciliation Commissions' (TRC) investigations and public hearings. Also, the study examines the 11 years' Civil war in Sierra Leone and the

level of gender inclusiveness in the post-conflict reconstruction process. This study was carried out using the qualitative method of inquiry which involves the use of secondary sources of data collection which includes the review of extant literatures from books, journals, newspapers and other scholarly publications and also the collation of primary data like the TRC Statements from the Peace Museum. The study reveals that the limitations of culture are a major barrier to a gender-inclusive peacebuilding and this has had an adverse effect on the Sierra Leone TRC objective of bringing justice and closure to victims and reconciles conflicted communities. The study recommends among others that the qualitative and quantitative equality of gender relations be promoted in the emerging governance framework. It also recommends that for TRCs to record success and build sustainable peace and security in warring societies, it is important to build long-term commitment to technical and operational assistance, cross-sectional partnerships, outreach and advocacy.

**Keywords:** Gender, Culture, Peacebuilding, Truth and Reconciliation Commissions and Sierra Leone.

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## Afari

### **The Truth-for-Amnesty Conundrum and Ghana's National Reconciliation Commission (NRC)**

**Frank Afari**  
Department of International History  
Graduate Institute of International  
and Development Studies  
Geneva, Switzerland  
frank.afari@graduateinstitute.ch



## Abstract

Concerns over state preservation and stability have too often constrained the choice between retributive justice and restorative justice in transitional societies. Much of the success of the South Africa's Truth and Reconciliation Commission (TRC) has been attributed to its offer of blanket amnesty to perpetrators conditioned on their willingness to appear before the commission to make a complete, open confession of their offences. The truth-for-amnesty approach has become a leitmotif in nearly all positive assessments of the TRC. In the TRC's case, political exigencies justified the truth-for-amnesty option because at the start of its operation many of apartheid's spearheads were still alive. The TRC's framers feared that bringing them to justice risked plunging the country into civil strife as argued by Alex Boraine, vice president of the SATR, who cautioned that "an over-zealous focus on punishment can make securing sustainable peace and stability more difficult." Many years later, another truth commission, the Ghana National Reconciliation Commission (NRC), took a somewhat similar stance preferring restorative justice over retributive justice. Its architect, President J. A. Kufuor, justified the non-prosecutorial function of the NRC as necessary owing to the fact that a former coup maker and his collaborators were still alive, thereby making the demand for retributive justice more a threat to state stability than a solution to impunity. This paper uses the agency of living perpetrators and culprits of past violations as a window into exploring the normative constraints that often beset the choice between retributive justice and restorative justice. It argues for taking seriously the agency as ex-political actors as an analytic category for understanding the reasons why a truth commission can be nothing short of a fact-finding body, with justice remaining cast as an impractical ideal.

**Keywords:** Justice, amnesty, impunity, truth-seeking.

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**Akinyemi**

### **"The use of Threat and Force" in Crisis Management in ECOWAS: The Gambian's Post-Election Crisis.**

**Victoria Omolara Akinyemi, PhD**

Department of International Relations

Obafemi Awolowo University

Ile-Ife, Osun State, Nigeria

larvickky02@gmail.com

## Abstract

Ecowas has developed initiatives relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace keeping and Security approved in 1999. Also, the Supplementary Protocol on Democracy and Good Governance in 2001 and ECOWAS Conflict Prevention Framework adopted in Ouagadougou in 2008 for addressing and creating political and diplomatic solutions to armed violence and political crises. It is on this basis, that ECOWAS intervened in the post- electoral crisis and restored democracy in The Gambia by using the threat of force. However, while the intervention has been applauded by many, others have criticized ECOWAS mechanisms and frameworks in addressing crisis in the region. This paper is therefore relevant as the intervention of ECOWAS calls for critical scholarly interrogation to understand the rationale, the modes of intervention and the effect, with a view to knowing the organization's capacity for conflict and crisis management in the sub-region. For adequate assessment in line with



the study objectives, the study makes use of ECOWAS documents and summary of the ECOWAS intervention in the Gambian crisis available in the literature. In-depth descriptive analysis would be applied in analyzing the data collected. The study adopts neo-functionalism as a tool of analysis. Within the context of this investigation, this perspective is the most suitable because it is concerned with the critical questions of actors, motives, process as well as the context of integration. The study concludes that ECOWAS as a sub-regional organization has the mandate to threaten the use of force in order to protect democracy in one of its member states.

**Keywords:** ECOWAS, Gambia, Democracy, Elections and Crisis Management

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**Alade**

**Right to Truth, Public Hearings, and the Politics of National Reconciliation in Nigeria**

**Adebisi Alade**

Department of History  
McMaster University  
Hamilton, Canada  
aladea@mcmaster.ca

**Abstract**

In 2006, the United Nations Human Rights Council Resolution 9/11 not only identified victim's right to truth as fundamental "inalienable and autonomous" right, but also emphasizes that mechanisms constituted to investigate human rights abuses, including TRCs, have the moral as well as legal obligation to interrogate accused individuals

and perpetrators in order to understand the circumstances surrounding any human rights violations. Among the few petitions heard by Nigeria's Oputa Panel (1999-2002) were allegations against former military Heads of State for masterminding the assassination of high-profile individuals and political opponents. Truth about the majority of these cases required not only the presence of the former military dictators, but also their testimonies. Like several other TRCs before and after it, the Panel's major truth-seeking method was public hearing of testimonies. Although scholars of transitional justice have hailed the transparency *vis-a-vis* the publicity that often accompany this method; yet, its limitations have received little attention. This paper proposes we re-examine the practical functionality of public hearing of testimonies as a means of promoting victim-centered justice and the Right to Truth. Based on newspaper reports and other secondary sources on the politics of memory, this paper argues that within the context of victim's right to truth about past atrocities, the work of the Oputa Panel offers a useful case study for interrogating, not only the challenges of truth-seeking in post-military regimes, but also the conflicting role of public hearing of testimonies in balancing justice, reconciliation, and state-building in Africa.

**Keywords:** Testimony, right to truth, public hearings, state-building, and transitional justice.

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**Albert**

**The Fidelity and Futility of Official Truth  
Seeking Initiatives in Nigeria's  
Fourth Republic**

**Isaac Olawale Albert, PhD**

Institute for Peace and Strategic Studies  
University of Ibadan  
Ibadan, Oyo State, Nigeria  
ioalbert2004@yahoo.com

**Abstract**

This paper takes a critical look at extant knowledge on truth and truth seeking measures globally and uses this as a framework for assessing Nigeria, a country experiencing different forms of violent extremism despite her historic experience of a "Truth Commission" (1999) and two truth-seeking national conferences (2005 and 2014). Why this paradox? Why are things getting worse, rather than better, for the country despite these seemingly truth-seeking initiatives? The paper answers this question by doubting the commitment of the Nigerian ruling elite to the truth-seeking initiatives. They were hardly put in place to truly heal past wounds and restructure the country on the path of ethnic, religious and political harmony. It is argued that both the 1999 "Human Rights Violations Investigation Commission" and the 2005 National Political Reform Conference of the Olusegun Obasanjo regime were put in place to address some narrowly defined interests of the ruling elite. The 2014 National Conference of the President Goodluck Jonathan regime was an afterthought but produced some good recommendations that the present regime of President Buhari would not implement because they came from the camp of the "opposition". In this context, the paper argues that the main problem of Nigeria is that of

non-altruistic "state capture" by the ruling elite. The Nigerian state would get better only when the elite so chooses. The alternative is a violent revolution that would do Africa no good given the size and geo-political significance of Nigeria. Some recommendations are made on how to peacefully contend with the situations.

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**Aleer**

**Theorizing an African Transitional Justice:  
The African Union Transitional Justice  
Policy**

**Koat Aleer, LL.M**

Centre for the Study of Violence and  
Reconciliation  
Johannesburg, South Africa  
khota.aleer@gmail.com

**Abstract**

The struggle with authoritarianism and the scourge of conflicts within and between African countries since independence has and continues to devastate millions of people. Many governments have faced the challenge of addressing the demands for truth, justice, peace and reconciliation at one point or another. Among their efforts to promote peace, security and stability on the continent, several states have made notable progress in post-conflict reconstruction and development efforts through implementing transitional justice processes, seeking to address systematic violations of human and peoples' rights and prevent their recurrence and to establish democracies. With varying experiences across the continent on transitional justice, there is no one, comprehensive framework on the continent. The mainstream practice has been



characterised by four mechanisms, namely, prosecutions of those responsible for violations, truth commissions that clarify the causes and consequences of past abuses, material and symbolic reparations for victims/survivors, and institutional reforms. These mechanisms do not reflect the novel and rise of innovative approaches to transitional justice that have been employed by for example South Africa, Sierra Leone, Mozambique, Tchad and Liberia to name a few, which include taking an expanded view of transition, applying traditional and indigenous mechanisms of justice and addressing economic, social and cultural rights violations in the design and implementation of transitional justice. The African Union has recently culminated its long nine year journey of developing an African transitional justice policy based on its shared values and elaborating a wide range of indicative elements to transitional justice. The paper seeks to explore and assess the contributions of the policy to developing a distinctly African transitional justice discourse. The paper identifies lessons in the establishment of a continental policy to share lessons and avoid pitfalls and shortcomings.

