The London School of Economics and Political Science

Hybrid TRCs and National Reconciliation in Sierra Leone and Peru

Rebekka Clara Friedman

A thesis submitted to the Department of International Relations of the London School of Economics for the degree of Doctor of Philosophy, London, September 2012.

Declaration

I certify that the thesis I have presented for examination for the MPhil/PhD degree of the London School of Economics and Political Science is solely my own work other than where I have clearly indicated that it is the work of others (in which case the extent of any work carried out jointly by me and any other person is clearly identified in it).

I declare that my thesis consists of 98,743 words.

Acknowledgments

I am deeply grateful for the many people who took an interest in my research and encouraged me during my PhD. This thesis would not have been possible without their support.

First and foremost, I would like to express my deepest gratitude to my two supervisors, Professor Chris Brown and Doctor Kirsten Ainley. Their thoughtful and dedicated reading of my work has shaped every step of this thesis. Their guidance and support have been invaluable. After being inspired by Chris's teaching and research during my MSc at the LSE, it was a tremendous honor to return to the International Relations Department and have him supervise my PhD. I am also so grateful for the personal attentiveness and support of Kirsten, and thank her both for her contribution to this thesis and for making the PhD an intellectually stimulating and enriching experience. I will remember the wisdom, support, and humor of my two supervisors when I leave the LSE.

I am extremely grateful to my family for their support and enthusiasm for this project. I thank my father especially for listening to me and always believing in my work during difficult periods. My mother inspired me through our conversations and her dedication to her own work. I also want to thank my siblings, Jonah, Marcia, Zohar, and Ascher, who at some point read parts of and listened to me talk about the thesis and provided a gentle yet critical eye. I am also touched by my cousin, Roy Benedek, for his kindness, and for reading sections of the thesis.

I also want to thank the colleagues, friends, and academics, who supported my research. At the LSE IR Department, I am grateful to Mark Hoffman, Nicholas Sims, Jens Meierhenrich, and Chris Alden. I also wish to thank William Wechsler, Rex Brynen, and Michael Brecher from my undergraduate studies, and Jean-François Drolet, Jeremy Cresswell, Alison Nicol, and Glenis Collins for providing a stimulating and supportive environment during my teaching at the University of Oxford Foreign Service Programme. I would like to thank the friends who have encouraged me in the last four years. A few deserve special mention for their active interest in this project and support. I am very grateful to Carmen Gayoso, Clare McIntyre, Roberto Orsi, Filippo Dionigi, Kristin Annexstad, Meghan Horvath, Alex Edwards, Jenny Kagan, Kevork Oskanian, Ramon Pacheco Pardo, Gregorio Bettiza, Martin Niemetz, Andrew Jillions, Alex Edwards, Rosemarie Lerner, Francesca Lessa, Magdalena Krajewska, Shuxiu Zhang, Jacqueline Hazelton, Maarten Van Voorst, Curtis Ohlers, Adel Al Toraifi, Manuel Almeida, Rahwa Fessahaye Caplan, Simone Datzberger, Meera Sabaratnam, and Tsetsi Kgama. I would like to express my heartfelt thanks to the Aiello-Johnson-Garlach family for their long-term encouragement and support. I am deeply grateful for my "British family" - Flora and Tony Jacobs -

engagement in the research. I am thankful to them for encouraging me and reminding me of the significance of this topic. This thesis is primarily a tribute to their hospitality, insights, and support.

This thesis is dedicated to my parents, Henry and Sabine. Thank you for all of your love and support.

Table of Contents

Abstract

This thesis examines the contribution of Truth Commissions (TCs) to national reconciliation and peace-building in post-conflict societies, via the case studies of Sierra Leone and Peru. While TCs have become a rapidly proliferating form of transitional justice, the thesis argues that there is still insufficient understanding of the functions and impact of TCs and the contexts within which they are established. In contrast to earlier Cold War TCs, which were established during regime transitions from authoritarian rule to democracy, recent hybrid Truth and Reconciliation Commissions (TRCs), as in Sierra Leone, East Timor, and Peru, were established in contexts of protracted social conflict and civil war. Whereas earlier Cold War TCs, were set up by domestic civil society as instruments of human rights against strong states, hybrid TRCs focused on democratization and peace-building in fragile states and often with global support.

This thesis offers a typology of TCs, distinguishing participatory TRCs and didactic TCs from recent hybrid TRCs. It that hybrid TRCs integrate rigorous fact-finding and public testimony, focusing their work on the civic sphere. The thesis offers a theoretical conception of national reconciliation. Utilizing extensive qualitative research carried out in Sierra Leone and Peru, the thesis argues that hybrid TRCs in Sierra Leone and Peru had an important normative and discursive impact on procedural reconciliation. In both contexts, hybrid TRCs mobilized civil society, raised awareness, and altered norms of engagement. At the same time, the thesis argues that mechanisms of transitional justice are endogenous to their contexts. The nature of the conflicts, particularly a long backdrop of political and economic marginalization, the legacies of violence in remote areas, and the lack of implementation of hybrid TRCs' recommendations, undermined their contributions. The thesis concludes that durable reconciliation requires a deeper level of public commitment and social justice. It raises implications for future research and practice, specifically the risk of institutional overstretch in current holistic transitional justice and the importance of a long-term transformative approach.

Abbreviations and Definitions

Afectado	Individual affected by political violence (Peru)
AFRC	Armed Forces Revolutionary Council (Sierra Leone)
ANC	African National Congress (South African political party)
ANFASEP	Asociación Nacional de Familiares de Secuestrados, Detenidos y Desaparecidos del Perú (organization in Ayacucho for relatives of victims)
APC	All People's Congress (political party, Sierra Leone)
APRA	Alianza Popular Revolucionaria Americana (political party, Peru)
Campesinos	Peasants (Peru)
CDCs	Civil defense committees (Sierra Leone)
La Colina	Death squad made up of armed forces under President Fujimori and National Intelligence Director, Vladimiro Montesinos (Peru)
COSMA	La Comisión de Salud Mental de Ayacucho (mental health organization in Ayacucho, set up as a follow up to the CVR's mental health reparations plan, Peru)
CVR	Comisión de la Verdad y Reconciliación (Truth and Reconciliation Commission, Peru)
DDR	Disarmament, Demobilization, and Reintegration

ECOMOG	Economic Community of West African States
EPAF	Equipo Peruano Antropologico Forensico (Forensic anthropology organization, Peru)
Fambul Tok	Family Talk (translated from Krio. Community level reconciliation project, run by Forum of Conscience, Sierra Leone)
ICC	International Criminal Court
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
IDEHPUCP	El Instituto de Democracia y Derechos Humanos de la Pontificia Universidad Católica del Perú (Institute of Democracy and Human Rights, Peru)
IPAC	Instituto de Promoción Agropecuaria y Comunal (Agrarian and development NGO, Peru)
Kamajor	Traditional Mende hunters (Sierra Leone)
MOVADEF	Movimiento Por Amnistía y Derechos Fundamentales (Movement for Amnesty and Fundamental Rights, Peru)
MRTA	Movimiento Revolutionario Túpac Amaru (Tupac Amaru Movement, Peru)
NACSA	The National Commission for Social Action (reparations commission, Sierra Leone)
NFHR	National Forum for Human Rights (Sierra Leone)

NGO	Non-governmental organization
Pueblos Jóvenes	Shanty Towns (Peru)
PUCP	Pontificia Católica del Perú (Catholic University, Peru)
Rondas Campesinas	Peasant patrol groups (Peru)
RUF	Revolutionary United Front (Sierra Leone)
Sendero Luminoso	Shining Path (Peru)
SLA	Sierra Leone army
TRC	Truth and Reconciliation Commission

1 Introduction

Since 1974, when the first Truth Commission (hereafter TC) was established in Uganda, TCs have become important mechanisms of transitional justice and conflict resolution. TCs have now been set up in almost 30 countries, often with international support. While TCs are a rapidly proliferating form of transitional justice, they came to international attention during a particular historical context. TCs emerged during the Cold War as instruments of human rights during regime transitions from authoritarian rule. These early contexts shaped TC practices in important ways, focusing them largely on state abuses and political violence and associating them with democratization and struggles against impunity.

In the last decade, the domestic and global contexts of TCs have changed. First, recent hybrid TRCs (Truth and Reconciliation Commissions), as in Sierra Leone, East Timor and Peru, were established in contexts of full-scale civil war and protracted social conflicts. Unlike earlier Cold War TCs, established to counter repression by strong authoritarian states and military governments, in the early twenty first-century, hybrid TRCs were set up in in weak or failed states, where violence was ongoing or a continued threat.[1] These recent TRCs were set up to address a complex history of violence committed by multiple parties, including state agents, insurgency groups, and civilians. Protracted social conflicts, as defined by Edward Azar, are deeply rooted in social, political, and economic structures, and often have a class and sectarian element, recruiting individuals on the margins of society.[2] They have both a political and a social dimension, characterized by political violence at the hands of state agents, as well as micro-level communal violence by individuals who know each other. The challenge of post-conflict reconciliation and peace-building following protracted social conflicts is immense. While political violence at the hands of state agents perpetuates mistrust and fear of authority, communal violence shatters social norms and communal life.[3] Legacies of violence reinforce each other. Political violence erodes civic trust and the foundation of political life, leaving citizens atomized and disempowered, while years of communal violence and population displacement tear apart the social fabric, affecting everyday social interactions.

---

[1] Kimberly Susan Theidon describes a general condition of simmering low-intensity intrastate conflicts, characterized by political violence at the hands of state agents and insurgent groups and intimate violence between neighbors. *Entre Prójimos: Violencia y La Política de la Reconciliación en el Perú* (Lima, Perú: Instituto de Estudios Peruanos, 2004).

[2] Edward Azar, *The Management of Protracted Social Conflict: Theory and Cases* (Dartmouth: Aldershot, 1990).

[3] Joanna Quinn, "What is Reconciliation?" *Reconciliation (s): Transitional Justice in Postconflict Societies,* ed. Joanna Quinn (Montreal and Kingston: McGill-Queen's University Press, 2009), 182-183.

Second, since the 1990s, the global context of transitional justice has changed. Transitional justice, as noted by Ruti Teitel, is currently in a globalized phase.[4] TCs in the 2000s were set up with a high level of international support. External agents played an active role in setting up, funding, and staffing TCs. The globalization of transitional justice was also manifest in the development of global norms and best practices, promoted by an increasingly self-conscious and integrated global transitional justice epistemic community.

Existing literature has insufficiently addressed the challenges arising from the global promotion of transitional justice to weak and fragile post-conflict states. While recent academic scholarship and global policy discourses have called for a "holistic approach," merging local and global cooperation and partnership, and linking transitional justice and peace-building, how this translates into practice is less clear.[5] Despite an emphasis in transitional justice theory and practice on international–domestic collaboration and long-term conflict transformation, the establishment of TCs in fragile post-conflict settings has been fraught in practice, raising questions about the drivers, methods, and impact of transitional justice. At the same time, the international community's establishment of transitional justice in post-conflict settings has raised further questions about agency and legitimacy. In many cases, the global promotion of transitional justice has generated criticism from local civil society and authority figures. Charges that formal processes have insufficiently engaged civil society and local traditions have further politicized transitional justice, raising questions of legitimacy and representation and linking transitional justice to cultural relativism debates.

This thesis takes a closer look at the contribution of hybrid TRCs to post-conflict peace-building and national reconciliation in Sierra Leone and Peru. While a growing ethnographic literature has critically examined the global promotion of transitional justice, these studies have looked less closely at how recent TRCs have themselves sought to adapt to their changing domestic and global circumstances. In the last decade, a distinctive form of hybrid TRC has emerged. Hybrid TRCs, as in Sierra Leone and Peru, incorporated a mixed methodology, integrating rigorous truth-seeking with public testimony and popular participation. These hybrid TRCs were set up to respond to a range of contextual challenges to peace-building and post-conflict reconstruction. In each case, hybrid TRCs were tasked with addressing root causes and legacies of the conflict, most importantly, the systematic discrimination and marginalization of rural populations in Peru and the marginalization of youth and reintegration of former child soldiers in Sierra Leone. Hybrid TRCs distinguish between levels of reconciliation, focusing on a democratic understanding of national reconciliation between society and

---

[4] Ruti Teitel, "Transitional Justice Genealogy," *Harvard Human Rights Journal 16* (2003).
[5] As argued by Chandra Lekha Sriram, while the literature presents transitional justice and peace-building as synergistic, it has inadequately addressed tensions and incompatibilities between two. Chandra Lekha Sriram*, Confronting Past Human Rights Violations: Justice v. Peace in Times of Transition* (London and New York: Frank Cass, 2004).

state. While they incorporate principles of restorative justice, hybrid TRCs focus on the national level, seeking to build political and social capital by strengthening political structures and participation and promoting solidarity and awareness.

The objective of the thesis is two-fold. First, the thesis seeks to provide a better understanding of hybrid TRCs. While important empirical studies have emerged on the impact of recent TCs, current scholarship lacks a good understanding of variances among TCs and the contexts within which they are established. Where hybrid TRCs in Sierra Leone and Peru focused their work on peace-building and national reconciliation, qualitative research focused largely on the impact of the Peruvian and Sierra Leonean TRCs on individuals and communities. The thesis disaggregates types of TCs, distinguishing between what it identifies as participatory, didactic, and hybrid TCs. It also offers a theoretical understanding of national reconciliation, which corresponds to the objectives and methods of hybrid TRCs. Drawing on a wide interdisciplinary theoretical literature and firsthand research on hybrid TRCs in Sierra Leone and Peru, the conception of reconciliation advanced by the thesis examines the contribution of hybrid TRCs to norms and discourses, civic trust, and solidarity.

Second, using the original material gathered during extensive fieldwork, the thesis provides an empirically grounded perspective of the contribution of hybrid TRCs to national reconciliation and peace-building in Sierra Leone and Peru. The thesis provides a critical analysis of the challenges facing hybrid TRCs in practice. It argues that while the Sierra Leonean and Peruvian TRCs mobilized their respective civil societies and raised awareness of the causes of the conflicts, this awareness was limited in substance. Both TCs ended up focusing on certain stakeholders: where the Peruvian Comisión de la Verdad y Reconciliatión (CVR) put victims into the public eye, it did not engage ex-insurgent groups, who remain on the margins in society. The Sierra Leonean Truth and Reconciliation Commission (TRC), while increasing awareness of child soldiers and eliciting relatively high ex-combatant participation, was divisive in its limited engagement of victims, particularly amputees. The thesis argues that TCs are endogenous to their contexts. The nature of the conflict in each case and the lack of follow-up constrained the contribution of hybrid TRCs, particularly in their aim to establish civic trust.

This thesis's contextual analysis of hybrid TRCs provides an important understanding of variances in TCs' procedures and their contributions to reconciliation and peace-building in post-conflict contexts. Chapter 2 of the thesis provides a typology of TCs, distinguishing the recent hybrid TRCs from earlier models of TCs. It argues that while earlier TCs emphasized either participation or truth, hybrid TRCs, much like the recent holistic turn, seek to integrate multiple aims and methods at once. The thesis maintains that transitional justice theory and practice has insufficiently taken into account tensions between truth and reconciliation. Chapter 3 of the thesis lays out a theoretical understanding of

national reconciliation that better corresponds to the procedures of hybrid TRCs. The empirical sections of the thesis (Chapters 4–7) further develop the analytical framework set out in the theoretical sections of the thesis by examining the contributions and challenges facing TRCs in Sierra Leone and Peru. The thesis's theoretically- and empirically-grounded analysis offers a critical evaluation of the experience of recent hybrid TRCs in Sierra Leone and Peru, as well as a useful framework for future research on hybrid TRCs.

1.1. Transitional Justice and TCs in the Twentieth Century

Since World War II and the establishment of the ad hoc criminal tribunals at Nuremberg and Tokyo, transitional justice has become an increasingly prominent set of practices and field of study. Transitional justice emerged in the 1990s as an umbrella term to refer to efforts to deal with the past after political transitions.[6] These practices have since been institutionalized into a large and self-aware body of research and practices.[7] Today, transitional justice encompasses a wide range of processes, ranging from criminal trials to TCs, lustration, reparations, and official apologies and memorials.

Particularly interesting is the proliferation of TCs. Since the 1970s, TCs have become an increasingly widespread form of post-conflict resolution. While TCs – and interest in memory more generally – emerged out of a broader transitional justice context in the twentieth century, TCs and truth-seeking efforts have come to play a central role in human rights activism and conflict resolution. Calls for truth have become part of popular campaigns against impunity and state violence. TCs are embedded in an increasingly globalized international human rights regime. Activists call for a "right to truth," soliciting support and gaining inspiration from external actors abroad.[8] The impetus for truth-seeking has also come from above, as new regimes link transitional justice to civic nation-building and state-building processes. Where the majority of wars are internal, participatory civic nationalism functions as a modern form of nation-building, which requires a conception of the individual as a rights-bearer against the state. The restitution of the individual as a rights bearer simultaneously checks the state and legitimates its authority vis-à-vis the individual. TCs are also intimately linked to a larger interest in collective memory that emerged in the twentieth century. Where forgetting, or "historical amnesia" in the words of Ernest Renan, may have been the norm for dealing with past atrocities in Western nation-

---

[6] Neil Kritz defines transitional justice mechanisms as "temporary tools" for dealing with the past, following experiences of civil war or authoritarian rule. Transitional justice mechanisms are meant to serve a practical and symbolic function in distinguishing the new regime from the old. Neil J. Kritz, ed. *Transitional Justice: How Emerging Democracies Deal with Former Regimes*, 3 volumes (Washington, D.C.: United States Institute of Peace, 1995). See also Ruti G. Teitel, *Transitional Justice* (New York, NY: Oxford University Press, 2000).
[7] Notably, the International Center for Transitional Justice, founded in 2001.
[8] Kathryn Sikkink, *The Justice Cascade: How Human Rights Prosecutions are Changing World Politics* (New York and London: W.W. Norton and Company, 2011), "Interlude."

building processes,[9] the twentieth century witnessed a memory boom.[10] While transitional justice mechanisms are set up in the context of recent transitions from conflict or authoritarian rule, public remembrance has also become a feature in multicultural societies. Victims' histories and official apologies have mushroomed across North America, Europe, Australia, and New Zealand, often as part of state-led reconciliatory efforts to rectify past wrongs.

Hybrid TRCs and Peace-building in the Global Age of Transitional Justice

While a growing literature has arisen on TCs, the starting rationale of the thesis is two-fold: both the contexts and the practices of TCs have changed. TCs came into international attention during the end of the Cold War within particular domestic contexts. Early TCs, as in Uruguay (1985) and Argentina (1983–1984), were set up as part of regime transitions from authoritarian rule to democracy. These TCs were used as instruments against state repression in struggles for justice and human rights. Victims were often ideological dissidents targeted for their political views. Early TCs were linked to democratization and human rights, serving as checks against strong states and military violence. Sustained civil society activism, as in Argentina, where the National Commission of the Disappeared followed campaigns by the Madres of the Plaza de Mayo, and strong leadership, as in the South African Truth and Reconciliation Commission (1995–2002), bolstered the legitimacy of these early TCs, linking them to popular struggles against oppressive regimes.

In the last two decades, transitional justice has been practiced in very different domestic and global contexts. First, in the 2000s, TRCs in Sierra Leone, East Timor and Peru were established following large-scale civil war and protracted social conflicts in weak or failed states. Violence in protracted conflicts was both political and social, characterized by structural violence, waged by the state, as well as communal violence, committed by people who knew each other. These TRCs were set up in societies in which low-level violence was still ongoing or a potential threat. Following years of concentrated violence, the challenges facing transitional justice in both countries were vast, more often linked to peace-building than regime change. These included how to address the effects of long-term political state violence and micro violence within communities; systematic rape, sexual violence, and in some cases, sexual slavery; the effects of large-scale population dislocation and social disruption; deep-rooted socio-political problems, including ethnic discrimination and the marginalization of rural

---

[9] Ernest Renan, "What is a Nation?" (1882) in *Becoming National: A Reader*, eds. Geoff Eley and Ronald Grigor Suny (New York and Oxford: Oxford University Press, 1996).

[10] For discussions on memory in the twentieth century, see Duncan Bell, "Memory, Trauma and World Politics," in *Memory, Trauma and World Politics: Reflections on the Relationship between Past and Present* (Palgrave MacMillan, 2006); Tzvetan Todorov, *Hope and Memory: Lessons from the Twentieth Century* (Princeton, NJ: Princeton University Press, 2003); and Roy Lavon Brooks, *When Sorry Isn't Enough: The Controversy Over Apologies and Reparation for Human Injustice* (New York, NY: New York University Press, 1999); See also the *Millennium: Journal of International Studies* special forum on memory and grief, Volume 38, 2 (2009).

communities and youth. They also incorporated how to strengthen and hold accountable weak and corrupt political institutions, and how to reintegrate and rehabilitate child soldiers, particularly in Sierra Leone.

Second, the global context of transitional justice has changed. While the establishment of the ad hoc tribunals at Nuremberg and Tokyo after World War II marked the beginning of a long process of international involvement in transitional justice, the Cold War in many ways put this process on hold.[11] TCs emerged during the Cold War as a less costly and more politically feasible national mechanism.[12] While earlier high-profile TCs generated international interest, external involvement in TCs became more prominent with the end of the Cold War. The UN-established Commission on the Truth for El Salvador (1992) and the Guatemalan Historical Clarification Commission (1994) were staffed, funded, and set up by the international community.

This global involvement has further intensified in the last two decades. Hybrid TRCs in the 2000s were set up at a time when transitional justice became more professionalized, reflected in centers established to study and promote transitional justice. The globalized phase of transitional justice was also marked by a particular normative context. In transitional justice literature and policy discourses, the global diffusion of transitional justice in the 2000s to fragile post-war contexts generated a reflective turn. For many observers in the field, the complex nature of protracted social conflict called for a multi-pronged approach to understanding and addressing conflict, linking transitional justice and peace-building. Peace-building, it was argued, entailed a political and social dimension involving the repair of interpersonal relations and setting the foundation for good governance, political participation, and accountability.[13]

In transitional justice literature and policy, the emphasis on long-term and sustainable peace-building has gone hand in hand with a "holistic" orientation. As set out by the UN and the International Center for Transitional Justice, holistic transitional justice addresses the root causes of violence, engages and empowers citizenry, strengthens democratic structures and participation, employs multiple

---

[11] While the International Law Commission sought to put forward a statute for an international criminal court in the early post-World War II period, opposition by states at the time constrained progress. This process only resumed with the end of the Cold War, with the ad hoc criminal tribunals at Rwanda and the former Yugoslavia, leading to the convention of the Rome Statute and the establishment of the International Criminal Court. See M. Cherif Bassiouni, "From Versailles to Rwanda in Seventy-Five years: the Need to Establish a Permanent International Criminal Court, *Harvard Human Rights Journal* 10, no. 11 (1997).

[12] Charles Call argues that international interest in and support of TCs is a result of the expensive, lengthy, and inefficient legacy of the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the former Yugoslavia. "Is Transitional Justice Really Just?" *Brown Journal of World Affairs* XI, no. 1 (2004), 105-106.

[13] Wendy Lambourne, "Transitional Justice and Peacebuilding After Mass Violence," *International Journal of Transitional Justice* 3, no. 1 (2009); and Rama Mani, *Beyond Retribution; Beyond Retribution: Seeking Justice in the Shadows of War* (Cambridge and Maldon, MA: Polity Press, 2007), 18.

mechanisms of transitional justice, and merges global best practices with local traditions and partnership.[14] This emphasis on local and global synthesis has manifested itself in many ways, from the establishment of on-site hybrid courts in Sierra Leone and Peru, drawing on a mixture of international and domestic personnel,[15] to the International Criminal Court's victim outreach efforts, and hybrid tribunals' and TRC's increased "sensitization" and legacy assessment projects in Sierra Leone and East Timor.[16] In both fields, transitional justice and peace-building are presented as a synergy with future peace and stability contingent on a just and representative process that addresses the legacies and root causes of conflict.

Reflecting these changing domestic and global landscapes, the practices of TCs have also changed. Recent TRCs in Sierra Leone, East Timor, and Peru have adopted increasingly complex mandates. The Peruvian CVR, established in 2003 in an attempt to dignify victims and raise awareness and solidarity for a marginalized, rural, and largely indigenous demographic of victims, was the first Latin American TRC to use public hearings, modeling itself in this regard on the South African participatory TRC. The Sierra Leonean TRC, while also influenced by the South African TRC, consciously distanced itself from the therapeutic understanding of TRCs tied to individual healing and interpersonal reconciliation, and promoted a broader understanding of political reconciliation between society and state. Both the Peruvian and Sierra Leonean TRCs sought to serve as mechanisms of civic engagement, contributing to democratization and peace-building through holding and airing hearings and outlining democratic reforms. Both endorsed a broader understanding of national reconciliation, defined as restoring state accountability and creating a framework for democratic participation. The Sierra Leonean and Peruvian TRCs also consciously took on a transformative mandate, seeking to contribute to peace-building by addressing the root causes of violence.

Existing Literature

Existing literature has insufficiently taken into account variances in the contexts and practices of recent TRCs. In part, this is a product of current orientations in the field. While earlier transitional justice literature was criticized for its unsubstantiated assumptions and normative underpinnings,[17] the

---

[14] The International Center for Transitional Justice, "What is Transitional Justice?" (2008).

[15] These hybrid tribunals were established on sites where violence took place, as opposed to the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the former Yugoslavia, established in Tanzania and The Hague, respectively.

[16] See the recent legacy study of the Special Court for Sierra Leone, "Assessing the impact and legacy of the Special Court for Sierra Leone in Sierra Leone and Liberia" (No Peace Without Justice, September 2012). Available at: http://www.npwj.org/node/5599.

[17] David Mendeloff criticizes the early, largely practitioner-produced, literature for "hot spot hopping" and insufficiently paying attention to impact. "Truth-seeking, Truth-telling and Postconflict Peacebuilding: Curb the Enthusiasm," *International Studies Review* 6 (2004).

field has since taken a critical empirical turn. A considerable literature has taken stock of the objectives and approaches of transitional justice, seeking to standardize best practices across contexts.[18] An empirical scholarship has sought to interrogate the contribution of transitional justice. Particularly notable are a growing number of impact studies. Comparativists have evaluated the effectiveness of mechanisms of transitional justice across cases, drawing on largely quantifiable criteria to assess impact, such as democratic institution-building and the implementation of human rights.[19] A growing ethnographic literature has looked at the impact of transitional justice on individuals and communities. These in-depth qualitative case studies directed attention to preferences of local stakeholders and the impact of transitional justice on war-affected communities.[20]

Although coming from very different methodological and epistemological standpoints, both comparative and ethnographic literatures share important commonalities. First, both seek to take stock of the impact of practices and critically assess normative assumptions in the field. The comparative literature has sought to escape transitional justice's normative foundations by providing empirically grounded and testable claims.[21] Similarly, the ethnographic literature seeks to interrogate what it sees as externally defined aims of transitional justice by focusing on local preferences and values and questioning the effectiveness of global objectives abroad. While the comparative literature helped shed light on the factors amenable to the success of transitional justice, ethnographic accounts have interrogated assumptions of the field, challenging the conceptual and epistemological framework of transitional justice and questioning the hegemony of global ideas.[22]

Second, both comparative and ethnographic researchers have tended to come to negative conclusions about the contributions of TCs. TCs tend to fare poorly in impact assessment studies. The comparative

---

[18] This includes scholar–practitioners, such as Pablo de Grieff, who call for normative theory based on practice, reflecting emerging consensus in the field. "Theorizing Transitional Justice," in *Transitional Justice,* Nomos, Volume L*,* eds. Melissa Williams, Rosemary Nagy, and Jon Elster (New York, NY: New York University Press, 2012). See also David A. Crocker, "Reckoning With Past Wrongs: a Normative Framework," (June 2004), 11. http://terpconnect.umd.edu/~dcrocker/Courses/Docs/Reckoning%20with%20past%20wrongs.pdf.

[19] See the Transitional Justice Data Base project. https://sites.google.com/site/transitionaljusticedatabase.

[20] For example, Rosalind Shaw, "Rethinking Truth and Reconciliation Commissions: Lessons from Sierra Leone," *Special Report, United States Institute of Peace* (2005); Simon Robins, "Challenging the Therapeutic Ethic: a Victim-Centred Evaluation of Transitional Justice Process in Timor Leste," *International Journal of Transitional Justice* 6, no. 1 (2012); Harvey M. Weinstein, Laurel E. Fletcher, and Patrick Vinck, "Stay the Hand of Justice: Whose Priorities Take Priority?" in *Localizing Transitional Justice: Interventions and Priorities after Mass Violence,* eds. Rosalind Shaw and Lars Waldorf (Stanford, CA: Stanford University Press, 2010); and Lisa J. Laplante and Kimberly Susan Theidon, "Truth with Consequences: Justice and Reparations in Post-Truth Commission Peru," *Human Rights Quarterly* 29, no. 1 (2007).

[21] Tricia D. Olsen, Leigh A. Payne and Andrew G. Reiter argue that the normative emphasis of transitional justice literature is a consequence of its focus on preferences. *Transitional Justice in Balance: Comparing Processes, Weighing Efficacy* (Washington, D.C.: United States Institute for Peace, 2010), 16.

[22] In Sierra Leone, researchers have criticized the TRC's emphasis on local partnership and use of rituals as superficial, arguing that the TRC selectively cooped local support to legitimize liberal state-and nation-building practices. See Timothy Kelsall, "Truth, Lies, Ritual: Preliminary Reflections on the TRC in Sierra Leone," *Human Rights Quarterly* 27, no. 2 (2005).

literature has largely found that TCs, unlike trials, have little impact on democracy, in some cases endangering it.[23] At the same time, ethnographic accounts have criticized TCs as externally imposed, and set up with little sensitivity to local practices and needs. A common finding in the ethnographic literature is that direct stakeholders tend to focus on different priorities than those emphasized in formal approaches favored by the international community. In particular, victims and war-affected communities may perceive economic oppression as a continued source of injustice and victimization.[24]

While recent comparative and qualitative impact studies have helped expose important discrepancies between theory and practice in a discipline long criticized for its lack of empirical grounding, current literature on TCs has a number of methodological and epistemological shortcomings. First, it has largely disregarded variances across contexts. While the comparative literature has produced important findings on the impact of transitional justice, the scholarship has paid less attention to how differences in post-conflict contexts and settings affect the work and impact of TCs.[25] Second, both macro- and micro-level studies have tended to generalize TC practices. While ethnographic accounts have provided interesting critical perspectives on the extent to which transitional justice resonates with local structures and traditions, this literature has also tended to focus less on TCs themselves. The common tendency of the ethnographic scholarship to treat TCs as formal (standardized) mechanisms, and part of the global dissemination of transitional justice – as opposed to local or traditional informal mechanisms – has further reinforced its lack of close attention to TCs' methods and objectives.

The lack of careful attention to variances between TCs and the contexts within which they are established is significant. First, more attention is needed on the challenges facing TCs in post-conflict contexts. Despite its emphasis on conflict transformation and local ownership, the global promotion of TCs to fragile and complex post-conflict settings has been difficult in practice. In contrast to earlier TCs, emerging from domestic civil society campaigns against repressive states, the establishment of

---

[23] Jack Snyder and Leslie Vinjamuri caution that TCs can provoke backlash and increase tensions. In their view, TCs' successes reflect the provision of amnesties in these cases, more than their work. Jack Snyder and Leslie Vinjamuri, "Trials and Errors: Principle and Pragmatism in Strategies in International Justice," *International Security* 28, no. 5 (2003), 19-20. See also Jason S. Abrams and Priscilla Hayner, "Documenting, Acknowledging and Publicizing the Truth," in *Post-Conflict Justice,* ed. M. Cheriff Bassiouni (Ardsley, NY: Transnational Publishers, 2002).

[24] Okello, "Afterword."

[25] Where the comparative literature has considered differences in context, it has focused largely on how they affect the likelihood that regimes will establish a particular transitional justice approach. Some scholars have identified the domestic balance of power as the most important factor determining the establishment of TCs, finding that TCs are set up when the balance of power is relatively equal. See *The Politics of Memory: Transitional Justice in Democratizing Societies*, eds. Alexandra Barahona de Brito, Carmen Gonzalez Enriquez and Paloma Aguilar (Oxford: Oxford University Press, 2001). Jack Snyder and Leslie Vinjamuri argue that usually TCs do not alter, but rather "manage," the balance of power, covering amnesties and other compromises. "Trials and Errors," 31. The literature has also found that variation in types of violence, e.g. the magnitude of violence, or whether violence was ethnic or ideological, is relatively inconsequential in leading to the establishment of TCs. Eric Brahm, "Uncovering the Truth: Examining Truth Commissions Success and Impact," *International Studies Perspectives* 8, no. 1 (2007), 29.

TCs in post-conflict settings has often generated fear and mistrust among local populations. In Sierra Leone and Peru, protracted social conflicts took a particularly heavily toll on rural and marginalized communities. They were fought through civilians, and manifest in systematic rape and sexual slavery, the mass displacement of populations, and the abduction and forced recruitment of child soldiers.

These complex social realities have brought into question the relevance of globalized practices of transitional justice to post-conflict contexts. The emphasis within the global transitional justice community on criminal justice and individual criminal accountability, in particular, translates less straightforwardly to the contexts, marked by the forced recruitment of combatants, the widespread use of child soldiers, and the use of civilians as collaborators by state agents and insurgents. In cases of long-term communal violence, survivors may face different needs than those emphasized by the human rights and institution-building approach, favored by the international community. These include how to find a common ground and live together after violence and how to address the chronic effects of structural injustices, which perpetuate suffering and victimization.[26]

Additionally, as opposed to earlier TCs established through domestic civil society campaigns, the experiences of hybrid TRCs have raised questions of ownership and legitimacy. The global transference of transitional justice to weak and failed states has caused further tensions and politics not only between international and domestic agents, but also between local actors who compete for legitimacy and representation. Precisely in weak and marginalized contexts, where formal law is absent or has failed citizens, customary law and informal mechanisms of dealing with the past tend to flourish.[27] The tendency of outside actors not to engage with local understandings and practices further politicizes the relationship between local and international practices.

Second, better criteria are needed to evaluate the current practices of TCs and their contributions. While a large critical literature has arisen questioning the value and impact of TCs, in some ways, these criticisms are premature. Christine Bell argues that transitional justice has faced a "premature midlife crisis": ontological and epistemological critiques have challenged the legitimacy of the field

---

[26] Rama Mani argues that transitional justice theory and practice has focused predominantly on rectificatory justice over distributive and reparatory justice, insufficiently taking into account the needs of developing countries. *Beyond Retribution*, 18. See also Weinstein, Fletcher, and Vinck, "Stay the Hand of Justice;" Robins, "Challenging the Therapeutic Ethic;" Moses Chrispus Okello, "Afterword: Elevating Transitional Local Justice or Crystallizing Global Governance," in *Localizing Transitional Justice: Interventions and Priorities after Mass Violence,* eds. Rosalind Shaw, Lars Waldorf, and Pierre Hazan (Stanford, CA: Stanford University Press, 2010). For a discussion on reparatory justice in Peru, see Laplante and Theidon, "Truth with Consequences."

[27] As argued by Rosalind Shaw and Lars Waldorf, societies with brutal histories of subordination and violence tend to have particularly developed informal conflict resolution and coping mechanisms, as in Sierra Leone, where centuries of raiding and internal violence, brought about by the Transatlantic slave trade and colonialism, resulted in complex and innovative communal coping mechanisms. Shaw and Waldorf , "Introduction," 11.

before its objectives are well founded and clear.[28] The inclination of both proponents and critics to group TCs together as "formal mechanisms," alongside trials, as opposed to more localized community practices,[29] has reinforced a tendency to overshadow variations between TCs, putting TCs under one roof. TCs, this thesis contends, are diverse and fluid forms of transitional justice, taking different forms across contexts and adapting themselves to contextual challenges and objectives. More so than criminal tribunals, TCs have flexibility in their mandates to define their goals and methodologies. In the case of hybrid and participatory TRCs, because they depend on public participation and support, it is also likely that the onus for TRCs to justify their work to the public and adapt to their contexts will be higher. TRCs are both agents shaping the post-conflict discourse and products of their social climate and context. In order to have legitimacy and elicit popular participation, TRCs must plug into widely shared local objectives and viewpoints.

The tendency of both quantitative and micro-level accounts to treat TCs as homogenous has perpetuated a number of methodological and epistemological problems. The lack of differentiation between TCs has prevented researchers from drawing lessons across cases and consolidating knowledge. As will be shown in the case study chapters, it has also encouraged scholars to assess TCs according to less relevant criteria that may not reflect their procedures and practices. A better understanding of differences in practices and contexts will help consolidate findings. It will also help monitor impact and bring out policy implications. How mechanisms of transitional justice were promoted within their contexts is intimately bound together with participants' expectations of transitional justice. More research into TCs' procedures and how their contexts affect their work can reveal important lessons about the drivers of success and why and under what circumstances individuals participate.

This disconnect between theory and practice applies particularly to hybrid TRCs. Where hybrid TRCs in Sierra Leone and Peru focused their work on the civic sphere, much of the empirical literature focuses on the impact of hybrid TRCs on interpersonal reconciliation and healing. At the moment, existing literature lacks a good framework for understanding the societal contribution of TRCs. An

---

[28] Christine Bell challenges the status of transitional justice as a field, distinguishing "field" as "a sphere of knowledge, interest and activity, held together by distinctive claims for legitimacy," from "discipline," which implies a body of knowledge with its "own background of education training, procedures, methods and content areas." "Transitional Justice, Interdisciplinarity and the State of the 'Field' or 'Non-Field'," *International Journal of Transitional Justice* 3 (2009), 7.