**Keywords:** Transitional Justice, African Union, Traditional Mechanism, Truth and Reconciliation

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**Alhassan & Wellington**

**Ghana's Political Militia as Vigilante Groups: A National Discourse of Plausible Deniability**

**Amin Alhassan, PhD**

Associate Professor of Communication  
University for Development Studies  
Tamale, Ghana  
amin.dada@gmail.com

&

**Felix Odartey Wellington, PhD**

Associate Professor of Communication  
University of Cape Breton, Nova  
Scotia, Canada  
felix\_odartey@cbu.ca

**Abstract**

Truth and Reconciliation Commissions aim to engender social change in a new political era. In that spirit, Ghana's National Reconciliation Commission (NRC) was effective in assembling factual narratives of critical discursive events in the nation's political history prior to the constitutional 4th Republican era. Based on this political history, the NRC had cautioned against the discourses and practices that gave rise to the human rights abuses and political violence and upheavals that characterized the nation's past. This exhortation has been disregarded in the continued evolution of militia groups in Ghana's 4th Republic. One of the significant discursive events to which the NRC attended was the abduction and killing of four judges and a retired military officer by adjunct members of the state security apparatus during the Peoples National Defence Council regime in 1982. In this regard, the NRC found that the regime maintained a shadowy security element outside of the mainstream state security apparatus. Regime leadership could therefore maintain plausible deniability in the event that killings and disappearances perpetrated by the group were detected or attracted public opprobrium. This concept was exported into the 4th Republic by the regime and serves as a point of departure for this paper. The contemporary Ghanaian democracy has seen the evolution and quasi-legitimation of political militias as adjunct institutions of political parties. This essay accounts for the political economy of these militias, tracing their history in Ghana's





Fourth Republic. Through a discourse analysis of statements made by political actors and militia members, as well as interviews with militia members, this essay contends that the political justification and normalization of the operations of these militias are facilitated by a Janus-faced political discourse of plausible deniability as mainstream politicians re-brand these militias as “vigilante” groups to approbate and reprobate their existence. Consequently, society risks acquiescing to a shift from militant party-politics as a civil act to party-political militancy and deregulation of the use of violence as political discourse.

**Keywords:** Ghana, Vigilantism, Political Militia, Discourse, Political Violence.

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**Alidu**

### Whose Truth Matters, If there is Any?

**Seidu Alidu, PhD**  
 Department of Political Science  
 University of Ghana  
 Accra, Ghana  
 seidualidu@gmail.com

#### Abstract

TRC has become a popular mechanism for dealing with grave human rights violations after transitions. Their major role, as contained in the official titles of most of these commissions, is to establish factual truth about human rights violations since they do not have the powers to prosecute. In Ghana, the National Reconciliation Commission completed its work leaving behind two big strands of truth about what happened: the victims’ truth and the alleged perpetrators

truth. Whose truth matters then? This work seeks to unpack the whole concept of truth and its role in the process of reconciliation. It will then attempt at prioritizing truth in circumstances where more than one version of it emerges following the work of TRC.

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**Ame & Alidu**

### Ghana’s National Reconciliation Commission (NRC): 15 Years Later

**Robert K. Ame, PhD**  
 Associate Professor of Human Rights and  
 Criminology  
 Wilfrid Laurier University  
 Waterloo, Ontario, Canada.  
 rame@wlu.ca

&

**Seidu Alidu, PhD**  
 Department of Political Science  
 University of Ghana  
 Accra, Ghana  
 seidualidu@gmail.com

#### Abstract

True to their campaign promise, the National Patriotic Party (NPP) government led by President Agyekum Kuffour established a National Reconciliation Commission (NRC) in 2002, two years after winning the 2000 general elections. After 2 years of public hearings across several cities and towns in Ghana, the Commission submitted its report and recommendations in 2004. Fifteen years after, what has been the achievement – tangible and intangible – of the commission? Were the NRC’s recommendations implemented? Why or why not? Has the



country become more reconciled than before the work of the NRC? What are the factors working for or against reconciliation in the country? What is the legacy of the NRC? This paper seeks to address these questions. The qualitative methods of pertinent literature review and media analysis would be utilized.

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## Appiagyei & Oloke

### **Transitional Justice and Post-conflict Peacebuilding in Africa: Examining the Role of the African Court of Justice and Human Rights**

**Enoch Appiagyei**  
Department of Political Science  
University of Calgary  
Calgary, Canada  
enoch.appiagyei@ucalgary.ca

&

**Ireoluwatomi Oloke**  
Peace and Conflict Studies  
University of Manitoba  
Winnipeg, Canada  
tomiooke@gmail.com

#### **Abstract**

Post-conflict peacebuilding is a priority for the African Union (AU) and a key component of Agenda 2063, which reflects the desire for peace and stability across the continent. Regional courts like the African Court of Justice and Human Rights (ACJHR) play an important role in such postconflict peacebuilding by holding wrongdoers criminally accountable for gross human rights violations. Truth commissions, in serving transitional justice, are often more

concerned with uncovering the truth behind past conflict and reconciling the conflicting parties. The paper considers how the African Court of Justice and Human Rights has contributed to maintaining peace and stability across the continent by holding wrongdoers accountable for human right violations, and explores whether the inclusion of elements of transitional justice like truth and justice into the court's operation can make it more effective. We argue that the African Court of Justice and Human Rights has made minimal contribution to post-Conflict Peacebuilding in Africa since its official inception in 2006. To improve its efficacy, we argue that the Court must incorporate elements of transitional justice in its operation.

**Keywords:** African Court of Justice and Human Rights, International Law, Human Rights, Postconflict Peacebuilding, Africa Union, Africa, Truth Commissions

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## Asare

### **True Histories of Irreconciliation**

**Abena Asare, PhD**  
Assistant Professor of Modern African Affairs  
& History  
Stoney Brooke University  
New York, USA  
abena.asare@stonybrook.edu

#### **Abstract**

Ghana's National Reconciliation Commission (NRC) created an unprecedented public archive of post-independence Ghanaian history. Part of the power of the Ghana NRC,



this paper argues, was as a site to catch glimpses of this democratization of national historiography; to contemplate the multiple, diverse, and often conflicting voices of the citizen participants. Utilizing the records of Ghana's NRC, this paper explore how concepts of historical archive may be useful in mapping the enduring potential and risk of African truth and reconciliation commissions beyond the period of their tenure.

**Keywords:** Ghana, transitional justice, historical justice, archives

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## Bamidele

### Transitional Justice and Reconciliation in Southern Kaduna, Nigeria: A Case Study on Tradition-Based Approached in Local Communities

**Seun Bamidele**

Department of International Relations  
Chrisland University  
Abeokuta, Ogun State, Nigeria  
oluwaseun.bamidele@gmail.com

#### Abstract

Transitional justice deals with past injustices in the context where the rule of law has failed. Over the past three decades, Southern Kaduna has experienced challenges in the implementation of the rule of law and legacies of past injustices are affecting the society. Arguably, this failure of the state government to provide effective processes of redress, as well as its inability to implement measures that inhibit further conflicts, has created a gap in terms of peacebuilding in the communities. Drawing on the peacebuilding discourse and using ethnographic case study,

the research explored how tradition-based approaches for justice could complement or supplant the inadequacies of the rule of law in Southern Kaduna. Fieldwork for this study was conducted where the researcher engaged with local communities in the Southern Kaduna, which rely on tradition-based justice processes to resolve conflicts. A triangulation approach was adopted in the form of archival studies, interviews with key-informants, participant observation and focus groups; to enhance literature on how local communities deal with legacies of past injustices.

**Keywords:** Transitional Justice, Southern Kaduna, Peacebuilding, Reconciliation, Nigeria

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## Bentrovato

### Beyond Transitional Justice: Assessing the Legacy of South Africa's TRC through the Lens of Formal Education

**Denise Bentrovato, PhD**

Department of Humanities Education  
University of Pretoria  
Pretoria, South Africa  
denise.bentrovato@gmail.com;  
denise.bentrovato@up.ac.za

#### Abstract

Transitional justice (TJ) and education have recently evolved into key areas of concern in processes of recovery undergone by societies emerging from violent conflict. The interconnections between these two fields have recently been given attention to, yet remain comparatively under-researched in extant scholarship. This paper aims to shed



light on these interconnections with a view to contributing to a reflection on the impact and legacies of TJ mechanisms, notably truth commissions, in Africa. After providing an overview of truth commissions' consideration of educational issues across the continent, this paper references the high-profile case of post-apartheid South Africa to investigate, via content and discourse analysis, how education, specifically school curricula and textbooks, (can) engage with truth commissions, and TJ more generally, as a response to conflict and historical injustice. As argued in this paper, South Africa presents a notable example of the visible impact of the 'justice cascade' on education and of the implementation of a 'justice-sensitive education' that considers the legacies of historical injustice. In South Africa's reconciliation-oriented education, this concept is manifest in an exceptional example of a TJ mechanism having entered school media as both a resource for the addressing of the recent violent past and a distinct, prescribed topic of study. Its experience thus contrasts with evidence adduced by studies evaluating TJ-related educational materials, which signal little success for attempts at meaningfully integrating this content into formal education systems. Drawing on its analysis of curricular and textbook discourses around the TRC, this paper ultimately aims to contribute to scholarship and practice on TJ in Africa by theorising and assessing possibilities for formal education to serve as a mediator of TJ.

**Keywords:** South Africa, TRC, education, curricula, textbooks

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## Betiang

### Post-Conflict Development: Assessing Adjustment Patterns in Post-Conflict Communities in South East Nigeria

**Peter A. Betiang, Ph.D**

Department of Continuing Education and  
Development Studies  
University of Calabar  
Calabar, Cross River State, Nigeria  
cestpiere@gmail.com

#### Abstract

Helping to create a supportive and caring environment for victims of violence to adjust to the normal routine of life among communities and nations that have been embroiled in conflict constitutes a major objective of transitional justice. The social justice that truth and reconciliation commissions often seek to secure presupposes the creation of conditions that enable victims of violent conflict to regain their dignity by earning a decent livelihood, represented by their ability to access basic social and economic services. Experience around the post conflict communities of Ebonyi and Cross River States indicate that several years after emerging from protracted conflicts, and going through the process of state-sanctioned reconciliation, most victims are left alone to pick up the pieces of their chequered lives without a coordinated and deliberate framework within which they can rebuild their existence. My paper investigates and examines the adjustment patterns and reconstruction efforts among post conflict communities in Ebonyi and Cross River States in Nigeria. A descriptive survey research design will be adopted while the purposive sampling technique will be used to select a sample of 400 subjects from the two



states while questionnaires and interviews will be used to gather data, which will be analyzed using inferential statistical tools. Findings from the study will throw an important spotlight on the imperative of engaging with post conflict communities in a deliberate, purposive and comprehensive manner in order to create the right kind of post-conflict reconciliation and healing in communities embroiled in violent conflict.

**Keywords:** Conflict, post conflict, adjustment patterns, reconciliation, transitional justice, livelihood, reconstruction.

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**Chizea**

**Re-Examining the Concept of Transitional Justice in the Search for Peace in Africa**

**Bonaventure Chizea**

Department of Political Science  
Ambrose Alli University  
Ekpoma, Edo State, Nigeria  
ventureal@yahoo.com

**Abstract**

The aim of this paper is to take a critical look at Africa's response to violations of human rights under authoritarian rule and those resulting from conflict situations. It was in the course of post-cold war democratization processes that the idea of transitional justice gained currency, especially in Africa. The truth and reconciliation commission was considered an acceptable and very significant mechanism for achieving justice and reconciliation. The commission investigates rights abuses, provides healing for victims,

ensures justice and engages in peace building. Advocates of this commission prefer restorative justice to retributive justice. There are those advocates of transitional justice that suggest the use of both restorative and retributive justice simultaneously. Restorative justice is said to be integrative and aims to heal the victim while retributive justice is punitive. Following the conviction that transitional justice can help to check impunity and promote reconciliation, a number of factors bedeviled the attainment of these objectives. Africa's weak state structure is a major obstacle to achieving peace, justice and reconciliation. Poor governance and poverty also make the transitional justice process to be characterized by unfulfilled expectations. The character of the state and the nature of the social forces that drive the transitional justice process constitute severe hindrances to peace, justice and reconciliation. Moreover, these violations are systemic in origin, therefore addressing the root of these violations will ensure peace, justice and natural reconciliation. In many cases, the truth commission is externally driven, with very little local input; it therefore becomes deficient in legitimacy. This paper uses instances from selected African countries to examine the implementation of the concept of transitional justice and its attendant contradictions. The paper concludes by calling for the restructuring of the state and its institutions as a basis for genuine justice and peace.

**Keywords:** Transitional justice, Truth commission, Peace, Restructuring state institutions, Reconciliation.

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## Coons

### **Innovation v. Standardization in Knowledge Transmission and the Institutional Design of Seven Truth Commissions in Countries in Transition**

**Hannah Coons**

Lead Coder and Trainer, Global Truth  
Commission Project  
Brigham Young University  
Provo, Utah, USA  
hannah.s.coons@gmail.com

#### **Abstract**

As with other human rights institutions, truth commissions learn from, and sometimes outright copy, each other. At the same time, participatory and human-centered design approaches to crafting a commission yield creative and unique, locally driven features and services. The Global Truth Commission Index (GTCI) has been compiling detailed data and comparing truth commission design across three stages: the Mandate-writing and Pre-Commission Period, the Operations Period, and the Final Report Period. This original 350-variable data-set allows us to compare institutional design--including instances of standardization and innovation--across 47 truth commissions. Our in-depth case studies center on seven of the ten truth commissions of focus of the Accra Roundtable: Canada, Ghana, Kenya, Liberia, Morocco, Nigeria, and Sierra Leone. For each of these seven commissions, we analyze the goals of the commissioners, the institution and policies they created, and what the transmission of knowledge looked like (e.g. to what extent cross-hybridization of ideas about models occurred through hiring international consultants or embarking on study trips to meet previous truth

commissioners). In comparing commission aims, policies, and services at various stages of these seven truth commissions, this study reveals the processes of standardization of both the form and content of commissions, shedding light on the international transmission of knowledge (imitation) v. creative, unique, or locally driven processes (innovation) within commissions.

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## Foday-Musa

### **Truth and Reconciliation Commission: The Case for a National Infrastructure for Peace in Sierra Leone**

**Teddy Foday-Musa**

Department of Peace and Conflict Studies  
University of Sierra Leone  
Mount Aureol, Freetown, Sierra Leone  
teddyfodaymusa450@gmail.com

#### **Abstract**

The attempt by countries and governments to heal the wounds from past violent conflicts has recently received renewed interest by the global community. This has generated debate on how Truth and Reconciliation Commissions (TRCs), in dealing with the aftermath of conflict, can establish local institutions to promote peace, security and social coexistence. This paper examines how the Truth and Reconciliation Commission in Sierra Leone provided a crucial framework for debates about atrocities committed during the war, and fostered a post-war peacebuilding roadmap discourse. I argue that the findings and recommendations from the TRC can help to foster national reconciliation through the establishment of an independent national infrastructure for





peace in Sierra Leone. The paper further explores the justification for the establishment of a national infrastructure for peace in Sierra Leone. This paper is the outcome of nationwide consultations by a broader coalition of national peacebuilding organizations, stakeholders in the peacebuilding process across the country, traditional authorities, political parties and academic community, to generate consensus on strategies and a roadmap, as well as concrete actions needed for the establishment of an Independent Commission for Peace and National Cohesion. The findings from this study provide a new perspective on how Sierra Leone can take full ownership of her peacebuilding process at national level. The recommendations include the need to establish a Peace and National Cohesion Commission in Sierra Leone that will help reduce tribal and regional tensions across the country, and build a more cohesive society.

**Keywords:** Truth, Reconciliation, Commission, Peacebuilding, Infrastructure for peace, Sustainable peace, Roadmap, Nationwide consultations, National cohesion

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**Folami**

**Human Rights Abuses and Impacts of Human Rights Violations Investigations Commission in Nigeria**

**Olakunle Michael Folami, PhD**

Department of Sociology/Criminology and Security Studies  
Adekunle Ajasin University  
Akungba Akoko, Ondo State, Nigeria  
xtianfayol@yahoo.com

**Abstract**

The Nigerian Government, at the dawn of democracy in 1999, established Human Rights Violations Investigation Commission. The Human Rights Violations Investigation Commission was a large-scale attempt to address various forms of human rights abuses in Nigeria immediately after the independence. The seven-man commission headed by Justice Chukwudifu Oputa sought to investigate human rights abuses back to the military era in 1966. Cases of human rights abuses in the country were tabled before the panel. A cursory look at the administrative law that established the commission suggests that the Federal Government of Nigeria establishes the Commission for accountability, fact-finding and how past human rights abuses could be addressed in Nigeria. The problem is, the findings of the commission have not been made public. Many past leaders invited by the Commission did not honour its invitation. This study uses Recognition Theory to explain impacts and legacies of the Commission. This study uses content analysis as a method of data collection. Various publications were used to explain concepts such as mandates, investigations, public hearings, reporting and recommendations, implementation, outcomes and legacies. This study found that the findings of commission have not political impacts on the nation. It impacts are socially felt by unearthing the truth about past human rights abuses. Its findings also assist in the subsequent dealings with the perpetrators of human rights abuses in Nigeria. It was also found that the processes that led to the establishing of the commission affected its recognition and adoption of the findings of the commission. This study therefore, concluded that for the findings of a truth commission must be officially published in order for its impacts to be felt politically and socially. This study suggests that the findings of the Nigeria



truth commission should be officially made by the government for it to be highly impacted in the country.

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**Gati, Mawuko-Yevugah & Ayelazuno**

**Did We Go or Did We Come? Elections Violence and Human Rights Violations in Ghana (2004-2019)**

**Noble Kwabla Gati**

Ghana Institute of Management and Public Administration (GIMPA)  
Accra, Ghana

**Lord Mawuko-Yevugah, PhD**

Ghana Institute Management and Public Administration (GIMPA)  
Accra, Ghana

**Jasper Abembia Ayelazuno, PhD**

University for Development Studies  
Tamale, Ghana

**Abstract**

The role of truth and reconciliation commissions (TRCs) in promoting peace, reconciliation, human rights, rule of law and democratic practices in developing democracies remains mixed, and inconclusive. This paper contributes to the literature on TRCs by critically reviewing the role of the National Reconciliation Commission (NRC) in promoting these normative ideals in Ghana through its proceedings and the implementations of its recommendations. This review is situated in the specific political context of Ghana's widely celebrated electoral democracy and its high international reputation as the oasis

of democratic peace where the rule of law and fundamental human rights are guaranteed by the constitution, and respected by the political class. We argue that between 2004 and 2019, Ghana witnessed rising incidents of election violence and other egregious human rights abuses which call to question the theorized idealistic roles of TRCs, upon which they were promoted and established in various African countries. Electoral democracy in Ghana, just as in other African countries, are zero-sum games in which the end justifies the means, including the deployment of violent means like party militias. We show empirically the way in which these militias, promoted by the political class, have committed the very atrocities that the NRC documented during the era of military regimes; including killings, disappearance, detention, torture, ill-treatment, and vandalizing and seizure of property. It seems Ghana is back to square one, post-NRC: we did not go, and we did not come. Thus, our paper illustrates that, in even model electoral democracies like Ghana, the idealized roles of TRCs as sites for the construction, subversion and negotiation of collective memory about past atrocities; and as mechanism for policy reform, human rights accountability and public recognition of human rights violations are highly problematic.