[29] Laurel E. Fletcher, Harvey M. Weinstein, and Jamie Rowen, "Context, Timing and the Dynamics of Transitional Justice: A Historical Perspective," *Human Rights Quarterly* 31, no. 1 (2009), 167; Oliver P. Richmond, "A Post-Liberal Peace: Eirenism and the Everyday," *Review of International Studies* 35, no. 3 (2009); and Roger Mac Ginty, "Gilding the Lily? International Support for Indigenous and Traditional," *Palgrave Advances in Peacebuilding* (Basingstoke, UK: Palgrave 2010); "Hybrid Peace: the Interaction between Top-down and Bottom-up Peace," *Security Dialogue,* 4, 41 (2010).

early legal bias in transitional justice continues to shape the literature and practice.[30] While a growing normative literature has argued that transitional justice should contribute to peace-building, these fields tend to remain atomized from each other.[31] The literature also lacks a societal understanding of restorative justice and what this means in practice.[32]

1.2. Research Questions and Objectives

This thesis focuses on the impact of hybrid TRCs on national reconciliation and peace-building in the contexts of civil war and protracted social conflicts, via the case studies of Sierra Leone and Peru, and does so by seeking to answer two central questions:

1) *What is the contribution of hybrid TRCs to peace-building and national reconciliation?*

2) *What are the challenges facing recent hybrid TRCs in contexts of civil war and protracted social conflict?*

The thesis is an interpretive theory-building project. The objective of the thesis is to offer a contextually specific understanding of the contribution and impact of hybrid TRCs to post-conflict reconciliation and peace-building. It draws on extensive field research on hybrid TRCs, their contexts, and their practices in Sierra Leone and Peru to develop a theoretical understanding of hybrid TRCs and their contributions.

The thesis is divided into two parts: theoretical and empirical. The first (theoretical) part of the thesis builds the analytical framework, looking at variances among TCs and discussing how the contribution of hybrid TRCs should be understood and evaluated. Chapter 2 of the thesis provides a historical overview and typology of TCs. The thesis adopts Priscilla B. Hayner's definition of TCs as "bodies set up to investigate a past history of violations of human rights in a particular country – which can include violations by the military or other government forces or armed opposition forces."[33] While TCs have come in a variety of forms, Hayner identifies four defining characteristics of TCs. First, TCs focus on the past; second, they address a pattern of abuses over time rather than on a specific event; third, TCs are temporary bodies, which are usually in operation for between six months and two years

---

[30] Rama Mani, *Beyond Retribution.*
[31] Wendy Lambourne, "Transitional Justice and Peacebuilding After Mass Violence," *International Journal of Transitional Justice* 3, no. 1 (2009); Mani, *Beyond Retribution;* Sriram, *Confronting Past Human Rights Violations.*
[32] Brahm, "Uncovering the Truth."
[33] Priscilla B. Hayner, "Truth Commissions," *NACLA Report on the Americas* 32, no. 2 (1998), 558.

and submit a written public report; and fourth, TCs are official bodies, endorsed by the state and sometimes by the armed opposition as in a peace accord.[34] Later, Hayner adds two more elements in common, which distinguish the TCs under study: TCs focus on recent events and investigate abuses which are widespread and are generally politically motivated or targeted.[35]

These six criteria distinguish TCs from other historical bodies and sometimes overlapping processes, which investigate more limited or specific instances and events. For example, the US Commission on the Internment of Japanese Citizens during World War II would not count as a TC because it is investigating the more distant past and its purpose is to memorialize and pay respect to the victims rather than aid in a transition.[36] Similarly, although TCs can help gather material for prosecutions, the UN fact-finding teams sent to Rwanda and the Balkans to gather information to conduct prosecutions at the International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Tribunal for the Former Yugoslavia (ICTY) would not count as TCs because they did not submit a public report and were not state-endorsed.[37] The US Institute for Peace distinguishes TCs from Commissions of Inquiry, the latter of which investigate specific instances or geographical areas of the country, and generally have less legal power to make recommendations or engage the public. These processes often overlap with TCs, for example in Peru, where the government established multiple commissions of inquiry before the end of the conflict. The Peruvian CVR later revisited these more specific initiatives, giving its perspective on the validity and objectivity of the original investigations.[38]

Beyond these basic definitional criteria, TCs have taken different forms and have varied in their objectives and methodologies. Some TCs were domestically staffed (as in South Africa), while others were internationally run (as in the UN-run commissions in El Salvador and Guatemala). Others employed a mixture of domestic and international staff (as in Sierra Leone). TCs differed in their provision of amnesties, their cooperation with prosecutions, and their levels of public engagement. TRCs often directly involved stakeholders in proceedings – victims, and sometimes perpetrators – while TCs tend to conduct research with little public engagement, largely in confidence. TCs also varied in their naming of perpetrators,[39] sources of funding,[40] and implementation of

---

[34] Priscilla B. Hayner, *Unspeakable Truths: Facing the Challenge of Truth Commissions* (New York, NY: Routledge, 2002)*,* 14.

[35] Ibid, 17.

[36] Ibid, 18.

[37] Ibid*,* 21.

[38] These include the Commission to investigate the massacre of eight journalists in Ucurraccay in 1983, and the Commission of Inquiry to Investigate the Massacre of Prisoners in 1986. Other scholars have modified the above definition. While most TCs aim to produce a report as an end goal, some depart from the criterion that TCs need to produce a report. Olsen, Payne and Reiter, *Transitional Justice in Balance,* 35*;* and Geoff Dancy, Hunjoon Kim, and Eric Wiebelhaus-Brahm, "The Turn to Truth: Trends in Truth Commission Experimentation," *Journal of Human Rights* 9 (2010), 48.

[39] Hayner, *Unspeakable Truths,* Chapter 8.

[40] Brahm, "Uncovering the Truth."

recommendations. While all TCs seek to contribute to some form of truth-seeking and social learning, there are differences in truth-seeking processes and in TCs' presentation of evidence. Audrey R. Chapman and Patrick Ball distinguish between what they call "macro" and "interpretive" truths. While macro truths are based on scientific collection of evidence, interpretive truths offer a moral position, taking a stance on the conflict and the actors who perpetuated it.[41]

While all of these differences deserve further research, the thesis argues that one difference in particular has been especially important in shaping the procedures of TCs: participation versus truth. Chapter 2 creates a typology of TCs. The thesis identifies three types of TCs, which it terms *participatory*, *didactic*, and *hybrid* models. Participatory TRCs are based on the South African model of popular testimony and public engagement, and frequently incorporate principles of restorative justice. Didactic TCs, e.g. in El Salvador and Guatemala, were conducted as fact-finding missions, with research carried out in confidence by social scientists. While didactic TCs focus on establishing systematic patterns of victimization and responsibility, and uncovering the historical root causes of the conflict, participatory TRCs also emphasize the narrative accounts of a wide range of stakeholders. Participatory TRCs seek to bring out individuals' subjective interpretations and reveal actors' own understandings, encouraging dialogue and social understanding. The thesis argues that while TC mandates frequently identify the goals of truth-seeking and reconciliation as complementary, in practice, tensions between both objectives have led TCs to focus on either truth or reconciliation. While participatory TRCs seek reconciliation through direct contact between victims and perpetrators, providing a forum for individuals to speak, didactic TCs focus on producing a critical historical memory that will have a long-term impact on perceptions and social learning, particularly for the next generation.

More recently, the thesis argues that there has been a "hybridization" of TCs, which emerged in the early twenty-first century. The Sierra Leonean and Peruvian hybrid TRCs were established in the same twelve month period during a time of global consolidation of best practices and high international involvement in setting up and running transitional justice mechanisms. While the Peruvian CVR hired only national staff and the Sierra Leonean TRC was mixed, both TRCs went through a longer planning process of consultation with international experts and commissioners from previous TCs.

Hybrid TRCs, as defined by the thesis, integrate didactic and participatory methodologies, combining rigorous historical investigation and fact-finding with public testimonies and hearings. Hybrid TRCs focus their work on the civic sphere. Hybrid TRCs posit that truth is a prerequisite for reconciliation, and offer a broader understanding of national reconciliation, tied to democratic accountability,

---

[41] Audrey R. Chapman and Patrick Ball, "The Truth of Truth Commissions: Comparative Lessons from Haiti, South Africa, and Guatemala," Human Rights Quarterly 23, no. 1 (2001).

institution-building and civic engagement. They utilize a participatory methodology, seeking to involve citizens as stakeholders; are established onsite, using a higher degree of local staff and personnel; and attempt to contribute to democracy by changing political and social structures and promoting democratic norms and cultural pluralism. Both the Sierra Leonean and Peruvian TRCs were closely linked to democratization, serving as mechanisms of civic engagement, and a democratic reform process. Both TRCs were linked to peace-building and addressing the root causes of conflict. This included addressing the legacies of widespread rape and sexual violence, and rebuilding just and representative social and political structures. The Peruvian CVR sought to create solidarity and address the marginalization of indigenous rural regions by promoting economic investment in war-affected areas and cultural pluralism. The Sierra Leonean TRC focused on the reintegration of ex-combatants, particularly child soldiers and engaging marginalized youth.

Chapter 3 offers a framework with which to better understand national reconciliation. Reflecting the orientation of hybrid TRCs, it lays out an understanding of national procedural reconciliation between society and state. Drawing on an older normative literature on social learning, peace-building, and democratic participation, the understanding of reconciliation, advanced in the thesis, focuses on hybrid TRCs' indirect and broader impact on society. Serving as the analytical framework for the thesis, this understanding evaluates TRCs' qualitative normative and discursive impact and corresponds to the methods and objectives of hybrid TRCs. Unlike micro-level conceptions of restorative justice, procedural reconciliation is longer term and goes beyond direct participants, looking at how hybrid TRCs can spill over onto social and political life. Procedural reconciliation is based on a democratic understanding of reconciliation, where TRCs create social and political capital to set the basis for democratic participation and rights-based citizenship.

The thesis draws on a wider literature to examine links between hybrid TRCs and procedural reconciliation, including both recent empirical studies on TRCs, as well as an older normative scholarship in transitional justice and political theory. The procedural understanding of reconciliation, advanced in the thesis, has three core components. First, the thesis looks at hybrid TRCs as norm entrepreneurs, focusing on their broader normative and discursive impact. It contends that hybrid TRCs can generate norms of truth-seeking and political rights and duties. They create a language and understanding of rights and standards of redress. Hybrid TRCs provide a platform for civil society and victims' groups, becoming a catalyst for memory politics and restorative justice. Rather than a measurable endpoint at which individuals or societies arrive (a shared truth), procedural reconciliation is an ongoing process in which competing and critical views are debated and put forward.

The second component of national reconciliation is cognitive: civic trust. Civic trust is an understanding that there are political channels, through which groups and individuals can pursue their

aims, and that state institutions are broadly representative and legitimate. As put by Pablo de Grieff, trust is what makes national reconciliation relevant and a shared experience. Ultimately national reconciliation, understood as political trust and social solidarity, is subjective; it is either something individuals experience and identify with or not.[42] Where individuals feel cut off from the political system and under-represented, or fear the repercussions of pursuing claims for themselves or their constituencies, national reconciliation is abstract or meaningless. This dimension of reconciliation is also important as it fits into the broader practices of hybrid TRCs, which seek to generate civic trust through reparations, acknowledgment, and democratic recommendations.

Third, the thesis's conception of procedural reconciliation focuses on the impact of hybrid TRCs on social views and solidarity. Drawing on recent empirical studies, and an older normative literature at the nexus of transitional justice, democracy, and education, the thesis looks at how publics react to the content of TCs' investigations and public testimonies. The thesis evaluates how hybrid TRCs can contribute to social tolerance by creating more nuanced and multi-faceted understandings of the past, and highlighting agency during wartime. Hybrid TRCs, in this understanding, can raise awareness and play a pedagogical role by bringing to the fore the more complex social processes and contexts within which violence was carried out.

The thesis's procedural conception of national reconciliation therefore has both horizontal and vertical components. Horizontally, reconciliation requires a level of solidarity between citizens; at a minimum, a shared conception of citizenship and willingness to live together, tying individuals together in a future political association. Reconciliation requires social capital: shared bonds that hold individuals together. Vertically, reconciliation connotes the relationship between society and state. This requires political channels and forums through which citizens can mobilize and make claims. It also has substantive elements: recognized patterns of behavior and ways of making claims that are likely to bring payoff (democratic norms), and cognitive predisposition (political trust and solidarity between citizens). The thesis's understanding of national reconciliation is based on a broader conception of restorative justice. Similar to restorative justice at the communal level, procedural reconciliation seeks to rebuild ties between society and state by increasing political accountability, and involving citizens – particularly victims - as stakeholders through a process of civic engagement and participation. Chapter 3 provides a link to the empirical chapters of the thesis. It draws on an older normative literature on transitional justice and democracy to theorize how hybrid TRCs can contribute to social learning directly through hearings, and more indirectly, by shaping public dialogue and collective memory. The thesis considers the potential longer-term impact of hybrid TRCs on education and social views.

---

[42] De Grieff, "Theorizing Transitional Justice," 26.

Drawing on a wider constructivist literature on social norms and learning, the study discusses possible contagion effects of hybrid TRCs, particularly on civil society,

The second (empirical) part of the thesis focuses on the case studies of Peru and Sierra Leone. The empirical part of the thesis outlines the contributions of the Peruvian and Sierra Leonean TRCs to post-conflict reconciliation and the challenges they faced. It fleshes out the theoretical framework and critically examines the thesis's earlier theoretical claims by engaging both the TRC community and direct stakeholders and civil society.[43] The empirical section of the thesis is divided into several parts. First, in each case study, the thesis studies the establishment and procedures of hybrid TRCs. Through close engagement with the TRC community and archival research, the research gains an in depth contextual understanding of hybrid TRCs. While some argue that TCs should be evaluated according to their own legal mandates;[44] the diversity of TC mandates makes comparative work difficult. Moreover, assessing TCs according to their own legal mandates can undervalue their broader impact on society.[45] Eric Wiebelhaus-Brahm distinguishes between success (whether a TC has finished its work on its own terms) from impact (measured by external criteria).[46] A narrow focus on mandate can obscure how meanings and practices can change over time even within a given context.[47]

While this thesis offers a contextual understanding of hybrid TRCs, it goes beyond the adoption of TRCs' legal mandates as a benchmark for evaluation. It conducts careful research with the TRC communities to understand how hybrid TRCs were run in each case, and how those in charge of the processes understood the TRCs' main functions and objectives. The research looks at how these factors may have changed over time and takes into consideration hybrid TRCs' broader effects. As noted by Peruvian social scientists, Félix Reátegui and Rolando Ames Cobián, judging TCs by their legal mandates can undervalue TCs' impact. Drawing on their experience at the Peruvian CVR, the authors highlight TCs' qualitative contributions as norm entrepreneurs and mobilizers of political agency in the context of politically charged transitions. TCs, as they put it, are "temporary civil servants," mobilizing public opinion and civil society in highly charged "charismatic moments." The impact of TCs as norm entrepreneurs to mobilize public opinion is unpredictable and dynamic and requires careful qualitative research.[48] While the thesis standardizes criteria to evaluate hybrid TRCs

---

[43] See Peregrine Schwartz-Shea and Dvora Yanow, *Interpretive Research Design: Concepts and Processes* (New York, NY: Routledge, 2012).
[44] Chapman and Ball, "The Truth About Truth Commissions."
[45] Brahm, "Uncovering the Truth," 26.
[46] Ibid, 18.
[47] See Bronwyn Leebaw, "Legitimation or Judgment? South Africa's Restorative Approach to Transitional Justice," *Polity* 36, no. 1 (2003).
[48] Rolando Ames Cobián and Félix Reátegui, "Toward Systemic Social Transformation: Truth Commissions and Development," in *Transitional Justice and Development: Making Connections*, eds. Pablo de Greiff and Roger Duthie (New York, NY: Social Science Research Council, 2009) 146.

through its typology, it leaves room for contextual analysis by evaluating whether hybrid TRCs contributed to the goals of peace-building and conflict transformation, contextually understood.

Chapter 5 (on Sierra Leone) and Chapter 7 (on Peru) focus on the stakeholders of transitional justice and the broader impact of hybrid TRCs. In both Sierra Leone and Peru, the thesis draws on field research with affected communities and direct stakeholders. Interviewees included TRC participants and members of broader populations affected by violence, including victims, ex-combatants, and the wider society. While a recent normative - largely scholar-practitioner driven literature - seeks to contribute to theory building by taking stock of and operationalizing existing practices, the thesis maintains that repeated practices do not indicate effectiveness or success. Research needs to go beyond elites and TRC officials. The cases were also carefully chosen based on their time frame. The research was carried out between 2009-2011. This provided enough time to critically evaluate the social impact of hybrid TRCs, but was also recent enough for individuals to recall and evaluate their experiences with the TRC. Unlike other studies, the thesis combines a close examination of practices with a longer-term qualitative analysis of the contribution of hybrid TRCs. As will be elaborated in the next section, it seeks to glean understandings of reconciliation and transitional justice through agents' own perceptions.

1.3. Main Arguments

Using the framework developed above, the central argument of the thesis is that while the Peruvian and Sierra Leonean hybrid TRCs contributed to democracy by mobilizing civil society and strengthening democratic norms, the *nature of the conflicts* and the *lack of follow up* in both Sierra Leone and Peru undermined the hybrid TRCs' contributions to reconciliation.

This argument can be broken down into two parts. First, the thesis argues that both hybrid TRCs had an important indirect normative and discursive impact, especially on civil society. Both hybrid TRCs raised awareness towards the conflict and put questions of how the past should be addressed into the public sphere. In each case, this process took different forms. In Peru, where the conflict remains open in many ways, the CVR had an especially strong impact, generating vigorous debate and counter-narratives both among victims and the military. The thesis argues that these counter-processes, while contentious, reinforced the democratic process. Linking to a broader literature on memory politics and political activism, particularly in South America, truth-seeking in Peru became a form of politics,

serving as a resource through which groups pursued their claims.[49] The Peruvian CVR strengthened democracy by channeling conflict into the democratic process. This impact was substantive and procedural. Substantively, the CVR strengthened democratic norms by countering impunity and raising awareness. Procedurally, it created a forum for political activism and helped mobilize and catalyze war-affected populations. Importantly, Peruvian civil society today largely turns inwards towards the capital to pursue its claims. Even where contentious, the CVR created a new language of rights and obligation through which actors publically explained and rationalized their behavior.

The Sierra Leonean TRC, in contrast, generated less attention and debate. More favorable popular attitudes towards reconciliation and moving forward and a more pragmatic acceptance of child soldiers as victims made reconciliation less contentious. Restorative communal traditions reinforced support for a rehabilitative process. Instead, the TRC clashed with local civil society when it did not sufficiently engage with indigenous frameworks and authority structures. In particular, the perception of the TRC as foreign and externally driven divided the NGO community. Suspicion of external efforts to direct transitional justice was particularly magnified in Sierra Leone, where legacies of colonialism and external involvement in the conflict had already left resentment and mistrust. Civil society was also more decentralized, and at times, at odds with the TRC. However, the Sierra Leonean TRC had important indirect effects, giving rise to critical voices. Significantly, as in Peru, in Sierra Leone, criticisms of the TRC led to counter-movements, giving rise to a wider politics of reconciliation. A platform emerged to take back transitional justice, and increase interest and draw on Sierra Leonean traditions and authority structures. This process continues into the present. Although local mechanisms, notably the communal reconciliation process, Fambul Tok, contributed to communal reconciliation, rather than foster national unity, grassroots processes strengthened decentralized authority structures and frameworks.

Beyond this more narrow procedural impact, the thesis argues that both hybrid TRCs failed to bring about their core objectives to generate deeper political and social capital. First, the nature of conflict in each case inhibited the commissions. In Sierra Leone and Peru, the states' long-term marginalization of remote areas and a prolonged dirty war at the hands of state and military agents already eroded political trust and faith in authority in war-affected communities. Intense communal violence and (often forced) collaboration of civilians with military agents and insurgent groups left intense resentment and suspicion at the micro level. The concentration of violence in remote parts of the

---

[49] See Leigh A. Payne, *Unsettling Accounts: Neither Truth Nor Reconciliation in Confessions of State Violence* (Durham and London: Duke University Press, 2008); Katherine Hite and Cath Collins, "Memorial Fragments, Monument Silences and Re-awakenings in 21st-Century Chile," *Millennium: Journal of International Studies, Violence and Memory Forum* 38, no. 2 (2009); and Elizabeth Jelin, *State Repression and the Labors of Memory* (Minneapolis, MN: University of Minnesota Press, 2003).

country also resulted in indifference and apathy among populations less affected by violence, particularly middle classes in the capital cities. In Peru, the ethnic undertones of the conflict had a particularly harmful double impact, reinforcing a sense of broader victimization among war-affected populations, as well as distancing the conflict from the emotional identifications of the middle classes. While both hybrid TRCs sought to address these factors, aiming to generate civic trust among affected populations and solidarity among those more removed, the legacies of political violence inhibited both TCs.

Second, the thesis argues that the lack of follow up, particularly in reparations, more than any other factor, augmented suspicion of the hybrid TRCs and undermined political trust and solidarity. On the individual level, TRC participants often felt exploited by the lack of reparations. Victims saw themselves as marginalized and abandoned. At the same time, the linking of testimony to inducements, notably reparations and reintegration also made testimony at the TRCs less genuine and meaningful by signaling that testimony was instrumental or strategic. On the collective level, the lack of follow up and implementation of TRCs' recommendations resulted in a loss of momentum and legitimacy, reinforcing apathy in politics and social isolation and marginalization, especially among victims.

1.4 Method and Case Selection

The thesis seeks to understand the contribution of hybrid TRCs to national reconciliation and peace-building within their own contexts and on their own terms. The thesis takes an interpretive qualitative approach. The thesis draws on a wide body of literature on social theory and political science as well as extensive fieldwork to look at the normative and discursive impact of hybrid TRCs, focusing on how ideas come to influence the behavior and self-understandings of agents. The thesis employs a historically sensitive approach to understand how and why certain factors became significant over time.[50] The qualitative interpretive research framework allows the thesis to keep a more open-ended understanding of outcome and success, specific to each context.[51] In line with the interpretive methodology of the thesis, the research put emphasis on understanding the TRCs' work and purpose from within, looking beyond legal mandates, at the TRCs' procedures, methodology, and self-understanding. The theory-building objective makes the thesis more open to practitioners than

---

[50] Rudra Sil and Peter J. Katzenstein, *Beyond Paradigms: Analytical Eclecticism in the Study of World Politics* (New York and London: Palgrave MacMillan, 2010), 21.
[51] Peregrine Schwartz-Shea and Dvora Yanow, *Interpretive Research Design: Concepts and Processes* (New York and London: Routledge, 2012).

paradigm-based academic scholarship that tends to be more oriented to testing or commenting on received wisdom about the policy community.[52]

The starting rationale of the thesis informed the case selection and research design. The research is a structured, focused qualitative comparison. "Structured" in that similar questions are asked in each case to guide the research, and "focused" in that it "deals only with certain aspects of the historical cases examined."[53] The cases were selected with the intention to compare two broadly similar cases (in terms of contexts and procedures) to control for differences across contexts and evaluate factors that could account for differences in outcome in each case.[54] The thesis emphasizes a 'causes-of-effects' approach to explanation, working backwards to try to understand outcomes within a given case.[55] It employs a contextually sensitive approach to glean an understanding of events and processes within a particular setting, focusing on how events within one context influenced subsequent events over time.[56] The thesis looks at historical developments as dynamic and subject to previous events and experiences. The research design considers the effect of exogenous factors on the work of hybrid TRCs.[57] These include environmental factors, domestic and global pressures, and normative influences. Reflecting the starting rationale of the thesis, the research paid particular attention to differences between the conflicts, notably, the role of ethnicity in the Peruvian conflict, and marginalized youth in Sierra Leone. It also considers follow-up and implementation of TRCs' recommendations.

Case Selection

Reflecting the objectives of the research inquiry - to provide a closer understanding of the contexts and practices of recent hybrid TRCs - the cases were chosen based on similarities in contexts and TC procedures. First, both the Sierra Leonean and Peruvian TRCs were established following complex protracted social conflicts. The Sierra Leonean and Peruvian TRCs were set up in contexts of political violence, where the military and insurgents committed violence against civilians. Unlike other TCs in South America, e.g. Argentina and Chile, where TCs investigated state sponsored ideological violence

---

[52] Sil and Katzenstein, *Beyond Paradigms*.

[53] Alexander L. George and Andrew Bennett, *Case Selection and Theory Development in the Social Sciences* (Cambridge, MA: Belfer Center for Science and International Affairs, 2005), 67.

[54] James Mahoney and P. Larkin Terrie, 'Comparative-historical Analysis in Contemporary Political Science,' in *The Oxford Handbook of Political Methodology,* eds. Janet M. Box-Steffensmeier, Henry E. Brady, and David Collier (Oxford: Oxford University Press, 2008), 740.

[55] Ibid, 738-739.

[56] Barbara Geddes, "How the Evidence You Use Affects the Answers You Get: Rigorous Use of the Evidence Contained in Case Studies," in *Paradigms and Sand Castles:* Theory Building and Research Design in Comparative Politics (Ann Arbor, MI: University of Michigan, 2003).

[57] As Priscilla B. Hayner argues, "political realities and outside actors" can determine the success and failure of TCs' long-term impact, sometimes as much as the TC's work itself. "Past Truths, Present Dangers," 370.

against often middle class political dissidents, the demographics of victims and insurgents shared important commonalities in Sierra Leone and Peru. Victims represented a poor and predominantly rural population. Both insurgencies recruited from a youthful and marginalized population, establishing an important presence among university students, as well as rural youth. The Sierra Leonean and Peruvian conflicts were fought largely in remote parts of the country, leaving devastating legacies in rural areas. Civilians took part in violence through civil militias, often armed by the state. State and insurgent actors waged violence against villages to maintain control of these populations and to prevent collaboration. This led to a high level of personalized violence at the communal level, turning people against each other, and later magnifying challenges of reintegration and post-conflict recovery. In both Sierra Leone and Peru, communities carried out their own practices of restorative justice at the micro level. In addition, both conflicts only reached the capitals relatively late in the conflict, distancing the conflict from the emotional identifications of coastal and middle class populations. For many residents in the capital cities, the insurgencies brought little but destruction, and often were understood to be opportunistic and ideologically bereft.

Second, the cases were chosen based on similarities in methods. Given the research's focus on hybrid TRCs, the Peruvian and Sierra Leonean TRCs offered the most fruitful comparison of TCs. Both TRCs used integrated methodologies, combining rigorous truth-seeking with large-scale public participation and engagement. The CVR was significant as the first and only Latin American TC to hold public hearings. In Sierra Leone and Peru, hearings were held in different parts of the country and disseminated through television, museums, and abbreviated versions of the report. Both TRCs were tied to democratization, including reparations programs, and a reform process for social justice and governance through their recommendations. Finally, both Sierra Leone and Peru were (eventually) sites of what William Schabas has termed a "two-track approach," with a TRC and criminal trials held in tandem, although in Sierra Leone, the relationship between the TRC and the Special Court for Sierra Leone was generally tense, while the CVR directly made recommendations and contributed to military prosecutions.[58]

Together, the two cases provided an important – and unique – cross-regional comparison. Given the theory-building interpretive research methodology, the addition of a second case added rigor by applying the theoretical framework developed in the thesis, while facilitating reflection on factors that critically shaped the contribution of hybrid TRCs discussed in the first case study. Additionally, through its cross-regional comparative framework, the thesis made a conscious attempt to go beyond

---

[58] William Schabas, "The Relationship between Truth Commissions and International Courts: the Case of Sierra Leone," *Human Rights Quarterly* 25, no. 4 (2003).

essentialist research paradigms that have colored the literature, particularly in studies on transitional justice and conflict resolution in African conflicts.[59]

Methodology

Methodologically, the thesis relied on interviews with a broad sample of the populations, including TRC officials, civil society, government and political authority figures, and academics, along with focus groups, especially with those working in education, women, university students and younger generations, religious figures; as well as primary and secondary sources. The thesis examined testimonies gathered at the TRCs, and spoke to TRC participants. The research also engaged direct stakeholders, including victims and war-affected communities, and former protagonists in the conflict (including military officials and former insurgents).[60] It conducted focus groups and utilized open-ended interviews to get a better sense of individuals' perceptions of hybrid TRCs and reconciliation. Interviewees and populations of interest were treated as agents, whose ideas and self-understandings shaped the course and direction of the research.[61] The semi-formal structure of the interviews was suitable to get participants to express their views in their words and bring up relevant issues.

Given the sensitive subject material of the research, this more open-ended format also provided participants with a chance to initially guide the conversation, and ask follow up questions, and for the interviewer to engage with the participants in a less asymmetrical fashion. This required a flexible research design that could adapt to the answers of participants and experiences in the field. Rather than treat interviews as a one-time opportunity to collect information on a predetermined range of possible answers, questions were refined as the research advanced.[62] This structure was built on the premise

---

[59] This is especially the case in the literature on African conflict resolution, where restorative justice is often treated as more indigenous to African cultural values and history. Some, notably, South African TRC President and Anglican Archbishop, Desmond Tutu, have argued that restorative justice is more authentic to African cultural worldviews and dispositions, rooted in *Ubuntu* and an ethic of forgiveness. Desmond Tutu, *No Future Without Forgiveness* (Houghton, South Africa: Random House, 1999). Others have focused on the historical drivers of restorative justice. See Rosalind Shaw on the impact of the Trans Atlantic slave trade on restorative justice in Sierra Leone. *Memories of the Slave Trade: Ritual and the Historical Imagination in Sierra Leone* (Chicago: University of Chicago Press, 2002).
[60] The chapters on Peru use the term "afectado" ("affected one") to refer to individuals, who experienced violence or lost a family member in the conflict. This term is preferred to victim, which for some interviewees had negative connotations, taking away their agency and strength as survivors. In Sierra Leone, the thesis uses the term, "victim," as this was used by interviewees in this context. While the thesis considered using the term survivor, this did not capture indirect victims of violence, e.g. those who lost family members. These are not neat categories. Many civil society interviewees were also afectados, but are not identified as such. In both Sierra Leone and Peru, victims have become leading advocates for their communities and human rights.
[61] As opposed to data used to validate or invalidate pre-existing suppositions. Schwartz-Shea and Yanow, *Interpretive Research Design,* 46.
[62] Schartz-Shea and Yanow advocate a learning process where research design is developed and reformulated during and in response to the field research. Ibid. This departs from other guidelines on qualitative research,

that much could be learned from how interviewees described and saw their own roles in the conflict.[63] How and why individuals described and presented their past behavior in relation to contextually defined understandings of responsibility and truth were important indicators of how individuals coped with past events. Likewise, how war-affected populations understood and dealt agency and responsibility during war, and how they related to wider post-conflict discourses, were indicators of the extent to which understandings of the war and post-war recovery were uniformly shared, or whether competing "truths" were at play.[64]

The research was divided between the capitals, where the hybrid TRCs had been based, and regions, which were significant in the history of the conflict. In Peru, the research was divided between Lima, and Ayacucho in the south-central Peruvian Andes. Ayacucho was home to the majority of victims of the conflict, and the origin of many Shining Path militants.[65] In Sierra Leone, the research was based in Freetown, and was supplemented with trips to Kailahun district on the Eastern Liberian border, and to Grafton Polio and War-Wounded Camp. The war began and ended in Kailahun, and many former Revolutionary United Front (RUF) members came from this region. The research consisted of a total of five and a half months in Peru (two and a half months in Ayacucho and three in Lima), and three months in Sierra Leone. All research was carried out in the native language of interviewees. In Sierra Leone, interviews were conducted in the lingua franca, English, and in several cases, with an interpreter for Krio- and other language-speakers. In Peru, all interviews were conducted in Spanish, and on several occasions, in Quechua through an interpreter in villages in Ayacucho.

The decision to live with families in Sierra Leone and Peru facilitated immersion. The research was supported by universities and by TC staff who opened their archives and set up interviews with TC officials and civil society organizations. Follow up organizations linked to the hybrid TRCs also facilitated the research. In Lima, president of the CVR, Salomón Lerner Febres, provided a place to work at IDEHPUCP (Instituto de Democracia y Derechos Humanos de la Pontificia Universidad Católica del Perú), access to his videos of hearings and TRC material, and his personal minutes on the CVR planning. In Freetown, the Human Rights Commission offered access to TRC materials, and set up interviews. Local NGOs also helped me conduct research outside of the capitals. In Ayacucho, the

---

notably Robert Yin, who argues that the research design needs to be revised if the questions change. Robert K. Yin, *Case Study Research: Design and Methods,* 4th edition (Thousand Parks, CA: Sage, 2009).
[63] For example, rather than treat interviewees' preference not to talk about their own conduct during the war as insincerity or a failure of the truth-telling process, the thesis treated hesitancy as information on how individuals coped with and talked about their experiences of violence.
[64] For an interesting discussion on confessions and omissions, see Lee Ann Fujii, "Shades of Truth and Lies: Interpreting Testimonies of War and Violence," *Journal of Peace Research* 47, 2 (2010).
[65] In Peru, since Ayacucho is the name both of the region ("department") and the capital city of the region, the thesis will refer to research carried out in the capital of the region as Ayacucho, while smaller cities in Ayacucho region, will be specifically identified. The same applies to research carried out in Kailahun district in Sierra Leone, where Kailahun is also the name of the capital of the district.

mental health NGO, COSMA, provided a place to work, set up interviews with Ayacuchan NGOs, and invited me to travel with them to villages in Ayacucho. In Sierra Leone, the research was facilitated through trips to villages in Kailahun with Fambul Tok. While the research was based largely on formal interviews, more informal experiences and observations gleaned through my travel and participation with these organizations were invaluable in providing exposure and shaping my insights.

In addition, the thesis relies on primary sources (TRC archives, minutes, and videos), and secondary sources, including academic literature and newspaper coverage during the conflict and the TRCs' dates of operation. The research also supplemented the understanding of the conflict and the TRC through interviews with academics in each country, particularly at the Pontificia Católica del Perú (PUCP) in Lima, the Universidad San Cristobal de Huamanga (UNSCH) in Ayacucho, and Fourah Bay College in Freetown. These academics also helped set up interviews and focus groups with students to gain a better understanding of younger generations. Lengthy discussions with academics and practitioners also served as a form of triangulation to help sharpen my own understandings.

Finally, while in each context, the thesis sought to provide an analysis of the social impact of hybrid TRCs by speaking to individuals on various sides of the conflict, the research put emphasis on populations who testified at the TRCs. In Sierra Leone, where the TRC was closely tied to the reintegration of ex-combatants, the research pays special attention to ex-combatant testimonies and the continuing challenge of ex-combatant reintegration. In Peru, given the focus of the CVR on victims, much of the field research was focused on victims' organizations and gaining a better understanding of war-affected regions. At the same time, however, the thesis critically discusses the absence of ex-combatants from the CVR in Peru, as well as the current situation of victims in Sierra Leone and Peru.

1.5. Outline of the Thesis

The thesis is structured into eight chapters. Each chapter seeks to develop and implement the main research framework and overall argument of the thesis. Chapters 2 and 3 are historical and theoretical, and Chapters 4-7 contain the empirical case studies.

Chapter 2 provides a historical overview of TC procedures, looking at how TCs have sought to contribute to the goals of truth and reconciliation. While the thesis argues that social learning is at the heart of TCs, the chapter identifies variances in procedures among different TCs (including restorative/participatory TRCs and didactic TCs). The chapter also identifies a third recent type of hybrid TRCs. Chapter 2 unpacks TCs' procedures and objectives. While restorative justice is found in many societies and recently became revitalized in the West, the didactic tradition is older, coming out

of a broader interest in truth-telling and memory after World War II. The chapter looks at tensions facing TCs in theory and practice. While TC mandates often conceive of reconciliation and truth-seeking as complementary, in practice, TCs have often prioritized one over the other. Hybrid TRCs seek to overcome this tension, focusing on the civic level, and coming up with an understanding of reconciliation through truth. The chapter concludes that more research is needed on the function and impact of hybrid TRCs.

Chapter 3 sets out the analytical framework of the thesis. It develops a framework for what it identifies as procedural reconciliation, linked to democracy, which applies to hybrid TRCs. The chapter draws on an older literature on social learning, social capital, and collective memory. The chapter conceptualizes national reconciliation as civic trust, norms and discourses, and solidarity. The analytical framework then draws out theoretical propositions for how hybrid TRCs can directly and indirectly contribute to national reconciliation. It draws out research questions and theoretical propositions to apply to the empirical chapters.

Chapters 4 to 7 contain the empirical case studies and are organized in parallel structures. Chapters 4 and 6 take a closer look at the establishment of hybrid TRCs in Sierra Leone and Peru and at their roles and functions. Both chapters provide a historical background of the conflicts and their termination. In each case, the Chapters consider how contextual factors shaped the hybrid TRCs' approaches, focusing, in particular, on hybrid TRCs' methodologies and aims, conceptions of reconciliation, historical narrative, and approach to public testimonies.

Chapters 5 and 7 look at the post-TRC contexts in Sierra Leone and Peru. The chapters examine the impact of the TCs, focusing on the three areas identified earlier: hybrid TRCs' normative and discursive impact, civic trust, and solidarity. Chapters 5 and 7 are important for addressing the main research questions of the thesis. Returning to question 1 – assessing the impact of hybrid TCs on reconciliation and peace-building – Chapters 5 and 7 use the analytical framework developed in Chapter 3 to illustrate how and the extent to which hybrid TRCs in Sierra Leone and Peru contributed to peace-building and reconciliation. Returning to question 2 – looking at the challenges facing TRCs in post-conflict contexts – they critically evaluate how the nature of conflict in each case and the lack of follow up inhibited hybrid TRCs' contributions.

The conclusion discusses the findings from the case studies in comparative perspective and highlights the contributions of the thesis. By looking at the substantive contribution of hybrid TRCs to civil society and democratic norms, the thesis highlights the indirect normative and discursive impact of hybrid TRCs, which is often missed in comparative literature. One of the benefits of qualitative research is that it can highlight why certain outcomes occurred, and show shifting dynamics over time,

paying attention to factors, such as legitimacy and momentum. The conclusion highlights the need for more long-term study of TCs and the conditions likely to impede and facilitate their success. In particular, more research is needed on how variation in the type of conflict affects TCs and how TCs can better ensure follow up over time. The conclusion raises questions for future consideration, and draws out policy implications. In particular, it discusses expectation gaps and the lack of follow up as major challenges facing hybrid TRCs. The conclusion discusses the holistic orientation of transitional justice, cautioning that the emphasis on integration of aims should further consider to what extent transitional justice and peace-building are complementary in practice.