**Keywords:** Truth and Reconciliation Commission, Democracy, Electoral Politics, Violence, Human rights, Ghana

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**Ibhawoh**

**Truth Commissions, Transitional Justice  
and Participatory Governance**

**Bonny Ibhawoh, PhD**

Professor and Director, Centre for Peace  
Studies

McMaster University  
Hamilton, Canada

ibhawoh@mcmaster.ca

**Abstract**

This paper explores how the processes and records of national truth commissions can facilitate participatory processes emerging in difficult, post-conflict and politically fragile societies. In the age of human rights, many states are seeking truth and reconciliation to address contemporary abuses and past atrocities. Over the past three decades, over 40 countries have established truth commissions (TCs) to investigate human rights violations and recommend measures of redress. From South Africa's post-apartheid Truth and Reconciliation Commission (TRC) to Canada's Residential School TRC, we are witnessing a shift from the dominance of retributive transitional justice toward new models of reparative and restorative justice. These new models of transitional justice pose complex dilemmas requiring new theoretical and methodological approaches to understand the participatory governance processes that they represent. In many post-conflicts and transitional societies, discussions of participatory politics have been dominated by issues of transitional justice. The extent of participation in transitional justice processes often reflects the limits and possibilities of broader civic engagement and participatory governance. I examine the extent to which

Truth Commissions in Africa have provided spaces for civic engagement and participation of marginalized groups such as abuse victims, women, youths, religious and ethnic minorities. I explore the opportunities that transitional justice processes provide for building civic engagement, fostering democratic innovation and instituting cultures of participatory governance in post-conflict and politically fragile transitioning states. The paper also explores how the deliberative practices of truth commission investigations, public hearings and remedies can be integrated with local governance to sustain dialogue and peace.

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**Idowu**

**Theorising Truth and Justice in  
Governance: A Study on Truth  
Commissions**

**Aluko Opeyemi Idowu (Rev.)**

Political Science Department

Ajayi Crowther University

Oyo, Oyo State, Nigeria

opealukoheavenprogress@gmail.com

**Abstract**

Crime is ubiquitous. Demystifying the truth about the origin of a violence or crime to humanity may be an uphill task. The dilemma of truth is that semi truth is no truth, a bit truth is no truth and almost whole truth is no truth. Therefore, can truth be ever gotten from a matter whose stakeholders do not know the truth or deliberately conceal the truth? Can truth be ascertained when the truth is that there is no truth established in the matter? Then what can be done to get the truth from a matter that has no truth



surrounding its genesis? Therefore, wherever truth is compromised or not known, justice delivery will be hard to come by and in most cases justice delivery can never be ascertained. However, this does not mean that the truth of a matter can never be known and justice delivery can never be ascertained. This quest is what the truth commission seeks to demystify in every truth finding mission across the world. Game theory will be used to analyse the concept of truth in the process of demystifying the Herculean task of justice delivery in governance of a political system. Sections will be created to discuss the quests for truth by the truth commissions across the world, theorising truth and justice using a truth searching model and conclusions will be based on the fact that truth brings justice, justice propels peace and peace drives development in human endeavours.

**Keywords:** Conflict, Development, Game Theory, Justice, Peace, Truth and Truth Commission.

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## Ikuteyijo

### **Nigeria Police and Regime Representation: Fallouts from the Nigerian Human Rights Violations Investigation Commission (NHRVIC)**

**Lanre Ikuteyijo, PhD**

Department of Sociology and Anthropology  
Obafemi Awolowo University  
Ile-Ife, Osun State, Nigeria  
ikuteyijo@yahoo.co.uk

#### **Abstract**

Although the findings of the Nigerian Human Rights Violations Investigations Commission

(NHRVIC) otherwise known as the Oputa Panel were not officially published and adopted, the Commission has made some undeniably startling revelations. One of these revelations was the use of the Nigeria Police to perpetrate subjugation of the very people they were paid to protect. This paper assesses some of the findings of the Oputa Panel and discussed the culpability of the Police in what has been described in the literature as regime representation. The paper further analyzes some of the findings and recommendations of the panel in the light of contemporary developments in the Police institution in Nigeria. There is a plethora of issues recognized by the Panel which still prevail in recent times. Some of the issues identified include; nepotism, gross indiscipline, poor funding, gross violations of human rights, lack of public trust, among other challenges which confront the Nigeria Police Force. The paper makes some programmatic recommendations on how to improve policing in Nigeria especially in the light of fallouts from the findings of the Oputa panel.

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## Izuagie

### **South Africa Truth and Reconciliation Commission in the Context of Afro-Pessimism**

**Lexington Izuagie, PhD**

Department of History & International Studies  
Ambrose Alli University  
Ekpoma, Edo State, Nigeria  
lexington\_izuagie@aauekpoma.edu.ng

#### **Abstract**

The TRC was established to address human rights abuses under apartheid South Africa,



and assist the country's project of national reconciliation through the establishment of a new regime in the country based on human rights and democracy. Ubuntu, which has been articulated as human rights paradigm founded on African ethics, was deployed to legitimize the restorative justice system agenda of the Commission. Some scholars have categorized Ubuntu, in the context of the TRC, as an exclusive African normative contribution to an evolving international human rights system. However, the post TRC violence in South African targeting foreign nationals with extreme brutality tends to besmear whatever value or virtue the legacy of the TRC held; and serves to substantiate cynical views which had since plagued the originality of Ubuntu as expressed in the post-apartheid transitional justice and its relevance to human rights. Employing the descriptive and analytical research approach, this study situates the cynicisms associated with Ubuntu in the TRC within the context of the broad age-long Afro-pessimism; and contends that, the post apartheid violence is not so much a failure of the TRC and its appropriated philosophy of ubuntu. Rather they were products of the contradictions of the new system. The post apartheid capitalist values-ridden community it was deployed to serve, either locally or internationally, did not always have sufficient guarantees that players would act honestly. Thus, Ubuntu as a cultural ethic was adopted out of context in post apartheid South Africa, because the pre-apartheid community based on the ideal of reciprocity which it served was never reinvented.

**Keywords:** Ubuntu, community, Afro-pessimism, apartheid, reconciliation

**Jallow**

**The Gambian TRRC: Towards a Comprehensive Model of truth commissions**

**Baba Galleh Jallow, PhD**

Executive Secretary  
Truth, Reconciliation and Reparations  
Commission (TRRC)  
Banjul, The Gambia  
bgjallow@gmail.com

**Abstract**

Since the 1980s a growing number of countries have adopted the truth commission model to manage transitions from conflict or authoritarian rule to democratic dispensations. The mandate of a typical truth commission is to uncover a history of human rights violations within a specified period, ensure justice and reparations for victims, promote healing and reconciliation, and ultimately, help prevent a recurrence of past violations in a society. Potential vehicles for meaningful social transformation, truth commissions often face obstacles and limitations that prevent them from realizing their full potential. These obstacles and limitations include government interference or lack of political will, lack of funding, lack of interpretative discretion, and a lack of inclusivity (at various levels) in the commission's work. Established by an Act of the National Assembly in December 2017, the mandate of The Gambia's Truth, Reconciliation and Reparations Commission (TRRC) is to create an impartial historical record of human rights violations that occurred between July 22, 1994 and January 2017 (the period of the Jammeh dictatorship), in order to help victims obtain justice and closure, identify and make known the fate and whereabouts of the disappeared,





grant appropriate reparations, promote reconciliation and healing, and ultimately help prevent recurrence of similar violations in the country. With the benefit of hindsight and a welcome level of flexibility and interpretative discretion granted by the Act establishing it, the Gambian TRRC adopts a comprehensive approach to truth commission work in response to some observed limitations of truth commissions. The defining characteristic of this comprehensive approach is inclusivity, premised on an ethic of reasoned empowerment. While hearings of witness testimonies are ongoing, various units of the Secretariat are engaged in community outreach activities across the country as part of the Commission's #NeverAgain Campaign.

**Keywords:** Gambia, truth, justice, reconciliation, reparations, healing, inclusivity, Never Again

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**Kamara**

### **The Special Court for Sierra Leone: Retributive Versus Restorative Justice**

**Adikalie S. Kamara**

Department of Peace Studies and  
International Development  
University of Bradford  
Bradford, West Yorkshire, UK  
adikaliekamara@yahoo.co.uk

#### **Abstract**

At the aftermath of a brutal 11 years civil war (1991-2002) in Sierra Leone, the international community promulgated and bankrolled the establishment of a specialised hybrid criminal court (the Special Court for

Sierra Leone); a court of unique characteristics in the international criminal justice system and rule of law. It indicted 13 individuals for bearing the greatest responsibilities for war crimes, crimes against humanity and other international crimes committed during the conflict as a means to addressing impunity. But what impact has the Court made in post-conflict peacebuilding and reconciliation of Sierra Leone? This paper espouses the failures of retributive justice in diverse and complex post-conflict peacebuilding and reconciliation. It argues that peacebuilding and reconciliation goes beyond the investigation of individuals' criminality in a court of law, but focuses on addressing the fundamental root causes of the conflict in order to attain sustainable peace, justice, reconciliation and development.