2 Historical Overview: TC Procedures in Theory and in Practice

This chapter provides an analysis of TCs in academic literature and practice. While TCs are a rapidly proliferating form of transitional justice, TCs have varied widely in their stated objectives and methods. In theory and in practice, TCs have been tied to a range of normative ends, including deterrence and conflict prevention,[66] acknowledging and paying respect to victims and survivors,[67] providing a historical record, nation-building,[68] personal healing,[69] democratization,[70] and the generation of political trust and solidarity.[71]

Academic literature and TC mandates have tended not to clearly define how TCs should achieve these objectives and how they correspond to the practices of TCs. While an earlier normative literature provided a thoughtful reflection of the relative benefits of TCs vis-à-vis trials, empirical research lacks a good conception of variances between TCs. Qualitative case studies have often focused on the impact of TCs on the micro level. Academic scholarship has also tended to be paradigm-driven, following broader regional orientations. In Latin America, in the context of transitions from authoritarian rule, scholars have tended to focus on TCs' impact on democratization and the rule of law. The chapter distinguishes TRCs from the universe of TCs, arguing unlike TCs, which tend to focus only on truth-seeking and are conducted in confidence; TRCs identify reconciliation as an objective and utilize a participatory methodology. In this regard, the South African TRC was a turning point in the literature, particularly for scholars researching African conflict transitions, tying TRCs to peace-building, psychological healing, and reconciliation. To a large degree, these broad orientations

---

[66] Claire Moon, *Narrating Political Reconciliation: South Africa's Truth and Reconciliation Commission* (Lanham, MD: Lexington Books, 2008).

[67] André Du Toit, "The Moral Foundations of the South African TRC: Truth as Acknowledgement and Justice as Recognition," in *Truth v. Justice: the Morality of Truth Commissions*, eds. Robert R. Rotberg and Dennis Thompson (Princeton, NJ: Princeton University Press, 2000).

[68] Ruti G. Teitel, *Transitional Justice* (New York, NY: Oxford University Press, 2000); Richard A. Wilson, *The Politics of Truth and Reconciliation in South Africa*; Greg Grandin, "The Instruction of Great Catastrophe: Truth Commissions, National History, and State Formation in Argentina, Chile and Guatemala," *American Historical Review* 110, no. 1 (2005); and Richard A. Wilson, *The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-Apartheid State* (Cambridge, UK: Cambridge University Press, 2001).

[69] Martha Minow, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence* (Boston, MA: Beacon Press, 2000).

[70] Elizabeth Kiss, "Moral Ambition with and beyond Political Constraints," in *Truth v. Justice: the Morality of Truth Commissions,* eds. Robert R. Rotberg and Dennis Thompson (Princeton, NJ: Princeton University Press, 2000); Dumisa B. Ntsebeza, "The Uses of Truth Commissions: Lessons for the World," in *Truth v. Justice* (Princeton, NJ: Princeton University Press, 2000); and Alex Boraine "Truth and Reconciliation in South Africa: the Third Way," in *Truth v. Justice: the Morality of Truth Commissions,* eds. Robert I. Rotberg and Dennis Thompson (Princeton, NJ: Princeton University Press, 2000).

[71] Ibid.

continue to apply. Latin Americanists tend to focus on the impact of TCs on human rights, democratization, and the rule of law, while Africanists concentrate on TRCs' contribution to reconciliation and healing.

Chapter 2 has two objectives. First, it provides an understanding of TCs' procedures across contexts. Chapter 2 offers a typology of TCs, presenting what it identifies as restorative, didactic, and hybrid TRCs. The chapter focuses on two variances, in particular, to distinguish TCs: TCs' truth-seeking methods and their levels of popular participation. While didactic TCs prioritize establishing a rigorous historical record, emphasizing systematic patterns and root causes of conflict, and assigning blame, restorative TRCs offer an inclusive process, seeking to include individuals on all sides of conflict, and involving individuals' subjective experiences and testimonies. TCs have also varied in the level of public participation they elicit and their use of hearings. Restorative TRCs promote large-scale popular participation and engagement, while didactic TCs carry out research largely in confidence and behind closed doors. The chapter identifies a third type of hybrid TRC. Hybrid TRCs, established in the last decade in Peru, East Timor, and Sierra Leone, seek to integrate public engagement and rigorous historical fact-finding. They embody a broader understanding of restorative justice, linked to a political understanding of reconciliation between society and state.

Second, the chapter discusses what it sees as gaps in the scholarship, particularly in the literature on hybrid TRCs. The chapter questions the relevance of the therapeutic understanding of TRCs, arguing that TRCs, even in the South African case, have always focused more on the civic sphere. The chapter argues that TCs are a fluid set of practices. The tendency of the literature to use older (and arguably less relevant) standards of evaluation to assess more recent TCs has inhibited scholars from producing and consolidating comparative research. More research is needed on the procedures of hybrid TRCs and how the challenges of reconciliation differ in post-civil war contexts.

The chapter begins by providing a typology of TCs. It provides a conceptual overview of TCs, distinguishing restorative TRCs, didactic TCs, and hybrid TRCs from the universe of TCs. The chapter then offers a discussion of the varying procedures of TCs and how different types of TCs have emerged in various historical contexts. It examines TCs in the Southern cone in the context of regime transitions, the restorative participatory model developed in South Africa, didactic TCs set up in Central America, and hybrid TRCs established in Sierra Leone, Peru, and East Timor in post-civil war contexts. After discussing TCs in practice, the chapter provides an overview of academic literature on TCs. It focuses on the extent to which the scholarship has corresponded to TC variances in practice. Setting the stage for Chapter 3, the chapter concludes that the literature lacks a good framework with which to understand the contribution of hybrid TRCs to national reconciliation in post-conflict contexts.

2.1. Conceptual Definitions

TCs have varied widely in their objectives, methods, and outcomes. As put by Jonathan Tepperman, "almost everything about truth commissions – including their missions, compositions, and outcomes" is disputed.[72] The typology of TCs, developed in this chapter, focuses on differences in TCs' procedures and methods to distinguish didactic TCs and participatory and hybrid TRCs. As will be detailed in the next sections, participatory TRCs utilize widespread public participation and engagement, an inclusive and transparent process, seek to promote a unifying platform through rhetoric and outreach, and incorporate and showcase subjective truths through testimony. Didactic TCs identify systematic patterns of victimization and responsibility over time, offer a comprehensive historical analysis of root causes of conflict, often utilize social scientists for rigorous fact-finding, conduct research in confidence, and distance themselves from the objectives of reconciliation. Hybrid TRCs, being both restorative and didactic, incorporate truth-seeking and participation, with Peru being the first Latin American commission to use public hearings. In addition, hybrid TRCs have distanced themselves from the goals of individual healing and interpersonal and communal reconciliation. Instead, they have closely tied their work to an understanding of national reconciliation, linked to civic engagement and democracy.

Hybrid TRCs incorporate participatory and didactic procedures, however, they are less extreme on the provision of incentives to elicit participation from ex-combatants. As part of their inclusive aims, participatory TRCs also tend to offer inducements to ex-combatants and perpetrators to elicit their participation, notably amnesties in South Africa. In contrast, in Sierra Leone, East Timor and Peru, hybrid TRCs were set up alongside criminal trials. While all three hybrid TRCs provided an opportunity and reached out to ex-combatants and implicated former leadership to testify, in this regard, Sierra Leone was closest to the South African TRC by tying ex-combatant testimony to reintegration and rehabilitation programs. It also had separate youth TRC hearings and consciously took a non-punitive platform when dealing with ex-child soldiers. The East Timorese TRC also was tied to communal reintegration of ex-combatants, however, the Sierra Leonean TRC, where thirteen percent of testimonies came from ex-combatants, went the furthest.

The thesis's use of the hybrid label is distinct from the conception of "hybrid tribunals," used to refer to the on site and mixed internationally-domestically staffed tribunals in East Timor and Sierra Leone. The thesis uses the term "hybrid TRC" to refer to commissions' methodology and is not a reflection of the composition of the commissions' staff or funding sources.

---

[72] Jonathan D. Tepperman, "Truth and Consequences," *Foreign Affairs* 81, no. 2 (2002), 129.

Figure 1 - Typology of TCs

Type of TC	Methods	Examples
Participatory TRCs	Widespread public engagement and participation Inclusive transparent process Incorporation of subjective truths Public testimony and audiences Amnesty provisions and/or other provisions to ex-combatants and/or perpetrators	South Africa (1995)
Didactic TCs	Rigorous historical investigation Identification of systematic patterns of victimization and blame Closed proceedings	El Salvador (1992) Guatemala (1997)

Hybrid TRCs	Widespread public engagement and participation	Sierra Leone (2003)
		Peru (2003)
	Inclusive transparent process	
		East Timor (2005)
	Incorporation of subjective truths	
	Public testimony and audiences	
	Rigorous historical investigation	
	Identification of systematic patterns of victimization and blame	
	Civic democratic reform process	
	Set up alongside and may even contribute to criminal prosecutions	

As summed up in Figure 1, the typology developed in the thesis focuses only on procedures, and does not differentiate TCs based on objectives and outcomes. As will be argued in reference to South Africa, TCs' objectives can change over time or may be subject to different interpretations within the commission.[73] Similarly, outcomes are intentionally not included as part of the conceptual definition. For example, a participatory TRC may seek to elicit high participation and an inclusive process, but fail in practice. Similarly, a hybrid TRC may intend to elicit high profile ex-combatant participation but fail, as was the case in Peru, where both the military and the Shining Path did not take part in hearings. Empirical research can help critically evaluate whether TCs were successful at meeting their

---

[73] While reconciliation often enters the popular discourse in contexts where TRCs are established, scholars often note the confusion surrounding the term and the many ways in which people use and understand it. In a survey piece, written three years after the establishment of the South African TRC, Brandon Hamber and Hugo van der Merwe find at least five common popular understandings of reconciliation in South Africa. These include: reconciliation as a non-racial ideology, a religious understanding of reconciliation, an inter-communal understanding, as community building, and reconciliation as a legalistic human rights framework. According to the authors, the TRC promoted all of these at different points in time with various members of the commission more dedicated to certain understandings over others. "What is this Thing Called Reconciliation?" *Reconciliation in Review* 1, no. 1 (1998).

own objectives. The categories illuminate types of research that might be relevant to assess the contribution and impact of types of TCs.

The TC models identified in the typology are not absolute categories, but orientations and methodologies. These differences are best conceived as a spectrum with truth on one end and participation on the other. As will be argued in the rest of the chapter, while TC mandates tend to produce truth and reconciliation as complementary, in practice, TCs often face tensions in meeting both objectives. As a result, TCs end up focusing on goal or the other. The methodologies of TCs reflect these tensions, as TCs have stressed either participation or truth. As depicted in Figure 2, while participatory TRCs fall on the extreme end of participation, didactic TCs fall on the truth side of the spectrum. Hybrid TRCs lie in the middle, pursuing both rigorous truth-seeking and participation. Hybrid TRCs seek to navigate the tension between truth or reconciliation – or rigorous fact-finding or participation – by advancing both goals at once.

Figure 2

Participation   **Truth**

←-----|---|---|--→

Participatory TRCs   **Hybrid TRCs**   **Didactic TCs**
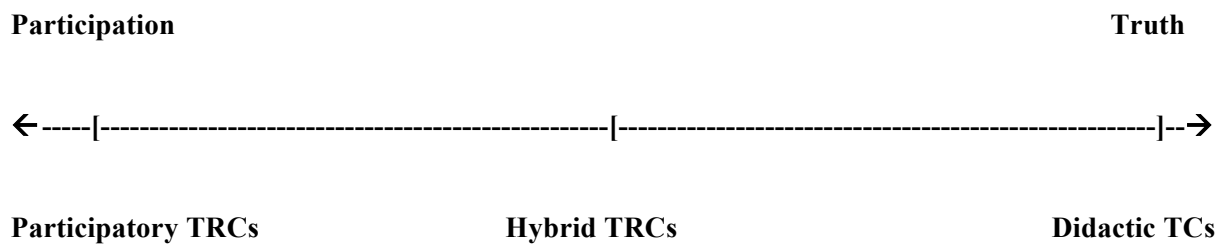
While the typology is not chronological (i.e. the chapter is not arguing that all current and future TCs will be hybrid), the chapter nonetheless notes the importance of picking up variations in practice over time. As will be further discussed in reference to hybrid TRCs, an influential global transitional justice community has been shaping TC practices and TCs have affected each other through a global contagion effect, and direct consultation between commissions.[74] This is particularly pronounced since the end of the Cold War as transitional justice has become increasingly globalized. Chapters 2 and 3 refer to variation in how scholars have evaluated TCs and reconciliation.

2.2. TCs in Practice: a Historical Overview of Variances

The chapter will now turn to an analysis of variations among TCs in practice. The following section looks at early TCs during regime transitions in the Cold War; the restorative and participatory TRC model, developed in South Africa; the UN-run didactic TCs established in Central America; and recent hybrid TRCs, established in East Timor, Sierra Leone, and Peru.

---

[74] Hun Joon Kim, *Expansion of Transitional Justice Measures: A Comparative Analysis of Its Causes* (Minneapolis, University of Minnesota ,2008).

Cold War TCs: Regime Transitions and Struggles against Impunity

TCs entered transitional justice theory and practice slowly. In 1974, President Idi Amin established the first TC in Uganda to investigate killings and disappearances at the hands of Ugandan state forces under his rule. The Commission of Inquiry into the Disappearances of People in Uganda was a response to public pressure to conduct an inquiry however it did little to affect human rights abuses in his eight-year rule and commissioners later suffered reprisals from the state.[75] The TC's report was not published, and the domestic impact of the Ugandan TC was considered to be marginal at best, generating relatively little attention in either Uganda or elsewhere.[76]

In 1982, President Hernan Siles Zuazo established the National Commission for Investigation for Forced Disappearances in Bolivia as part of his reform agenda to investigate abuses under military rule since the military junta in 1964.[77] Although the commission documented 155 cases of disappearances, the government disbanded the commission before it was scheduled to finish. The commission never published a report, and did not thoroughly finish investigating most cases of disappearances.

Argentina's National Commission on the Disappearance of Persons, established in 1983, was the first TC to receive wide international attention and publish a report. Run by thirteen national commissioners, the commission established 8,960 disappearances during the 1976-1983 military rule. Images of the Madres on the Plaza de Mayo, protesting their missing children and grandchildren, have been widely circulated and became emblematic for TCs of this era, with the Commission's report, Nunca Más! (Never Again!), becoming a national best seller in Argentina.[78]

Although established after the end of the Cold War in 1991, Chile's National Commission for Truth and Reconciliation was another prominent regime transition commission. Also known as the Rettig Commission, President Aylwin established the commission to look into crimes committed under General Augusto Pinochet when Chile was under military rule from 1973-1990. The commission did not investigate torture and crimes that did not cause death. In 2003, President Ricardo Lagos set up a second commission, the National Commission on Political Imprisonment and Torture. The "Valech Commission," as it was also called, was founded to look into additional abuses during military rule,

---

[75] The US Institute of Peace, "Truth Commissions: Digital Collection." Available at: http://www.usip.org/publications/truth-commission-uganda-74.
[76] On Uganda, see Joanna Quinn, "Constraints: The Un-Doing of the Ugandan Truth Commission," *Human Rights Quarterly* 26, no. 2 (2004).
[77] Priscilla B. Hayner, "Fifteen Truth Commissions--1974-1994: a Comparative Study," *Human Rights Quarterly* 16, no. 4 (1994), 613-614.
[78] Priscilla B. Hayner, *Unspeakable Truths: Facing the Challenge of Truth Commissions* (New York, NY: Routledge, 2002), 100.

including torture. President Aylwin was unable to repeal the amnesty law passed by the Pinochet regime, Decree Law 2191, without legislative authority. [79]

Significantly, as will be detailed further on, TCs in the Cold War were established as mechanisms that would lead to accountability in the context of regime transitions from authoritarian rule to democracy. In some cases, TCs were directly established as a compromise solution, following an amnesty agreement, as in Chile, where four of the National Commission for Truth and Reconciliation commissioners were Pinochet supporters. In Argentina, the National Commission on the Disappearance of Persons handed its findings over to the prosecutor's office and resulted in the trial of several high-ranking officials, although the sentencing was later reversed.[80] Importantly, TCs in these contexts were generally not conceived as a separate form of justice, but as mechanisms of human rights contributing to rule of law and accountability, complementary to the prosecutorial model.

Restorative Justice and Participatory Commissions: From TCs to TRCs

The South African TRC was a turning point in the theory and practice of TCs, linking TCs for the first time to reconciliation. Established by South Africa's post-Apartheid parliament in 1995, the TRC's widespread outreach and popular methodology created a distinct participatory model of TRCs, based on large-scale popular engagement, the use of hearings and testimonies, political symbolism, and transparent and open proceedings. The linking of the TRC to restorative justice and Christian themes of contrition and forgiveness, in turn, generated a victim centered and rehabilitative conception of TRCs, tying testimonies to healing and reintegration of perpetrators and ex-combatants.

The development of a participatory TRC model was gradual in South Africa. As was the case in the earlier South American TCs, many of the African National Council's (ANC) original justifications for the TRC were pragmatic. Early on, key members of the ANC pointed out the challenges and dilemmas of prosecuting apartheid crimes, citing the weak judicial system after years of apartheid, the obstacle of finding evidence given the secretive nature of apartheid crimes, the resistance of many whites to see apartheid as criminal, and the disruption and added trauma that criminal trials might cause victims. For many ANC officials, the challenge of future coexistence called for prudence, rather than punishment.[81] The systematic nature of apartheid crimes, the debilitating legacy of many years of apartheid on everyday life, and the marginalization of black communities led an increasing number of ANC

---

[79] In 1998, while in London, General Augusto Pinochet was arrested for human rights violations committed in Chile after an indictment by Spanish magistrate Baltasan Garzon. On his return to Chile, judge Juan Guzmán Tapia indicted and charged Pinochet with a number of crimes. Pinochet died in 2006 without having been convicted of a case. By the time of his death, Pinochet had been implicated in over 300 criminal charges.

[80] Greg Grandin, "The Instruction of Great Catastrophe: Truth Commissions, National History, and State Formation in Argentina, Chile and Guatemala," *American Historical Review* 110, no. 1 (2005).

[81] Desmond Tutu, *No Future Without Forgiveness* (Houghton, South Africa: Random House, 1999), 30.

members to promote a victim-centered approach, which simultaneously created accountability for past violations. As put by South African Minister of Justice, Dullah Omar:

> The idea of a Truth Commission goes back to ANC decisions. When the national Executive Committee of the ANC discussed what had happened in the country, and in particular what happened in ANC training camps like Quatro, there was a strong feeling that some mechanisms must be found to deal with all violations in a way which would ensure that we put our country on a sound moral basis. And so a view developed that what South Africa needs is a mechanism, which would open up the truth for public scrutiny. But to humanize our society we had to put across the idea of moral responsibility - that is why I suggested a combination of the amnesty process with the process of victims' stories.[82]

As plans to set up a TRC advanced, ANC and civil society members began to redefine the TRC's purpose. Anglican Archbishop and TRC President, Desmond Tutu, played an important role in setting out the moral basis of the TRC, embedding and legitimizing the TRC within traditions of restorative justice, communitarian values, and religious faith. Referring to the TRC as a "third way" between doing nothing or "forgetting" and the retributive justice pursued at Nuremberg and Tokyo, Tutu criticized retributive justice as "impersonal," not "victim-centered," and Western. Tutu presented restorative justice as a humane and morally superior form of justice, which he saw as indigenous to South Africa and reflecting "African values."[83] This view became stronger in the 1980s within the framework of social and political resistance against apartheid. As theological movements called upon South African churches to challenge the apartheid regime, TRC proponents drew on township restorative justice practices to develop the concept of *Ubuntu* as the moral basis of restorative justice, defining it as the "healing of breaches" and the "restoration of imbalances."[84] During the same period, ANC leaders urged South Africans to make the townships "ungovernable," while developing their own political structures for later democratic rule.[85] The association of restorative justice with African and Christian values, as well as communal justice, allowed activists to link formal justice with perpetuating the status quo and informal justice with political change. Activists began to present forgiveness and reconciliation as virtues in the post-apartheid era. Tutu praised Nelson Mandela's path of forgiveness and tolerance as coming from a position of strength and dignity.[86]

The South African participatory model of TRCs has several unique features. The first is high public participation and engagement. Early on, the TRC identified popular participation as a key method and objective. The TRC used open and transparent proceedings, and an inclusive process, which featured hearings held around the country, with a wide range of stakeholders, including victims, but also

---

[82] In Antjie Krog, *Country of My Skull* (London: Vintage Books, 1999), 8.
[83] Tutu, *No Future Without Forgiveness*, 34-35 and 51-52.
[84] Ibid.
[85] Bronwyn Leebaw, "Legitimation or Judgment? South Africa's Restorative Approach to Transitional Justice," *Polity* 36, no. 1 (2003).
[86] Tutu, *No Future Without Forgiveness*, 39-40.

perpetrators and leaders. Second, the TRC offered a space for subjective interpretive narrative truths. Unique among TCs, the South African TRC featured a four-fold categorization of types of truth. In addition to discerning an "objective factual truth," the TRC identifies "personal or narrative truth," "social or dialogue truth," and "healing or restorative truth" as its truth-seeking objectives.[87] As argued by Chapman and Ball, of these truths, only forensic truth focused on objective externally determined truths; the rest are tied to normative goals. The TRC's conception of "social" or "dialogue" truth particularly stands out. South African Constitutional Court Judge, Albie Sachs, argued that the main strength of the South African TRC is that it was based on "on hearing all different viewpoints, on receiving inputs from all sides." The purpose of social truth is transcending "divisions of the past by listening carefully to the complex motives and perspectives of all those involved," providing a conducive environment, where all possible views could be considered and weighed," and subjecting the TRC itself to "public scrutiny and critique" through open hearings and the media, and inviting "people from all walks of life" to participate.[88]

While the South African TRC's attempt to provide a space for social truth fell short in practice – victims and perpetrators often did not show up at the same hearings, or participated only indirectly, as in the case of amnesty hearings - the TRC's emphasis on public participation and its interpretive inclusive understanding of truth had important consequences for its broader methodology and epistemology. The TRC's focus on widespread and inclusive participation, particularly from perpetrators and those more antagonistic to reconciliation, led it to undertake extensive outreach with the white community. The TRC offered provisions, most controversially an amnesty process, in order to elicit perpetrator's admission and disclosure of crimes. At the same time, the TRC sought to emphasize a victim-centered approach by tying its work to reparations and dignifying and acknowledging victims through hearings and proceedings.

The South African TRC's attempt to navigate different conceptions of truth illustrates tensions between truth and reconciliation. While the TRC presented truth and reconciliation as complementary, its objective to offer an inclusive forum to unify the country, and represent and honor the systematic oppression and brutalization of apartheid victims, became particularly contentious. On the one hand, the South African TRC saw its primary role as representing the victims of apartheid and documenting their experiences, reflected in its use of public hearings.[89] The TRC's "narrative truth" was also reflected in its report where it sought foremost to offer a victim-centered narration of the conflict.

---

[87] The South African TRC Report.
[88] The South African TRC Report.
[89] The Truth and Reconciliation Act stated that the TC would help victims heal by giving them a platform to tell their stories and by serving as a public form of acknowledgment. As stated by the South African TC, "Acknowledgement is an affirmation that a person's pain is real and worthy of attention. It is thus central to the restoration of the dignity of victims." The South African TRC Report, Volume 1, Chapter 5, 114.

While it acknowledged that all sides committed human rights violations, the TRC calls the struggle against apartheid "just," although sometimes misguided, and identifies the state as the perpetrator. It further identifies apartheid as a crime against humanity and states that the regime was involved in an "evil undertaking." The TRC's narrative stance is also reflected by the symbolic nature of its earliest hearings, which were deliberately held in the Eastern Cape. As Tutu points out in his recollections, the Eastern Cape was the birthplace of the black resistance movement, where the first higher education institutes for blacks were established, where many black leaders were born, including Nelson Mandela, Thabo Mbeki and Steve Biko, and where the worst apartheid crimes were committed.[90]

On the other hand, the South African TRC strove to produce a "restorative truth" by facilitating an understanding of the past that would unite South Africans and individuals, and give an opportunity to all races to testify. In his introductory statement to the TRC, Tutu stated, "South Africa is soaked in the blood of her children of all races," representing a stance that individuals, not groups, were victims of apartheid. Taking care not to blame any one side for the violence, the TRC portrayed the crimes committed both by the ANC and white South Africans as actions taken by specific individuals running astray, rather than as the result of a concerted or collectively sanctioned policy. In its methodology, as well, the TRC hearings included only about 8.5 percent (1,818) of the more than 21,000 people who produced statements for the TRC.[91] According to the TRC report, the statements it chose for public hearings depended on three factors: the nature of the abuse, an effort to represent "all sides of the conflicts of the past" from as many perspectives as possible, and a representation of various genders, ages, and racial groups in the areas, where the hearings were held.[92]

The TRC's effort to reach out to white South Africans did not go unnoticed, making special appeals for whites to participate, and holding hearings on issues specifically relevant to white South Africans. Although relatively few whites came forward, the result is that TRC created an unequal opportunity for whites to appear in hearings.[93] For some, the TRC's explicit attempt to represent victims of all sides of the conflict, rather than the systematic victimization of the black community, sent a signal that the TRC elevated inter-racial national reconciliation over critically condemning apartheid and the suffering of its victims.[94] While the TRC succeeded in generating mass attention to apartheid and violence, its simultaneous attempt to take a moral stance against apartheid and provide a platform,

---

[90] Tutu, *No Future without Forgiveness*, 87-88.
[91] Audrey R. Chapman and Patrick Ball, "The Truth of Truth Commissions: Comparative Lessons from Haiti, South Africa, and Guatemala," *Human Rights Quarterly* 23, no. 1 (2001), 29.
[92] The South African TRC Report, 148.
[93] Of the 21,000 people who gave statements to the TC, 1,800 were chosen to testify at hearings. Chapman and Ball, "The Truth of Truth Commissions," 39. See also Bronwyn Leebaw, *Judging State Sponsored Violence: Imagining Political Change* (Cambridge: Cambridge University Press, 2011), 81-82.
[94] Leebaw, "Legitimation or Judgment?" 45.

which could unify groups, isolated both blacks and whites.[95] Many whites criticized the TRC as one-sided, citing the TRC's failure to implicate ANC members. The ANC, although it initially set up the TRC, criticized the commission for its "even-handed" approach and its sustained efforts to solicit white participation.[96] Tensions became particularly heated over the TRC's extensive focus on violence committed by black youth on behalf of Nelson Mandela's wife, Winnie Madikisela-Mandela.[97] After the testimony of former ANC member, Bantubonke Harringon Holomisa, the ANC expelled Holomisa from the party, demanding that high profile members, while free to approach the TRC in confidence, maintain loyalty to the party in public. Both members of the ANC and former president, F.W. de Klerk, eventually tried to prevent the TRC from publishing its report.[98] Where the TRC sought to offer an inclusive platform and elicited a relatively high amount of popular participation, both its hearings and representation of the past became contentious, reflecting its difficulty to navigate various goals at once.

In sum, despite its participatory and restorative methodology, the TRC was subject to widespread controversy and criticism. By seeking to appeal to all sectors of society and sides of the conflict, the commission was paralyzed by its own attempt to achieve these goals, generating criticism from all sides, and provoking ambivalence and moral condemnation among large sections of the population. Despite extensive outreach efforts, participants themselves challenged some of the TRC's proceedings. The South African TRC was the first commission to have its findings confronted in a court of law as some victims and their families sought to have the TRC – and particularly the amnesty provision – deemed unconstitutional.[99]

Setting the stage for Chapter 3's discussion of national reconciliation, however, despite its shortcomings, the TRC provided an important political forum in which new civic identities were worked out and put forward and official narratives challenged and contested. While the TRC attempted to eliminate race from its mandate, selecting victims to testify who reflected a wide social and political demographic, race still featured in many victims' testimonies. As put by Madelaine Fullard and Nicky Rousseau:

---

[95] Brandon Hamber and Gunnar Theissen, "A State of Denial: White South Africa's Attitudes to the Truth and Reconciliation Commission," *Indicator South Africa* 15 (1998).

[96] TRC officials responded that the ANC had put "unity above truth." See Antjie Krog, *Country of My Skull.*

[97] Alex Boraine, *A Country Unmasked: Inside South Africa's Truth and Reconciliation Commission* (Oxford: Oxford University Press, 2000), 221-57.

[98] Tutu describes the loss of ANC support as a significant personal disappointment. *No Future Without Forgiveness.* For Krog, however, from an institutional standpoint, it illustrates the extent to which the TRC took on a "moral life of its own and is willing to oppose the party that gave it birth." Krog, *Country of My Skull*, 174-175.

[99] One of the families challenging the constitutionality of the TRC through the amnesty process was the Steve Biko family. Aletta J. Norval, "Memory, Identity, and the (Im) possibility of Reconciliation: the Work of the Truth and Reconciliation Commission in South Africa," *Constellations,* 5, 2 (1998). The TRC's omission of the military or cross-border raids (the boycott) is also a weakness on the participatory model.

Taken together, the TRC's public hearings enabled the visible construction of citizenship in the new democracy. The black South Africans' testimony—covered live on radio and TV—shattered their previously ordained identities as mere labor providers and potential threats to privilege. The immediate impact was profound. These visible expressions of human pain, the grim accounts of torture and killing by perpetrators and the exhumation of bullet ridden skeletons marked a distinct rupture in the highly segregated forms of historical knowledge that had helped to reproduce conceptions of South African citizenship across generations.[100]

While perhaps more symbolic in substance, the performance space, afforded by the commission, provided a rallying point for later campaigns and discussion, even for those critical of the TRC and aspects of its work.

Didactic TCs and Fact-finding

The UN-sponsored didactic TCs established in Guatemala (1997-99) and El Salvador (1992-1993) took a different format. In Central America, where international involvement in TCs was high, TCs put significant emphasis on truth-seeking, rather than reconciliation. The Guatemalan Historical Clarification Commission did not list reconciliation as one of its aims; it stated that its purpose was to place human rights violations within a larger historical social and political context. The Historical Clarification Commission's report states, "the movement of Guatemala towards polarization, militarization, and civil war was not just the result of national history," and holds colonialism and the US responsible for creating an unjust economic structure, which perpetuated a racist social system and concentrated wealth in the hands of a small minority.[101] The Historical Clarification Commission emphasized "truth" over reconciliation, arguing that establishing an historical record was critical for democratization.[102] Both TCs utilized rigorous fact-finding techniques, employing social scientists to chair and staff commissions.

While TCs have employed a diverse array of truth-seeking methods, ranging from quantitative to forensic approaches, the scientific emphasis of didactic TCs reflects an important epistemological difference in orientation. Whereas interpretive truths start with particular hypotheses and objectives and use empirical evidence as support, scientific methods take as their starting points the possibility of finding new information and refuting widely held assumptions.[103]

---

[100] Madeleine Fullard and Nicky Rousseau, "Truth-Telling, Identities and Power in South Africa and Guatemala," Research Brief, International Center for Transitional Justice (June 2009).

[101] CEH Report, available online at: http://shr.aaas.org/guatemala/ceh/report/english/conc3.html.

[102] CEH Report. While the prologue to the Guatemalan TC argues that "knowing the truth of what happened will make it easier to achieve national reconciliation," it also posited that it is uncertain whether reconciliation can be achieved, and that it is most important to "recognize the facts of history and learn from the Nation's suffering."

[103] Chapman and Ball, "The Truth of Truth Commissions," 22.

Didactic TCs have tended to produce more far-reaching conclusions and analyses. Both the Guatemalan and El Salvadorian TCs were able to generate large databases, cataloguing details of the conflict. Their final reports gave figures for the amount of people who were killed and disappeared, and provided details on their ethnicities and demographic distributions. The reports showed that indigenous people were systematically targeted and that state-agents were responsible for the majority of the killings. The reports were able to use this data to conclude that in some regions, genocide had been committed against indigenous populations. The El Salvadorian TC was able to generate a long-term interpretation of the conflict, also blaming international actors, in particular, the United States.

Where didactic TCs prioritize rigorous truth-seeking, they put less emphasis on public participation and civic engagement. The emphasis of didactic TCs on historical investigation rather than public participation had important consequences for the popular impact of didactic TCs. In El Salvador and Guatemala, where fact-finding missions were closed or confidential, TCs miss the public shaming function of participatory TRCs.[104] Perpetrators are under less pressure to come forward and acknowledge their wrongdoing. In El Salvador, armed forces continue to deny wrongdoing and since the departing regime granted itself amnesty once the TC released its report, none have been brought to trial. Despite that both parties had nominally backed the TRC during peace agreements, neither the government nor the military acknowledged the report nor accepted accountability for violations alleged in the report. The El Salvadorian TC's public impact has been widely criticized. While a significant section of El Salvadorian society had backed trials, the El Salvadorian TC itself recommended that named perpetrators not be tried nationally. Although popular summaries in Spanish were distributed by some NGOs, a common criticism is that the report was not accessible and read by the majority of El Salvador's population.[105]

The lack of popular engagement has tended to be a shortcoming in other didactic TCs as well. While also a problem in Guatemala, in this context, similar to Sierra Leone and Peru, dissatisfaction and concerns with the official truth-seeking process mobilized civil society and religious leaders to organize an alternative truth-seeking process. In Guatemala, under the leadership of Bishop Juan Gerardi, the Catholic Church played a strong role in producing a separate TC, the Recovery of Historical Memory Project (REMHI), which sent seven hundred "agents of recovery" to villages to hear the testimony of victims and provide psychological and spiritual support.[106] Shortly after REMHI presented its final report, challenging powerful military actors for abuses committed during Guatemala's three decades of atrocities, Gerardi was bludgeoned to death in his home by individuals

---

[104] Hayner, *Unspeakable Truths*.
[105] Mani, *Beyond Retribution,* 104-105.
[106] Daniel Philpott, *Just and Unjust Wars: An Ethic of Political Reconciliation* (Oxford: Oxford University Press, 2012), 100.

operating under military orders.[107] The assassination was a tragic testament to what proved to be a highly divisive and contentious past, despite an extensive truth-seeking effort in post-war Guatemala.

Hybrid TRCs

More recently, there has been a hybridization of TRCs. The Sierra Leonean Truth and Reconciliation Commission (2003), the Peruvian Comisión de la Verdad y Reconciliación (2003), and the Commission for Reception, Truth and Reconciliation in East Timor (2005) were set up following long-term protracted social contexts. Hybrid TRCs were tied more closely to peace-building and post-war reconstruction, rather than regime change. In Sierra Leone and East Timor, testimony was linked to reintegration of ex-combatants. All three hybrid TRCs sought to address widespread rape and sexual violence, and were linked to recommendation and reform programs, that were binding in the Sierra Leonean case.

Hybrid TRCs were also established in particular global context. Hybrid TRCs were set up in the early 2000s when transitional justice was becoming globalized and consolidated as a field. The beginning of the twentieth century saw a professionalization of transitional justice, with greater emphasis on the development of best practices. The "holistic" approach to transitional justice, as put by the International Center for Transitional Justice and the UN, draws on the strengths of different mechanisms to optimize results, and combines local ownership and practices with global expertise.[108] Holistic transitional justice takes a preference for multiple tracks at once, including punitive and non-punitive measures. The holistic approach is based on a complementarity of means, holding that "no measure is likely to be effective in isolation."[109] The holistic turn had also increased emphasis on incorporating local practices and traditions. The task of practitioners, according to the UN, is to reconcile "local" with "traditional" mechanisms, e.g. criminal justice and reparations.[110]

Recent hybrid TRCs reflect these orientations. Hybrid TRCs in East Timor, Sierra Leone, and Peru were set up alongside criminal trials. In East Timor and Sierra Leone, the UN helped establish both the TRCs and tribunals. The Peruvian CVR used the information it gathered to make recommendations for prosecutions, leading to trials of high profile military members domestically and at the Inter American Court. While the relationship between the Sierra Leonean TRC and the Special Court for Sierra Leone

---

[107] Ibid.

[108] The International Center for Transitional Justice, "What is Transitional Justice?" (2008).

[109] Ibid.

[110] In this case, traditional is taken to mean formal, internationalized mechanisms, e.g. criminal justice and TCs. United Nations, "What is Transitional Justice? A Backgrounder," (February 20, 2008). http://www.un.org/en/peacebuilding/pdf/doc_wgll/justice_times_transition/26_02_2008_background_note.pdf. See also UN Secretary General, "The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies – Report of the Secretary General," UN Security Council (2011).

was often tense, Sierra Leone became an important site and learning experience of the two-track approach of transitional justice.[111]

Hybrid TRCs integrate didactic and participatory-restorative procedures. Similar to didactic TCs, hybrid TRCs emphasize rigorous historical investigation. Both the Peruvian and Sierra Leonean hybrid TRCs produced extensive historical reports, identifying systematic patterns of victimization as well as responsibility. Hybrid TRCs were prepared for later pedagogical purposes, especially in Sierra Leone, where the TRC produced three reports: a comprehensive adult version, as well as youth versions for secondary and primary schools, created under the auspices of UNICEF. In both Sierra Leone and Peru, hybrid TRCs were also linked to commemoration projects and museums.

Similar to participatory TRCs, hybrid TRCs rely on large-scale public testimony and hearings and seek to provide an inclusive platform. Public testimonies were often televised or held in different locations around the country. Hybrid TRCs take influence from restorative justice in giving a voice to direct victims of conflict and marginalized communities, as well as ex-combatants. In Sierra Leone, individuals participated on the understanding that they were making recommendations and reforms for the post-conflict government.[112] In Peru, the CVR sought to generate a new understanding of rights based citizenship by holding hearings in marginalized parts of the country, and making recommendations to strengthen democratic accountability and cultural pluralism. Both hybrid TRCs were tied to extensive reparations programs.