**Keywords:** Special Court for Sierra Leone, Civil War, Human Rights Abuses, Peacebuilding and Reconciliation.

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**Kanyamurwa**

### **Understanding Land Contradictions during the Post-Conflict Peace Building Phase in Northern Uganda**

**John Mary Kanyamurwa**

Department of History and Political Science  
Kyambogo University  
Kyambogo, Kampala, Uganda  
jmkanyamurwa@kyu.ac.ug

#### **Abstract**

This paper explores land conflicts in the context of peace building initiatives during the post conflict era in northern Uganda. The





genesis of the land conflicts is intensely associated with the internally displaced people's camps (IDPs), created by government as a strategy to protect civilians from rebel abductions until 2006 when the two-decade old hostilities ended. Using an explorative design, with emphasis on key informant interviews and focus group discussions, this research sought to examine the relationship between land contestations among key actors in northern Uganda politics and its effect on post-conflict peace building initiatives in the region. While the epicenter of the land clashes was in Amuru District as the most affected by the Kony war, and with the biggest IDPs, the scope of land-related incongruities during the post conflict phase suggests profoundly widespread incidence in the entire region regardless of actors. For the formerly displaced residents, the study established that a diversity of land conflict drivers, consisting of land value appreciation and socio-demographic shifts; had taken a leading role in undermining peace building initiatives during this period. Results suggested there were identifiable land dispute patterns, mostly discernible by the levels of mediation right from the community to the central government level, which directly affected the peace building process mostly by delaying transitional justice in terms of ownership determination, creation of impoverishment and setbacks in government investment plans. To a relatively substantial extent, the land ownership conflicts have equally shaped the course of the post-conflict peace building interventions in northern Uganda, creating long-term entrenched tension. Thus, to effectively respond to the land crisis during the post-conflict period, government policy needs to prioritize durable investment in holistic community-based conflict resolution mechanisms in order to promote uninterrupted peace building interventions in northern Uganda.

**Keywords:** Land, onflict, post-conflict, peacebulding, community-based conflict resolution.

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**Kasumu & Fayomi**

**Theorising Truth Commissions and Transitional Justice in Africa: The Issues and Tissues**

**Modupe Silifat Kasumu**

Department of Policy and Strategic Studies  
Covenant University, Ogun State, Nigeria  
mdpkasumu@yahoo.com

&

**Oyenike O. Fayomi, PhD**

Department of Policy and Strategic Studies  
Covenant University, Ogun State, Nigeria  
nike.fayomi@covenantuniversity.edu.ng

**Abstract**

Many African countries, including several countries in the developing world, have been afflicted by bad governance, sit-tight and corrupt leadership, brutal armed conflicts, ugly ethnic-cleansing genocides and a combination of violent dictatorships to kleptocratic governments lacking legitimacy and therefore resorting to naked force to maintain a grip on the polity. This has triggered human rights abuses, persecutions and extra-judicial killings of dissidents and all kinds of unconstitutional actions which have led to the deaths of innocent civilians, including women and children. In order to secure accountability, and some form of justice for victims, deter future atrocities through punishment or moral sanction and



combat impunity, there has been a rapidly growing establishment of mechanisms since the 1990s to ensure that post-conflict justice is guaranteed, while giving opportunity for victims to heal their many open wounds. As at 2010, about 38 countries had established one form of Truth Commission or another to address the various human rights violations and deal with crimes of the past within their territories while presently, such bodies are over 50 in number. However, literature is replete with the weakness of truth commissions and their inability to guarantee some form of justice to victims or exert the weight of the law to punish perpetrators of crimes against humanity. This study is concerned with the objectives of theorising truth commissions and transitional justice in Africa, identifying important issues and tissues that need to be addressed and developing a conceptual model that could be useful in the application of transitional justice to crimes for which truth commissions were established to address. Understanding the usefulness of such theoretical interpretations and how they can be applied can further improve the effectiveness of truth commissions in discharging their justice functions within post-conflict societies in Africa. Engaging a robust literature review method, it is expected that findings made will be useful to academics, policy actors, civil society and international organisations, and state parties involved in the study and establishment of truth commissions and their dispensation of transitional justice to both victims and perpetrators of mass crimes, atrocities and conflict.

**Key Phrases:** Truth Commissions, Transitional Justice, Theories, Mass Crimes, Post-Conflict States, Africa.

**Koroma**

## **The Silence of Transitional Justice Mechanisms in Africa**

**Abubakarr Koroma**

Sierra Leone Peace Musuem  
Freetown, Sierra Leone  
abk.ak24@gmail.com

### **Abstract**

An insight of Transitional Justice Mechanisms in Africa with reference to Sierra Leone conflict is an eye opener to the need to know where it all went wrong; need to know, why and how it was done; need to the consequences; need to address impunity; need for amnesty; need for reintegration; and the need for accountability, peace and tranquility. Institutions with the cooperation of the people can work simultaneously for a common goal. There is a need to respect individuality and maintain best practice with respect to the common goal of transitional justice. By so doing, everyone will be opportune to share and cascade experiences. It will pose to answer the question of fair and just. Closure dialogue foster reconciliation and amnesty between perpetrators and the victims, survivors and the nation. Because, bringing together the perpetrators and the victims and survivors supported the nation dying need for peace. It goes beyond court punishment for the crimes and violations committed during the conflict. All that was needed was the truth telling; nothing but the whole truth. The common goal, but with the overlap of approaches with regards to time and location challenged the hearings of everyone side of the conflict especially the low rank personnel within the faction. Not everybody was convinced to share the experience before the TRC. More people would have willingly to



face the TRC and share experiences of the conflict if the Special Court for Sierra Leone would have completed its work before the start of the TRC proceedings. However, the legacy works of the Special Court for Sierra Leone stand out. It offers a common platform for debate, discussion into the nation's vision.

**Keywords:** Special Court, transitional justice mechanism, immunity, early warning signs.

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## Lespérance & Sullivan

### Mali's Truth Commission: Mandate, Challenges, and Strategies for Achieving Its Mission

#### Janine Lespérance

Legal Advisor  
Lawyers Without Borders  
Québec, Canada  
Janine.lesperance@asfcanada.ca

&

#### Érick Sullivan

International Criminal and Humanitarian  
Law Clinic  
Université Laval  
Québec, Canada  
erick.sullivan.1@ulaval.ca

investigations are ongoing, and public hearings, the presentation of a plan for reparations, and the publication of the final report are forthcoming. Lawyers Without Borders Canada, in addition to its other activities in Mali, has been one of the principal actors that has supported the CVJR through various ongoing capacity-building initiatives since 2017, planned in close partnership with the CVJR. These activities have often focused on the incorporation of best practices learned from other contexts, including Canada and Colombia, and have spanned various topics essential to the mandate of a truth commission: holding public audiences, organizing consultations with victims in the development of a reparations plan, involving special witnesses with a deep understanding of the context, etc. Through a partnership with the International Criminal and Humanitarian Law Clinic of Université Laval (Québec, Canada), one of LWBC's significant contributions to the CVJR was a comprehensive database and narrative report of human rights violations committed in Mali since 1960, developed through a mapping of open sources.

**Keywords:** Truth commissions, inter-cultural best practices, mapping, reparations program.

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## Abstract

Mali's Truth, Justice, and Reconciliation Commission (CVJR), created through the 2015 Peace Accord, has the mandate of investigating human rights violations since 1960, identifying the structural causes of conflict, making recommendations for the reparation of victims, and, more broadly, promoting peace and reconciliation in Mali. Having already collected more than 11,000 victim statements, its work is still underway:



**Levin**

**Decolonization and the legacy of South Africa's TRC**

**Melissa Levin, PhD**  
Faculty of Humanities  
University of Toronto  
Toronto, Canada  
melissa.levin@gmail.com

**Abstract**

The end of formal apartheid in South Africa was overdetermined by the imperatives of the historical moment in which it occurred. The convergence of exogenous and endogenous factors supported the institutionalization of a truth and reconciliation approach that did not have the capacity to unsettle apartheid social relations. In other words, an international environment of triumphant capitalist democracy combined with a domestic politics in which, to paraphrase Njabulo Ndebele, the National Party conceded defeat at the very moment the ANC could not declare victory, produced a TRC that emphasized nation-building and reconciliation over decolonization and fundamental social transformation. As such, the TRC has masked the coloniality of apartheid and is much maligned in social protests of the present. As an institutional practice, it has reflected an historical moment rather than intervened in imagining possibilities transcendent of that moment. An analysis of the resilience of conflicting historical narratives about the meaning of apartheid and its manifestation in deeply inequitable and racialized social relations reveals the TRC's limits in promoting democratization and reconciliation in the absence of decolonization.

**Longi**

**Ethnic Stereotypes and Chieftaincy Conflicts in Ghana's North: A Case Study of the Mamprusi-Kusasi Conflict**

**Felix T. Y. Longi, PhD**  
Institute for Interdisciplinary  
Research and Consultancy Services  
University for Development Studies  
Tamale, Ghana  
longifel@yahoo.com

**Abstract**

After the process of state formation in Africa, indigenous societies and communities confronted the issue of leadership by evolving a system of governance which had chiefs as the locus of authority with clearly laid down rules of succession. Influenced by earlier categorizations of Northern Ghanaian societies into centralized and stateless, the British Colonial Administration altered the existing traditional governance structure to fit the Indirect Rule system. The Bawku traditional skin which hitherto was occupied by Mamprusis was perhaps the hardest hit by these changes. Bawku was inhabited predominantly by Mamprusi and Kusasi ethnic groups with the Kusasi in the majority. The Indirect Rule system generated ethnic stereotypes (as evidenced in the report of the S D. Afare Commission of Inquiry in 1958) about the Kusasi with regards to access to authority in Bawku. The persistent reference to the Kusasi as perpetual subjects in an area they considered as theirs and their determination to reject same has led to a protracted conflict since 1958. The inability of the Ghanaian state to find a lasting solution to the recurrent ethnic clashes in the area has implications for national and global peace.



The paper examines ethnic stereotyping as a cause of the Mamprusi-Kusasi inter-ethnic conflict. A qualitative methodology was used relying on archival and oral sources of data. The study concluded that the unwillingness of the Mamprusi to accommodate demands by the Kusasi for fair treatment in terms of access to the traditional political authority and the persistent derogatory reference to the Kusasi as primitive, has been the major impediment to efforts to resolve the conflict.