While in many ways, hybrid procedures represent continuity in drawing on and combining previous practices, the hybridization of TCs also represents a change in TCs' purposes and self-conceptions. In Sierra Leone and Peru, hybrid TRCs consciously distanced themselves from the therapeutic view of TRCs. Both TRCs endorsed a multifaceted understanding of reconciliation, shifting focus from individual to national reconciliation, and put greater emphasis on truth as a component of reconciliation. At the same time, while hybrid TRCs build on didactic TCs by emphasizing social learning, learning comes not just through scientific research, but also through dialogue and exchange. In Sierra Leone, thirteen percent of testimonies in front of the TRC came from ex-combatants.[113] In both Peru and Sierra Leone, hybrid TRCs sought to solicit testimony from high profile figures including insurgent leaders, albeit, as Chapters 5 and 7 will detail, in Sierra Leone, the Special Court for Sierra Leone restricted the TRC from gathering testimonies of key figures on trial, and in Peru, the CVR often collected statements of high profile insurgents in private.

---

[111] William A. Schabas and Shane Darcy, eds. *Truth Commissions and Courts: the Tension between Criminal Justice and Truth* (Dordrecht, the Netherlands: Kluwer Academic Publishing, 2004).
[112] The Sierra Leonean TRC Report, Volume 2, Chapter 3, "Recommendations."
[113] Priscilla B. Hayner, "The Sierra Leone Truth and Reconciliation Commission: Reviewing the First Year," *The International Center for Transitional Justice* (2004).

2.3. Academic Research

Academic literature has gone through waves in how it has understood TCs. While the early contexts of TCs strongly shaped the literature, research on TCs has become increasingly paradigmatic and driven by scholars' methodological orientations. Qualitative research has tended to focus on the micro level, reflecting the ethnographic and community-level focus of scholars researching TCs. Research on African TRCs has been particularly influenced by conceptions of reconciliation and restorative justice, inspired by the South African TRC. Latin Americanists, in contrast, have tended to focus on TCs' contribution to rule of law and democratization. The chapter concludes that more research is needed on the practices and contexts of recent hybrid TRCs.

Cautious Approaches: the Southern Cone

Early academic research on transitional justice in the Southern Cone of South America took a distinct legalistic orientation. At the time, transitional justice, as a self-aware epistemic body of practices and understandings, was a nascent field. The legacy of high profile criminal justice prosecutions of crimes against humanity at Nuremberg and Tokyo reinforced a prosecution preference in theory and practice. TCs were seen as an experimental innovation, unfamiliar to the more established tradition of criminal justice.

The contexts within which early TCs were established also shaped early understandings of TCs. In the Southern Cone of South America, TCs frequently followed "pacted" transitions, in which the military negotiated an amnesty in exchange for a peaceful transition to civilian rule.[114] In the contexts of political violence at the hands of state agents against political dissidents, TCs associated their campaigns for truth with broader struggles for human rights and justice and democratization, as in the campaigns of the Madres de la Playa de Mayo in Argentina for their missing children and grandchildren.[115]

---

[114] See, for example, Terry Lynn Karl, and Philippe Schmitter, "Modes of Transition in Latin America: Southern Europe and Eastern Europe," *International Social Sciences Journal* 128 (1991), 275; Juan Linz and Alfred Stefan, *Problems of Democratic Transition and Consolidation* (Baltimore, MD: John Hopkins Press, 1996), 61; and Scott Mainwaring, "Transitions to Democracy and Democratic Consolidation: Theoretical and Comparative Issues," in *Issues in Democratic Consolidation; The New South American Democracies in Comparative Perspective*, eds. Scott Mainwaring, Guilermo O'Donnell and Samuel Valenzuela (Notre Dame, IN: University of Notre Dame Press, 1992).

[115] Claire Moon, *Narrating Political Reconciliation: South Africa's Truth and Reconciliation Commission* (Lanham, MD: Lexington Books, 2008), 19.

The disciplinary background of researchers focusing on democratization further entrenched a cautious outlook towards TCs. For political scientists, especially those interested in regime change, trials played a key part in the reestablishment of the rule of law and due process necessary for democratization. Many looked at TCs with caution and as a trade off to criminal justice.[116] Focusing on "third wave" transitions from authoritarian rule in South America, while some argued in favor of an obligation to prosecute;[117] others acknowledged circumstances in which trials would undermine domestic stability.[118] Scholars often took a pragmatic view of TCs, arguing that TCs offered a better way forward where trials could destabilize the new political order.[119] In the "peace versus justice" debate, while some eventually took a more favorable approach to TCs, TCs were seen as a complement, rather than an alternative for trials. TCs were considered successful to the extent that they contributed to impunity and accountability. Few considered TCs to be instruments in their own rights, or examined what broader purposes TCs might serve in post-conflict transitions.

More favorable views of TCs only developed relatively late in the literature on the Southern Cone. Notable is Chilean human rights lawyer, José Zalaquet, who argues that TCs are preferable to retributive justice even where criminal trials are feasible. Especially in contexts following extrajudicial disappearances and missing persons, truth provides information and closure for grieving family members: "it (the truth) does not bring the dead back to life, but it brings them out from silence: for their families, it means the end to an agonizing, endless search."[120] More recently, an interesting empirical literature has looked at the broader normative and discursive impact of TCs on memory politics and victims' movements, particularly in Argentina and Uruguay.[121] As will be further

---

[116] Juan Linz and Alfred Stefan list "rule of law" as their third criterion for a "consolidated democracy." *Problems of Democratic Transition and Consolidation* (Baltimore, MD: John Hopkins Press: 1996). While Samuel Huntington argues that criminal trials and due process play a key role democratization, under certain conditions, regimes should not address the past: "If transformation or transplacement occurred, do not attempt to prosecute authoritarian officials for human rights violations. The political cost of such an effort will outweigh the moral gains." He warns that if leaders feel the need to prosecute, they should do so immediately and not prosecute middle or low ranking officials. *The Third Wave: Democratization in the late Twentieth Century* (Norman, OK: University of Oklahoma Press, 1991), 231.

[117] Miriam Aukerman, "Extraordinary Evil, Ordinary Crimes: A Framework for Understanding Transitional Justice," *Harvard Human Rights Journal* 15 (2000), 39-40.

[118] M. Cherif Bassiouni, Searching for Peace and Achieving Justice: The Need for Accountability, Law and Contemporary Problems 59, no. 4 (1996); Juan E. Mendez, "Accountability for Past Abuses," *Human Rights Quarterly*, (1997).

[119] Audrey R. Chapman and Patrick Ball, "The Truth of Truth Commissions: Comparative Lessons from Haiti, South Africa, and Guatemala," *Human Rights Quarterly* 23, no. 1 (2001); and Diane F. Orentlicher, "Settling Accounts: The Duty to Prosecute Human Rights Violations of a Prior Regime," *The Yale Law Journal* 100 (1991).

[120] José Zalaquett, "Introduction," Report of the Chilean Commission of National Truth and Reconciliation, 14. Available at: http://www.usip.org/files/resources/collections/truth_commissions/Chile90-Report/Chile90-Report.pdf

[121] Elizabeth Jelin, *State Repression and the Labors of Memory* (Minneapolis, MN: University of Minnesota Press, 2003); Elizabeth Jelin, "Public Memorialization in Perspective: Truth, Justice and Memory of Past Repression in the Southern Cone of South America," The International Journal of Transitional Justice 1, no. 1 (2007); Katherine Hite and Cath Collins, "Memorial Fragments, Monument Silences and Re-awakenings in 21st-

elaborated in Chapter 3, this scholarship has looked at competing memories around the past as part of democratic politics as official memories provide rallying points for activists and their constituents.

The South African TRC: a Paradigmatic Case

The South African TRC was a turning point in the literature on TCs, generating an active and distinct interdisciplinary research agenda. The TRC brought a new emphasis to communal reconciliation, individual healing, and restorative justice. In contrast to earlier TCs, investigating political violence by state agents, the South African TRC also considered non-political crimes committed by civilians. While it looked at apartheid as criminal and sought to offer a new constitutional framework of rights-based citizenship, it moved beyond a political focus of rights and obligations to elevate horizontal relationships between individuals within society.

Importantly, the South African TRC coincided with a global expansion of the crimes transitional justice mechanisms should address. The 1990s saw an emphasis on different types of violence in conflict studies and peace-building. Scholars began to focus on broader issues affecting civilians in warfare as pressing issues of transitional justice, e.g. human security and gendered violence. For many in the field, TRCs offered a pragmatic way forward. Where large elements of the population carried out violence, as in Rwanda, or in contexts with heavy use of child soldiers, such as Sierra Leone, it was increasingly argued that the challenge of future coexistence called for rehabilitation and reconciliation.[122] The South African TRC's focus on political as well as social violence increasingly moved TRCs away from a narrow human rights and democratization paradigm, and associated them with conflict resolution and peace-building. Participatory TRCs, seeking widespread public participation and engagement appealed as a bottom up and re-integrative form of transitional justice, tied to peace-building and conflict transformation.[123]

At the same time, the TRC inspired a prolific critical literature. Mark Freeman argues that most of the statements before the commission were not sworn to nor tested by cross-examination. While he maintains that TRCs "attempt to heal a violence-ridden society, and to facilitate social consensus involved concerns that are quite distinct from the localized, more insular, and more precedent-based reasoning of courts," and that "a truth commission's heightened concern with victims' experiences

Century Chile," *Millennium: Journal of International Studies,* Violence and Memory Forum 38, no. 2 (2009); Francesca Lessa, *Memory and Transitional Justice in Argentina and Uruguay: Against Impunity* (New York, NY: Palgrave, 2013).
[122] See, for example, Neil J. Kritz, *Transitional Justice.*
[123] For Robert Rotberg, public engagement was the primary accomplishment of the South African TRC, which he argues should be a model for future TRCs. Robert I. Rotberg, "Truth Commissions and the Provision of Truth, Justice and Reconciliation," in *Truth v. Justice: the Morality of Truth Commissions,* eds. Robert I. Rotberg and Dennis Thompson (Princeton, NJ: Princeton University Press, 2000).

contradicts the usual imperative of courts to neutrally probe and question the testimony of witnesses," in his view, TRCs generally do make the standards for procedural fairness. [124] Considering standards for admissible evidence before public hearings conducted by truth commissions, Freeman concludes that TRCs "should adopt a broadly permissive approach to the admissibility of evidence at public hearings" and "[relevance should be the primary criterion for admissibility.[125] While in many cases, this shortcoming may be more of a logistical consequence than an epistemological choice - in participatory TRCs, commissioners invest mental energy and time into gathering testimonies, leaving little time to analyze them - the subjective nature of memory and nature of the events dealt with in testimonies create additional challenges. Victims may suffer from post-traumatic stress and have trouble recollecting the past. Often, victims themselves have passed away or are unable to testify; in other cases, relatives represent victims, who may be less familiar with the details of a case. [126] Others see this as a consequence of the testimonial process itself. Anthropological studies stress the socially constructed nature of storytelling. Rather than produce a national history that encompasses the diversity of individual experiences and perspectives, individual narratives begin to reflect and adapt themselves to larger societal narratives.[127]

Much of the critical literature, however – like the literature in favor of the South African TRC - has focused on the TRC's use of personal testimony. Questions remain of whether public truth-telling is cathartic or can reopen old wounds.[128] Some have challenged whether public acknowledgement is helpful at all without an apology;[129] and whether TRCs have actually shaped popular perceptions.[130] Empirical studies, while few, have produced mixed results. According to James Gibson's 2004 representative sampling of 3,700 of South Africa's major racial, ethnic and linguistic groups, most South Africans feel ambivalent about the TRC. Sixty percent of blacks and seventy-five percent of other races believe examining the past will reopen old wounds. Groups are evenly divided over whether their children should learn about past atrocities.[131] In addition, Gibson's data indicates that whites and Asians feel the most "reconciled," while blacks feel the least "reconciled."[132]

---

[124] Mark Freeman, *Truth Commissions and Procedural Fairness* (Cambridge University Press, 2006)*,* 72.

[125] Ibid, 247

[126] Minow, *Between Vengeance and Forgiveness*.

[127] Wilson claims that individuals who supported the South African TRC had been persuaded by the TRC's discourse. Richard A. Wilson, *The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-Apartheid State* (Cambridge, UK: Cambridge University Press, 2001).

[128] Minow, *Between Vengeance and Forgiveness*; Hayner, *Unspeakable Truths*, 141-145.

[129] Charles S. Maier, "Overcoming the Past? Narrative and Negotiation, Remembering and Reparation: Issues at the Interface of History and the Law," in *Politics and the Past: on Repairing Historical Injustices,* ed. John Torpey (Lanham, MD: Rowman & Littlefield Publishers, 2003).

[130] David Mendeloff, "Truth-seeking, Truth-telling and Postconflict Peacebuilding: Curb the Enthusiasm," *International Studies Review* 6 (2004), Eric Brahm, "Uncovering the Truth: Examining Truth Commissions Success and Impact," *International Studies Perspectives* 8, no. 1 (2007).

[131] James L. Gibson, *Overcoming Apartheid: Can Truth Heal a Divided Nation* (New York, NY: Russell Sage Foundation, 2004).

[132] Ibid.

The therapeutic understanding of TRCs has been especially influential in shaping subsequent normative and empirical criticisms. A frequent concern is that the South African TRC – while not obliging victims to forgive – actively promoted a discourse of healing and forgiveness, embedding forgiveness in communitarian and moral-religious frameworks.[133] Empirically, the therapeutic understanding of TRCs continues to shape research paradigms – particularly for researchers of African TRCs. As will be discussed in reference to hybrid TRCs, the therapeutic understanding of participatory TRCs has served as a model to assess subsequent TRCs, where scholars look at the resonance of the South African model – as global export – elsewhere. It is hard to find evidence that TRCs procedures, even within the South African context, were geared to bring about personal healing or interpersonal reconciliation.[134] As will be argued in Chapter 3, participatory and hybrid TRCs have generally endorsed a broader civic understanding of restorative justice, linked to democratization and civic engagement.

Didactic TCs: Interrogating Truths

Academic research has focused less on didactic TCs. The few studies on didactic TCs came largely from scholar-practitioners, who were often involved in these TCs. Audrey Chapman and Patrick Ball argue that didactic TCs have a number of core advantages to participatory commissions. While individual testimonies can reveal personal or "micro" truths, one of the benefits of quantitative techniques is that they can generate "macro-truths."[135] Micro-truths are "specifics of particular events, cases, and people." Macro-truths are the "assessment of contexts, causes, and patterns of human rights violations" and seek to portray a "big picture" of the conflict, emphasizing structural causes and broader social, political and economic contexts.[136] While Chapman and Ball acknowledge that subjective processes are also important to acknowledge victims' experiences and facilitate

---

[133] See, for example, Richard A. Wilson, *The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-Apartheid State* (Cambridge: Cambridge University Press, 2001), 119-121; and Paul Gready, *The Era of Transitional Justice: the Aftermath of the Truth and Reconciliation Commission in South Africa and Beyond* (New York, NY: Routledge, 2011). p. 202.

[134] Even in the South African context, TRC officials themselves were divided, with many later distancing themselves from the micro goals of reconciliation, and focusing on the civic sphere. See Gready, *The Era of Transitional Justice.* The South African TRC's mandate took a more long-term view, referring to 'trickle down' reconciliation, where the TRC was mainly starting a process and exploring what reconciliation meant, that would take root at the communal and personal levels later on.

[135] Audrey Chapman and Patrick Ball, "Levels of Truth: Macro-Truth and the TC," in *Truth and Reconciliation in South Africa: Did the TC Deliver?* Eds. Audrey R. Chapman and Hugo Van Der Merwe (University of Pennsylvania Press, 2008), 144.

[136] Ibid. Alex Boraine refers to "forensic truth" or "hard facts" as covering specific data on human rights abuses, which details the circumstances in which abuses were committed and assign accountability. Boraine, *A Country Unmasked*, 288-291. See also the South African TRC's discussion of types of truth. The South African TRC Report, Volume 1, Chapter 5, "Concepts and Principles," 111.

reconciliation, they criticize the South African TRC's emphasis on interpretive truths. The authors argue that narrative, social and restorative truths are "process goals, not forms of truth…The conflation of the subjective with objective truth-finding weakens the political and moral importance of truth by making truth a matter of personal opinion, and not the product of verifiable scientific best practices."[137]

At the same time, didactic TCs have also been vulnerable to criticisms over how they present data. While social science approaches seek to avoid the subjective biases and politicization of participatory models, macro truths also risk moral equivocation.[138] Since TCs cannot reveal all potential cases or events, they choose to feature representative or symbolic cases.[139] These "window cases" are chosen to make specific points, rather than test a hypothesis.[140] While the El Salvadorian TC found that state agents committed 93 percent of the documented violations, the report is structured into parallel categories containing an equal number of specific examples of violence committed by both sides of the conflict, e.g. "Violence against Opponents by Agents of the State" versus "Violence against Opponents by the Frente Farabundo Marti Para la Liberacion Nacional (FMLN)." While the El Salvadorian TC found that the FMLN committed only five percent of human rights violations, some charged that the report puts disproportionate focus on crimes by FMLN members.[141]

There is also a larger concern that the emphasis on research rather than participation has come at a cost of undermining TCs' public impact. Unlike participatory TRCs, where TRCs are conceived to have a direct impact on participants and audiences through public testimony and hearings, the broader objectives of didactic TCs are less clear in the literature. While Jeremy Sarkin argues that the internationalization of recent TCs, especially in Latin America, has given them a critical layer of impartiality by making them independent of domestic political actors and freeing them from bias and polarization,[142] the El Salvadorian and Guatemalan TCs, run by three respected international commissioners and funded mostly by the UN and Western NGOs, and conducted mainly behind closed doors by social scientists, generated very little public involvement. Recent research on the El Salvadorian TC maintains that it failed to engage the local population and that today few are familiar with the report.[143]

---

[137] Chapman and Ball, "The Truth of Truth Commissions," 42.
[138] Teitel, *Transitional Justice.*
[139] Ibid, 23.
[140] Ibid.
[141] Ibid.
[142] Jeremy Sarkin, "The Necessity and Challenges of Establishing a Truth and Reconciliation Commission in Rwanda," *Human Rights Quarterly* 21, no. 3 (1999), 808-809.
[143] Margaret Popkin, "The Salvadoran Truth Commission and the Search for Justice," in *Truth Commissions and Courts: the Tensions between Criminal Justice and the Search for Truth,* eds. William Schabas and Shane Darcy (Dortrecht, Netherlands: Kluwer Academic Publishers, 2004)*,* 8.

Hybrid TRCs: Research Gaps

The literature on hybrid TRCs is still developing, and, it will be argued, needs to go further in taking stock of both the practices of hybrid TRCs and the contexts within which they operate. There has been a split between recent normative and empirical research agendas. On the one hand, a normative literature, reflecting the holistic turn, has sought to make sense of fundamental objectives of transitional justice. Drawing on what it identifies as recent trends in practice, this largely scholar-practitioner literature seeks to provide an understanding of what transitional justice processes should achieve and a baseline for how to evaluate them.[144]

The holistic turn's emphasis on complementary tracks also brought more attention to the broader objectives of TCs. David A. Crocker argues that a strong historical record is a prerequisite for other goals of transitional justice. Criminal sanctions are impossible without "reasonable certainty about the identity of perpetrators and nature of their involvement."[145] Similarly, reparations require accurate identification of victims and harm. For many in the field, the parallel establishment of trials and TRCs placed a greater onus on recent TRCs to clearly define their contribution. Among practitioners, the two-track approach in Sierra Leone, led to more reflection on what purposes TRCs should serve in relation to courts and on the jurisdiction of judicial versus non-judicial mechanisms.[146]

Empirical impact studies have taken a more critical approach. A growing ethnographic literature has questioned the global transitional justice "tool kit" and one-size-fits-all approach.[147] This scholarship has interrogated the holistic understanding of transitional justice, arguing that the emphasis on local ownership and partnership in recent policy discourses remains superficial, and that transitional justice

---

[144] Pablo de Grieff argues that the generation of civic trust ought to be one of the main goals of transitional justice "Theorizing Transitional Justice," in *Transitional Justice,* Nomos, Volume L*,* eds. Melissa Williams, Rosemary Nagy, and Jon Elster (New York, NY: New York University Press, 2012). See also Alexander Boraine, "Transitional Justice: a Holistic Interpretation," *Journal of International Affairs* 60, no. 1 (2006). There have been more calls to link transitional justice to peace-building. Normative scholars have also argued that transitional justice should bring about long-term conflict transformation and social justice. Wendy Lambourne, "Transitional Justice After Mass Violence: Reconciling Retributive and Restorative Justice," in *Julius Stone: A Study in Influence*, eds. Helen Irving, Jacqueline Mowbray and Kevin Walton (Sydney: Federation Press, 2010) and Wendy Lambourne, "Transitional Justice and Peacebuilding After Mass Violence," *International Journal of Transitional Justice* 3, no. 1 (March 2009); and Rama Mani, *Beyond Retribution: Seeking Justice in the Shadows of War* (Cambridge and Malden, Massachusetts: Polity, 2002).

[145] David A. Crocker, "Reckoning With Past Wrongs," 9.

[146] William A. Schabas and Shane Darcy, eds. *Truth Commissions and Courts: the Tension between Criminal Justice and Truth* (Dordrecht, the Netherlands: Kluwer Academic Publishing, 2004).

[147] Introduction" in *Localizing Transitional Justice: Interventions and Priorities after Mass Violence,* eds. Rosalind Shaw and Lars Waldorf (Stanford, CA: Stanford University Press, 2010). See, for example, Harvey M. Weinstein, Laurel E. Fletcher, and Patrick Vinck, "Stay the Hand of Justice: Whose Priorities Take Priority?" in *Localizing Transitional Justice: Interventions and Priorities after Mass Violence,* eds. Rosalind Shaw and Lars Waldorf (Stanford, CA: Stanford University Press, 2010).

in fragile states has lacked meaningful engagement with local traditions and partnership.[148] The scholarship has taken a strong stance that local preferences and needs are often disregarded in globalized transitional justice, arguing for a contextually sensitive orientation.

In Peru, East Timor and Sierra Leone, these concerns have manifest themselves in a number of interesting qualitative studies.[149] In Sierra Leone, the literature has taken a cultural relativist lens, based on the premise that practices of healing and reconciliation are socially and culturally-constituted.[150] In an influential article for the US Institute for Peace, anthropologist and Sierra Leone specialist, Rosalind Shaw, argues that most people she interviewed wanted "to forget" the past, bringing up the refrain, "let's forgive and forget."[151] Drawing on her extensive earlier anthropological research on Sierra Leonean communal coping mechanisms, developed in response to social disruption caused by the transatlantic slave trade, she argues that speaking of the war in public undermines established processes for healing and reconciliation at the village and familial levels. Shaw notes alternative practices of "social forgetting," where people are remade into "new social persons" and people make a tacit understanding not to discuss the past, particularly among Temne speaking communities, who have sometimes incorporated Pentecostal practices. In some cases, Shaw notes that communities refused to participate in the TRC to protect their ex-combatants, or in the case of communities in the north, because they feared government retaliation.[152] While Shaw concludes that an official truth-seeking played an important function to establish accountability and a historical record, she maintains that rather than ask participants to adapt to external modes, the onus should be on TRCs to adapt themselves to local modes of recovery and contextual traditions.

Other Sierra Leone scholars have come to similar conclusions. In his ethnographic study of a week of TRC district hearings in Tonkolili, Northern Sierra Leone, Tim Kelsall starts with the observation that in truth commissions, the "truth is seldom told." Kelsall notes that in the hearings he attended, all perpetrators apologized to the community for participating in armed groups with records of human rights abuses, however, only one admitted individual responsibility, and none "seemed genuinely contrite."[153] In his view, "The hearings as a whole were focused on perpetrators rather than victims, the primary purpose being to consolidate the reintegration of ex-combatants into communities." He

---

[148] Ibid.
[149] Kimberly Susan Theidon, "Justice in Transition: the Micropolitics of Reconciliation in Postwar Peru," *The Journal of Conflict Resolution* 50, no. 3 (2006); Timothy Kelsall, "Truth, Lies, Ritual: Preliminary Reflections on the TC in Sierra Leone," *Human Rights Quarterly* 27, no. 2 (2005).
[150] See Rosalind Shaw, "Rethinking TCs: Lessons from Sierra Leone," *Special Report, United States Institute of Peace* (2005).
[151] Rosalind Shaw, "Rethinking Truth and Reconciliation Commissions: Lessons from Sierra Leone," *Special Report, United States Institute of Peace* (2005), 8.
[152] Many of her interviewees believed public testimony might encourage future violence. Ibid, 1.
[153] Timothy Kelsall, "Truth, Lies, Ritual: Preliminary Reflections on the Truth and Reconciliation Commission in Sierra Leone," *Human Rights Quarterly* 27, no. 2 (2005), 372.

notes that witnesses were often not present at TRC hearings, "apparently having been forgotten by the Commission, notwithstanding the fact that she had grudgingly agreed to be reconciled," concluding, "Because their statements had been empty, their apologies rang hollow." [154] Kelsall describes the legalistic formal nature of proceedings, stressing the importance of culture in transitional justice. In his view, the most meaningful part of the TRC hearings was in the end of the week, when the TRC incorporated a traditional ritual-based reconciliation ceremony. [155] In his later work on the Special Court, Kelsall further develops his analysis of the role of culture, arguing that the Court failed to engage with Sierra Leonean understandings of agency and accountability. He argues for a more integrated, dialogical transitional justice approach in post conflict societies. [156]

More recent research on Sierra Leone has reinforced these findings. Chris Coulter adds a gendered analysis to the literature. She finds that talking about war experiences was shameful for women and a source of stigmatization in Sierra Leone: "to publicly recount a 'trauma' can actually be perceived as reproducing the hurt and shame associated with the original event in the present and into the future."[157] Her informants told her that their "social environment expected them to behave in a 'normal' way if they wanted to be forgiven and their wrongs forgotten. This meant that they were encouraged to assume the ethics of traditional female ideal of deference, to be hard working, and also to dress and speak 'properly.' In other words, to go on with life as if nothing had ever happened."[158] Coulter warns that the TRC and Special Court undermined women's reintegration to civilian life and restoration of normalcy. In a similar vein, Gearoid Millar argues, from a religious-cultural standpoint, that truth-telling and Western conceptions of agency do not translate into the Sierra Leonean context, where culture and religion reinforce fatalism about the future. [159] Focusing on class divisions, while local elites were generally more enthusiastic about the TRC;[160] Millar's interviewees in Makeni had already forgiven, finding the TRC a disturbance or nuisance, adding *pepper to their wounds.*" Millar concludes that Sierra Leoneans have an inherently distinct understanding of agency and autonomy compared to Western conceptions, where we "see ourselves as the drivers of our destiny and holders of our own fate." In Makeni, "If God brought the violence, if he pre-ordained or planned for the death of a loved one, or if he preordained the amputation of an arm, who are we as simple humans to blame

---

[154] Ibid, 389.

[155] Ibid.

[156] Tim Kelsall, *Culture Under Cross Examination: International Justice and the Special Court for Sierra Leone* (Cambridge: Cambridge University Press: 2009).

[157] Chris Coulter, *Bush Wives and Girl Soldiers: Women's Lives through War and Peace in Sierra Leone* (Ithaca: Cornell University Press, 2009), 180.

[158] Ibid.

[159] Gearoid Millar, "'Ah Lef Ma Case Fo God,': Faith and Agency in Sierra Leone's Postwar Reconciliation," *Peace and Conflict: Journal of Peace Psychology* 18, no. 2 (2012).

[160] Ibid, 135. See also Gearoid Millar, "Assessing Local Experiences of Truth-telling in Sierra Leone: Getting to 'Why' Through a Qualitative Case Study Analysis," *The International Journal of Transitional Justice 4* (2010).

the individuals chosen as God's tools? We have no more power over this process than the perpetrators had in committing the violence."[161]

In Peru, as well, scholars have often focused on the CVR's impact on the micro level. In this largely ethnographic literature, researchers have examined perceptions of the CVR and transitional justice in war-affected communities in the Andes. Emphasizing the role of socio-economic class in shaping preferences and perceptions of justice and reconciliation, Lisa J. Laplante and Kimberly Susan Theidon argue that the "truth is not enough." Testifying is a "contract": "When victim-survivors speak about their suffering and losses, they place a responsibility on their interlocutors to respond: testimony is a demand for acknowledgement and redress. Survivors of political violence come forth in part to reclaim their history as well as to demand a different sort of future."[162] Compared to Argentina, for example, where mothers of the disappeared sometimes refused reparations as a tactic for the state to escape criminal responsibility, poor populations in Peru had to prioritize practical considerations and basic needs, e.g. housing and education for their children, over other transitional goals, notably, retributive justice. Economic hardship and the nature of political violence in Peru, where many do not know what happened to their relatives or cannot identify the perpetrator, have made retributive justice impossible and concentrated victims' demands on reparative justice. Theidon also focuses on class in her broader work, comparing elite hostility to national reconciliation to more pragmatic community reconciliation in villages in the Andes. While middle-class Peruvians in the capital cities were more concerned about corruption charges against the government than with human rights abuses and disappearances, "micro-reconciliation" in the Andes was often pragmatic and functional - a way for communities to restore the social fabric necessary to rebuild communal life and labor.[163] Theidon finds that community reconciliation is tied to action and proving oneself - working on communal land becomes a form of atonement, which grows more meaningful and credible over time.[164] Linking to Chapter 3, interestingly, Theidon's interviewees distinguished between forgiveness and reconciliation. While villagers see reconciliation as "coexistence," forgiveness is deeper and is a personal process, which cannot be forced externally.[165]

Recent empirical impact literature on Sierra Leone and Peru has raised important contextual insights and concerns. A first set of concerns, especially in Sierra Leone, is ownership and legacy – who sets up and conducts transitional justice, and with what consequences? In both Sierra Leone and Peru,

---

[161] Millar, "Ah Lef Ma Case Fo God," 139.
[162] Lisa J. Laplante and Kimberly Susan Theidon, "Truth with Consequences: Justice and Reparations in Post-Truth Commission Peru," *Human Rights Quarterly* 29, no. 1 (2007), 243. See also Maria Elena García, *Making Indigenous Citizens: Identity, Development and Multicultural Activism in Peru*. (Stanford, CA: Stanford University Press, 2005).
[163] Kimberly Susan Theidon, "Justice in Transition," 454.
[164] Ibid, 446-447.
[165] Ibid, 56. My interviewees frequently referred to a "forced reconciliation" or "coexistence," pointing out that tensions exist beneath the surface.

hybrid TRCs were based largely in the capital cites, while victims and insurgents often came from rural and remote areas. TRCs, the literature charges, only superficially engaged stakeholders, holding hearings in a token manner, before moving on to the next destination. In both Sierra Leone and Peru, the literature has also brought attention to the long-term impact of transitional justice. In Peru, in particular, the scholarship emphasizes the importance of follow up and economic deprivation. Where poor rural communities bore the brunt of political violence, truth-seeking processes raise expectations and lead to disappointment, highlighting the sensitive issue of reparatory justice and structural violence.

Second, the qualitative literature has brought important attention to culture and legitimacy. In Sierra Leone, in particular, the neglect of local culture and the sidelining of civil society and authorities fundamentally politicized transitional justice. In both contexts, the literature contrasted TRCs to parallel community restorative traditions, which in many cases preceded the TRCs. The literature notes the lack of engagement with these structures and the inadequate recognition and incorporation of local traditions and values.

At the same time, and setting the stage for Chapter 3, current literature contains a number of gaps. A first is the widespread starting point that TRCs are foreign and imposed and do not resonate with local traditions and values. Coulter locates truth-telling in a belief "within that diffuse entity we call the international humanitarian community that testifying about violence and humiliation, talking about what happened to them during the war, would be cathartic and healing for people."[166] Kelsall and Shaw situate it within Western historical traditions of psychotherapy and healing. For Kelsall, TRCs have roots in Western modernity: "The practice of confession it should be remembered, has been an outstanding cultural node in the historical experience of the West."[167] In his view, the "drama of healing through public confession and grief…enlists a number of tropes in the Christian imaginary, such as suffering, martyrdom, and resurrection...explains in part the fascination with TRCs."[168] Citing Foucault's *The History of Sexuality*, he further flags the influences of Catholicism, psychotherapy and psychoanalysis, and even mass appeal TV talk shows, in which "ordinary people confess extraordinary intimate details of their lives to public audiences."[169] Shaw, in turn, links truth-telling to broader North American and European nation-building practices: the "product of a culture of memory that arose from specific historical processes in North America and Europe."[170] The notion of national reconciliation rests on an idea of healing a nation that "is wounded or traumatized is primarily nation-building rhetoric that anthropomorphizes the nation as a feeling, suffering entity," derived from

---

[166] Coulter, *Bush Wives and Girl Soldiers*, 179.
[167] Kelsall, "Truth, Lies, Ritual," 383.
[168] Ibid, 371.
[169] Ibid, 383.
[170] Shaw, "Rethinking Truth and Reconciliation Commissions," 7.

Durkheimean "nineteenth century models of society as akin to an organism that can be healthy or sick."[171] Millar locates TRCs in a broader Western reconciliation literature, rooted in psycho trauma therapy, where talking is meant to bring about healing, and Christian theology.[172]

While the resonance of TRCs in Western culture and history is beyond the scope of this chapter, restorative justice, as Chapter 3 will detail, long predates the existence of TRCs.[173] Although there is a tendency, especially in the ethnographic literature, to treat TRCs as formal internationalized mechanisms, alongside criminal trials, TRCs, as argued in this chapter, are a fluid set of practices. As was discussed in reference to South Africa, even within one context, practices can change and become redefined over time as TCs solicit support and justify themselves to their constituents. Impact studies on hybrid TRCs carried out years after TRCs finish their work by and large engage little with TRC practices – with the few exceptions focusing on high profile TRC procedures, specifically hearings.[174]

Athough the external drivers of TRCs and lack of local ownership and engagement are important concerns when evaluating recent hybrid TRCs, the distinction between traditional indigenous restorative justice practices and formal global practices, implicit in much of the critical literature, also needs to be treated with caution. In practice, what is local versus international is difficult to define. As will be argued in Chapter 5, Sierra Leonean civil society often referred to the TRC as an "African" approach to conflict resolution, based on a model brought in from South Africa, but embedded in pre-colonial traditions throughout the country.[175] Sierra Leonean historian, Joe A. D. Alie stresses the fluid and dynamic nature of culture, and that "African institutions, whether political, economic or social, have never been inert" and respond to changes and social forces. While traditions of restorative justice have been practiced and can be found among ethnic groups throughout West Africa, transitional justice in Sierra Leone has a unique and dynamic dimension. As Shaw argues in her extensive earlier work, centuries of warfare and raiding, resulting from the transatlantic slave trade and colonial rule, had led to in development of innovative coping mechanisms throughout the country of "reintegrating combatants, reworking relationships and rebuilding moral communities."[176] While Sierra Leone has a

---

[171] Ibid.

[172] Millar, "Ah Lef Ma Case for God," 132-133.

[173] One could argue the opposite, i.e. that Western history has been marked by historical amnesia. See Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1977).

[174] See Kelsall, "Truth, Lies and Ritual."

[175] Sierra Leonean historian Joe A.D Alie argues that the TRC's integrating of "traditional, civil society and religious elders in its truth-seeking and reconciliation sessions (including traditional rites of forgiveness), especially in the provincial areas," helped its work, as well as its practices of "traditional reconciliation ceremonies such as the pouring of libations and cleansing rituals," although he argues that the TRC should have brought in other purification practices. "Reconciliation and Traditional Justice: Tradition based Practices of the Kpaa Mende in Sierra Leone," *Traditional Justice and Reconciliation after Violent Conflict: Learning from African Experiences* (International Institute for Democracy and Electoral Assistance, 2008).

[176] Rosalind Shaw, *Memories of the Slave Trade: Ritual and the Historical Imagination in Sierra Leone* (Chicago: University of Chicago Press, 2002).

rich heritage of retributive and restorative justice, these practices were abandoned in some cases, or inadequately passed on to the next generation, particularly in a context of increasing rifts between youth and authority figures in the lead up to the war. The RUF's systematic killing of individuals, who carried this knowledge - elders and chiefs – and its intentional desecration of traditional sites and shrines during the war, destroyed the social fabric and the ability for authority figures to pass on traditions. Perhaps most importantly, while the incorporation of communal restorative justice could strengthen formal mechanisms, as noted by Alie, communal practices were generally used for relatively minor crimes, e.g. youth offenders or adultery, and not prepared to deal with war crimes and crimes against humanity.[177]

Finally, and leading to Chapter 3 on national reconciliation, the micro level focus of the ethnographic literature in Sierra Leone and Peru also needs to be critically interrogated. The literature's criticism of hybrid TRCs' abilities to generate interpersonal reconciliation and healing stands in contrast to the methods and procedures of recent hybrid TRCs. As will be elaborated in Chapter 4, in Sierra Leone, while the TRC promoted the idea that the TRC would help individuals heal by giving them the chance to "clear their minds and blow their chests," TRC officials also noted that the psychological impact of TRCs was uncertain.[178] The Sierra Leonean TRC took measures to mitigate the possibility of re-traumatization, notably confidential statement taking, employing psychologists for participants, and holding focus groups for sensitive issues, particularly sexual violence. Similarly, in Peru, individuals often gave statements in confidence and victims and perpetrators were not present at the same hearings. Importantly, as the empirical chapters will set out in detail, in both Sierra Leone and Peru, hybrid TRCs clearly distinguished their focus on national reconciliation from more internal processes of forgiveness and interpersonal reconciliation. Both the Sierra Leonean and Peruvian TRCs, promoted an understanding of political national reconciliation, tied to democratization and a civic understanding of participatory nation-building.

Despite hybrid TRCs' focus on democratization and their political understanding of reconciliation, the scholarship has generally not evaluated hybrid TRCs' impact on democratic politics. Where qualitative ethnographic accounts tend to focus on the micro level and individual, interpersonal, or community healing, quantitative studies tend to focus on formal and legalistic criteria. Both literatures disregard TCs' broader normative and discursive impact and the indirect contribution of TCs in post-conflict societies. Although democratization is on the forefront of comparative studies of transitional justice, a better understanding is needed of TC practices and their substantive and often indirect contributions in post-conflict societies. Following the overview of variations in TC practices in

---

[177] Joe A.D. Alie, "Reconciliation and Traditional Justice." See also Dr. Joe A. D. Alie, interview by author, Freetown, Sierra Leone, July 17, 2009.

[178] The Sierra Leonean TRC Report, Chapter 1.

Chapter 2, Chapter 3 will now offer a framework with which to evaluate hybrid TRCs' broader societal impact on national reconciliation.

2.4. Conclusion

This chapter identified variances in TC theory and practices. It looked at human rights models of TCs, established in the context of regime transitions, the development of a participatory restorative TRC model, the didactic social scientific TCs in El Salvador and Guatemala, and more recent hybrid TRCs in Sierra Leone and Peru. These TCs utilized very different procedures, and were followed by attempts to make sense of practices in academic literature.

The chapter identified what it saw as important tensions inherent in the work of TCs. While transitional justice theory and TC mandates tend to look at truth and reconciliation as complementary, in practice, they are often in conflict. On the one hand, when conceptualized as inclusive mechanisms, restorative TRCs struggle with the question of whose experience they should represent and honor and whom they should target as their audience. Should TRCs focus on validating those who suffered the most in conflict and should their report be primarily a history of the oppressed? Or, if TRCs are to facilitate social repair and communal healing, should they make a special effort to target those who are the least trustful of the TRC and most antagonistic towards coexistence? On the other hand, when conceptualized as didactic bodies, TCs risk excluding the broader population and antagonizing powerful actors. In practice, TCs have often had to prioritize one goal over another, facing hard choices and tradeoffs between objectives. Hybrid TRCs – much like the holistic turn – seek to address these concerns by pursuing both objectives simultaneously. They aim at to generate widespread public engagement, promote a victim-centered and participatory approach, and create local ownership. They seek to contribute to social learning through careful fact-finding, public testimony, and creating an inclusive process, which represents different voices in the conflict, as well as historical accuracy.

The chapter argued that gaps remain between TC practice and theory and between normative and empirical scholarship on TCs. The legacy of the South African TRC dominates much of the literature. While different types of TCs have since emerged, by and large, empirical research has not acknowledged variances in TC practices. This applies particularly to hybrid TRCs, where empirical research has tended to focus on hybrid TRCs' impact on communal reconciliation and individual healing, rather than on national reconciliation.

Chapter 3 will now develop what it identifies as a procedural understanding of national reconciliation. Chapter 3 will draw on a broader literature on transitional justice and peace-building scholarship, as

well as an older normative literature on social learning, to emphasize hybrid TRCs' normative and discursive contributions. The procedural understanding of reconciliation, developed in the thesis, looks at reconciliation as a process, rather than as a measurable outcome. Chapter 3's understanding of procedural reconciliation applies to the vision and procedures of hybrid TRCs, and will offer a research framework with which to evaluate hybrid TRCs' functions and impact.

3 Hybrid TRCs and National Reconciliation

Since the establishment of the South African TRC in 1995, reconciliation has been closely linked to the study and practices of TRCs. As detailed in Chapter 2, the South African TRC generated a distinct conception of TRCs linked to trauma relief and restorative justice, and an understanding of reconciliation, rooted in social psychology and theology. The South African TRC shaped the scholarship on TRCs and reconciliation in important ways. Although the practices of TRCs have shifted from the micro to the macro level, empirical impact studies have generally focused on the micro level, associating reconciliation with individual healing and interpersonal and communal repair.

This chapter provides a conception of national reconciliation, which evaluates the contribution of TRCs on the civic sphere. The starting rationale of the chapter is two-fold. First, a better understanding of national reconciliation is needed to evaluate the impact of recent TRCs. As argued in Chapter 2, hybrid TRCs, established in the last decade in Sierra Leone, East Timor, and Peru, consciously distanced themselves from the goals of personal healing and interpersonal reconciliation. These hybrid TRCs promoted a democratic understanding of national reconciliation between society and state, pursued through participatory civic nation-building and democratic reforms. Second, an understanding of national reconciliation is important to address the legacies of protracted social conflicts. In protracted social conflicts, political violence has a severe impact on political capital and civic trust. While critical peace-building scholars have tended to distance themselves from the top-down political institution-building approach favored by the liberal peace-building scholarship, the critical literature's tendency to depoliticize peace-building is also problematic. The chapter maintains that any transformative process of transitional justice must be established with the objective to generate political capital and social cohesion, and to address the political impact of protracted violence.

Chapter 3 draws on concepts from restorative justice, social learning, and peace-building to develop an understanding of national reconciliation on the macro level. The chapter's definition of reconciliation is substantive. It is based on beliefs and identifications, as well as social and political capital. Reconciliation, as defined by the thesis, has three core pillars: shared norms and values, civic trust, and solidarity. The chapter provides a basis for the later empirical chapters on Sierra Leone and Peru by fleshing out and theoretically grounding the thesis's analytical claims.

The chapter will be structured as follows. Section 3.1 reviews scholarly understandings of reconciliation. Section 3.2 discusses restorative justice and social learning as normative foundations of national reconciliation. Section 3.3 provides a conception of national reconciliation, defined as shared

norms and values, civic trust, and solidarity. Section 3.4 lays out an analytical framework for the thesis, considering ways in which hybrid TRCs can contribute to national reconciliation. Finally, Section 3.5 provides specific guiding questions and areas of inquiry for the field research on hybrid TRCs in Sierra Leone and Peru.

3.1. Theorizing Reconciliation

Micro and Macro Definitions

Reconciliation only recently became a prominent area of academic inquiry in the social sciences. Much of the older literature on reconciliation focused on the micro level on individual healing and interpersonal repair. Some of the earliest studies of reconciliation arose from older strands of peace-building (a largely practitioner-driven scholarship) in the 1970s. While a niche area in peace-building, many of these scholars were drawn to reconciliation for its religious resonance. Early conceptions of reconciliation were often rooted in theology, tying reconciliation to Christian themes of forgiveness and healing, and confessional processes of contrition and repentance.[179]

While theological and psychological conceptions of reconciliation have generated extensive criticism, there are important – and often overlooked – elements in these early accounts, absent in later social scientific studies of reconciliation. Against more transformative understandings later linked to TRCs, the theological literature is interesting for its active portrayal of reconciliation as a choice. Mennonite scholar–practitioner John Paul Lederach argues that reconciliation provides a place for "truth and mercy to meet, where concerns for exposing what has happened and for letting go in favour of renewed relationship are validated and embraced."[180] Drawing on political theory and theology, Daniel Philpott and Gerard Powers associate reconciliation with an ethic of "mercy." Reconciliation is the willingness to see an individual as defined as more than or separate from his/her actions (a re-humanizing process).[181] Reconciliation does not mean that people forget the harm done, but that they accept the person as a citizen in good standing and "will new relationships" for the sake of a future in

---

[179] See Howard Zehr, "A Restorative Framework for Community Justice Practice," in *Criminology, Conflict Resolution and Restorative Justice*, eds. Kieran McEvoy and Tim Newburn (New York, NY: Palgrave MacMillan, 2003); and "Restoring Justice in God and the Victim: Theological Reflections on Evil, Victimization, Justice, and Forgiveness," in *Neighbors Who Care*, ed. Lisa Barnes Lampman and Michelle D. Shattuck (Washington, D.C: William B. Eerdmans Publishing Company, 1999). See also John Paul Lederach, "Civil Society and Reconciliation," in *Turbulent Peace: the Challenges of Managing International Conflict,* ed. Chester A Crocker, Fen Osler Hampson, and Pamela Aall (Washington, D.C.: US Institute for Peace, 2001); and *The Moral Imagination* (Oxford: Oxford University Press, 2005).

[180] John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies* (Washington, D.C.: US Institute of Peace, 1997).

[181] Daniel Philpott and Gerard Powers, "Reconciliation: an Ethic for Peacebuilding," in *Strategies of Peace,* eds. Daniel Philpott and Gerard Powers (Oxford: Oxford University Press: 2010), 9.

common.[182] Philpott continues this theme in his subsequent work, identifying mercy as the central ethic in political reconciliation.

More recently, a growing number of scholars and practitioners have focused on reconciliation on the macro level.[183] In TRC practices, there has been a move away from micro reconciliation – the theological, psychological, and spiritual processes through which individuals deal with their pasts and/or each other – and towards civic reconciliation, based on constitutional democracy, human rights, rule of law, and justice.[184] In the literature, as well, a growing number of scholars have argued that while transitional justice can contribute to national reconciliation, interpersonal reconciliation is a personal and subjective process beyond the scope of transitional justice.[185] While micro-reconciliation is intimate – having to do with internal healing and the active restoration of bonds between aggrieved parties – national reconciliation takes place at the societal level between individuals who do not know each other, and at the political/institutional level through the construction of a new relationship or contract between society and state.

The shift of focus to the macro level is significant. First, it has allowed an understanding of reconciliation that is distinct from forgiveness. While proponents of restorative justice argue that forgiveness can be empowering when freely chosen, central to this conception is an understanding that forgiveness must come from individuals' own volition. As set out by Hannah Arendt, the choice to forgive allows victims to take the moral high ground and distance themselves from perpetrators of violence, linking forgiveness to autonomy – a sense of self not defined by victimization or the actions of others.[186] An ethic of forgiveness runs the risk of undermining its value to the individual. Andrew Schaap argues that leaders should neither encourage nor officially sanction a process of political forgiveness (officially forgiving perpetrators of violence). Political forgiveness "bargains away" victims' freedom and takes away their dignity and choice in how to respond to the violation.[187] Along this vein, a frequent criticism of the South African TRC is that the commission – while not obliging victims to forgive – actively promoted a discourse of forgiveness, embedding forgiveness in

---

[182] Ibid, 24.

[183] Arendt, *The Human Condition;* Rosemary Lerner Rizo Patron, "Between Conflict and Reconciliation: the Hard Truth," *Human Studies* (2007).

[184] See Wilson, The Politics of Truth and Reconciliation; and Gready, The Era of Transitional Justice.

[185] Mark Freeman and Priscilla B. Hayner, "Truth-Telling," in *Reconciliation after Violent Conflict: A Handbook*, ed. David Bloomfield (Stockholm: International Institute for Democracy and Electoral Assistance, 2003).

[186] Hannah Arendt identifies forgiveness as an act of agency. In contrast to revenge - the "natural, automatic reaction to transgression"- forgiveness transmits the power to act "anew and unexpectedly, unconditioned by the act which provoked it. *The Human Condition* (Chicago: Chicago University Press, 1998), 240-241. See also Jean Bethke Elshtain, "Politics and Forgiveness," in *Burying the Past: Making Peace and Doing Justice after Civil War,* ed. Nigal Biggar (Washington, D.C.: Georgetown University Press, 2001); Schaap, *Political Forgiveness;* Lederach and Appleby, "An Ethic of Reconciliation;" and Patron, "Between Conflict and Reconciliation."

[187] Andrew Schaap, *Political Forgiveness* (Ithaca, NY: Cornell University Press, 2001).

communitarian and moral–religious frameworks.[188] Second, national reconciliation, as will be conceptualized in the chapter, is more pragmatic and flexible than micro reconciliation. Unlike forgiveness and contrition, which require a level of internal psychological transformation and are oriented towards the past,[189] national reconciliation is future oriented and can occur with or without forgiveness, making it arguably psychologically possible even where forgiveness is not.[190] Belfast conflict practitioner David Bloomfield cites his interview with a British activist working at an NGO dedicated to British–Irish reconciliation, whose eleven-year-old son was killed by an IRA bomb: "I will never forgive the people who killed my son, but I am completely committed to the process of reconciliation."[191]

National Reconciliation and Truth-seeking

Since the South African TRC included reconciliation in its mandate, truth-seeking and memory work have played important roles in the theory and practice of reconciliation. In transitional justice theory and practice, the linking of truth-seeking and reconciliation has manifested itself in a growing interest in collective memory and memory work. Linking to a broader grievance school of conflict, unaddressed legacies of violence are seen to heighten intergroup tensions and pose barriers to reconciliation. Memory is increasingly seen a variable in conflict – both as a driver of violence and as a form of conflict resolution through which grievances are honored and addressed and groups find common ground. The outbreak of violence in the former Yugoslavia in the 1990s, during which nationalist leaders exhumed mass graves of ethnic partisans killed during massacres in World War II, serves as an emblematic example for scholars and practitioners of the dangers of unaddressed violence.[192]

---

[188] For example, Richard A. Wilson, *The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-Apartheid State* (Cambridge: Cambridge University Press, 2001), 119-121. Paul E. Digeser argues that an ethic of forgiveness is illiberal in the public sphere, where individuals do not share the emotional bond to others. In addition, a liberal society learns to accommodate unresolved conflicts into the social framework.

[189] In contrast to forgiveness, reconciliation can take place with or without the establishment of a relationship or the presence of the victim and perpetrator.

[190] Dwyer, "Reconciliation for Realists," 106. Some conceive of gradients of reconciliation as a spectrum with forgiveness at one end and coexistence at the other. Charles Villa Vicencio argues that reconciliation, involving the practical restoration of working relationships and institutions and the cultivation of gradual trust and respect, falls somewhere in the middle, and that forgiveness, if it happens at all, emerges in the long run as a result of reconciliation and the normalization of societal relations Villa-Vicencio, "Reconciliation," in *Pieces of the 2004: Keywords on Reconciliation and Transitional Justice*, eds. Charles Villa-Vicencio and Erik Doxtader (Capetown, South Africa: Institute for Justice and Reconciliation, 2004), 8. Joanna Quinn, "What is Reconciliation?" 182-183; David Bloomfield, "On Good Terms," *Berghof Report* 14 (Berghof Research center for Constructive Conflict Management, October 2006), 24; Dwyer, "Reconciliation for Realists;" and Kriesberg, "Coexistence and the Reconciliation of Communal Conflicts."

[191] Bloomfield, "On Good Terms," 25.

[192] Kritz, How *Emerging Democracies Deal with Former Regimes*. For more on the politicization of ethnic massacres for nationalist purposes, see Robert M Hayden, "Imagined Communities and Real Victims: Self-Determination and Ethnic Cleansing in Yugoslavia," *American* Ethnologist (1996); and Bette Denich, "Unbury

How TCs can contribute to reconciliation, however, is less clear. For a number of scholars, reconciliation itself is a process of establishing a shared truth and building a new identity in common.[193] Susan Dwyer argues just as individual wellbeing is based on the ability to make sense of and incorporate severe disruptions into personal narratives, similarly, the survival of a community or nation "depends upon how it manages to incorporate and accommodate these disturbances and challenges to its prevailing narrative of self-understanding."[194] Dwyer recommends an open process through which political representatives accommodate past events into new mutually acceptable narratives.[195] These narratives do not need to fully agree, but they should establish parameters in which all narratives can be incorporated. Writing as part of a recent UNHCR "Imagine Coexistence Project" in post-war ex-Yugoslavia and Rwanda, Carlos Sluzki argues that reconciliation requires a shift of narratives from victimization to progress and empowerment.[196]

Others focus on reconciliation as the process of establishing dialogue over the past. Rather than look at reconciliation as a shared narrative, a reconciled society is one in which individuals are able to find points of convergence over the past. Theorists of deliberative democracy argue that TRCs can lead to tolerance and cultivated reciprocity. Amy Gutmann and Dennis Thompson criticize the understanding of reconciliation as shared truth, maintaining that it negates the values of pluralism and dissent.[197] Deliberative democracy is based on principles of recognition and respect and communication through reason: "In a democracy, leaders should give reasons for their decisions, and respond to the reasons that citizens give in return."[198] Reasons appeal to principles, which other individuals, based on principles of fairness and rationality, will not reasonably reject, and which are acceptable to all citizens. Participants do not argue for "argument's sake," or "truth's own sake," but to influence government decisions or to lead to a process that will affect how future decisions are made.[199] TRCs serve as a microcosm of democratic deliberation, contributing to democracy as a direct pathway to

---

the Victims: Rival Exhumations and Nationalist Revivals in Yugoslavia," *American Anthropological Association Annual Meeting* (Chicago, 1991). A "Balkan paradigm" has entrenched a fear of antagonistic memories, and has put memory work on the forefront of conflict resolution and prevention efforts. For example, Elizabeth Kiss, "Moral Ambition with and beyond Political Constraints," in *Truth v. Justice: the Morality of Truth Commissions,* eds. Robert R. Rotberg and Dennis Thompson (Princeton, NJ: Princeton University Press, 2000), 72.

[193] David A. Crocker, "Reckoning With Past Wrongs: a Normative Framework," (June 2004), 9; Hayner, *Unspeakable Truths*, 161; and Donna Pankhurst, "Issues of Justice and Reconciliation in Complex Political Emergencies: Conceptualising Reconciliation, Justice and Peace," *Third World Quarterly* 20, no. 1 (1999), 224.

[194] Dwyer, "Reconciliation for Realists," 86.

[195] Ibid, 96.

[196] Carlos Sluzski, "The Process Towards Reconciliation," in *Imagine Coexistence: Restoring Humanity after Violent Ethnic Conflict,* eds. Antonia Chayes and Martha Minow (Cambridge, MA: Jossey-Bass, 2003).

[197] Ibid.

[198] Amy Gutmann and Dennis Thompson, *Why Deliberative Democracy?* (Princeton, NJ: Princeton University Press, 2004), 3.

[199] Ibid, 5.

politics, and normatively through "example" by incorporating pluralistic and representative staffing and procedures and principles of mutual respect.[200] Importantly, the process of dialogue leads to "points of conversion" and compromise.[201] In the South African TRC, for example, individuals may disagree over which actors hold how much blame and how to repair past wrongs, yet still agree that apartheid and the institutions that perpetuated it were wrong.

Whether at the elite or popular levels, understandings of reconciliation as shared truth and deliberative democracy have in common that they focus on processes of direct engagement. In both understandings, TRCs are successful to the extent that they foster dialogue among stakeholders and lead to at least a baseline convergence of viewpoints. The rest of the chapter advances a macro understanding or national reconciliation, focusing on the civic sphere. Unlike other studies on TCs and reconciliation, the understanding of reconciliation advanced in the chapter does not necessitate a shared understanding of the past. A shared narrative is not required for reconciliation to occur; individuals and groups may have multiple narratives. What is important is discursive pluralism – that tolerance for diverse and often competing narratives exists. Additionally, the chapter advances a long-term understanding of TRCs and reconciliation as an ongoing process, which shifts attention away from the focus on the direct impact of hearings on participants.[202] While the South African TRC put high emphasis on "social" or "dialogue truth,"[203] even in this setting, victims and perpetrators often did not show up at the same hearings, or participated only indirectly (as in the case of amnesty hearings).[204] Moreover, how TRCs will bring about deliberation and a convergence of viewpoints is also questionable. Where much of the normative literature has taken inspiration from the South African TRC, empirical studies frequently note the defensive reactions of South Africans of different backgrounds to the TRC,[205] the tendency of hearings to attract a small, self-selective audience (usually black South Africans), and the indifference and/or defensive reactions of large segments of the

---

[200] Amy Gutmann and Dennis Thompson, "The Moral Foundations of Truth Commissions," in *Truth v. Justice: the Morality of Truth Commissions*, eds. Robert R. Rotberg and Dennis Thompson (Princeton, NJ: Princeton University Press, 2000), 22-23.

[201] Ibid*,* 38.

[202] While Gutmann and Thompson argue that reconciliation should not demand individual psychological transformation, they also cede that victim participation will require significant preexisting public commitment Ibid. For a discussion of democratic deliberation and TRCs, see Rosemary Nagy, "Thick and Thin."

[203] The South African TRC entrenched this understanding into its conception of "social" or "dialogue" truth. South African Constitutional Court Judge Albie Sachs, who is credited for adding social truth to the TRC's mandate, the main strength of the South African TRC is that it was based on "on hearing all different viewpoints, on receiving inputs from all sides." The purpose of social truth was to transcend "divisions of the past by listening carefully to the complex motives and perspectives of all those involved," providing a conducive environment, where all possible views could be "considered and weighed," subjecting the TRC to "public scrutiny and critique" through open hearings and the media, and inviting "people from all walks of life" to participate. The South African TRC Report. See also Sachs' own account in *Healing of a Nation,* eds. Alex Boraine and Janet Levy (Cape Town: Justice in Transition, 1995).

[204] Wilson, *The Politics of Truth and Reconciliation,* 154; Moon, Narrating Political Reconciliation.

[205] Brandon Hamber and G. Thiessen, "A State of Denial: White South Africa's Attitudes to the Truth and Reconciliation Commission," *Indicator South Africa* 15 (1998).

population.[206] In her study of perpetrator confessions, Leigh A. Payne argues that deliberative democracy overlooks "irreconcilable differences" between victims and perpetrators, who tend to rationalize their acts.[207] Dialogue generated by truth-seeking processes is based on emotion rather than reason, generating "deep dialogic conflict."[208] While official truth-seeking processes may not lead to a convergence of viewpoints, it is still possible for TRCs to have less visible yet significant effects. This process can be long-term and indirect, taking place after the official completion of TRCs' mandates. TRCs may not lead to critical introspection or agreement, but they can increase solidarity and awareness by encouraging civic participation and putting collective memory into the public sphere. Truth-seeking can foster reconciliation by revealing information, empowering marginalized and war-affected communities, and strengthening civil society.

The following section will set out an understanding of national reconciliation. It will briefly discuss restorative justice and social learning as normative underlying principles of hybrid TRCs, before turning to a conceptual overview of national reconciliation. Where restorative justice is rooted in many non-Western social practices, the didactic tradition resonates more broadly with recent post-conflict experiences in Western multi-cultural societies. Section 3.4 will provide an analytical framework that discusses hybrid TRCs' contributions to norms and discourses, civic trust, and solidarity.

3.2 National Reconciliation: Underlying Principles

Restorative Justice

Restorative justice is a normative theory of social repair, which seeks to directly involve stakeholders and affected communities within justice proceedings. Tony Marshall defines restorative justice as "a process whereby all the parties with a stake in a particular offense come together to resolve collectively how to deal with the aftermath of the offense and its implications for the future."[209] While restorative justice is rooted in the historical practices of many societies, contemporary restorative justice emerged in a specific historical context. In the 1990s, restorative justice movements appeared in North America and Europe as a result of a growing dissatisfaction with rehabilitation and punishment programs. For an increasing number of criminologists, mainstream justice mechanisms

---

[206] Antjie Krog describes the barriers of communicating meaningful testimony across racial groups, finding that black victims often misinterpreted testimony of perpetrators at hearings: She cites her own struggles as a white Afrikaner to sometimes understand the cultural codes and expressions of blacks. Antjie Krog, *Country of My Skull* (London: Vintage Books, 1999), 354-355. See also Nagy, "Thick and Thin."

[207] Payne, *Unsettling Accounts*, 2.

[208] Ibid, 35.

[209] Tony F. Marshall "The evolution of restorative justice in Britain," *European Journal of Criminal Policy and Research*, 4 (1996) 37, cited in Braithwaite, "Restorative Justice," 5. Restorative justice theorists often claim that restorative justice has been the dominant model of criminal justice for much of world history. John Braithwaite includes ancient Arab, Greek, Roman, Indian Hindu, Buddhist, Taoist, and Confucian culturesJohn Braithwaite, "Restorative Justice: Assessing Optimistic and Pessimistic Accounts," *Crime and Justice* 25 (1999), 3.

were offender-centric and insufficiently involved victims.[210] Feminists, focusing on sexual violence argued that justice mechanisms should shift focus away from perpetrators and towards victims and an understanding of harm. After a series of initiatives to study restorative justice practices of indigenous communities, over the last three decades, restorative justice approaches have begun to appear in many Western countries. In North America, restorative approaches were frequently applied to juvenile crimes. For Daniel Philpott, restorative justice, despite its long pedigree in numerous cultures around the world, is best conceived as a school – a "global network of people who hold common ideas about justice and who carry on disputes about these ideas."[211] Important inspirations of the contemporary restorative justice movement are *Ubuntu* in Sub-Saharan Africa, practices of North American tribes and the Maori in New Zealand, and Christian theology, especially the Mennonite tradition.[212]

In broader criminology, its community-building and participatory character distinguishes restorative justice. While restorative justice is often contrasted as an alternative to – or reform of – retributive justice, theorists of restorative justice argued that it is a "hybrid' and 'modification" of both retributive and rehabilitative theories of justice.[213] Like rehabilitative justice, restorative justice seeks to reintegrate perpetrators and prevent them from committing future crimes. Like retributive justice, it intends to sanction individuals' behavior and establish appropriate punishment. Instead, restorative justice is distinguished by its goal to democratize punishment by making it more consensual and participatory.[214]

While restorative justice practices have been varied and flexible to interpretation, they have in common that they emphasize restoration after harm. Theorists of restorative justice argue that restorative justice facilitates two kinds of repair: restoring the harm caused to victims and their communities, and restoring the perpetrator to society as a rights-abiding citizen. First, scholars have argued that restorative justice is more victim-centered than retributive justice. In mainstream criminal justice, victims only serve as a witness in proceedings. Represented by a prosecutor, they have no chance to speak with offenders and develop a deeper understanding of their motivations.[215]According to Martha Minow, trials give victims a chance to speak only to determine the defendant's guilt: "Trials interrupt and truncate victim testimony with direct and cross examination and conceptions of relevance framed by the elements of the charges. Judges and juries listen to victims with skepticism tied to the presumption of the defendants' innocence."[216]

---

[210] Ibid.
[211] Philpott, *Just and Unjust Peace,* 64-65.
[212] Ibid.
[213] Albert Dzur, "Restorative Justice and Civic Accountability for Punishment," *Polity* 36, no. 1 (2003), 6.
[214] Ibid.
[215] Ibid, 14.
[216] Martha Minow, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence* (Boston, MA: Beacon Press, 2000), 238.

Second, restorative justice seeks communal repair by reintegrating and rehabilitating the perpetrator into society. Restorative justice theorists argue that restorative justice mechanisms are more future-oriented because they give perpetrators a chance to acknowledge their guilt. Since theories of both restorative justice and retributive justice often claim to seek reconciliation as an end goal, Miriam Aukerman provides the following distinction: "While retributive accountability involves proportional punishment, restorative accountability demands an acknowledgement by offenders of their culpability and willingness to make good. While retributive justice allows society to punish an offender as a means of achieving reconciliation, restorative justice requires society to include the offender in the process of reconciliation." [217] While retributive justice does not require perpetrators to admit wrongdoing, restorative justice aims to publicly shame the perpetrator into recognizing the wrongfulness of his or her acts. Braithwaite argues that communities need to shame individuals in re-integrative ways, demonstrating respect for individuals and a willingness to listen to their stories while simultaneously condemning their deeds. [218]

Restorative justice has only recently been applied to nation-states, through the development of the TRC model in South Africa. In traditional settings, restorative justice was commonly practiced at the community level as a form of conflict resolution, usually for lesser offenses, such as adultery or theft, and especially for youth transgressors. Since the 1970s, restorative justice has begun to appear more often in Western societies. In these contexts, victim–offender reconciliation processes bring together victims and offenders with a mediator to find a restitution agreement as an alternative to sentencing after the offender's conviction. [219] Criminal courts have increasingly started to acknowledge restorative justice as alternatives to prosecutions. [220]

Social Learning

Social learning is a second component relevant to political reconciliation. Often more teleological than explanatory, the emphasis on truth-seeking as a vehicle for social emancipation and deterrent against future injustices also has normative and historical antecedents. Following sustained periods of political oppression and mass atrocity, notable among didactic thinkers are critical pragmatists, who identify the study of past history as a way to avoid similar reoccurrences and foster a critical morality. The

---

[217] Aukerman, "Extraordinary Evil, Ordinary Crimes," 20.
[218] John Braithwaite argues that over-punishment can actually hinder the goal of developing a just society, as it undermines the social cohesion on which legal institutions depend. *Crime, Shame, and Reintegration* (Cambridge, UK: Cambridge University Press, 1989).
[219] As noted by Philpott, expanded practices of restorative justice, known as conferences, including family and friends of the victim and offender, have also begun to appear in Western contexts. Philpott, *Just and Unjust Peace,* 65.
[220] Ibid.

didactic tradition is based on a constructivist understanding of society, in which collective memory – and new collective identifications – is nurtured through critical reflection and cultivated empathy with one's co-nationals. Preceding the establishment of TRCs, this understanding has older antecedents in political philosophy. Responding to the Allied "You Are Guilty" signs placed around occupied Germany after World War II, Karl Jaspers objects that all Germans could be labeled as criminally guilty.[221] At the same time, he warns that the prosecution of criminals and reparations did not exonerate the population at large. Individuals still maintained their status as autonomous agents. They are connected in ways that are not immediately apparent and bear moral responsibility even for their inaction.[222] While only individuals themselves can determine their own moral guilt, a process of national dialogue can facilitate introspection and show the indirect ways in which individuals are connected and responsible. According to Jaspers, through critical reflection, personal and public moralities become linked. Sympathetic identification and communication enables a deeper sense of collective responsibility and transforms the collective consciousness.[223]

Parallels are found in the civic humanism of critical pragmatists, calling for public dialogue and critical education as mechanisms for social change. Writing during periods of political transition or social upheaval, pragmatists are concerned with how to create a more tolerant and inclusive collectivity. For pragmatists, sympathetic identification is learned and acquired through critical historical study and learned experience.[224] According to John Dewey, a society is not defined by bloodline or nationality; rather, society is developed through learned experience.[225] Individuals cultivate sympathy and common values through progressive education and communicative action.[226] Critical pragmatists were particularly emphatic that society must study history and use education to learn the right lessons for the future: "Intelligent understanding of past history is to some extent a lever for moving the present into a certain kind of future."[227] The emphasis on social learning is based on a particular understanding of conflict and mass violence, in which individuals are able to commit atrocities through the abdication of personal responsibility and agency during times of social breakdown. Gesine Schwan attributes German participation in the Holocaust to "the readiness with

---

[221] Karl Jaspers, *The Question of German Guilt* (New York, NY: Dial Press, 1948), 40-42.

[222] Ibid, 63-64.

[223] Ibid, 79.

[224] "Sympathy," defined by John Dewey, is both a literal concern for the direct suffering of others, but also a "cultivated imagination for what men have in common and a rebellion at whatever unnecessarily divides them." *How We Think* (New York and London: D.C. Heath and Company, 1933).

[225] John Dewey, *Democracy and Education: an Introduction to the Philosophy of Education* (New York, NY: MacMillan, 1916), 5.

[226] Ibid, 6.

[227] John Dewey, *Experience and Education* (New York, NY: Macmillan Company, 1938), 12. While Richard Rorty maintains that there is no universal "human nature," he argues that "sentimental education" can enable individuals to view each other as human beings deserving of equal human rights. "Human Rights, Rationality and Sentimentality," in *On Human Rights (*Shute and Hurley, eds. New York, NY, Basic Books, 1993), 112-134.

which so many people gave up their moral responsibilities in favor of simply obeying orders, or conforming with everyone else."[228] Atrocities are enabled through the loss of previously held political values and social solidarity. Schwan calls for a process of truth-telling and public dialogue, which will lead to acknowledgment of responsibility and the reconstruction of shared democratic values.[229]

3.3. National Reconciliation

The understanding of national reconciliation advanced in the book is based on broad principles of restorative justice and social learning. Much like community-level restorative justice, it shifts justice back to direct stakeholders by encouraging the participation of war-affected communities. However, similar to the practices of recent hybrid TRCs, it focuses on the macro level. The affected community is society at large and the ruptured relationship is between society and the state. The norms that restorative justice seeks to repair (or newly foster) are democratic participation, a sense of collective responsibility, respect for human rights, and accountability. National reconciliation is generalized, taking place between individuals who do not know each other. Reconciliation is a process through which individuals strengthen the political and social bonds damaged by conflict.

Political Harm

Mechanisms of transitional justice are implicitly based on theories of violence and harm. Micro understandings of restorative justice aim to repair ruptured interpersonal relationships and broken community bonds. Reparations seek compensation of direct harm and structural violence and inequities. The types of harm that national reconciliation addresses have a fundamentally socio-political element. As argued by Daniel Philpott, theories of recovery often insufficiently address the political dimension of protracted violence.[230] There is a tendency in the peace-building literature to depoliticize collective violence and to look at suffering and trauma as individual, rather than social phenomena. While more critically oriented peace-building scholars have taken issue with the top-down institution-building approach advocated by the liberal peace scholarship, by emphasizing a grassroots community-building approach and the effects of conflict on civilians, they have tended to distance themselves from the macro level and the political effects of protracted violence.[231]

---

[228] Gesine Schwan, "The 'Healing' Values of Truth-Telling: Chances and Social Conditions in a Secularized World," *Social Research* 65 (1998), 730.
[229] Ibid*, 737.
[230] Daniel Philpott, *Just and Unjust Peace: an Ethic of Political Reconciliation* (Oxford: Oxford University Press, 2012).
[231] Recent peace scholars argue that liberal peace-building approaches favor security and state-building, and finite objectives, such as truth-seeking, while neglecting longer-term economic redistribution and empowerment. They call for an ongoing victim-centered and grassroots orientation, rooted in an everyday praxis of care and

In practice, the separation of political and social imperatives of peace-building is problematic. Protracted social conflicts are both political and social phenomena. Early peace-building tended to treat injustice as a consequence of conflict, rather than as a symptom and a cause. Peace entails both a positive and negative dimension, based on the understanding that "fractured interpersonal relations, as much as damaged infrastructure and disrupted economies, need to be rebuilt after devastating conflict."[232] Just as there is a close relationship between conflict and injustice, there is a fundamental connection between restoring peace and justice.[233]

Political violence, this thesis contends, leaves a special kind of trauma, often inadequately addressed by transitional justice. Trauma is not just experienced by the direct victims of violence and political oppression, but is also collectively shared by family members and the victims' wider communities. Daniel Philpott distinguishes between primary and ongoing secondary wounds: "Primary wounds are unprompted by prior injustices and the memories that they leave. Secondary wounds, by contrast, are caused by primary wounds through a chain of events involving memories, emotions, and judgments, culminating in further acts of injustice."[234] Primary wounds include violation of victims' human rights, harms to the victim's person, victim's ignorance of the source and circumstances of political injustices, lack of acknowledgment of the victim's suffering, the standing victory of the wrongdoers' political injustice, and harm to the person of the wrongdoer.[235] While both types of wounds diminish human flourishing, secondary wounds are caused directly by primary wounds. Primary and secondary wounds are inter-linked and cause harm beyond immediate acts. In contexts of protracted political violence, the violation of basic rights causes not only physical and psychological suffering, but it can also foster a long-term sense of marginalization and atomization. Violence at the hands of state actors erodes personal security and trust in political institutions, and undermines personal dignity and civic recognition.[236] Although less visible, the legacies of political violence leave deep and ongoing social and political damage on political participation and on social structures and the communal fabric. Prolonged violence erodes the foundations of collective life, leaving a condition of "diminished agency" - a mistrust and suspicion of authority, and fatalism about collective action.[237] As Joanna

empathy. Oliver P. Richmond, "A Post-Liberal Peace: Eirenism and the Everyday," *Review of International Studies* 35, no. 3 (2009). See also Roger Mac Ginty, "Gilding the Lily? International Support for Indigenous and Traditional," *Palgrave Advances in Peacebuilding* (Basingstoke, UK: Palgrave 2010) and "Hybrid Peace: the Interaction between Top-down and Bottom-up Peace," *Security Dialogue,* 4, 41 (2010). See also Wendy Lambourne's conception of transformative justice. "Transitional Justice and Peacebuilding."
[232] Ibid.
[233] Mani, *Beyond Retribution,* 5.
[234] Philpott, *Just and Unjust Peace,* 35.
[235] Ibid, 33-41.
[236] Ibid.
[237] Pablo de Grieff, "Articulating the Links Between Transitional Justice and Development: Justice and Social Integration" in *Transitional Justice and Development: Making Connections*, eds. Pablo de Greiff and Roger Duthie (New York, NY: Social Science Research Council, 2009).

Quinn argues, perceptions of helplessness, marginalization, powerlessness, and lack of self-worth are paralyzing for collective life, while eroded trust inhibits civic engagement and the development of strong political structures.[238] In protracted social conflicts, trust at the micro and macro levels are linked and feed off each other. State violence erodes trust in institutions and generates conditions of insecurity, and interpersonal trust sets "the foundations of democratic participation, the strengthening of civic institutions, and the reestablishment of social relations" – essential for a "cohesive and functional" society.[239]

Components of National Reconciliation

The understanding of national reconciliation developed in this chapter is political and cognitive, and addresses the complex social and political legacies resulting from protracted conflicts. Rather than look at reconciliation as a shared endpoint, reconciliation is an active and ongoing process. Reconciliation, as conceived by the chapter, has several core elements. First, shared norms and values are central to reconciliation. Reconciliation involves the establishment and construction of shared practices and forms of engagement. Procedural reconciliation affirms shared norms and values through individual participation in political procedures, and the consolidation of a representative and binding relationship between society and the state. Reconciliation requires channels, mechanisms, and processes through which groups and individuals can make demands. National reconciliation is open-ended and can vary contextually; it is based on a shared commitment to political procedures and values, and recognition of other individuals in society as national citizens. Reconciliation requires shared values, e g. norms against impunity, and a broad commitment to cultural pluralism and social justice.

Second, reconciliation has a cognitive component: civic trust. Civic trust is a belief that there are political channels in place that are broadly representative, and that political participation will pay off and will not put individuals and their constituencies at risk. Procedural reconciliation rests on a generalized understanding of citizenship – a sense that the state and its institutions are legitimate, and an understanding of the self as a rights bearer. As put by Pablo de Grieff, trust is the attitudinal dimension of reconciliation. It is what makes national reconciliation relevant to individuals:

> [Reconciliation] means that they are sufficiently committed to the norms and values that
> motivate their ruling institutions, sufficiently confident that those who operate those institutions

---

[238] Joanna Quinn, "What is Reconciliation?" 181.
[239] Ibid.

do so also on the basis of those norms and values, and sufficiently secure about their fellow citizens' commitment to abide by and uphold these basic norms and values.[240]

Civic trust is also important as an element of life particularly damaged by violence. Prolonged violence destroys collective life, leaving a condition of "diminished agency" – mistrust and suspicion of authority, and fatalism about the possibility of collective action.[241] State violence erodes trust in institutions and generates conditions of insecurity. Trust, as scholars of social capital argue, is self-generating.[242] As put by Albert Hirschman, trust is a "moral resource" – a resource whose "supply increases rather than decreases through use and which become depleted if not used."[243] Different forms of social capital produce other moral resources, e.g. higher levels of trust increase confidence, which increases cooperation.