**Keywords:** Mamprusi, Kusasi , Northern, Ghana, Ethnic, Conflicts.

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## Manirakiza

### **The Effectiveness and Legitimacy of the Truth and Reconciliation Commission of Burundi**

**Pacifique Manirakiza, PhD**

Faculty of Law

University of Ottawa

Ottawa, Ontario, Canada

pacifique.manirakiza@uottawa.ca

#### **Abstract**

Throughout its history, Burundi has experienced political crises which sometimes culminated in mass atrocities, especially after it conquered its independence in 1962. Like everywhere in Africa, each time there was a crisis in Burundi, history and truth have been the collateral casualties. Burundians do not view nor interpret the different episodes of massacres and other human rights violations in the same way. The ethnic divide prevails in the reading of both their causes, their consequences and how to end them. However, a consensus was reached during

the Arusha peace process, where political rivals agreed, pending confirmation from investigations, that war crimes, acts of genocide and crimes against humanity have been committed in Burundi. This is the reason why they agreed that the transitional government was to set up transitional mechanisms such as a truth commission. Despite this, it took almost 15 years to finally establish the Truth and Reconciliation Commission. The Commission's main features display a certain degree of originality that warrants observations from an academic perspective. Firstly, the Commission has been established and functioned during an ongoing political crisis. This calls again for an inquiry into the effectiveness, in Burundi and in Africa, of transitional justice mechanisms during ongoing conflicts. Secondly, Burundi TRC is probably the first African institution with a temporal mandate that goes back as far as to cover the colonial era related atrocities. Curiously, the upper temporal limit does not include atrocities allegedly committed during the so-called presidential third-term related crisis of 2015 and beyond. Thirdly, the intervention of the International Criminal Court (ICC) raises additional issues of a political and legal nature, as far as cooperation between the TRC and the ICC is concerned. The paper deep investigates the politics of the Burundi TRC, through an analysis of its mandate, its main and distinctive features and the challenges and obstacles it faces and how it can overcome them.

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**Millar**

**The Local Legacies of Transitional Justice:  
Understanding Impact on the Ground in  
Sierra Leone**

**Gearoid Millar, PhD**

Institute for Conflict, Transition, and Peace  
Research  
University of Aberdeen  
Aberdeen, Scotland  
g.millar@abdn.ac.uk

**Abstract**

The long-term legacy of Truth and Reconciliation Commissions (TRCs) has, at least rhetorically, always been a central concern. Indeed, the concern with legacy is explicitly referenced in many Transitional Justice mechanisms, which seek to leave behind a new legal establishment, a cadre of trained legal experts, rewritten legal codes and often a new constitution. The goal of such legacy projects is, of course, to legitimate the TRC mechanism as a long-term instead of a short-term project and to make connections more directly to broader national efforts at good governance, capacity building, judicial and security sector reform. But at the local level the legacy or long-term impacts of these mechanisms is often quite questionable and the institutional impacts can seem divorced from the lived reality of the broader population. Looking specifically at the case of Sierra Leone, this paper explores both new ethnographic approaches to examining the legacy of TRCs and some of the findings from earlier studies in that case.

**Keywords:** Sierra Leone; Transitional Justice; Truth and Reconciliation Commission; Ethnography; Evaluation

**Nako**

**Besides the Truth: Mourning Winnie  
Madikizela-Mandela 20 years after the  
South African Truth and Reconciliation  
Commission**

**Nontsasa Nako, PhD**

Centre for Social Change  
University of Johannesburg  
Johannesburg, South Africa  
nnako@uj.ac.za

**Abstract**

Currently there is debate in South Africa about changing the name of the Cape Town International Airport to Winnie Madikizela-Mandela Airport. Like much of the public grief and mourning over the passing of the struggle icon, this debate is at its most intense on social media. Winnie Madikizela-Mandela seems to have received an image overhaul in her death, and while many see this as cheap politicking, I want to argue that this is the result of failure to sustain the memories spawned by South Africa's Truth and Reconciliation commission (TRC). While the commission had, as one of its central aim, the task of establishing new histories for the emerging democratic state of South Africa, this seems to have not been a sustained project. Failure to prosecute those who were found to have participated in wrongdoing, and critically, failure to translate the findings of the commission into institutional knowledge; that is, into laws, statutes, heritage and state practices has seen much of the commission's dissipate into popular folklore. This paper analyses the formal and informal commemorations of Winnie Madikizela-Mandela that mushroomed all over the social spaces in the wake of her passing to ask how someone who was negatively portrayed by the TRC enjoyed





such overwhelming public encomia in her death. I attribute this to the memory gap left by the country's transitional structure and the commission's failure to articulate the experience of women under apartheid. I argue that because the commission relied on a traditionally gendered framework of conflict, where men are readily associated with perpetrating violence and women with suffering violence, this left very little room for understanding how women participate in conflict. And as a result, women who were active in resistance structures tended to be sentimentalized or vilified. The public mourning and fervent desire to commemorate her in her death aligns with attempts with attempts to insert women into post-conflict mythology.

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**Niang**

### **Theorising Transitional Justice in African Contexts**

**Amy Niang, PhD**

Department of International Relation  
University of the Witwatersrand  
Johannesburg, South Africa  
amy.niang@wits.ac.za

#### **Abstract**

Debates over the adequacy of over retributive vs. restorative justice tend to lock the question of justice in post-conflict contexts in normed, standardised and scripted arrangements. They also confine the issue of justice to the temporal boundaries of the transition. In African contexts, the replication of similar patterns of enquiry, and of reconstruction over the past twenty years across different regions prompts the

question as to what extent can transitional justice be theorised as a particular species of justice. Further, how does the uneven, vexed framing of the postcolonial state constraint and complexify an understanding of Transitional Justice beyond the confines of calibrated interventions? Africa is the repository of an immense variety of social and cultural practices that shape understandings of justice, redemption and restoration. However, in common models of Transitional Justice, the locus for the disseminations of policies, legal dispositions, and social processes has been articulated through institutional mechanisms that often had to be created on the basis of contested claims to a variety of rights. Beyond the institutional apparatus responsible for the supervision of a defined task, Transitional Justice designates a regime of governance of a moment of uncertainty and fragility that emerges in the aftermath conflict. Such emphasis should elicit a number of questions to do with the limits of ideological pretensions to mend broken social projects through a certain practice of human rights.

**Keywords:** Transitional justice, Africa, theorising, rights claims.

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**Oduntan**

### **Between the Ethics and the Politics: Evaluating the Conferencing Model of Conflict Resolution**

**Oluwatoyin B. Oduntan, PhD**

Department of History  
Towson University  
Towson, Maryland, USA  
ooduntan@towson.edu



## Abstract

With the benefit of hindsight, it is now apparent that much of the excitements and hopes of the conferencing model of conflict resolution were misplaced. Truth and reconciliation projects in South Africa (1997), Nigeria (1973), Rwanda (1998) have achieved only very marginal long term successes. In all cases, the underlying injustices which bred conflicts were papered over and have remained sources of social dislocation. The capacity of dominant ideology and the cause of international stability are among factors which render "truth" flexible and reconciliation untenable. Where does this leave Conferencing as a model of resolution? Drawing mainly on South Africa's TRC, this paper examines the theory and practice of conferencing by highlighting its prospects and challenges.

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## Oduro

### Establishing truth commissions in 'conflicted democracies': Lessons from Ghana

**Franklin Oduro, PhD**

Director of Programs and the Deputy  
Executive Director

Ghana Center for Democratic Development  
(CDD-Ghana), Accra, Ghana  
f.oduro@cddghana.org, foduro@yahoo.co.uk

## Abstract

The truth commission mechanism for transitional justice remains popular in Africa, in spite of challenges associated with it. In particular, it has become common in societies described as 'conflicted democracies' in an attempt to redress historical wrongs. Unlike

the paradigmatic types of transition, establishing truth commissions in 'conflicted democracies' may be impacted by the trappings of democratic (multi-party) politics. Such trappings can undermine the operations, and, consequently, the post-operations phase of truth commissions regarding implementation of findings and recommendations. Ghana established a truth commission process from 2002 to 2004 in a setting, arguably described as a conflicted democracy'. How well did the Ghana truth commission performed in its operations during and after? Are there lessons to be drawn from the Ghana case to inform future truth commissions in such political and transitional settings? In this paper, it is suggested that while the Ghana truth commission may have succeeded in navigating the trappings of multi-party politics during its establishment and operations, such successes cannot be described in the post-operations phase. Apart from reparations provided to victims, there has not been any meaningful implementation of legal and institutional reforms contained in its report. Indeed, hardly does that the truth commission report referred in any governmental policies and programs. It is argued that the fate that the Ghana's truth commission faced, especially in the implementation of findings and recommendations, could be attributed to the competitive nature of multi-party politics, which has impacted negatively on the work of the truth commission. The paper proffers lessons from the Ghana case in its conclusion.