In addition to the vertical components discussed above, national reconciliation has a horizontal component: solidarity. Like civic trust, at the national level, solidarity is generalized; it entails "norms of reciprocity"[244] and "generalized trust" – the "standing decision to give individuals, even those whom one does not know through direct personal contact, the benefit of doubt."[245] Solidarity requires toleration and respect for difference and mutual recognition as citizens.[246] This recognition can be minimal – a commitment to non-violence and shared procedures (negative peace).[247] Rosemary Nagy distinguishes thin solidarity, based on procedures and pluralism, from thick solidarity, based on strong emotive bonds. Thick solidarity entails social capital and cohesion – the presence of strong social networks and intergroup identifications. While thin solidarity respects difference and pluralism, thick

---

[240] De Grieff, "Theorizing Transitional Justice," 26.

[241] Pablo de Grieff, "Articulating the Links Between Transitional Justice and Development: Justice and Social Integration" in *Transitional Justice and Development: Making Connections*, eds. Pablo de Greiff and Roger Duthie (New York, NY: Social Science Research Council, 2009).

[242] Diego Gambetta, "Can We Trust Trust?" in *Trust: Making and Breaking Cooperative Relations,* ed. Diego Gambetta (Oxford: Oxford University Press, 2000).

[243] Albert Hirschman, "Against Parsimony: Three Easy Ways of Complicating Some Categories of Economic Discourse," *American Economic Review* (1984).

[244] Joanna Quinn, "What is Reconciliation?" 182-183.

[245] Wendy M. Rahn and John E. Transue, "Social Trust and Value Change: The Decline of Social Capital in American Youth, 1976–1995," *Political Psychology* 19, 3 (1998), 545.

[246] Matthew Hoddie and Caroline Hartzell, "Signals of Reconciliation: Institution-building and the Resolution of Civil Wars," *International Studies Review* 7 (2005); Timothy D. Sisk, *Democratization in South Africa: the Elusive Social Contract* (Princeton, NJ: Princeton University Press, 1995).

[247] The scholarship frequently cites the lack of social justice and continued economic structural inequality as significant barriers to reconciliation. See and Paul Gready, *The Era of Transitional Justice: the Aftermath of the Truth and Reconciliation Commission in South Africa and Beyond* (New York, NY: Routledge, 2011), 210-223; Nagy, "Reconciliation in Post-Commission South Africa;" and Daniel Bar-Tal and Gemma H. Bennink, "The Nature of Reconciliation as an Outcome and a Process," in *From Conflict Resolution to Reconciliation*, ed. Yaacov Bar-Simon-Tov (Oxford: Oxford University Press, 2004), 27. According to the South African Barometer Report, while in 2003, respondents generally separated economic opportunity from reconciliation, looking at reconciliation as a process of "forgiveness" and positive inter-racial relations, by 2010, respondents identified socio-economic inequality as the biggest fault line preventing inter-racial reconciliation in South Africa. Institute for Justice and Reconciliation, "The South African Reconciliation Barometer Dialogue Report," 10.

solidarity requires inner transformation and is linked to healing and forgiveness.[248] Others look at reconciliation as stages of transformation. The recent UNHCR "Imagine Coexistence Project" in post-war ex-Yugoslavia and Rwanda identify an initial goal of coexistence, which can lead to more ambitious stages of integration and relationship building over time.[249]

This thesis offers a minimalist baseline understanding of solidarity as a shared commitment to non-violence and mutual recognition of others as deserving of equal protection under the law.[250] This understanding of reconciliation differs from more substantive definitions in the scholarship based on a critical morality and thick emotional bonds.[251] Reconciliation, as presented by the chapter, does not require agreement over the past or even direct contact and deliberation. A reconciled society provides space for competing, and often tense and irreconcilable, narratives and identities.[252] Claire Moon argues that reconciliation requires the inclusion of narratives which are not reconciled and are not forgiving, and which often call for punishment.[253] Rather than a measurable endpoint individuals or societies reach, narratives of reconciliation should generate critiques of reconciliation processes.[254] While in some regards closer to democratic coexistence, the understanding of solidarity advanced by this chapter still requires a cognitive commitment on the part of stakeholders to view others as citizens, deserving respect, as well as a willingness to look beyond sectarian group identifications. Where groups are deeply atomized and individuals may have relied on group identifications as their only source of protection and identity, the disposition to look at others on an individualized basis requires solidarity and social imagination – the willingness to perceive others as part of the same political community.[255]

---

[248] Nagy, "Reconciliation in Post-Commission South Africa," 327. See also Hamber and Kelly, "A Working Definition of Reconciliation."

[249] Antonia Chayes and Martha Minow, eds. *Imagine Coexistence: Restoring Humanity after Violent Ethnic Conflict* (Cambridge, MA: Jossey-Bass, 2003).

[250] David Mendeloff distinguishes between negative reconciliation as "non-lethal coexistence" versus positive reconciliation as "intergroup harmony and cooperation." "Truth-seeking, Truth-telling and Postconflict Peacebuilding: Curb the Enthusiasm," *International Studies Review* 6 (2004), 365-366. For F. Van Zyl Slabber, reconciliation is a "relationship that is restored (or created anew) to the extent that the parties can move on in peace while accepting each other's integrity.""Truth without Reconciliation, Reconciliation without Truth," in *After the TRC: Reflections on Truth and Reconciliation in South Africa,* ed. W. James and L. van de Vijver (Cape Town: David Philip, 2000), p. 70.

[251] Yehudith Auerbach, "The Role of Forgiveness in Reconciliation," in ed. Yaacov Bar-Siman-Tov, ed. *From Conflict Resolution to Reconciliation* (Oxford: Oxford University Press, 2004); and Donald W. Shriver, Jr., *An Ethic for Enemies: Forgiveness in Politics* (Oxford: Oxford University Press, 1998).

[252] Schaap, *Political Reconciliation*, 9-25.

[253] Claire Moon, "Prelapsarian State: Forgiveness and Reconciliation in Transitional Justice," *International Journal for Semiotics of Law,* 17, 2 (2004).

[254] Adrian Little, "Disjunctured Narratives: Rethinking Reconciliation and Conflict Transformation," *International Political Science Review,* 33, 82 (2012), 86.

[255] Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1977).

3.4. Institutionalizing Reconciliation

Following prolonged violence or experiences of authoritarian rule, mechanisms of transitional justice are established during what Peruvian social scientists, Rolando Ames Cobían and Félix Reátegui, have termed highly charged Weberian charismatic moments.[256] Political transitions offer a particular momentum as political entrepreneurs and civil society mobilize around future objectives and visions and seek to redefine the political landscape and distance themselves from previous practices and political actors. Transitional justice mechanisms solicit participation through the mobilization of political agency, acting as norm entrepreneurs by appealing to and promoting democratic and human rights based values and reforms and articulating of political rights and duties. The analytical framework provided in the next section highlights the indirect and cognitive contributions of TRCs, focusing, in particular, on their pedagogical role as norm entrepreneurs and their discursive contribution in disseminating awareness and collective memory. It also discusses hybrid TRCs' contribution to civic trust and solidarity through their provision of acknowledgment and exploration of individual guilt and responsibility. Providing an organizing framework for the subsequent empirical chapters on Sierra Leone and Peru, the next section highlights the central role of social learning in hybrid TRCs' contribution to national reconciliation.

Norms and Discourses

Interest in the normative impact of transitional justice has older roots in political theory. In reference to criminal prosecutions in South America, Mark Osiel argues that trials have long had an underappreciated yet important substantive effect on post-conflict transitions.[257] Even where divisive, high-profile trials play a signaling role, reaffirming respect for rule of law and due process. The idea that mechanisms of transitional justice can play a role as norm affirmers is based on a certain understanding of political harm, which these processes address. In Osiel's view, the ability for political actors to carry out mass atrocities depends on "embedded common social practices and networks," e.g. command-and-obey structures. The contribution of transitional justice is to counter the social frameworks that enable conflict by offering alternative normative parameters. Reliance on common legal procedures ensures "moral disagreement among antagonists remains mutually respectful, within the courtroom and beyond."[258] Criminal trials restore a sense of equality in front of the law and provide a frame of reference as reliance on common procedures fosters shared norms and trust. These common procedures create a "safe environment," signaling a return to order.

---

[256] Rolando Ames Cobían and Félix Reátegui, "Toward Systemic Social Transformation: Truth Commissions and Development," in *Transitional Justice and Development: Making Connections*, eds. Pablo de Greiff and Roger Duthie (New York, NY: Social Science Research Council, 2009), 146.

[257] Mark Osiel, *Mass Atrocity, Collective Memory, and the Law* (New Brunswick, NJ: Transaction, 1997)*,* 2-3. See also Carlos Santiago Nino, *Radical Evil on Trial* (New Haven and London: Yale University Press, 1996).

[258] Ibid.

As highly symbolic and public political instruments, TRCs also play a potentially important normative role as norm affirmers. For Elizabeth Kiss, TCs foster a more victim-centered culture and norms of listening and empathy through their procedures. TRCs that rely on victim participation and public testimony help cultivate norms of listening and providing social support. They also seek to play an equalizing role by putting victims' experiences especially those of marginalized social backgrounds into the public eye.

While in TC mandates and theory TCs contribution is often pedagogical – TCs raise awareness by airing victims' testimony and putting collective memory into the public sphere – in practice, their role is often more long-term and indirect. TCs may have a normative and discursive impact by fostering accountability and norms against impunity, for example by playing a shaming function.[259] TCs provide a type of political currency, offering a platform to activists and strengthening broader human rights based culture. Even where they do not lead to trials, TCs can bring social stigma to perpetrators. In the contexts of regime change or normative contagion, human rights activists may use official records to reopen campaigns. This process s often non-linear and can resume with the passage of time as in the recent trial of General Augusto Pinochet, where a combination of a changing domestic political opportunity structure, the passage of time, judicial change, and political fallout resulting from Pinochet's arrest in the UK in 1998 significantly contributed to revitalizing campaigns to prosecute the former dictator.[260] In many cases where TCs are established, official memories can later generate counter discussions and public campaigns as taboo topics begin to normalize and resurface.

TRCs can also have a normative and discursive impact where they open new channels of political participation.[261] In South America, TCs, even where controversial, have played an important role by providing a platform for activists and victims. TCs provide a ''pressure point" around which domestic and international civil society pursue their campaigns.[262] Elizabeth Jelin discusses the role of "memory entrepreneurs" who bring to the fore questions of obligation and representation.[263] Jelin describes a process of memory politics whereby activists channel memory into the public sphere through the physical inscription of memory on territorial markers. Official truth-seeking efforts are central to victims' campaigns. Once public, memory serves as a resource for affected groups to mobilize and

---

[259] Brahm, "Uncovering the Truth."
[260] See Cath Collins, "Human Rights Trials in Chile: During and After the 'Pinochet Years'," *The International Journal of Transitional Justice* (2009), 10-17.
[261] Pablo de Grieff, "Theorizing Transitional Justice."
[262] Hayner, Unspeakable Truths.
[263] Elizabeth Jelin, "Public Memorialization in Perspective: Truth, Justice and Memory of Past Repression in the Southern Cone of South America," The International Journal of Transitional Justice 1, no. 1 (2007), 142.

pursue their claims.[264] While Jelin argues that memory activism is not always successful and can undermine itself by leading to attempts to silence and repress memory and creating new conflicts, struggles for truth gradually shift power towards victims' groups.[265] Focusing on perpetrator confessions, Leigh A. Payne argues that while divisive, the airing of controversial testimonies erodes power from authoritarian regimes and reinforces campaigns for human rights and accountability.[266] As perpetrators and political agents as they publicly justify their actions, Payne describes a counter-process in which activists mobilize their own constituents in "performance acts," challenging official representations of the past. These highly charged debates turn discourse into a "political resource," which groups use to influence democratic outcomes.[267] Memory politics create a language of human rights and accountability, which actors draw on to justify and legitimize their claims in the public sphere.[268] This process may not lead to substantive reconciliation but it can strengthen democratic norms and procedures by channeling debate about conflict into the public sphere. TCs are unlikely to lead to agreement – or even direct engagement – between stakeholders. They will expose friction and provoke disagreement and debate, often increasing tensions in society.[269] However, TCs reinforce a process of making claims and a framework for addressing the past. Individuals may disagree with the nature of truth or each other's narratives, while still respecting the truth-seeking process.

Recognizing TCs' normative and discursive contribution is also important as it helps illuminate the messy and often indirect contributions of TCs. TCs mobilize political agency – they create a public discourse about the past and about rights and entitlements. This process can generate enormous expectations – and in some cases, disappointment where mechanisms of transitional justice do not follow through. In Guatemala, the CEH generated criticism for its lack of popular engagement and impact. In this context, although popular summaries in Spanish were distributed by some NGOs, a common criticism is that the report was not accessible and read by the majority of El Salvador's population.[270] Popular dissatisfaction over the official truth-seeking process mobilized civil society and religious leaders to organize an alternative truth-seeking process. Under the leadership of Bishop Juan Gerardi, the Catholic Church played a strong role in producing a separate TC, the Recovery of Historical Memory Project (REMHI), which sent seven hundred "agents of recovery" to villages to

---

[264] Elizabeth Jelin, *State Repression and the Labors of Memory* (Minneapolis, MN: University of Minnesota Press, 2003), 6.
[265] Ibid, 148-149.
[266] Leigh A. Payne, *Unsettling Accounts: Neither Truth Nor Reconciliation in Confessions of State* Violence (Durham and London: Duke University Press, 2008), 38.
[267] Ibid.
[268] See Katherine Hite and Cath Collins, "Memorial Fragments, Monument Silences and Re-awakenings in 21st-Century Chile," *Millennium: Journal of International Studies,* Violence and Memory Forum 38, no. 2 (2009).
[269] Ibid.
[270] Mani, *Beyond Retribution,* 104-105.

hear the testimony of victims and provide psychological and spiritual support.[271] Shortly after REMHI presented its final report, challenging powerful military actors for abuses committed during Guatemala's three decades of atrocities, Gerardi was bludgeoned to death in his home by individuals operating under military orders.[272] The assassination was a tragic testament to what proved to be a highly divisive and contentious past, despite an extensive truth-seeking effort in post-war Guatemala. It also however revealed a more complex memory politics where civil society fills a void left by official truth-seeking efforts even under intense opposition and personal risk.

This indirect yet important role played by TCs is often difficult to predict and may counter even TCs' own objectives. While the South African TRC attempted to eliminate race from its mandate, selecting victims to testify who reflected a wide social and political demographic, race still featured in many victims' testimonies. As put by Madelaine Fullard and Nicky Rousseau:

> The black South Africans' testimony […] shattered their previously ordained identities as mere labor providers and potential threats to privilege. […] These visible expressions of human pain, the grim accounts of torture and killing by perpetrators and the exhumation of bullet ridden skeletons marked a distinct rupture in the highly segregated forms of historical knowledge that had helped to reproduce conceptions of South African citizenship across generations.[273]

Performance space, afforded by the commission, provided a rallying point for later campaigns and discussion, even for those critical of the TRC and aspects of its work. Despite its shortcomings, the TRC provided an important political forum in which new civic identities were worked out and put forward and official narratives challenged and contested.

Civic Trust

Civic trust is a second component of national reconciliation, closely related to norms and discourses. TCs play a potentially significant role in the generation of civic trust through their provision of public acknowledgment, seeking to affirm and validate the experiences of survivors of violence.[274] TRC officials often refer to this objective as "dignification" – the formal political acknowledgement and

---

[271] Daniel Philpott, *Just and Unjust Wars: An Ethic of Political Reconciliation* (Oxford: Oxford University Press, 2012), 100.
[272] Ibid.
[273] Madeleine Fullard and Nicky Rousseau, "Truth-Telling, Identities and Power in South Africa and Guatemala," Research Brief, International Center for Transitional Justice (June 2009).
[274] As put by Priscilla Hayner, TCs are less useful for revealing new information than for providing individuals with a forum and opportunity to speak about their experiences and receive recognition. Hayner, *Unspeakable Truths*, 25.

honoring of individuals as holding equal status and worthy of respect as a citizens.[275] South African TRC officials Alex Boraine and Dumisa Ntsebeza maintain that victims perceive TRCs' recognition of abuses and the shaming of offenders to be a form of justice and accountability.[276] This function is particularly important where victims belonged to marginalized communities and following experiences of political violence. For late CVR commissioner and anthropologist Carlos Iván Degregori, testimony in front of the CVR, especially where individuals testified in languages other than Spanish, offered a "double reparation" - simultaneously acknowledging the victim as a citizen and rights-bearer in front of the state and acknowledging cultural pluralism as a value in democracy.[277] As put by Pablo de Grieff, public acknowledgment is simultaneously past- and forward-seeking, going beyond the acknowledgment of suffering, and playing a symbolic role by recognizing victims as rights-bearers and citizens.[278]

While hearings offer a direct form of acknowledgment, TCs may also contribute to civic trust more indirectly. Following prolonged periods of uncertainty and political violence, official acknowledgment of memory serves a signaling function, communicating a message that atrocities will not be tolerated in the future. Matthew Hoddie and Caroline Hartzell maintain that in order to be credible, institutionalized reconciliation requires costs on all sides.[279] The willingness to bear costs and take risks itself signals "conciliatory intent" and is perceived as reassuring for the other party. Costly signaling is a two-way process through institutions, which builds confidence and trust. Applied to this understanding, TRCs may enable confidence building through eliciting the participation of former antagonists and state agents. Mike Kaye argues that TRCs need to legitimize the new regime and delegitimize those responsible for atrocities to make individuals feels secure. The establishment of TRCs represents a good-faith measure within which TRCs play a legitimating role – taking a stance

---

[275] Aryeh Neier, "What Should be Done About the Guilty?" *NY Review of Books* 1 (1990), 32; and David A. Crocker, "Reckoning With Past Wrongs: a Normative Framework," (June 2004), online version, 11. Crocker, David A. "Reckoning With Past Wrongs: a Normative Framework," (June 2004). Available online: http://terpconnect.umd.edu/~dcrocker/Courses/Docs/Reckoning%20with%20past%20wrongs.pdf.

[276] Dumisa B. Ntsebeza, "The Uses of Truth Commissions: Lessons for the World," in *Truth v. Justice* (Princeton, NJ: Princeton University Press, 2000); and Alex Boraine "Truth and Reconciliation in South Africa: the Third Way," in *Truth v. Justice: the Morality of Truth Commissions,* eds. Robert I. Rotberg and Dennis Thompson (Princeton, NJ: Princeton University Press, 2000). Similarly, André Du Toit argues that acknowledgment was the primary contribution of the South African TRC. "The Moral Foundations of the South African TRC: Truth as Acknowledgement and Justice as Recognition," in *Truth v. Justice: the Morality of Truth Commissions*, eds. Robert R. Rotberg and Dennis Thompson (Princeton, NJ: Princeton University Press, 2000).

[277] Carlos Iván Degregori, *Qué Difícil es Ser Dios: El Partido Comunista del Perú - Sendero Luminoso y el Conflicto Armado Interno en el Perú: 1980-1999* (Lima: Institute of Peruvian Studies, 2010).

[278] Pablo de Grieff, "Theorizing Transitional Justice," in *Transitional Justice,* Nomos, Volume L*,* eds. Melissa Williams, Rosemary Nagy, and Jon Elster (New York, NY: New York University Press, 2012), 11.

[279] Matthew Hoddie and Caroline Hartzell, "Signals of Reconciliation: Institution-building and the Resolution of Civil Wars," International Studies Review, 7 (2005).

against the former regime and those who committed atrocities and legitimating the new regime and respect of human rights.[280]

Tying back to social learning, TRCs also seek to generate civic trust by contributing to shared knowledge. Truth-seeking fosters transparency and provides a resource for victims and their families. TCs can provide information regarding missing persons, allowing survivors to better pursue their claims through the democratic process, notably in reparations campaigns. The generation of civic trust also has a cognitive element. For victims and their families, TRCs seek to foster civic trust by putting crimes in context and showing them that others were victims of similar abuses. Drawing on his work with victims at the South African TRC, psychologist and TRC scholar Brandon Hamber argues that victims of torture often suffer a perception of vulnerability and have a traumatized understanding of society and others. Violence undermines victims' personal autonomy and faith in society and institutions. In his view, the South African TRC helped victims come to terms with past atrocities and deal with their emotional responses by creating a more accurate understanding of the past.[281] Where the lack of answers, as argued earlier, prevents closure and leaves individuals atomized and isolated, by bridging the personal and the political, truth-telling creates a common framework for expression by showing victims that torture and abuses were indicative of a "social cataclysm," rather than individually held experiences.[282] The greater transparency generated by this process simultaneously provides answers and encourages a victim-centered form of political participation.

Recent hybrid TRCs further developed these objectives, linking truth-seeking to democratization. Hybrid TRCs are tied to reparations programs, as well as reform processes for governance. Often, they call on TRC participants to make recommendations although as others have pointed out, the long-term follow up to TCs' recommendations tends to be poor.[283] Hybrid TRCs seek to foster civic engagement

---

[280] Mike Kaye, "The Role of Truth Commissions in the Search for Justice, Reconciliation and Democratisation: the Salvadorian and Honduran Cases," *Journal of Latin American Studies* 29, 3 (1997). See also De Grieff, "Theorizing Transitional Justice."

[281] Brandon Hamber, "Dealing with the Past and the Psychology of Reconciliation," Public Address at International Symposium on the Contribution of Psychology to Peace (Cape Town, 1995) in Nagy, "Reconciliation in Post-Commission South Africa," 337. See also Howard Zehr, *Changing Lenses: a New Focus for Crime and Justice* (Scottsdale, PA: Herald Press, 1990). For some, truth itself is valuable in setting the grounds for healing and forgiveness. In South Africa, Steve Biko's mother stated shortly before her death: "Yes, I would forgive my son's killers… But first I must know what to forgive, which means I must be told fully what happened and why." In Aletta J. Norval, "Memory, Identity, and the (Im) possibility of Reconciliation: the Work of the Truth and Reconciliation Commission in South Africa," *Constellations,* 5, 2 (1998), 258.

[282] Martha Minow, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence* (Boston, MA: Beacon Press, 2000); Rosemary Nagy, "Reconciliation in Post-Commission South Africa: Thick and Thin Accounts of Solidarity," *Canadian Journal of Political Science* 35, no. 2 (2002); and Elizabeth Kiss, "Moral Ambition Within and Beyond Political Constraints: Reflections on Restorative Justice*," Truth v. Justice: the Morality of Truth Commissions,* eds. Robert I. Rotberg and Dennis Thompson (Princeton, NJ: Princeton University Press, 2000).

[283] See the UN Secretary General, "The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies – Report of the Secretary General," UN Security Council (2011), 7; Hayner, *Unspeakable Truths,* 8.

for participatory democracy and to provide a direct forum for civil society to pursue their claims and demand justice.

Solidarity

Solidarity is the horizontal component of national reconciliation. As defined earlier, solidarity can be minimal or thick, defined respectively as a basic commitment to non-violence and future coexistence, or as thick social bonds and networks. In the minimalist understanding of coexistence advanced by the thesis, reconciliation requires a willingness to recognize other individuals as citizens deserving respect and protection under the law, and to live together in the future.

The process through which individuals who do not know each other recognize others as belonging to the same political entity and as deserving of equal rights and protection is cognitive and requires social learning. Writing at the intersection of education and transitional justice, Laurel Fletcher and Harvey Weinstein argue that war crimes and political violence are committed during periods of diminished agency. Criminal trials rest on the possibility of free will, yet trials are less suited to accounting for individual moral choice during war or the complex social contexts and psychological pressures, which characterize mass violence.[284] Moreover, due to scarce resources and the difficulty of bringing individuals to trial, war crimes tribunals tend to have a limited scope, focusing only on a handful of the worst cases.[285] As put by Martha Minow, when it comes to prosecutions, the biggest setback for truth-seeking is that trials focus on a few individuals and do not account for the "complex connections among people that make massacres and genocides possible."[286]

Unlike criminal tribunals, TRCs offer a potentially greater pedagogical contribution. Established directly on the site of violence, Relative to trials, TRCs can better shed light on long-term structural causes and systematic patterns and highlight institutional responsibility. TRCs can illuminate not only causes and patterns of victimization, but also direct and indirect beneficiaries and bystanders.[287] By highlighting indirect beneficiaries of conflict and inaction, TCs have a potentially significant role in

---

[284] Laurel E. Fletcher, and Harvey M. Weinstein, "Violence and Social Repair: Rethinking the Contribution of Justice to Reconciliation," *Human Rights Quarterly* 24, no. 3 (2002); Kirsten A. Ainley, "Responsibility for Atrocity: Individual Criminal Agency and the International Criminal Court," *Evil, Law and the State: Perspectives on State Power and Violence*, ed. John Parry (Amsterdam and New York: Rodopi, 2006); and Judith Shklar, *Legalism: Law, Morals, and Political Trials (*Cambridge, MA: Harvard University Press, 1986).

[285] This is an old argument made by Hannah Arendt in her coverage of the trial of Adolph Eichmann. *Eichmann in Jerusalem: a Report on the Banality of Evil* (London: Faber & Faber, 1963). Similarly, Judith Shklar argues that the legalistic paradigm is ill suited to explaining the social forces and psychological dimensions that characterize mass violence. Judith Shklar, *Legalism: Law, Morals, and Political Trials (*Cambridge, MA: Harvard University Press, 1986).

[286] Minow, *Between Vengeance and Forgiveness*, 47.

[287] Hayner, *Unspeakable Truths*. See also Chapman and Ball, "Levels of Truth: Macro-Truth and the TRC."

the generation of collective responsibility.[288] The fostering of collective responsibility also goes hand in hand with a more individualized understanding of guilt.[289] For Fletcher and Weinstein: "Popular demonization of the societal group held responsible for the violence is replaced with stigmatization of the political and military leaders who planned the atrocities."[290] By emphasizing the broader social and political context in which individuals committed crimes, TCs seek to foster social understanding by highlighting individual agency and explaining why individuals made particular choices.[291] For Andrew Schaap, reconciliation (which he calls "political forgiveness") is a response to "frailty" – it involves a view of evil as "banal" and "mundane in the sense that it is of the world."[292] Reconciliation requires a re-humanization of the other and recognition that "what the oppressors did to the oppressed belongs to the evil humans do to each other, and not to a mythic evil that intrudes on the world of humans from outside."[293]

TRCs also play a potentially important role in increasing solidarity by highlighting individual agency and guilt. In South Africa, James L. Gibson finds that the TRC contributed to reconciliation by countering collective narratives of blame and victimization. He argues that the South African TRC's detailed historical account – particularly its assignation of individual of guilt – helped expose more nuanced understandings of the past. Some of the TRC's most controversial findings were also the most important, for example, that black-on-black violence was vicious and widespread during apartheid, and that whites were also victims of apartheid. In Gibson's view, the airing of such findings shifted attitudes and created tolerance: "As facts are assembled, juxtaposed, and sifted, perceptions lose their black-and-white character, taking on more subtle and nuanced shades."[294]

Social learning provides an interesting link between truth-seeking and reconciliation, tying into the self-conceptions and procedures of hybrid TRCs. Recent hybrid TRCs in Peru and Sierra Leone tied hearings to raising awareness for victims and understanding why violence took place, as well as the generation of collective direct and indirect responsibility. As will be detailed in the empirical chapters,

---

[288] Hayner, *Unspeakable Truths*.

[289] Jodi Halpern and Harvey M. Weinstein argue that empathy emerges out of a process of social learning where people are able to cultivate an "individualized" perspective of the other, which goes beyond stereotyping. Jodi Halpern and Harvey M. Weinstein, "Rehumanizing the Other: Empathy and Reconciliation," *Human Rights Quarterly* 26, no. 3 (2004), 568.

[290] Fletcher and Weinstein "Violence and Social Repair," 599. Similarly, Michael Feher looks at the individuation of guilt as part of a necessary political struggle in which the successor regime must fight to defeat the political agenda of the previous regime. "Terms of Reconciliation," in *Human Rights in Political Transitions: Gettysburg to Bosnia (*New York, NY: Zone Books, 1999).

[291] Minow, *Between Vengeance and Forgiveness*. See also Fletcher and Weinstein, "Violence and Social Repair."

[292] Andrew Schaap, Political Reconciliation, 111.

[293] Bert van Roermund, "Rubbing Off and Rubbing On: the Grammar of Reconciliation," in *Lethe's Law: Justice, Law, and Ethics in Reconciliation,* eds. Emilios Christodoulidis and Scott Veitch (Oxford: Hart Publishing, 2001), 183.

[294] Gibson, *Overcoming Apartheid*, 76.

hybrid TRCs incorporated an explicitly pedagogical methodology, spreading awareness among those more removed from the conflict through hearings and using TRC reports for school curricula and commemoration projects.

3.5. Bridge to the Field Research

The thesis's subsequent empirical research on Sierra Leone and Peru will be organized in accordance to the research framework set out above. First, the empirical chapters will focus on hybrid TRC's discursive and normative impact. The research will examine collective memory and public discourses. Among direct stakeholders, the empirical research is interested in legitimacy and normative spill over. It seeks to gauge from the general population whether individuals think it is important to address the past and why, and ask general, open-ended questions to determine popular evaluations of the role and impact of TRCs. The research will target a broad cross-section of the general population to try to assess whether individuals followed the TRC – whether they read its report, or attended or watched hearings.[295]

The research will also focus on hybrid TRCs' impact on civil society (including the TRC community, and more broadly NGOs and activists, particularly human rights and victims' groups). As the empirical chapters will make clear, civil society can both strengthen and undermine procedural reconciliation. In Sierra Leone and Peru, civil society mobilized against the TRCs and the democratic process, turning inward to strengthen decentralized authority structures and traditions. While a strong civil society is not a criterion for reconciliation, the research emphasizes civil society as a medium through which TRCs have an impact. TRC officials often go on to work in domestic civil society organizations, carrying out aspects of the TRC's work, and civil society tends to closely follow and critically engage with TRCs. Speaking to civil society organizations helps triangulate findings and assess public reactions.

Additionally, the research will consider how hybrid TRCs disseminated their work. It will ask TRC officials how the commission conducted outreach before and during operation and its dissemination of findings, how they completed their work, and the follow-up provisions made. The research will focus on progress in core areas of the TRCs' work, particularly reparatory justice. It will speak to individuals working in education and academia to see whether they taught the TRCs' report to assess TRCs' didactic contributions.

---

[295] Here it is important to bear in mind the 'secret audiences' to the TRC (Afrikaners who listened to live broadcasts on the radio.

Second, the empirical chapters will focus on civic trust. The research will ask open-ended questions to encourage interviewees to define reconciliation in their own terms. The empirical chapters will examine whether leaders participated, whether there were official apologies or other forms of support, and later regimes' stances towards the TRCs. The study will evaluate how TRC participants understood the purpose of their participation and their view of TRCs. It will ask whether individuals feel secure and can openly discuss the past (if they want to do so). It will focus in particular on individuals' views of political structures and government and whether they feel represented and able to participate in the political process. Through interviews and focus groups, the thesis will ask participants whether the TRC had an impact on their political participation and trust in political institutions. Speaking directly to TRC participants about whether hybrid TRCs contributed to civic trust creates a straightforward falsifiable way of evaluating TRCs' impact.

Third, the research on hybrid TRCs will examine evaluate social views on reconciliation and the TRC, focusing on whether TRCs affected social understandings about other groups and the past, and whether they generated a sense of responsibility. The study will ask individuals their views of actors who committed violence and what should happen to these groups, particularly whether they should be reintegrated and whether prosecutions should occur. It will also assess media coverage at the time of the TRC and secondary literature to evaluate reactions to the TRCs. The research will ask questions about responsibility and causes of violence. The chapters will pay special attention to the testimony of protagonists in the conflict, where applicable, and how these sectors feel and speak about their involvement in the conflict and the TRCs. The research will also evaluate absences – who did not participate in the TRCs, and why, noting whether populations were given the opportunity to speak. The research will also analyze omissions, paying attention to who did not take participate and why.

All of the above questions require attention to populations who participated in the TRC, focusing in particular on whether direct stakeholders – victims, ex-combatants, and war-affected communities – participated and why. The research will ask individuals whether the TRC changed their view of other groups (both victims and ex-combatants). It will also ask individuals who were more removed from conflict whether they followed the TRC and whether it increased their awareness of the conflict. These questions will be systematically addressed through open-ended and semi-structured interview questions. The research tries to get a representative sample of broad sections of society, including victims, the broader public, and protagonists. The research will gauge how individuals perceived others who testified. It will ask whether individuals found testimonies to be sincere, and what they believe motivated others to testify. It will ask whether the TRC changed individuals' views of the past and/or other groups. Finally, the empirical research seeks to gain a broader perspective of the ongoing legacies of conflict, examining the extent to which social rifts still exist and what individuals feel needs to happen for reconciliation to occur.

The research will then evaluate these results. While high levels of participation and popular engagement alone would not indicate that TRCs had a normative impact, they would be important baseline conditions for TRCs to be able to generate solidarity, civic trust, and shared norms and values. Low levels of popular participation and lack of awareness of the TRC, in turn, negate the TRC's impact as a norm entrepreneur. As discussed earlier, hybrid TRCs can have a more indirect normative impact through mobilizing and providing a reference point for civil society. The self-assessment of interviewees provides an important form of evaluation. The research provides individuals the opportunity to articulate their understanding of the primary impact of TRCs. The thesis puts particular weight on discourse and collective memory.

Conclusion

This chapter provided a conception of national reconciliation as shared norms and values, civic trust, and solidarity. The understanding of national reconciliation advanced in the chapter links closely to the self-conceptions and methods of recent hybrid TRCs. The chapter's conception of national reconciliation departs from micro-level understandings of reconciliation found in many earlier social psychological, normative and theological understandings. The chapter's conception of national reconciliation is rooted in restorative justice and social learning. It conceives of reconciliation as an active process, rooted in politics, and tied to democratic contestation.

Setting the stage for the empirical research on Sierra Leone and Peru, the chapter fleshed out theoretical claims to evaluate how hybrid TRCs might contribute to national reconciliation. The analytical framework developed in the chapter made three broad claims. First, relating to norms and discourses, the chapter examined the function of TRCs as norm entrepreneurs. The chapter argued that TRCs generate an interest in collective memory and serve as a forum for civil society. This process creates a certain normative framework and post-conflict language of human rights and obligations, which victims groups and ex-combatants use to rationalize their behavior. Even where contentious, truth-seeking can become a norm. TRC investigations create a politics of legitimacy, which while contentious, can reinforce procedural democracy by channeling dialogue about the conflict into the public sphere. Second, the chapter argued that hybrid TRCs foster civic trust through their acknowledgment of victims and war-affected communities. Hybrid TRCs provide a platform for testimony, which honors individuals' experiences and recognizes them as citizens. TRCs help contextualize political violence by showing solidarity for victims and providing a common reference point for suffering. By taking a stance against violence and providing an open and transparent record, TRCs also create a sense of ownership and civic engagement by allowing participants to make recommendations and tying their work to democratic reform processes. Third, the chapter focused on

the contribution of hybrid TRCs to empathy and social solidarity through their participatory and pedagogical methodology.

This thesis will now turn to the empirical part of the study. In the next four chapters, the above questions will be examined in more detail in Sierra Leone and Peru. Chapters 4–7 will discuss the contribution of the Sierra Leonean and Peruvian TRCs to national reconciliation. The two case studies are organized in similar ways, with two chapters per case. Chapters 4 (on Sierra Leone) and 6 (on Peru) begin with a history and background of each conflict, after which the chapters examine the establishment of the TRC. Chapters 4 and 6 offer an in depth understanding of hybrid TRCs in each case, focusing on how contextual factors shaped hybrid TRCs' orientations, and procedures and methods. Chapters 5 and 7 will then examine the contribution of hybrid TRCs to national reconciliation. Mirroring the structure set out in Chapter 3, Chapters 5 and 7 will focus on hybrid TRCs' contributions to norms and discourses, civic trust, and solidarity. The chapters will pay attention to how factors within each context shaped the TRCs' approaches and popular responses, concluding with a discussion of the overall impact of each hybrid TRC.

4   The Sierra Leonean Armed Conflict and the Establishment and Functions of the TRC

"Bad bush nɔ dE fɔ trowe bad pikin."

- Krio proverb, "You can't disown your own child."[1]

"A group of youth is sitting together complaining about the corruption of the elders in the village. One came across a frail and sickly bird, which didn't have much longer to live. The group advised the youngest boy to take the bird to the wise man in the village, put his hand around its neck, and ask him whether it's dead or alive. He instructed the boy: if he says, 'alive,' close your hand and show him he's a liar. If he says, ' it's dead' open your hand and let it live. The young man took the bird. 'Wise man,' he said, 'Is this bird dead or alive?' 'Young man,' the wise man replied, 'the answer is in your hands'."

- Dr. Lansana Nyalley, Minister of Youth, Education, and Sports, Sierra Leone.[2]

Sierra Leone's civil conflict caused 70,000 casualties and left 2.6 million people displaced. The war was known for widespread atrocities, including forced recruitment of child soldiers, rape and sexual slavery, and amputations of limbs. The war took an immense toll on civilian life, causing large-scale social displacement, upheaval, and damage to infrastructure. Ten years since the end of its eleven-year civil war, Sierra Leone has become an important case study for students and practitioners of transitional justice. The recent sentencing of Charles Taylor in The Hague marks the first international trial of an African head of state. Meanwhile, within Sierra Leone, democratic elections on November 17, 2012 marked a critical evaluation point for the country's transition to peace. The parallel establishment of a UN-run tribunal and TRC in this context brought new attention to the contributions of both restorative and retributive approaches and the merit of each. While law professor and TRC Commissioner, William Schabas, argues that Sierra Leone is a successful model of the "two track approach," Sierra Leone has also become the focus of a large critical literature, which questions what it sees as the imposition of external practices and ideas.[3]

As will be argued in Chapter 6, the origins of transitional justice are more than an academic interest. Growing concerns within the country that international processes of transitional justice undermined internal restorative justice and communal structures have generated intense debates of what

---

[1] A Krio proverb frequently shared in interviews. The literal translation is "you can't throw a bad child in the bush."

[2] Sierra Leonean village parable taken from the Keynote speech of Dr. Lansana Nyalley, Minister of Youth, Education, and Sports, at the Youth and Human Rights Conference, organized by the TRC's de facto follow up body, the Human Rights Commission, attended by the author in Freetown, Sierra Leone, July 2009.

[3] William Schabas, "The Relationship between Truth Commissions and International Courts: the Case of Sierra Leone," *Human Rights Quarterly* 25, no. 4 (2003).

transitional justice should entail in this context, and tie into a politics of legitimacy between the international and national, and the macro and micro levels. Members of Sierra Leonean civil society – including members of the TRC – have argued that the international influence on transitional justice practices has sidelined local culture, civil society, and authority structures. While traditional practices of reintegration preceded the TRC in some communities, criticisms of the TRC have also led to the rise of new actors and transitional justice processes within the country. As the chapter will show, today, it is more accurate to speak of three "tracks" of transitional justice, with community reconciliation processes taking place in rural areas.

This chapter provides an analysis of the causes and resolution of the conflict in Sierra Leone. It focuses in particular on the termination of the war and the context within which Sierra Leone's transitional justice process was established. The chapter evaluates the main drivers, purposes, and methods of the TRC. Linking to Chapter 2, it argues that the Sierra Leonean TRC was a hybrid model, integrating both restorative and didactic practices. The chapter also focuses on what it identifies as the overall restorative orientation of the TRC and how the TRC's aims shaped its practices. The chapter puts particular emphasis on evaluating the TRC's understanding of reconciliation. It argues that the TRC espoused a political conception of national reconciliation between society and state, tied to democratization and civic nation building.

The analysis is divided into several sections. Section 4.1. provides a short background of the Sierra Leonean civil war, focusing on aspects of the conflict that relate to the later transitional justice process. These include the historical antecedents of the conflict, especially colonialism and the entrenchment of a two-tier neocolonial system of patronage after independence, economic drivers, the marginalization of youth, and the termination of the conflict through international intervention and the Lomé Accord. Section 4.2 takes a closer look at the TRC, focusing on how a combination of factors in Sierra Leone's post-war environment shaped the TRC's aims, leading it increasingly to take a strongly restorative and non-punitive orientation. The chapter then looks at how this orientation was operationalized into the TRC's methodology and procedures, its definition of reconciliation, and its narrative. The conclusion briefly discusses academic explanations of the conflict, where Sierra Leone serves as an important case study in the "greed versus grievance" debate. These explanations, it will be argued, fed into the TRC's truth-seeking process and narration of the conflict.

4.1. History of the Conflict

Since 1462, when Portuguese explorer Pedro da Cintra named the country, Serra de Leao, meaning "Lion Mountains," Sierra Leonean history has been marked by a near constant succession of external

intrusion and exploitation. The transatlantic slave trade, colonialism, and the entrenchment of a neo-colonial system of patronage and an extractive economy after independence created the seeds of a deep societal crisis and divided society.

In the late 1400s, the Portuguese consolidated a presence in the country, exploiting the Sierra Leonean economy for trade as well as slaves, which they used for their plantations in the Caribbean and Americas. As the Portuguese presence decreased in the seventeenth century, the British replaced the Portuguese. Under British influence, Sierra Leone became one of the world's leading centers for the transatlantic slave trade until the nineteenth century.[4] Centuries of intertribal raiding and violence militarized society, leading to ethnic tensions and internal divisions, yet it also led to innovative coping mechanisms to restore life and community.[5]

British colonialism was an important factor leading up to the conflict. In the 1700s, Sierra Leone also became the site of sustained British and American abolitionist activity. Increasing British opposition to the slave trade led to the founding of Freetown in 1792 as a city for ex-slaves.[6] In 1808, the British government took over and assumed control of Sierra Leone as a full crown colony. In the 1890s, British influence gradually extended beyond Freetown into Sierra Leone's interior. In 1896, Britain declared a protectorate over the entire present-day Sierra Leone, putting in place a society of wide linguistic, ethnic, and religious diversity, and uneasy loyalties, where ethnic groups were divided by colonial borders.[7] The two largest ethnic groups today are the Mende in the southeast and the Temne in the north, each of which comprise thirty percent of the population. The Krio (descendants of freed slaves from the West Indies and African American slaves from the US) constitute five percent of the population and are based largely in Freetown.

Colonialism also consolidated a pattern of economic development based on the extraction of raw materials, especially iron and diamonds, turning urban areas into centers of trade and administration, while industry and government development in rural areas remained scarce. The political effects of Sierra Leone's extractive economy and corrupt and autocratic political system were mutually

---

[4] For an analysis of the slave trade and abolitionist movements, see Rosalind Shaw, *Memories of the Slave Trade: Ritual and the Historical Imagination in Sierra Leone* (Chicago: University of Chicago Press, 2002) and Nathan Nunn and Leonard Wantchekun, "The Slave Trade and the Origins of Mistrust in Africa," *American Economic Review* 101, no. 7 (2011).

[5] Shaw, *Memories of the Slave Trade*. See also Rosalind Shaw "Displacing Violence: Making Pentecostal Memory in Sierra Leone," Cultural Anthropology 22, no. 1 (2008) and Earl Conteh-Morgan and Mac Dixon-Fyle, *Sierra Leone at the End of the Twentieth Century: History, Politics and Society* (New York, NY: Peter Lang, 1999), 24.

[6] Conteh-Morgan and Dixon-Fyle, *Sierra Leone*, 26. Many in these early migrations perished, due to tensions with the Temne, the harsh climate, disease, and financial weakness. These ex-slaves from the US traced their ancestry to different parts of Africa.

[7] Sierra Leone has sixteen official ethnic groups, some of whom share co-ethnic loyalties across borders with Liberia in the Southeast and Guinea in the North.

reinforcing.[8] The Sierra Leonean state lacked the resources to develop an efficient political system and bureaucracy, and without an efficient political system, it was not able to acquire resources.[9]

While Sierra Leone's independence on April 27, 1961 initiated a period of active political press and political party competition from 1961-1973, the post-colonial period increasingly surfaced social problems, particularly the growing role of ethnicity in politics. Since Britain expanded its rule over the Sierra Leonean interior, Krio former slaves in British-controlled Freetown feared political marginalization.[10] Subsequent settlements of ex-slaves led to the beginnings of a divide within Sierra Leonean society between the Krio and indigenous groups, who saw themselves as the "victim of unscrupulous land alienation."[11] Another source of ethnic tension was between the North and the South. Prior to independence, rivalries between the Mende and Temne had been subordinated to their common opposition to the Krio, who were widely resented for being favoured by the British. However, after independence, appeals to ethnicity became a fast way to recruit support. In post-independence party politics, the Mende generally supported the Sierra Leone People's Party (SLPP), while the Temne supported the All People's Congress (APC).

Sierra Leone's first government under Prime Minister, Sir Milton Margai (SLPP), sought to build bridges with other ethnic groups by appointing Temne and other Northern leaders to ministerial positions. Like the British, Margai gave patronage to certain Northern chiefs and "sought to cement their loyalty by tolerating their abuses against their own people."[12] Yet while patronage strengthened ties between elites, it contributed to popular unrest, feeding resentment against chiefs and causing rifts between the SLPP and people in the North.[13] Northerners widely perceived the British to have channeled resources and missionary activities into the resource rich South, while neglecting their infrastructure and education. Similarly, in the North, the APC's populist and "anti-chief" platform ceded to an ethnic mandate, appealing to constituents frustrated with the Mende-dominated SLPP.[14] In 1967, Siaka Stevens was elected, bringing the APC opposition to power. Fearful of a military coup, Stevens dismantled all opposition, beginning a period of political repression that would last eighteen years. From 1978, through a combination of patronage and terror, Sierra Leone became a one-party state. Under Stevens, the APC cabinets as well as the army gave disproportionate representation to Temnes, purging almost all Mende officers.[15] By 1992, nearly the entire army was from the North.

---

[8] David Keen, *Conflict and Collusion in Sierra Leone* (Oxford: James Currey Ltd, 2005), 9.
[9] Ibid.
[10] Ibid, 14.
[11] Conteh-Morgan and Dixon-Fyle, *Sierra Leone,* 28.
[12] Keen, *Conflict and Collusion*, 14.
[13] Ibid, 15.
[14] Lansana Gberie, *A Dirty War in West Africa* (Bloomington, IN: Indiana University Press, 2005).
[15] Keen, *Conflict and Collusion,* 15.

As social tensions mounted, violence was stalled by inter-ethnic marriage and the widespread use of Krio language, as well as the system of patronage especially in rural areas. Stevens' government relied on a combination of patronage and intimidation, where he brutally punished and suppressed any suspected traitors and informers and rewarded those loyal to him.[16] Zack-Williams describes Stevens' patronage system as a network of informal markets, producing a "shadow state."[17] These factors of stability, however, also contained the seeds of unrest. In the 1980s, the government's expenditure exceeded its revenues, making Stevens unable to uphold the patronage system.[18] In the 1980s, Sierra Leone underwent a series of International Monetary Fund and World Bank structural adjustment policies. The privatization of previous public services led to the emergence of a parallel shadow economy, largely revolving around the diamond sector, making Stevens' government less relevant to rural and urban citizens.[19]

In 1985, Stevens retired and nominated his protégé, the head of the army, Joseph Momoh, to replace him. As corruption and economic problems worsened, social unrest increased throughout the country. In 1992, six young military captains toppled Momoh in a coup d'état. At the age of 25, the coup's leader, Valentine Strasser, became the youngest head of state in the world. Under Strasser, the group formed the National Provisional Ruling Council (NPRC). Initially, Strasser's anti-corruption platform and hopeful promises were popular both in Sierra Leone and abroad.[20] The image of "Strasser the redeemer" ingratiated him with external dignitaries, e.g. Bill Clinton and Nelson Mandela. However, Strasser's appeal dimmed with charges of corruption and the economic situation did not improve. His summary execution of opposition members a few months after his seizure of power drew sharp condemnation both at home and abroad. Increasingly, civic organizations within the country, such as Women for a Morally Engaged Nation and donor organizations, pressed for the restoration of civilian rule.[21]

As Freetown fell into increasing political and economic unrest, a rebellion was forming in the Southeast. The Revolutionary United Front (RUF) began as a small group of insurgents, who had trained in Liberia in the late 1980s. After training in Muammar al-Gaddafi's guerrilla camps in Libya, RUF leader, Foday Sankoh met Charles Taylor, who became his source of financial support.[22] With Taylor's encouragement, Sankoh and his two Sierra Leonean allies, Abu Kanu and Rashid Mansaray,

---

[16] Ibid,19.
[17] A. B. Zack-Williams, "Sierra Leone: the Political Economy of Civil War, 1991-98," *Third World Quarterly* 20, no. 1 (1999), 145.
[18] Ibid.
[19] Ibid.
[20] Ibid, 149.
[21] Ibid, 149-150.
[22] The recent International Criminal Court's judgment of Charles Taylor, however, suggests he was not a strong ally of the RUF.

went from Libya to Liberia where they helped bring Taylor to power. Soon after, the three returned to Sierra Leone where they formed the RUF.

Sierra Leone's civil war began on March 23rd, 1991 when the RUF entered from Liberia and attacked the village of Bomaru about half a mile from Sierra Leone's eastern border. From 1991 until 2002, Sierra Leone experienced a violent civil war. The protagonists were the Sierra Leone Army (SLA), the RUF, and civil defence committees set up in different parts of the country. The RUF formed in the 1980s as a group of Sierra Leoneans in neighboring Liberia with support of the National Patriotic Front Liberia under Liberian warlord, Charles Taylor. The RUF succeeded in taking control of large territories in eastern and southern Sierra Leone, rich in alluvial diamonds. Civil defense committees, which arose to protect villages from widespread abuses and looting by the Sierra Leone army and the RUF, over time grew more powerful than the national army and were also implicated in human rights abuses.[23]

The eleven-year civil war killed an over 50,000 people and displaced over 500,000.[24] While the RUF became well known for specific and personalized violence – amputations and its targeting of village elders and chiefs – all sides committed abuses of civilians, including sexual violence and slavery, looting and raiding of villages, and the recruitment and forced abduction of child soldiers. An estimated 5000-7000 children fought in the war, often recruited among vulnerable refugee populations displaced by the fighting.[25] While some joined voluntarily, many were abducted, with ex-RUF child soldiers commonly reporting experiences of fighting on the frontlines after being drugged with mixtures of gunpowder and cocaine. Children were often ordered to commit brutalities as part of their initiation, sometimes against family members, arguably making them fear future retaliation from civilians and ensuring their loyalty to the armed forces.[26] Tens of thousands of civilians had limbs amputated, devastating livelihoods in a primarily rural economy. Also widespread was sexual slavery of women and girls.

Initially, the RUF was popular with many Sierra Leoneans. Many resented the Freetown elite, whom they saw as corrupt and incompetent. The RUF initially promised free education and health care and the equitable redistribution of diamond revenues. The RUF's slogan was "No More Slaves, No More Masters. Power and Wealth to the People." The RUF published a pamphlet entitled "Footpaths to Democracy: Toward a New Sierra Leone," which contained some rhetorical references to social justice and Pan-Africanism. Sankoh took a particularly strong stance against the Freetown elite:

---

[23] As in the trial of Sam Hinga Norman at the Special Court for Sierra Leone.
[24] Gberie, *A Dirty War in West Africa*, 6.
[25] A.B. Zack-Williams, "Child Soldiers in the Civil War in Sierra Leone," *Review of African Political Economy* 87, no. 73 (2001), 73.
[26] Ibid, 80.

The pattern of raping the countryside to feed the greed and caprice of the Freetown elite and their masters abroad. In our simple and humble ways we say, 'No more slave and no more master.' It is these very exploitative measures instituted by so-called central governments that create the conditions for resistance and civil uprising.[27]

In contrast to the ethnic patronage system in Freetown, the RUF was a non-ethnic movement, represented by different ethnic groups and religions, as well as social classes.[28] Philippa Atkinson notes that the RUF was involved in the establishment of "people's courts" and adult literacy classes, and also ran several hospitals in rural areas.[29]

The RUF also drew on a largely rural and youthful support base. In the years leading up to the conflict, Sierra Leone experienced a rapid population bulge, and by the beginning of the twenty-first century, half of the population was under the age of twenty.[30] Paul Richards notes that the majority of combatants were made up of young males with incomplete secondary education.[31] He described this group as "modernized yet frustrated" – embittered by the shortage of jobs in the urban formal sectors. The shrinking resources for education and lack of jobs for those with an education encouraged middle class youth to identify with poorer disenchanted urban youth. University students were especially critical of government corruption and nepotism.[32] Many of the early RUF rallies occurred at Fourah Bay College in Freetown, West Africa's oldest university. At the same time, the RUF was able to recruit widely among rural disenfranchised youth, where the forced division of labor and lack of agricultural rights for youth under a rigid patrimonial social system had created an economic and social crisis. The state's withdrawal from remote regions in the 1970s and 1980s magnified this condition, leaving these areas to patrimonial chiefs, notably in Kailahun where the war began.[33] Some note the persistence of a slave-like society across classes where rural "foster children" worked in the capital for upper classes.[34]

Importantly, however, the RUF's actions quickly departed from its ideological rhetoric. The RUF's raiding of villages and looting, and cruel and violent acts against the people it claimed to protect, isolated it from the civilian population. The RUF targeted traditional authorities - chiefs, intellectuals, and elders.[35] Although students were influential within the RUF's traditional support base, they were

---

[27] In Zack-Williams, "Sierra Leone," 148.

[28] Ibid, 149.

[29] Information attributed to Philippa Atkinson in Keen, *Conflict and Collusion*, 40.

[30] Ibid, 20.

[31] Paul Richards, *Fighting for the Rainforest* (The International African Institute in association with James Currey/ Heinemann 1996).

[32] Keen, *Conflict and Collusion*, 29.

[33] Paul Richards, "To Fight or to Farm? Agrarian Dimensions of the Mano River Conflicts (Liberia and Sierra Leone)," *African Affairs* 104, no. 417 (2005), 585.

[34] Ibid.

[35] Father John Emmanuel Garrick, a priest from Bundt Island, who is credited to have saved a number of civilians during the war. Garrick testified at the TRC and the Special Court for Sierra Leone. Interview by author, Freetown, Sierra Leone, August 14, 2012.

later targeted as well, especially after several publicly criticized the RUF's violent tactics. Eventually, RUF violence became more indiscriminate, accusing civilians of ingratitude and selling out the rebels, frequently rounding up and executing unaffiliated battle-age boys and men in a wave of paranoia. The RUF was also notorious for its practice of amputations.

Over time, the RUF's economic profiteering further undermined its image. Rich in extractive natural resources - alluvial diamonds, as well as gold, timber and iron - which offer opportunities for quick enrichment with relatively little specialization, the economic drivers of the conflict became particularly pronounced. While Taylor used Sierra Leone's economic resources to fund the Liberian military effort, both government forces and the RUF used diamonds to finance the war. The RUF was responsible for the mass expulsion of civilians from the main diamond areas, and many fighters became involved in mining.[36] However, as will be shown, academic scholarship has been divided on the causes of the conflict, as well as the extent to which the RUF represented an ideological platform, the conflict took on its own dynamics over time. As Keen points out, while the RUF eventually became a powerful force, the government could have defeated the movement in the early stages. He argues that the RUF threat gave the government *carte blanche* domestically and helped it justify increasingly costly measures in defense of the country.[37] Some describe a shadowy relationship between the army and rebels including collision between government and rebel groups especially in the arms and diamond trade, emphasizing the phenomenon of "sobels" – soldiers by day, rebels by night.[38]

Eventually, the rise of the RUF caused social upheaval throughout Sierra Leone, contributing to the militarization of Sierra Leonean society. In early 1995, the government sought help against the rebels from the British Army's Gurkhas. After Canadian commander MacKenzie was killed, they left the country and were replaced by the South African mercenary group, Executive Outcomes. This solution proved too expensive. As villages were left to fend for themselves, the departure of Executive Outcomes saw the emergence of new defense forces throughout the country. Civil defense groups often had a tense relationship with the army where civilian government often called on civil defense associations, particularly Kamajors, to drive out the RUF challenging the army's monopoly of the means of violence, who felt that its role as "custodians" of state security was being challenged.[39] Deputy Minister of Defense, Samuel Hinga Norman, also leader of the Kamajors, provided an important link between the army and Kamajors. This encouraged Kamajors to fight other civic

---

[36] Keen, *Conflict and Collusion*, 51.
[37] Ibid, 9.
[38] John-Peter Pham, *Child Soldiers, Adult Interests: the Global Dimensions of the Sierra Leone Tragedy* (New York, NY: Nova Science Publishers, 2005), 94; William Reno, Corruption and State Politics in Sierra Leone (New York, NY: Cambridge University Press, 1995); Arthur Abraham, "War and Transition to Peace: a Study of State Conspiracy in Perpetuating Armed Conflict," *Africa Development* (Dakar, Senegal: Codeseria, 1997).
[39] Zack-Williams, "Sierra Leone," 152.

associations especially in the North. Upon Corporal Gborie's military takeover in 1997, Gborie accused the Kabbah administration of "crying down the army," and of "tribalism," outlawing the Kamajors as one of the first acts of his administration and pitting the two forces against each other.[40] The military coup led by Gborie ousted Kabbah into exile in Guinea and reinstalled President Johnny Paul Koroma from prison who banned civil liberties and invited the RUF to join the government. The Kamajors, loyal to Kabbah and Norman, defended the south of the country.

A series of international military and diplomatic interventions to promote negotiations between the government and the RUF brought the war to an end in January 1999. The Lomé Peace Accord, signed on 27 March 1999, gave Sankoh the vice presidency and control of Sierra Leone's diamond mines in return for an end to fighting and deployment of a UN peacekeeping force to monitor disarmament. The RUF's compliance was inconsistent and slow leading to its advance on Freetown in May 2000. The RUF's attack on Freetown prompted British intervention to save the UN mission and Kabbah government.[41] A renewed UN mandate and Guinean air support led to the RUF's defeat under Operation Palliser, after which President Kabbah declared the war to be officially over on January 18th, 2002.

Since the end of the civil war, the country has seen considerable political liberalization. Today, Sierra Leone is a constitutional republic with a directly elected president including a legislature, executive and judiciary. Since independence, the SLPP and the APC have dominated politics. The current and fourth president of Sierra Leone since September 17th, 2007 is Ernest Bai Koroma. Koroma represents the APC and won after a tense competition against SLPP candidate Solomon Berewa (45.4 against 54.6 percent) with international and national monitors concluding that the election was fair. Although November 2012 elections also passed without incident, many argue, however, that decentralization of power under democratization has increased inequality by rebuilding and strengthening the authority of paramount chiefs. Some critique the liberal peace-building model for reinforcing the hierarchical society and patrimonial system that gave rise to the war in the first place.[42]

The next section looks at the establishment of the TRC and the post-conflict reconciliation process in Sierra Leone. It pays specific attention to how the post conflict context affected the TRC's objectives and aims, and at factors, which influenced its work over time. It then takes a closer look at TRC procedures and narratives, before turning to an analysis of the TRC's wider contribution to reconciliation.

---

[40] Ibid.

[41] Ibrahim Abdullah, *Between Democracy and Terror: The Sierra Leone Civil War* (Dakar: Council for the Development of Social Science Research in Africa, 2004).

[42] Peters, *War and Crisis of Youth,* 200. See also Richard Fanthorpe, "On the Limits of Liberal Peace: Chiefs and Democratic Decentralization in Post-War Sierra Leone," *African Affairs* 105, no. 418 (2005).

4.2. Background: Transitional Justice and the Establishment of the TRC

The Sierra Leonean TRC was set up as part of the Lomé Peace Accord, signed on July 7, 1999, which called for a TRC in exchange for a general amnesty promised during the ceasefire. Head of the Interreligious Council, Reverend Dr. Joseph Humper, a bishop of the United Methodist Church, chaired the commission. The TRC appointed four national and three international commissioners, including four men and three women, and employed a mixture of domestic and international staff to conduct research and take statements. The Deputy Chair was Justice Laura Marcus-Jones, a retired judge of the High Court. The other national commissioners were Professor John Kamara, former principal of Njala University College; and Sylvanus Torto of the Institute of Public Administration and Management, University of Sierra Leone. The internationals were Yasmin Sooka, a human rights lawyer and former commissioner of South Africa's TRC, now Director of the Foundation for Human Rights in South Africa; Ajaaratou Satang Jow, former Minister of Education in Gambia; and Professor William Schabas, Director of the Irish Center for Human Rights at the National University of Ireland.

Funding for the TRC came mainly from international sources through the United Nations Development Programme, including the US, UK, EU, Germany, Denmark, Norway and Sweden.[43] International actors also took responsibility for some follow up projects, notably the Norwegian government, in financing the initial resettlement of amputees to disability camps, and the UN-run DDR and skills training programs for ex-combatants.

The TRC presented its final report to the President of Sierra Leone on October 5th, 2004 and to the United Nations Security Council on October 27th, 2004. Chief Investigator for the Sierra Leone Truth and Reconciliation Commission, Howard Varney, produced an overview, findings, and recommendations on November 12, 2005. The report is over 5,000 pages long and includes the names of responsible persons for atrocities.

The Special Court for Sierra Leone was formed after the TRC. On July 12, 2000, then Sierra Leonean President Ahmad Tejan Kabbah wrote to the UN Security Council, requesting an *ad hoc* tribunal to be set up in Sierra Leone. The Security Council passed Resolution 1315, stipulating that the Secretary General should negotiate an agreement with the Kabbah administration for an "independent special court." The Special Court for Sierra Leone was established in January 2002 after the Kabbah government and the Security Council agreed to the Secretary General's proposal. The court itself was a hybrid tribunal. Employing a mixture of international and domestic staff, and established at the site of the conflict in Sierra Leone's capital, Freetown. The Special Court for Sierra Leone has detained

---

[43] Priscilla B. Hayner, "The Sierra Leone Truth and Reconciliation Commission: Reviewing the First Year," *The International Center for Transitional Justice* (2004), 3.

eleven individuals in total, two of whom have died. Eight have been sentenced and are serving their terms. Former Liberian President Charles Taylor's June 2012 sentencing in The Hague marks an important moment for international criminal law as the first sentencing of a former African head of state.[44]

Finally, communities around the country have used traditional practice especially for the reintegration of child ex-combatants, including the country's two largest ethnic groups, the Temne and Mende. In 2007, Sierra Leonean human rights activist John Caulker, founded the communal reconciliation project Fambul Tok (now Fambul Tok International), meaning "family talk" in Krio. As will be discussed in further detail in Chapter 5, Caulker founded the program through his organization, Forum of Conscience, after serving on the TRC Working Group, based on his perception that the TRC had not gone far enough in traveling to and engaging people in the countryside.

4.3. The TRC Process

This section will now take a closer look at the TRC process. It argues that certain factors within Sierra Leone's post-conflict context influenced the TRC to take a restorative and non-punitive orientation. The TRC tied reconciliation primarily to democratization, the reintegration of ex-combatants, and consciousness-raising/ generating solidarity. The section finds that this orientation became more entrenched as a response to the establishment of the Special Court for Sierra Leone. The TRC's restorative orientation shaped various aspects of its work, including its methodology, its narrative of the war, its definition of reconciliation, and its collection of testimonies.

Context and TRC Aims

> "At the TRC, there's no finger-pointing. It is not about more guilty or less guilty;
> it's not about scapegoating."
>
> -Bishop Joseph Humper, Chairman of the TRC.[45]

From the beginning, the Sierra Leonean TRC was conceived as a mechanism of restorative justice, tied to democratization, peace-building, and the reintegration of ex-combatants. The TRC took a non-punitive orientation, which became more entrenched over time. Negotiations to set up a TRC preceded the end of the war as part of a sustained effort to terminate the fighting.[46] While many agreed that the

---

[44] Charles Taylor's trial took place in the Hague due to concern that the trial would cause instability, although Special Court for Sierra Leone legal officials are still responsible for running the trial.
[45] Bishop Joseph Humper, interview by author, Freetown, Sierra Leone, July 28, 2009.
[46] The Sierra Leonean TRC Report; Paul James-Allen, SheKu B.S. Lahai and Jamie O'Connell, "Sierra Leone's Truth and Reconciliation Commission and Special Court for Sierra Leone: a Citizen's Handbook," (National Forum for Human Rights and the International Center for Transitional Justice, 2003).

end of the conflict was close, especially following the capture of Foday Sankoh and top RUF leadership in 2000, the RUF's surrender – and the insurgents' conditions to turn themselves over - were far from certain. The RUF was still mobilized under interim leader, Issa Sesay, and the decision to lay down arms did not come easily for ex-combatants. In addition to the fear of prosecution or revenge, many RUF fighters had spent their childhoods at war and faced uncertain prospects for reuniting with their families and reintegrating into civilian life and finding employment.

While the international community eventually became heavily involved in directing the TRC, the original impetus for the TRC was internal. Sierra Leonean civil society played a significant role in campaigning for and setting up a TRC. Many had been active in calling for a peace process, notably the Sierra Leone Interreligious Council, taking part in UN negotiations leading up to the establishment of the TRC. Members of the Interreligious Council often traveled to remote regions to urge the RUF to release children in custody. Head of Interreligious Council and Chairman of the TRC, Bishop Joseph Humper, describes a prolonged process to reach out to RUF militants and listen to their terms of surrender.[47] This included trips upcountry to speak to those still fighting, as well as visits to captured RUF leader Foday Sankoh in prison, as early as 1999 before the Lomé Accords. Humper emphasized the importance of approaching Sankoh as an equal, and giving him the chance to talk:

> I said [to the president], he [Sankoh] should be taken out of his condemned cell and taken to the military headquarters in Freetown – that was one of our biddings. From the first day, we wanted him [Sankoh] to see reason and we told him that we would treat him with dignity… And so we began to talk. And each day we came to him and went over what he said. We said, 'this is what you said yesterday,' and we corrected him if he said something different and we went over it again. Until finally, we got the president to get him a new suit, a nice suit. We said, 'we want to talk to a civilized gentleman. You are one of the only people now who can bring sanity. Your life alone is not worth more than those of the whole people in this country. You had an ambition, a goal, but now people only know you for your violence. This is your time now to tell your people your reasons.'[48]

Humper was adamant from the start that the RUF should be treated with dignity. He stressed that the rebels were men and women who had also fought for a cause and believed in something; and that the RUF fighters were not "pagans" and that religion still provided a rare inroad to negotiations. According to Humper, at the time, the RUF refused to speak to a politician and would only speak to him in his capacity as a religious leader.[49]

The post-war challenges facing the country reinforced the urgency of reconciliation for early proponents of the TRC. As was the case in South Africa, the decision to set up a TRC was originally

---

[47] Humper, interview.
[48] Ibid.
[49] Ibid.

pragmatic in Sierra Leone. Eleven years of war had left the country in a state of severe poverty and underdevelopment. The war had caused large-scale displacement, and destroyed the judicial system and much of the country's infrastructure and agriculture. Since the end of the war, Sierra Leone has ranked as one of the three most underdeveloped countries on the UN Human Development Index, facing severe unemployment.[50] The country also faced a unique challenge of how to address the large population of youth who fought in the war, many of whom had started fighting as young as eight years old, and had spent most of their lives fighting by the end of the war. Fambul Tok, in particular, highlights the impact of prolonged social displacement – where children either became child soldiers or were displaced for eleven years in neighboring countries - on inter-generational relations, where the conflict left a generation of youth without skills on the margins – many of whom feared to return to their communities, and/or who did not want to go back to a submissive position after fighting. For some families, the reintegration of youth was not only a key security concern, but also struck emotional chords, given this sector's lost childhoods and often harrowing stories.

In certain regards, the TRC was also established in a social climate more favorable to reconciliation. As discussed in Chapter 4, many ex RUF, as well as government soldiers, were drawn from marginalized social backgrounds. While ethnic tensions existed and indeed had contributed to the war, the conflict in general did not take ethnic lines, sometimes dividing families.[51] Moreover, as some commissioners argued, restorative justice already resonated in the Sierra Leonean context, where ethnic groups had practiced various forms of restorative justice for centuries, and the South African TRC was a familiar reference point for much of civil society.[52]

Together, these factors influenced the TRC to take a strong restorative, rather than punitive orientation, tied to three key aims.[53] First, from its inception, the TRC was committed to the reintegration of ex-combatants to society. The TRC embarked on a sustained outreach effort to include ex-fighters. Article 9 of the Lomé Accord granted "absolute and free pardon" to General Foday Sankoh, as well as "absolute and free pardon and reprieve to all combatants and collaborators in respect to anything done by them in pursuit of their objectives up to the time of the signing of the present agreement."[54] It also recognized the RUF as a political actor, promising that the "Government

---

[50] Immediately after the war, Sierra Leone was the lowest. The UNDP Human Development Index, released on November 2011, put the country at 180. Available at: http://hdrstats.undp.org/en/countries/profiles/sle.html.

[51] For several interviewees, the cross-cutting nature of the conflict was the only positive legacy emerging from the war, making it easier, in their view, to move forward, in contrast to more "intractable" intergroup conflicts. For example, Osman Gbla, professor of political science at Fourah Bay University, interview by author, Freetown, Sierra Leone, July 24, 2009; and Joe A.D. Alie.

[52] Bishop Joseph Humper and Josephine Thompson Shaw, interviews by author.

[53] The TRC's mandate encompasses several broad goals, including producing a report on human rights violations beginning in 1991, providing a forum for victims and perpetrators, and recommending policies to facilitate democratization, reconciliation, and to prevent future violations.

[54] The Lomé Peace Accord. Available at: http://www.sierra-leone.org/lomeaccord.html.

of Sierra Leone shall accord every facility to the RUF to transform itself into a political party and enter the mainstream of the democratic process," and pledging that within thirty days of the agreement, the Sierra Leone government would take all "necessary legal steps" to let the RUF register as a political party.

The establishment of the Special Court for Sierra Leone further entrenched the TRC's non-punitive orientation. From the start, the TRC – and key members of civil society - took a defensive position to the court, expressing the concern that trials would pose a threat to peace and impose on Sierra Leonean culture and conflict resolution mechanisms.[55] Proponents of criminal prosecution and members of the Special Court for Sierra Leone frequently criticized the TRC as offering an inadequate approach, inconsistent with international legal norms and obligations. These tensions grew worse over time. During the high profile trial of Kamajor leader, Chief Samuel Hinga Norman, at the Special Court for Sierra Leone – whose prosecution was already contentious for many in the country - Norman requested to speak in front of the TRC, but the Special Court for Sierra Leone refused.[56] In a widely appealed and controversial decision, the Special Court for Sierra Leone made arrangements for Norman to give a confidential statement but both Norman and the TRC refused, taking a stance that Norman should give public testimony.[57] The TRC also expressed fear that the Special Court for Sierra Leone could subpoena the TRC's material and override its guarantees of confidentiality.

Popular fears that testimony at the TRC would lead to prosecution at the Special Court for Sierra Leone created severe barriers for generating public participation. While both the TRC and the Special Court for Sierra Leone shared an interest in popular participation, public confusion about the relative mandates and demarcations of each became a greater challenge to the TRC, which had less resources and required large scale public engagement.[58] A widespread concern was that Sierra Leoneans failed to

---

[55] William Schabas, "Conjoined Twins of Transitional Justice: the Sierra Leone Truth and Reconciliation Commission and the Special Court," *Journal of International Criminal Justice,* 2, 4 (2004), 1083.
[56] The TRC stressed the importance of including Norman's testimony as part of its people's history of the war. According to the Special Court for Sierra Leone Prosecution, "both the interests of justice and the integrity of the proceedings before the Special Court might be put at risk" if Norman testified publicly. Court officials also criticized Norman's motivations, accusing him of seeking personal attention and political controversy. Sierra Leonean Special Court for Sierra Leone, Judge Bankole Thompson, denied the TRC's request to have Norman speak, stating that Norman's invitation to testify as a perpetrator and key figure in the war contradicted his right to the presumption of innocence before the court and might prejudice the jury. See William A. Schabas, "The Relationship between Truth Commissions and International Courts," 1041; Sarah Williams, "Amnesties in International Law: the Experience of the Special Court for Sierra Leone," *Human Rights Law Review,* 5, 2 (2005), 278.
[57] Special Court for Sierra Leone, President, Geoffrey Robertson, later offered a compromise that Norman could give a written sworn affidavit testimony to the TRC and answer questions from the TRC through writing. See The Special Court for Sierra Leone, *Decision on the Request by the TRC of Sierra Leone to Conduct a Public Hearing with the Accused* (29 October 2009), available at www.sc.sl.org.
[58] A number of TRC commissioners and civil society organizations argued that the international community favored and bestowed more authority on the Special Court for Sierra Leone, arguing that the Kabbah administration had been pressured to request a Special Court for Sierra Leone and that a South African

distinguish between the two bodies - and that some TRC officials went on to work for the Special Court for Sierra Leone, increasing perplexity and creating conflicts of interest. Rifts emerged between national and international staff over the international influence over the process. While for TRC commissioner Schabas, popular confusion between the two bodies was to be expected, Sierra Leonean commissioners generally felt that the Special Court for Sierra Leone and presence of internationals at the TRC deterred ex-combatants from coming forward to the TRC and moderated the statements of others.[59] These tensions grew throughout the TRC's operation. The TRC's final report confirms its disillusionment with the experience, stating that the TRC had been established as an "alternative" to criminal justice and that the Special Court for Sierra Leone's creation meant the abandonment of amnesty provisions at Lomé. It faulted the international community for signaling to "combatants in future wars that peace agreements containing amnesty clauses ought not to be trusted," and thereby, undermining the "legitimacy of such national and regional peace initiatives."[60]

The two-track approach also led the TRC to take a stronger stance on confidentiality. Despite a series of early efforts by the UN and Sierra Leonean and international civil society to work out a complementary relationship and preempt problems, both bodies eventually abandoned talks and sought to tackle the challenge largely by turning inwards and establishing and defining their own institutional differentiation and spheres of influence.[61] For its part, Special Court for Sierra Leone officials made clear that they were only interested in the "big fish" and that the Special Court for Sierra Leone would use its own resources to investigate its cases, with Chief Prosecutor David Crane publicly stating that he was not interested in child soldiers and that the TRC was more suited for dealing with youth offenders.[62] Key members of the Special Court for Sierra Leone also stated that they supported the TRC and that they would not use evidence collected during its hearings.

The TRC, on the other hand, sought to reassure the pubic by continuously distancing itself from the court. Despite the court's public reassurances, TRC officials consistently noted a popular sentiment that "information provided by the commission would make its way to the court" as a barrier to eliciting participation.63 The TRC stated that it could not rule out that at any given point in the future

---

(amnesty) model would have been better. The Sierra Leone TRC Working Group reveals tensions between international and Sierra Leonean civil society members on both issues. "Searching for Truth and Justice in Sierra Leone," p. 7.

[59] Schabas, "The Relation Between Truth Commissions and International Courts," 1064-1065.

[60] The Sierra Leonean TRC Report, Volume 2, Chapter 1.

[61] The International Center for Transitional Justice and UN organized a series of early workshops. Initiatives to "work out the relationship" and institutionalize a set of guidelines were initiated by Priscilla B. Hayner and Paul van Zyl, together with the US Institute of Peace and International Human Rights Law Group, the Office of the High Commissioner for Human Rights, and the United Nations Mission for Sierra Leone (UNAMSIL). See Schabas, "The Relation Between Truth Commissions and International Courts."