**Keywords:** 'conflicted democracy', truth commission, transitional justice, multi-party system.

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## Okwechime

### **Beyond Transitional Justice: Power, Politics and Contestation at Nigeria's Truth and Reconciliation Commission**

**Iwebunor Okwechime, Ph.D**

Department of Internatinal Relations  
Obafemi Awolowo University  
Ile-Ife, Osun State, Nigeria  
bokwechime@yahoo.co.uk

#### **Abstract**

In 2000 former President Olusegun Obasanjo inaugurated the Human Rights Violations Investigation Commission (HRVIC), popularly called the Oputa Panel, after its Chairman. The commission was mandated to investigate cases of human rights abuses from January 1966 to June 1998 and to recommend ways that would bring about healing and national reconciliation. This paper examines the interplay of power, politics and the consequent contestation that characterized the commission. In doing so it raises several questions: What particular purpose or interest was the exercise primed to serve? What were the underlying factors that underpinned this interplay? Why did the entire exercise generate so much public contestation against the conduct of the proceedings? And what are its implications for understanding the power and power limitations of the actors involved? For instance, the impunity with which some major actors, especially the generals and some past military dictators, refused to honour the invitation of the commission to appear before it, coupled with the blatant "denials and arrogance [of those who appeared] that smacked of remorselessness (Aaron, 2005), generated public outcry and contestation across the country.

Consequently, critics argued that the constitutional inadequacies of the commission were exploited by the powerful in order to escape accounting for their past misdeeds. Another conclusion was that constitutional and legal loopholes were deliberately embedded in the commission to ensure that some powerful interests, who provided political backing for Obasanjo's presidential ambition, were not publicly embarrassed or offended. It was against this backdrop of public outrage and contestation that the government decided not to make the report of the commission public. By way of conclusion, the paper notes that Nigeria's truth and reconciliation exercise did have important implications for understanding power, politics and power limitations of actors, including the rulers and the led.

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## Raval

### **Peacebuilding on the Margins: Borderlands in West African Truth Commissions**

**Jessica Cammaert Raval, PhD**

Trinity College  
University of Toronto  
Toronto, Ontario, Canada  
jessica.cammaert@utoronto.ca

#### **Abstract**

Though critiqued as an instrument of nationalist state (re)building, relatively little attention is given to truth testimonies speaking to the margins of the state, to victims of state violence along West African borderlands. Permeable and historically negotiated and subverted by inhabitants, borderlands partitioned and policed by colonial states highlight long histories of



dynamic regional trade networks proving difficult to govern and discipline. Labelled by the colonial archive as ‘lawless’ and rife with smuggling, northern Ghana’s borders represent sites of struggle and negotiation, whether through tax evasion, land disputes or even slavery and pawning, which continued into the early 20th century. This contribution explores how borderland testimonies in Ghana’s National Reconciliation Commission can represent not only a powerful memory archive detailing human rights abuses along an historical continuum of marginalization and ‘trusteeship’, but also contemporary histories of victims’ contestation and subversion of the modern Ghanaian state. Given such histories of marginalization and underdevelopment, to what extent has the state-driven Commission proved an effective vehicle for peacebuilding along the borderlands, and how does the violence experienced by those involved in protracted ethno-political conflict, such as in Ghana’s northeast, intersect or become obfuscated through this mechanism of transitional justice?

**Keywords:** Borderlands; northern Ghana; traders; Burkina Faso; colonial history; development.

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**Romeri-Lewis**

**National, Collective, Historical Memory  
within Truth Commission Mandates,  
Operations, and Final Report  
Recommendations: an Original Data-set**

**Natalie Wright Romeri-Lewis, Esq.**  
Founder & Principal Investigator  
Global Truth Commission Index Project  
Brigham Young University  
Provo, Utah, USA  
natalie\_romeri-lewis@byu.edu

**Abstract**

The transitional justice literature usually discusses truth commissions in the context of case studies, with extremely few middle-N or large-N comparative works. Moreover, most publicly available transitional justice data-sets present breadth—names and dates of mechanisms—but lack depth on any one mechanism. Data-sets seem to be able to master breadth or depth, but not both. As a result, transitional justice scholars have called for comparative and quantitative data through which to test hypotheses about national-level, human-rights-focused truth-seeking. Moreover, expanding the growing field of memory studies requires methodological innovations, including the creation of data-sets and quantitative testing. In response to these gaps, the Global Truth Commission Index (GTCI) has been compiling and scaling data for an original 350-variable data set across 47 truth commissions. Most relevant to the Accra Roundtable is that GTCI is compiling one of the first data-sets on national, historical memory to date, which will capture information from four periods in the creation of historical memory following human rights abuses. The four periods are: (1) pre-truth commission, whether commission mandates require or speak to memory-related aims; (2), during the operations phase, as commissioners obtain written, oral, and other statements and collect a variety of evidence and research; (3) as the commissioners conclude their work, whether final reports contain recommendations on memorialization (e.g. memorials, days of remembrance, statues, museums); and (4) post-commission, whether memory-related recommendations are funded and implemented at the national level. Drawing from the mandates and from recommendations within 30 final reports of national-level truth commissions, we will explore to what extent governments in transition prioritize collective, historical



memory. Moreover, we will pinpoint which physical, educational, or social, historical "memory acts" (e.g. museum, national day of memory, revised school curriculum to include historical memory) post-conflict countries favor.

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**Sayndee**

### **Post-Conflict Communities**

**T. Debey Sayndee, PhD**

Director and Professor of Peace and Conflict Studies

Kofi Annan Institute for Conflict Transformation  
Monrovia, Liberia  
peacebuilderlr@gmail.com

#### **Abstract**

Post-conflict communities or those who have lived for many years under authoritarian rule face many social tasks. Among the most important is that of communal reconciliation. Truth commissions can help with this. While none can be said to have accomplished this process, all have made a new beginning in the community based on the truth of the tragedies and mistakes of their past. In no case of the truth commissions we have studied, even the ones under Idi Amin and Sani Abacha, can we say that it would have been better if they had not been held, and this speaks to their value as a means to confronting atrocity. Truth commissions raise issues of due process and equity. Not all allegations of criminal violations have been sufficiently investigated by a particular commission which leads to problems of credibility. Liberia for instance still labors under the many questions with respect to the

three published lists of those its commission recommended should be sanctioned in various ways, and until now this has not been done. Since the creation of the International Criminal Court a new challenge to truth commissions is how to offer confidentiality to accused perpetrators who choose to testify when the evidence they give might be used against them in future prosecutions by the ICC. Running a truth commission conjointly with criminal proceedings, as was done in Sierra Leone, is one possible answer, but the Rome statutes originally setting up the ICC did not take this matter up in sufficient detail to avoid future complications. However, the strength and values that truth commissions bring in coming to terms with a society's painful past make continue to present them a strong tool for confronting atrocity.

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**Sikulibo**

### **Rape and Other Acts of Sexual Violence in Conflict Situations: A Transformative Approach to Addressing the Victims' Needs in Post-Conflict Situations**

**Jean de Dieu Sikulibo, PhD**

Senior Legal Advisor

Diakonia's International Humanitarian Law Resource Center  
Bamako, Mali  
silijado@yahoo.fr

#### **Abstract**

All too often in situations of armed conflicts, rape and other acts of sexual violence are used as a military tactic. The use of sexual violence as an element of war strategies is distinctively destructive, and not only leaves victims with significant challenges to cope





with their victimisation but also tears apart the fabric of families and affected communities. Challenges facing victims in post-conflict settings are often compounded by the socio-cultural contexts in which such crimes are committed. This study analyses the challenges and limitations of international criminal justice in dealing with a wide range of the victims' needs, and provides critical insight into how such limitations can be addressed through domestic transitional justice processes. In so doing, it explores the strengths and weaknesses of an increasing range of domestic transitional justice approaches to accountability and reconciliation and demonstrates their potential in advancing effective redress for victims of such crimes. It argues that the pursuit of redress for victims of war-related sexual violence must include an element of societal transformation to empower victims and breakdown a myriad of social impacts on them after conflicts.

**Keywords:** Conflict-related rape, Gender-based Violence, Transitional Justice, International Criminal Tribunals, International Crimes.

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## Southall

### Whites and the Past: The Legacy of the Truth and Reconciliation Commission (TRC) in South Africa

**Roger Southall, PhD**

Emeritus Professor in Sociology  
University of the Witwatersrand  
Johannesburg, South Africa  
roger.southall@wits.ac.za

## Abstract

Literature on the South African TRC argues that the processes of the Commission played a significant role in consolidating democracy. Shocking revelations by applicants for amnesty who had committed callous and barbaric actions on behalf of the apartheid regime not only politically demobilized the right-wing, but also compelled 'ordinary' white South Africans to face up to the nature of the past, undercutting their claims to denial of the actions that had been committed on their behalf. The Commission therefore contributed to the forging of a social consensus constructed around 'non-racialism', which drew upon the liberation movement's long-standing commitment that South Africa belonged to all who lived in it. After 1994, 'non-racialism' was refashioned into 'rainbowism', a narrative of national reconciliation which during the presidency of Nelson Mandela became the part of the social glue which facilitated the holding together of a society divided in its recent past by historic injustice. Yet things were to change. Over the following two decades, the commitment to non-racialism by the ruling ANC was dented by a growing emphasis upon 'black empowerment'; ANC rule was to become increasingly characterized by far-reaching corruption and economic decline; a billowing crisis of social reproduction provided for increasing questioning of 'racial reconciliation' and social diversity, as indicated by recurrent bouts of xenophobia against immigrants from other African countries. These developments call into question the achievements of the TRC, and the role these made in reconciling whites to democracy. As part of a larger project looking at whites in post-apartheid South Africa, this paper will report upon the retrospective views held by former TRC commissioners and other key individuals on the long-term impact of the TRC in reconciling whites to democracy.





**Keywords:** TRC; rainbowism; reconciliation; whites and the past.

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**Till**

**Can't Remember, Can't Forget**

**Christopher M. Till**  
 Director, Apartheid Museum  
 Johannesburg, South Africa  
[christophert@apartheidmuseum.org](mailto:christophert@apartheidmuseum.org);  
[samantha@javettup.org.za](mailto:samantha@javettup.org.za)

**Abstract**

It is twenty-five years since the end of apartheid in South Africa, and twenty-one years since the Truth and Reconciliation Commission (TRC) completed its work. The TRC's role was to discover the truth about South Africa's tortured past by giving voice to apartheid's victims. Past injustices were to be addressed "on the basis that there is a need for further understanding but not for vengeance, a need for reparation but not for retaliation". An exhibit on South Africa's TRC became part of the permanent exhibition at the Apartheid Museum in Johannesburg in 2016. The centrepiece of this exhibit is a forty-minute film focusing on the amnesty hearings of the TRC. Amnesty was granted by the TRC for politically motivated human rights abuses, provided that perpetrators confessed to their crimes. After a period of intense conflict and violence in South Africa, the understanding and acceptance of what happened and of the transitional justice processes that followed was not immediate. There has been a long period of reflection in which people have tried to make sense, recognise and acknowledge the facts and processes of the past.

**Tlou**

**Revisiting Peace and Reconciliation in Africa: Taking Stock of African Truth Commissions' Progress and Challenges thus Far**

**Tendaishe Tlou**

Transitional Justice Advocacy and Research  
 Specialist  
 Zimbabwe Human Rights NGO Forum  
 National Transitional Justice Working Group,  
 Zimbabwe  
[tendaitlou@gmail.com](mailto:tendaitlou@gmail.com)

**Abstract**

National Human Rights Institutions (NHRIs), in particular Truth Commissions, are important institutions which can be established in both conflict and post-conflict periods to ensure that widespread or systematic human rights violations do not recur. Given the violent past and in some cases present human rights violations in African States, independent Commissions play a pivotal role in dealing with the past. However, no concept can be examined in a vacuum. Therefore, it is important to examine Truth Commissions within the context of the Paris Principles so as to ascertain the gains made in the past years of their emergence on the African continent. It is with much sadness that most Truth Commissions are thriving under the weight of authoritarian regimes, thus it is of utmost importance to take stock of the gains made so far in as far as truth, peace and reconciliation processes are concerned. Lessons learned from other countries will enable other Truth Commissions to navigate the rough terrain in Africa, but most importantly self-introspect, improve and shake-off the legacy of failure. Given the mammoth task facing Truth



Commissions in Africa, it is pivotal for them to adopt some international best practices and constantly look back, self-introspect and learn from each other so as to ensure that they effectively deliver their mandate. This paper will also proffer recommendations so that Truth Commissions are competent in implementing their intervention strategies and are able to navigate the obstacles posed by both non-state and state actors in Africa.

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**Ugor**

**Creative Imaginaries of Forgiveness and Truth in South Africa: Antjie Krog and Alex Boraine**

**Paul Ugor, PhD**

Associate Professor  
Department of English  
Illinois State University  
Normal, Illinois, USA  
pugor@ilstu.edu

**Abstract**

Since its formal inauguration in April 1996, the activities of the Truth and Reconciliation Commission in South African have come under intense media and scholarly scrutiny. Scholars in historical studies and Political science, for example, have painstakingly examined the TRC's successes and failures in its pursuit of the mandate to bear witness to, record and in some cases, grant amnesty to the perpetrators of crimes related to brutal human rights violations. African writers too are beginning to turn their creative lenses on the dramatic proceedings of the South African TRC, offering new critical interpretations of its work, especially the general idea and ethics of national

reconciliation. In my presentation, I propose to examine the work of Antjie Krog and Alex Boraine, two writers whose narratives function as new critiques of the top-down processes of reconciliation associated with state-led projects of truth-telling, collective healing and national reconciliation in SA. Specifically, I demonstrate the ways in which these writers critique the idea and practice of national truth-telling and reconciliation that whitewash the foundational political-economic and social injustices that necessitated the TRC's mandate in the first place. These writers thus narrativize the paradoxes and contradictions of national reconciliation where the victims of human rights violations under Apartheid are doubly victimized through a process of truth-telling that demands forgiveness for a violent state that has refused to offer concrete gestures of remorse.

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**Umukoro**

**Memory of Human Rights Violations during the Nigeria-Biafra War and the Imperative for Transitional Justice in Nigeria**

**Nathaniel Umukoro, PhD**

HoD, Department of Political Science  
Edo University  
Iyamho, Edo State, Nigeria  
numukoro@yahoo.co.uk

**Abstract**

Human rights violations during the Nigeria-Biafra War (1967-1970) have elicited interests from scholars and international agencies. Although these studies provide significant insights into the nature of human



rights violations during this period, the issue of transitional justice has not been adequately considered. Consequently, this study examines the memory of human rights violations during the war, attempts made in the area of transitional justice and the imperative for a holistic transitional justice system. The article begins with the conceptualization of human rights violation and transitional justice. It then makes a historical contextualization of human rights violations during the war and the sustained memory of such violations especially by the Igbos of Eastern Nigeria. Data for the study were from primary and secondary sources. Primary data were sourced through key informant interviews with men and women who were victims and some perpetrators of human rights violations during the war. The key argument of the article is that there is a sustained memory of human rights violations during the war and efforts towards ensuring sustainable peace and unity in Nigeria have not been associated with effective transitional justice system. The only major attempt (Human Rights Violations Investigation Commission popularly known as Oputa Panel) failed to yield the desired result. Since transitional justice is a requirement for sustainable peace after periods of gross human rights violations and violent conflict, efforts should be made to put transitional justice mechanisms in place to promote reconciliation and provide redress for victims.

**Keywords:** Human rights, memory studies, Sustainable peace, transitional justice, Nigeria.

**Yilmaz & Momodu**

**A Review of Desmond Mpilo Tutu's *No Future without Forgiveness***

**Melike Yilmaz, PhD**  
Department of History  
McMaster University  
Hamilton, Canada  
yilmam2@mcmaster.ca

&

**Fatima Momodu**  
Faculty of Law  
Nile University of Nigeria  
Abuja, Nigeria  
teemarh@yahoo.com

**Abstract**

Apartheid was a national policy of South Africa that spread through the South African life, from 1948 until 1994. Apartheid polity effectively turned every aspect of South African society to the advantage of the minority white population, from education, law healthcare facilities to other social and governmental organs of the State. The international community watched the perpetration of injustice on the black race in South Africa with only a handful of countries actively fighting against it. A final end to apartheid and the suffering of the blacks in South Africa saw the emergence of a democratically elected black President and former criminal. As a tract for restorative justice, the Truth and Reconciliation Commission of South Africa sought to bring lasting peace and healing to the country by granting amnesty in exchange for full disclosure to persons accused of hate crimes during the pendency of the apartheid. Using the doctrinal method of research, this article



provides a review of Archbishop Desmond Tutu's account of the Truth and Reconciliation Commission of South Africa.

**Keywords:** Apartheid, Truth and Reconciliation, Restorative Justice.

**Yilmaz**

### **Truth, Justice and Reconciliation Commissions for Structural Transformation of Africa**

**Mesut Yilmaz, PhD**  
Department of History  
McMaster University,  
Hamilton, Canada  
yilmam3@mcmaster.ca

#### **Abstract**

Mauritius played a major strategic role in the history of the slave trade in the Indian Ocean. The arrival of Europeans in the sixteenth and seventeenth centuries heralded the start of a revitalized slave trade leading to the population and exploitation of the Mascarene Islands. Thus, the system of slavery detached millions of Africans from their roots and ultimately gave rise to a new society. The Truth and Justice Commission of Mauritius was established in 2009 and explored the impact of slavery and indentured servitude in Mauritius. The Commission was tasked to investigate the dispossession of land, and "determine appropriate measures to be extended to descendants of slaves and indentured labourers." This commission was "unique in that it dealt with socio-economic class abuses" and explored the possibility of reparations. The Commission attempted to cover more than 380 years (1638-present),

the longest period of time that a truth commission has ever covered. Modern and developed countries like Britain realized their structural transformation from agriculture to the industry by using a huge amount of capital which came from the land (plantations) and labour (slavery). Today, Colonial settlers still own a lion share of the fertile soil in Africa. Due to inadequacy of land, Africans cannot create enough capital to modernize themselves and become industrialized countries. Labour of Africa was stolen; the land was confiscated, which resulted in Africa not being able to earn a fortune to construct its future. Therefore, The Truth, Justice and Reconciliation Commissions should take into account this major land (possessive) and labour (slavery) issues. This article will focus on the land issues in Africa and is going to put down the significant value of the land for Africans and their future. Examples will be given about the contributions of land (plantations) and labour (slavery) to Northern countries and the industrial revolution.

**Keywords:** Truth and Justice Commissions, Land Reform, Structural Transformation, Industrial Revolution, Slave Trade.

**Yusuf**

### **Post-Authoritarianism, Truth-Seeking and the Judicial Accountability-Gap: Lessons from Nigeria**

**Hakeem Yusuf, PhD**  
Chair in Law and Global Studies  
University of Derby  
Derby Law School, Derby, UK  
h.yusuf@derby.ac.uk



**Abstract**

In periods of transition, the work of truth (and reconciliation) commissions have typically focused on the political actors or political branches of government in experiences of authoritarianism and gross violations of human rights. The role of the judiciary is largely elided in truth-seeking and reconciliation processes. Thus, there is a gap in judicial accountability for its past role in governance. Yet, the institutional role of the judiciary in governance remains significant in both the authoritarian and post-authoritarian periods. This paper argues that this is a critical gap that haunts the political transition, truth and justice. Drawing on the post-authoritarian transition in Nigeria, this paper examines the implications of the gap in judicial accountability for truth-seeking, reconciliation and justice and the rule of law.

**Keywords:** Truth-seeking, post-authoritarianism, judicial accountability, rule of law.



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Truth, Justice & Memory