[62] The Sierra Leonean TRC Report, Chapter 6, "The TRC and the Special Court."

[63] The Sierra Leonean TRC Report cites a "climate of deep-seated suspicion among people it interacted" as a result of the parallel establishment of the criminal tribunal. Ibid.

the Special Court for Sierra Leone would try to seize TRC information from its archives, and that the Special Court for Sierra Leone would be given primacy by international actors. For TRC officials, this persistent tension, and the risk of the tribunal undermining the TRC, led it to take a stronger stance against the assignation of individual guilt. Humper was an important figure in calling for complete confidentiality and immunity for ex-combatants – an orientation, which became more entrenched over time. While the TRC statute never formally stated that self-incriminating evidence would not be used at the Special Court for Sierra Leone (unlike commissions, for example, in Ghana or South Africa), strict confidentiality became its de facto policy.[64] The net result was the development of a two-pronged transitional justice approach, leading to a de facto division, where the TRC focused particularly on sexual violence and youth, but also a hierarchical discourse of guilt, with the Special Court for Sierra Leone focusing on "those who bear the greatest responsibility," versus the TRC, which was set out to engage the rest of society (victims, witnesses, and low level perpetrators). [65] This differentiation, as will be argued in the next section, strongly influenced the TRC's narrative stance and approach to testimony, creating tensions over the question of individual commitment and responsibility.

Second, where the TRC took a strongly non-punitive orientation, it contributed to transitional justice and post-conflict reconstruction in other ways, particularly through its self- conception as an instrument of democratization. The TRC tied testimony to a broader civic conception of participation. [66] TRC officials presented the commission to Sierra Leoneans as a people's forum, giving them a voice and the opportunity to articulate their recommendations for post-conflict reconstruction for the new government. It emphasized that it would represent *all* members of society, including victims, witnesses, and perpetrators, as stakeholders. As put by TRC statement taker, Josephine Thompson-Shaw:

> Immediately after the war, some people were saying there's no need for a TRC. President Kabbah said 'let us forgive and forget; let us move on with our lives.' But we had to sensitize the people - 'it's not just moving on with our lives; we must make sure this doesn't happen again. We want to avoid these mistakes in the future. We must make sure that you and I, all of us, have a say in the future of the country.'[67]

The linking of the TRC to democratization became more symbolic in the context of the Sierra

---

[64] Schabas, "The Relationship between Truth Commissions and International Courts," 1048.
[65] While the minimum age of offenders at the Special Court for Sierra Leone was fifteen years (as opposed to ICC's minimum age of eighteen years), UN and Special Court for Sierra Leone officials repeatedly publicly expressed the view that prosecuting child offenders was not in the Special Court's jurisdiction and that the TRC was better served to deal with youth perpetrators. See, for example, Special Court for Sierra Leone, Prosecutor, David Crane's interview with the UN Office for the Coordination of Humanitarian Affairs, IRIN (25 September 2012), available at: http://www.irinnews.org/InDepthMain.aspx?InDepthId=31&ReportId=70568.
[66] The Sierra Leonean TRC Report, Chapter 1, 25.
[67] Shaw, interview, See also the Sierra Leonean TRC Report.

Leonean war and the suspension of civil liberties, where TRC commissioners promoted the TRC as a return to peaceful politics and a rejection of the war.[68] In this process, the TRC put emphasis on giving a voice to previously marginalized groups, particularly women and youth. Referring to the initial reluctant participation of women, Thompson-Shaw explained:

> A few times it seemed women really wanted to give statements, but mostly when we asked the question, 'what would you like the government to do for you?' So when they know they had a stake in the process and they would have a voice, they had something burning. Whenever that question was attached, they knew they could make recommendations to improve their lives, they wanted to talk.[69]

Michael Charley from the UNICEF-administered Youth TRC hearings, shares a similar perspective:

> One of the key incentives for the children was not actually about direct benefits coming to them but that the children knew that they would eventually make recommendations that would lead to reparations, that would increase their education, that would enhance their communities and remove their potential for conflict…From the onset of the campaign it was made clear that it was not about direct physical benefits but about the community and moving forward.[70]

Finally, the TRC took an educational focus, where the commission sought to use hearings and disseminate its report to raise awareness and generate solidarity and a sense of responsibility among those less affected by the war for victims of the conflict. TRC staff shared their primary target audience to listen to hearings was urban classes in the capital, who had only experienced RUF violence towards the end of the war, as much of fighting had taken place in rural and remote areas.[71] Also important was reaching the next generation –who would no longer remember the destructiveness of the conflict – to make sure youth would not forget.

TRC Methodology

While the TRC was established as part of the Lomé Peace Accord, the Accord included few details on its specific mandate and methodology.[72] The TRC process was a mixed domestic-international effort from the start. The UN High Commissioner for Human Rights Mary Robinson and Sierra Leonean civil society organizations, especially the Interreligious Council, carried out much of the planning. In

---

[68] While some argued that the amputations served practical functions, preventing civilians from mining diamonds, which would support government troops and creating fear and allow the rebels to take full control of the diamond mines, others argued that amputations had a symbolic meaning. For Keen, in response to the then election slogan that the people "had power in their hands." the RUF's amputation of hands was meant to prevent voting. He also hypothesizes that amputations, in particular of elders and intellectuals, was a way for previously marginalized youth to assert their new social power (the hand used for writing symbolizing the intellectual's previous source of status). *Conflict and Collusion*.
[69] Thompson-Shaw, interview.
[70] Charley, interview.
[71] See, for example, Thompson-Shaw, interview.
[72] Humper, interview.

the lead up to the TRC, Sierra Leonean officials engaged in planning sessions with commissioners from other contexts, notably South Africa, as well as the UN and International Center for Transitional Justice.[73] Linking back to Chapter 2, the TRC takes a holistic orientation, emphasizing the importance of public engagement and interlinking various goals of transitional justice. While, as argued, the TRC took an explicitly non-punitive orientation, as compared to other realms of transitional justice, particularly reparatory justice, the report echoes the need for an integrated approach. It adopts the view that any transitional justice mechanism alone is insufficient and even dangerous:

> If the Commission had not intended to pursue a reparation policy for victims, truth-telling without reparation could conceivably be perceived by the victims to be an incomplete process in which they have revealed their pain and suffering without any mechanism being put in place to deal with the consequences of that pain. Similarly, reparations without truth-telling could be perceived by the beneficiaries as an attempt to buy their silence. Restorative justice requires not only truth telling, but also reparations which will strengthen the reconciliation process.[74]

The TRC adopted a hybrid methodology, incorporating a mixture of didactic and restorative influences. On the one hand, the TRC followed the didactic model, producing a detailed history and long-term analysis of root causes of the conflict. The commission puts emphasis on offering an objective account of the past, asserting an "inalienable right to truth," and linking truth-seeking to reconciliation.[75] The TRC's primary methodology consisted of statement taking, which it used to write its report. Most statements were collected in confidence. Like the South African TRC, the commission focused on "window cases" for investigation to tell a story to illustrate particular issues or patterns of events.[76] It also offered an analysis of systematic patterns of abuses over time in a lengthy root causes chapter, focusing on underlying political, economic and social antecedents of the war.

The TRC also incorporated a pedagogical methodology, preparing its reports for educational use, particularly school curricula; the TRC produced a total of three publications, including "child friendly" versions for primary and secondary school children. It also made abbreviated versions available for adults for distribution among civil society and NGOs as in the Citizen's Report briefing produced by the National Forum for Human Rights and the International Center for Transitional Justice on the TRC and Special Court for Sierra Leone, to increase public accessibility and minimize confusion.[77]

---

[73] The Special Court for Sierra Leone was established in a similar spirit. As the first UN-established hybrid tribunal, the decision to have a court on site, employing a mixture of domestic and international staff, reflected a conscious effort to engage the public and bring over personnel and know-how from the ad hoc international tribunals in Rwanda and the former Yugoslavia. In particular, the court integrated lessons learned from Rwanda and the former Yugoslavia in the areas of witness protection and sexual violence.

[74] The Sierra Leonean TRC Report, Volume 1, Chapter 3.

[75] The Sierra Leonean TRC Report, Volume 1, Chapter 3.

[76] The Sierra Leonean TRC Report, Volume 1, Chapter 5, 147-148.

[77] James-Allen, Lahai, and O'Connell, "Sierra Leone's Truth and Reconciliation Commission and Special Court."

Most of the commission's work had a restorative orientation. It sought to maximize public outreach through an emphasis on "sensitization," explaining the purpose of the TRC to the public and training local representatives in village municipalities. The TRC held hearings throughout the country, which it aired on the radio and television. The commission tied hearings and testimonies to the rehabilitation and reintegration of ex-combatants. Perpetrators gave more than thirteen percent of testimonies, higher than in front of any other TRC.[78] Because of the high number of children involved in the war, the TRC set up separate TRC proceedings under the auspices of UNICEF for youth. It recommended a variety of skills training and education programs for ex-combatants, particularly child soldiers, and was tied to DDR procedures. It also called for community service for ex-combatants (as well as for current military forces), e.g. rebuilding schools and hospitals, to prove themselves and "win the hearts and minds" of the civilian population.

The TRC also strived to offer a victim-centered approach and promote democratization through its recommendations for reparations and reforms. It held a series of targeted focus groups for women and girls on sexual violence. Reparations were directly linked to democratization as a way to create civic trust and social and political capital:

> A sincere commitment from the Government to the execution of the proposed Reparations Programme would give a clear sign to the victims that the State and their fellow citizens are serious in their efforts to re-establish relations of equality and respect. Acknowledging the wrongdoing done to victims, engaging with those victimized and disempowered will lead to members of society having a renewed faith in the democratic process. This leads to the restoration of civic trust and a sense of ownership for the nation.[79]

The TRC called for reparations in the areas of housing, skills training, health care, education and agricultural assistance, as well as symbolic reparations such as reburials, memorials and remembrance ceremonies. The TRC also called for judicial and institutional reforms through its chapter on recommendations, which were legally binding.[80] As will be shown, this multi-tiered approach, while initially attracting wide-spread popular participation at the onset, also led to loss of public support over time as the TRC's explicit linking to democratization was undermined by the lack of follow through.

---

[78] Priscilla B. Hayner, "The Sierra Leone Truth and Reconciliation Commission: Reviewing the First Year," *The International Center for Transitional Justice* (2004).
[79] The Sierra Leonean TRC Report, Volume 2, Chapter 4.
[80] The Sierra Leonean TRC Report, "July 28 Recommendations on Governance."

Definition of Reconciliation

The TRC's process of defining reconciliation was slow and was criticized even by some within the commission as incomplete.[1] Eventually, however, the TRC emphasized a national ongoing conception of reconciliation. While the TRC expressed the hope in its Forward that a truth-seeking process would "facilitate healing and reconciliation" by providing a "forum for both the victims and perpetrators" and getting a "clear picture of the past," it argues that these processes were ultimately beyond the TRC.[2] The report distinguishes individual healing from national reconciliation, arguing that healing and accountability benefit reconciliation, yet are separate processes.[3]

In its conception of national reconciliation, the TRC defined reconciliation as a long-term process ("rather than an event"), which will "take time and will need to continue even beyond the present generation."[4] The report's tripartite conception of reconciliation distinguishes between the national, community, and individual levels. Individual reconciliation requires victims and perpetrators to meet, however, it does not require the expression of remorse by the perpetrator or forgiveness from the victim.[5] Community reconciliation occurs between the community and the perpetrator. It is also a long-term project and requires community acceptance of the wrong done, and the support of chiefs. National reconciliation "begins by creating the conditions for an immediate cessation of the armed conflict and the return of the country to peace." It is based on "the improvement of the socio-economic living conditions of the people; good governance; strong and functional oversight institutions; and the implementation of a reparations programme" and is dependent on government support and implementation of the TRC's recommendations.[6] The TRC made provisions for the continuation of reconciliation work after its closure, notably through the establishment of District Reconciliation Committees in 2003 in partnership with the Inter-Religious Council.

Conversations with TRC officials further brought out this long-term view. Humper added a fourth type of reconciliation: "intra-reconciliation" (occurring within the individual). In Humper's assessment, while the TRC contributed to national reconciliation by encouraging dialogue and creating a historical record, communal reconciliation should occur later at the grassroots level. While NGOs and

---

[1] TRC researcher, Howard Varney, argues that the TRC was still "debating what reconciliation should mean until right at the end of the TRC. No programme on reconciliation was developed until October 2003 – right at the end…. It was too little too late." James-Allen, Lahai, and O'Connell, "Sierra Leone's Truth and Reconciliation Commission and Special Court," 9.
[2] The Sierra Leonean TRC Report, Chapter 1, 24.
[3] Ibid, 2.
[4] Ibid, 15.
[5] The Sierra Leonean TRC Report, Volume 2, Chapter 1.
[6] The Sierra Leonean TRC Report. The TRC stated that given its short lifespan, it could only explore reconciliation through "sensitization" and high profile "events," including reconciliation and memorial ceremonies, and workshops with civil society to discuss drivers and preconditions for reconciliation.

academics have often questioned the extent of communal reconciliation and interpersonal reconciliation between victims and perpetrators, pointing out that many ex-combatants have yet to return to their former communities or that victims and perpetrators do not speak to each other in villages, individuals can still achieve intra-reconciliation. If combatants have found a home in a new community because they feel more accepted there or because they are afraid of retribution or judgment if they return, reconciliation is an internal healing process, consisting of the individual finding peace within himself and his surroundings, and cannot be measured by the restoration of a previous status quo. He argues that rifts between communities sometimes contributed to the war in the first place and that individuals should not be forced to return, and can start a new life if this is what they choose. Importantly, he maintains that healing is a personal process, which individuals must come to at their own time and at their own volition. The role of a TRC and national reconciliation is to create a "space" for these processes so that the individual can feel safe and at home anywhere in the country.[7]

TRC Narrative

The TRC's narrative reflects its non-punitive orientation, emphasizing explanation over blame.[8] It takes a strong discourse of collective responsibility, calling for a process of moral reflection and national dialogue. For Humper, the TRC is a "national mirror": "We are one nation and the TRC is a mirror. You come, you pass by and you see your reflection. And so the TRC exposes all of us, regardless of who we are, from generation to generation we have been involved. All of us are collectively responsible, so all of us must now join together in rebuilding Sierra Leone."[9] The TRC's Foreword and Introduction begin with the questions of how and why the conflict took place in Sierra Leone.[10] It calls for a process of understanding and learning to create a basis for future peace: "It is only through generating such understanding that the horrors of the past can effectively be prevented from occurring again. Knowledge and understanding are the most powerful deterrents against conflict and war."[11] The themes of shock and bewilderment and empirical self-correction as a deterrent for future violence are consistent throughout the TRC's narration of the conflict. In promoting the TRC, officials emphasized the destructiveness and "senselessness" of the war, highlighting that the conflict did not follow ethnic lines, that it affected all of society, and left "no victors," and that it divided families, pitting "brother against brother."

While the TRC named individual perpetrators, it cautioned against the attribution of blame and taking sides, taking care to consider, for example, whether a revolution and the RUF's initial causes for

---

[7] Humper, interview.
[8] The Sierra Leonean TRC Report, Chapters 1, 3, and Forward.
[9] Humper, interview.
[10] The Sierra Leonean TRC Report, Forward.
[11] The Sierra Leonean TRC Report, Chapter 1, 2.

mobilization, could be just. As this stands in important contrast to other commissions, notably the CVR, the following passage is quoted at length:

> At the outset, it seems important to state that the Commission is not called upon to assess the justness of the conflict itself. It may be argued by some that those who initiated the attempts to overthrow the Momoh regime were justified in taking up arms. The preamble of the *Universal Declaration of Human Rights* states: 'Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the Rule of Law.' Accordingly, human rights law seems to acknowledge that in extreme conditions, there is a 'right of rebellion'.… Governmental change, in principle, is to be effected at the ballot box. Sometimes, however, after long years of dictatorship, this aspiration may seem unlikely or even impossible. The Commission need not determine whether the conditions mentioned in the preamble of the *Universal Declaration of Human Rights* for the right of rebellion were indeed fulfilled. But, as this Report explains elsewhere, there is little doubt that the words 'tyranny' and 'oppression', and the failure to protect human rights by the Rule of Law, were appropriate descriptions of Sierra Leone in March 1991.[12]

The result of this orientation was a commission which, while hearing testimony from both victims and ex-combatants, was designed to allow all parties to express their experience of what had happened and have it taken seriously as an important perspective with implications for Sierra Leone's future development. This orientation also shaped the TRC's training of staff. The Report's methodology section instructs statement takers to let perpetrators "speak freely" and not to ask "leading questions" or "judge."[13] It urges staff to remember that perpetrators were also victims in the war and acknowledges the many "grey areas" of war, reiterating that perpetrators should also be free to talk and give recommendations as future "stakeholders."

Where the TRC took a stance against taking sides, it put emphasis on producing a rigorous historical investigation. The Report focuses on the *long-term* political, economic, and social root causes and antecedents of the conflict, paying particular attention to colonialism. The TRC traces social hierarchies back to British rule, where it emphasizes the colonial manipulation of the chieftaincy system, undermining their legitimacy and turning them into "mere surrogates of the colonial government." Colonialism also "deliberately created two nations in the same land" and set the stage for the nation's more recent ills, including the greed and bad governance of the post-independence period.

The TRC also created a profile of victims, highlighting the gendered nature of abuses. It found that while 59.6% of general violations and 89.1% of forced recruitments were committed against adult males, rape and sexual slavery were committed exclusively against females. The TRC notes the youthful demographics of female victims: 44.9% of child victims were female; and 25 percent of

---

[12] The Sierra Leonean TRC Report, Chapter 3, 86.
[13] The Sierra Leonean TRC Report, Chapter 5, 184-186.

victims of forced recruitment, rape, and sexual slavery were young children. The Report identifies the RUF, the Armed Forces Revolutionary Council (AFRC), and the SLA (when it operated with the AFRC) as the primary organizations that committed violations against children.

The TRC's restorative aims also shaped its historical investigations. The TRC put particular emphasis on generating broader social understanding for the background and motivations of ex-combatants and the immediate drivers of the conflict. The report highlighted the social-psychological dimensions of conflict, portraying the conflict as not just economically motivated, or even political, but also as a personal way of settling scores. TRC discourses emphasized the demography of ex-combatants as marginalized youth, pointing out that the RUF pulled most of its fighters from "migrant youth, roaming the countryside," and the targeted nature of violence and degrading treatment of traditional authorities and intellectuals.[14] Throughout its report, the TRC stresses that youth ex-combatants were victims themselves, pointing out that the RUF kidnapped and drugged most of its fighters and that children carried out "crazed violence." The UNICEF Children's TRC report portrayed the conflict as "stolen childhoods and stolen dreams." It emphasizes the extent to which children were simultaneously victims and perpetrators in an "adult war," pointing out that children were "forced to fight for a cause they did not understand," and that children were often drugged before fighting and recruited into the armed forces after seeing their family members killed. The report concludes that all children were harmed by the war in Sierra Leone: "Who suffers the greater horror, the child who is violated, or the child who is forced to become a perpetrator? We are the victim, the perpetrator and the witness, all at once."[15]

Testimony

The TRC collected more than 8,000 statements from victims, perpetrators, and witnesses. Statement takers reported that victims' testimonies were often general rather than specific to the individual, focusing on their community's experiences and needs. According to Thompson-Shaw, this was especially the case for women: "Most of the time when women spoke the stories were general. Only one or two times the stories were personal, like rape or murder of family. But mostly the stories were general - I had to run away, the war came on this day, we all suffered, and so on."[16] She argues that women were reluctant to speak until they were offered the opportunity to make recommendations, and in these cases, the recommendations tended to be social rather than personal:

> They would tell us, I want them to build schools, I want them to build a hospital, I want education for my children. Sometimes, they would say, I want money to start my business, but

---

[14] Humper, interview.
[15] UNICEF Youth Sierra Leonean TRC Report, 24.
[16] Thompson-Shaw, interview.

usually they don't ask for anything personal, but for social amenities for the children and the community.[17]

Michael Charley, who helped run the children's TRC hearings, shared a similar finding – for youth participants, testimony was a way to have a voice and make demands. Most children made recommendations, which they thought would benefit their communities or country.[18]

Ex-combatant testimonies tended to focus more on their reasons for fighting or joining the RUF. TRC officials instructed perpetrators not to go into detail of their crimes during testimony in order not to re-traumatize victims. When asked why they participated or why they thought others participated, ex-combatants presented testimony as a chance to explain or clarify their actions - often linked to returning to former communities and reacceptance. In a study, conducted by the Sierra Leone NGO Pride with support from the International Center for Transitional Justice, ex-combatants gave the following explanations for testifying at the TRC: "I hope to be free from people when I say the truth," "The TRC will give us a chance to explain why we fought," "the truth will help families and victims forgive us," and "it will let our families accept us in good faith."[19] According to the report, 72 percent of ex-RUF maintained they had been forcibly recruited and many claimed that they were drugged and forced to commit acts of violence against people they knew.

By not taking sides and focusing on a factual, historically grounded approach to testimony, the TRC aimed to allow ex-combatants a space to describe their experiences without fear of judgment and penalty. While its ability to do so was mitigated by the Special Court for Sierra Leone and time constraints, it still generated relatively high ex-combatant participation, particularly among youth combatants. While this even-handed approach, as the next chapter argues, did lead to criticisms of bias towards ex-combatants, by and large, the non-punitive, re-integrative orientation has continued among communal authorities and Sierra Leonean civil society. It also, however, led to criticisms about the extent to which the short-term TRC process had contributed to restorative justice and the reintegration of ex-combatants to civilian life.

---

[17] While the TRC sought to incorporate gender-sensitive measures (e.g. hiring female statement takers and not releasing names of rape victims), Thompson-Shaw notes that women rarely discussed sexual violence. Thompson-Shaw, interview.

[18] Charley, interview.

[19] Post-conflict Reintegration Initiative for Development and Empowerment (Pride), Ex-Combatant Views of the Truth and Reconciliation Commission and the Special Court in Sierra Leone." (Freetown, Sierra Leone, PRIDE in partnership with the International Center for Transitional Justice, 2002), 12.

4.4. Conclusion

This chapter examined the establishment and functions of the TRC in Sierra Leone. It looked at the historical context within which the TRC was set up, focusing in particular on the nature and termination of the conflict, as well as later factors, including the establishment of a two-track approach of transitional justice. It argues that these factors influenced the TRC to take a non-punitive orientation, focusing on the reintegration of ex-combatants, a position, which became more entrenched over time. This orientation was reflected and shaped various aspects of the TRC's work, including its methodology, narrative, and even its conception of reconciliation and collection of testimonies.

Leading into the next section, and debates surrounding the TRC, both the causes and the end of the war have been subject to dispute in the literature and among Sierra Leoneans. One question is the extent to which the RUF had a choice in surrendering versus suffered a defeat. This question played a determining role in the Special Court for Sierra Leone case of interim commander, Issa Sesay, who surrendered the RUF after Sankoh's capture. Also debated is the diplomatic contribution of members of Sierra Leonean civil society in leading to negotiations with the RUF – a factor, which as shown in the next chapter, emerges again in the politics of legitimacy of transitional justice.

The end of the war, feeding into the next section and the TRC, also resulted in a debate among academics as well as Sierra Leoneans on the drivers and causes of the war. On one side of the debate, many external academics, journalists, and Sierra Leonean government officials have focused on the economic drivers of the war. For President Ahmed Tejan Kabbah, "Ours was not a civil war. It was not a war based on ideology, religion, or ethnicity, nor was it a 'class war'…It was a war of proxy aimed at permanent rebel control of our rich diamond fields for the benefit of outsiders."[1] Journalist and media accounts also frequently stressed the hedonism and criminal mentality of the RUF, depicting the conflict as nothing more than urban gang warfare and opportunism.[2] For Sierra Leonean academic and journalist, Lansana Gberie: "It is a mark of the mercenary character of the RUF's war that nearly ten years after it began observers were still struggling to find not just a coherent explanation for its remarkably brutal nature- demonstrated by the amputations – but also the motivation behind waging the war itself." He argues that while Sierra Leoneans consistently puzzled over the motives and "depths of depravity" of the rebels, a more important question is what could have "sustained the level of intensity and violence that plagued such a materially poor country?"[3] In his

---

[1] President Ahmed Tehjan Kabbah's Convocation Speech at Southern Connecticut University, New Haven. "Kabbah on Diamond War," *New Vision,* (Freetown, 27 September 2001). In Gberie, *A Dirty War,* 180.
[2] Robert D. Kaplan, "The Coming Anarchy," *The Atlantic Monthly* (1994) and Douglas Farah, "They Fought for Nothing, and That's What They Got," *Washington Post* (September 1st, 2001).
[3] Gberie, *A Dirty War*, 180.

own work, he focuses on the systematic link between rebel activity and diamond mining.[4] In what has become known as the greed versus grievance debate, i.e. whether conflict was driven by political aims versus economic profit, a significant academic and political economy literature has focused on Sierra Leone as an example of the "resource curse" and economic drivers of warfare.[5]

On the other side of the debate, reflecting the narrative of much of Sierra Leonean civil society, are micro level understandings, which criticize the interpretation of the conflict as purely driven by economics. Pointing out that "blood diamonds" has become a one-word explanation for the conflict, diamonds are significant because of the highly unequal social system and the low tax revenue and corruption resulting from Sierra Leone's lucrative extractive economy.[6] This largely anthropological-ethnographic literature focuses on class politics in hierarchical community structures, the depravation of youth, and a "crisis of education," which had pervasive impact for all aspects of economic, and social and political life, from work to marriage rights. These accounts emphasize a *psychosocial* understanding of the conflict, where the RUF played into resentment; noting often the personalized form of violence, where disgruntled young men opposed unpopular chiefs by supporting the party to which they did not belong or took revenge for army or RUF violence against family members.[7] For orphans and displaced youth, the army also provided safety and a social network, as military life became a kind of "surrogate family relationship."[8] In these understandings, experiences of deprivation and humiliation also explain some of the extreme brutality of the war.[9]

These narratives have implications for conflict resolution and how to address the past. For many government officials, reflected in the "forgive and forget" discourse of the Kabbah administration,

---

[4] Ibid.

[5] These studies highlight Charles Taylor, external diamond companies, and Sierra Leone's Lebanese community as direct beneficiaries in the conflict. See Lansana Gberie, *A Dirty War in West Africa*; Mats Berdal and David M. Malone, eds, *Greed and Grievance: Economic Agendas in Civil Wars* (Boulder, CO: Lynne Rienner, 2000); Paul Collier and Anke Hoeffler, "On Economic Causes of Civil War" *Oxford Economic Papers* 50, no. 4 (1998); and Paul Collier, "Economic Causes of Civil Conflict and their Implications for Policy," (Washington, D.C.: World Bank, 2000).

[6] David Keen and Paul Richards cite a complex mixture of economic need and profit and fear and resentment. Krijn Peters, *War and the Crisis of Youth in Sierra Leone* (Cambridge: Cambridge University Press, 2011) and Keen, *Conflict and Collusion.* See also Roy Maconachie and Tony Binns, "Beyond the Resource Curse? Diamond Mining, Development, and Post-Conflict Reconstruction in Sierra Leone," *Resource Policy* 32 (2007).

[7] Zack-Williams, "Child Soldiers," 78. Macartan Humphreys and Jeremy M. Weinstein note the high number of female fighters in the RUF (25 percent), arguing that RUF "combat wives units" and recruitment of females were targeted policies, in which the RUF played upon the unequal access to wives. "Who Fights? The Determinants of Participation in Civil War," *American Journal of Political Science* 52, 2 (2006), 576. See also Chris Coulter, *Bush Wives and Girl Soldiers*. Myriam Denov adds an interesting perspective to the issue of agency and youth combatants. *Child Soldiers: Sierra Leone's Revolutionary United Front* (Cambridge: Cambridge University Press, 2010).

[8] Keen, *Conflict and Collusion*, 47. Micro-level accounts tend to emphasize the ideology of the RUF. Paul Richards refers to the RUF as "revolutionaries," who were inspired by the notion of a "Third Way," citing the influence of Gaddafi's "Green Book" and RUF training in camps in Benghazi. *Fighting for the Rainforest.*

[9] Keen argues that Sankoh, likely because of his own lack of education and rural background, felt insecure around intellectuals, calling them "bookworms, pen-pushers." *Conflict and Collusion,* 47.

moving forward and focusing on economic development should take priority, and a deeper understanding of the RUF was not productive for what was seen as an ideologically deprived movement. Oxford development economist, Paul Collier, notably cautions that interviews with ex-combatants in Sierra Leone will not help further research, stating that ex-combatants have an economic interest in misrepresentation[10] Micro accounts, on the other hand, emphasize understanding and taking seriously subjective understandings of ex-fighters not only to develop better understanding of the causes of conflict, but also to reintegrate these sectors and set the foundation for a more stable peace. For this scholarship, the key to conflict resolution is agrarian justice and opportunity – reform of customary land and marriage law.[11] As will be shown in Chapter 6, these alternate understandings played a strong role in shaping reconciliation discourses. Where the TRC and Fambul Tok sought to generate social understanding for the causes of the war and provide former combatants with a voice, others have criticized the TRC for underemphasizing and editing out economic drivers of conflict, including the role of international financial institutions, and bypassing the question of individual responsibility.

Chapter 5 will now examine the TRC's contribution to national reconciliation. Unlike Chapter 4, which drew on primary research with TRC officials and archives to set out a careful understanding of the TRC's objectives and procedures in its own context, Chapter 5 will now focus on the direct stakeholders of transitional justice: victims, ex-combatants, civil society, war affected communities, religious leaders, teachers, and young people. The purpose of Chapter 5 is to evaluate the TRC's impact by speaking to a broad cross section of society. Reflecting the TRC's methodology and where it focused its efforts, it puts particular weight on TRC participants, including victims and ex-combatants. It also focuses on those working in education and young people to evaluate the extent to which the TRC succeeded in its pedagogical aim to generate a broad discursive impact and raise awareness. Reflecting the analytical framework, laid out in Chapter 3, it will focus on the TRC's contribution to three core areas: norms and discourses, civic trust, and solidarity.

---

[10] Collier argues that ex-combatant answers will be predetermined: "The parties to a civil war do not stay silent: they are not white mice observed by scientists. They offer explanations for their actions. Indeed, both parties to a conflict will make a major effort to have good public relations. The larger rebel organizations will hire professional public relations firms to promote their explanation, and the governments which they are opposing will routinely hire rival public relations firms." Collier, "Economic Causes of Civil Conflict."

[11] Krijn Peters criticizes the literature's disregard of RUF voices. While RUF leaders enriched themselves, lower level combatants gained little from the conflict. In his findings, former RUF did believe that they were fighting for a cause, emphasizing in particular, agricultural development and redistribution. While most of Peters' interviewees acknowledged that the RUF had failed, Peters argues that post-war reintegration of the RUF has worked best where agrarian reform created economic opportunities for former fighters. Krijn Peters and Paul Richards, "Why We Fight: Voices of Youth Combatants in Sierra Leone," *Africa: Journal of the International Africa Institute* 68, no. 2 (1998). See also Paul Richards, "To Fight or To Farm?"

5 National Reconciliation in Sierra Leone

Chapter 4 looked at the establishment of the TRC in Sierra Leone. The chapter emphasized the TRC's hybrid methodology, focusing both on rigorous fact-finding and providing an inclusive participatory process, involving public hearings and democratic recommendations. Chapter 4 argued that the TRC prioritized certain core goals, including the reintegration of ex-combatants, civic nation-building, democratization, and raising awareness. The chapter highlighted the TRC's non-punitive and restorative orientation, which became more entrenched over time, especially in response to tensions generated by the establishment of the Special Court for Sierra Leone. The chapter argued that the TRC's non-punitive restorative orientation shaped important aspects of its work, including its conception of national reconciliation, narrative of the conflict, and its approach to testimonies.

Chapter 5 will now offer an empirical analysis of national reconciliation in Sierra Leone. Unlike Chapter 4, which drew mainly on interviews with officials and analysis of primary TRC materials to understand the TRC process, Chapter 5 will now focus on the stakeholders of transitional justice. The research for this chapter targets a broad cross section of society to evaluate the TRC's impact on individuals on different sides of the conflict. It puts particular emphasis on TRC participants and those who engaged with the TRC, including victims, community leaders, teachers, students, civil society and advocacy groups, military officials and ex-combatants. The chapter evaluates how these groups perceived national reconciliation and their view of the TRC. It also analyzes how different stakeholders remember the conflict, where they attributed responsibility, and whether there was solidarity and understanding for ex-combatants and victims. The chapter draws on qualitative research carried out in Kailahun as a region heavily affected by the conflict and home to many victims and former RUF. It utilizes interviews and focus groups through travel with the organization, Fambul Tok.

Following the analytical framework developed in Chapter 3, the chapter focuses on the TRC's normative and discursive impact, its contribution to civic trust, and solidarity. First, the chapter evaluates the TRC's normative and discursive impact. Here, the chapter's findings are mixed. While the TRC played an important role in mobilizing civil society, the TRC often had a tense relationship with Sierra Leonean advocacy groups. Many questioned the international character of the TRC, its short-term orientation, and insufficient engagement of rural areas. The chapter will argue that these tensions generated new follow up movements and initiatives as actors dissatisfied with the TRC mobilized against it. The chapter puts particular emphasis on the community reconciliation process, Fambul Tok. While Fambul Tok contrasted its work to the TRC's as having a more organic and

bottom-up capacity-building orientation, the chapter argues that Fambul Tok also advanced core aims of the TRC, particularly its non-punitive orientation and its tying of testimony to reintegration of ex-combatants, especially youth. In the larger scheme, however, unlike Peru, where civil society campaigns reinforced democracy by working through the political process, the chapter finds that civil society movements tended to distance themselves from centralized politics, working through decentralized communal authority structures and traditions. While contributing to micro reconciliation, communal reconciliation processes did not contribute to procedural reconciliation, in some cases, reinforcing the social hierarchies that preceded the conflict.

Second, the chapter evaluates the TRC's contribution to civic trust. It finds that while the TRC made a particular effort to restore civic trust through its officially binding participatory recommendation process, the TRC had a limited contribution. Prolonged experiences of violence, especially in rural areas, had already eroded civic trust and political capital. Additionally, the lack of follow-up to the TRC's recommendations, particularly in reparatory justice, constrained the TRC's impact and led to further frustration and disappointment.

Third, the chapter examines the TRC's contribution to social solidarity. While in comparison to Peru, social solidarity, particularly for ex-combatants was higher, the chapter finds that this had more to do with factors exogenous to the TRC, especially the non-ethnic character of the war, the youthful demographic of ex-combatants, and a religious-cultural context that placed high value on forgiveness and restorative justice. The chapter finds that while the TRC played an important role in generating a discourse about reconciliation as a social good, the TRC was also tied to an expectations crisis that undermined its value. The short-term nature of the TRC and its linking of testimony to inducements diminished the value of ex-combatant testimonies to the public. The chapter discusses the criticism that responsibility should be demonstrated through actions, rather than words. In contrast to the TRC, it argues that community reconciliation processes went further by investing reconciliation back into the community and by following reconciliation practices with concrete follow up and reciprocity.

The remainder of Chapter 5 will be organized into three sections. Section 5.1 will examine the TRC's normative and discursive impact, Section 5.2 will look at the TRC's contribution to civic trust, and Section 5.3 will look at social solidarity. The chapter concludes will a broader evaluation of the contribution of the TRC to national reconciliation in Sierra Leone.

5.1 Norms and Discourses

> *"I, as a chief, used to tell them that if we don't come out and tell our stories, forget about everything, development will not come to our communities."*
>
> *- Chief Dole Bringo, District Chief of Kailahun district and Fambul Tok Representative in Kailahun.*[1]

This section evaluates the TRC's normative and discursive impact in Sierra Leone. As argued in Chapter 4, the Sierra Leonean TRC focused most of its efforts on the civic sphere, advancing a conception of national reconciliation between society and state, tied to democratization and civic engagement. It put heavy emphasis on the marginalization of youth as a root cause of the conflict. The TRC sought to raise awareness for ex-combatants, particularly youth soldiers, and tied public testimonies to their reintegration.

This section argues that the TRC had a partial normative and discursive impact. Many people had not read the TRC's report and the TRC was often criticized for its insufficient engagement of rural areas. Unlike the Peruvian case study, in Sierra Leone, the TRC's historical findings were less disputed and collective memory did not generate as much interest. Instead, the TRC's primary normative and discursive impact was in generating an interest in reconciliation and restorative justice. The section notes the TRC's complex relationship with Sierra Leonean civil society. While the TRC was partly a product of civil society activism and Sierra Leonean advocacy groups were active in setting up and helping run the TRC, civil society also challenged aspects of the TRC's work, particularly its overly centralized and international character and its insufficient of engagement with local civil society and traditions. This section will argue that criticisms of the TRC had important indirect effects, mobilizing counter-movements to the TRC, particularly in reconciliation and peace-building. While these processes contributed to micro reconciliation, local groups often distanced themselves from the political process, in some cases, strengthening the decentralized authority structures and hierarchies that underpinned the conflict.

In contrast to Peruvian CVR, which generated a strong public discussion of collective memory and the conflict, the Sierra Leonean TRC's discursive impact was limited. Despite the TRC's stated goal of generating public dialogue about the past – and its strongly pedagogical self-conception and methodology - the TRC's findings were generally less challenged. Public discussions of its report were limited to a small number of interviewees – mainly intellectuals and TRC commissioners. While presenting a favorable assessment of the TRC report, Lansana Gberie takes issue with the TRC's

---

[1] Interview by author, Kailahun, Sierra Leone, July 12, 2009.

stance not to assess the justice of the conflict and its insufficient attention to economic causes of the war and the role of international financial institutions and profiteering.[2] TRC officials sometimes alleged that sections were edited out (particularly pertaining to the role of international financial institutions and the international community's role in the conflict).

Much of the TRC's focus – and where it had the most direct impact – was on the civic sphere. The TRC had an important normative and discursive impact more indirectly through its mobilization of civil society. While carrying out the TRC's aims, civil society in Sierra Leone often distanced itself from the centralized political process. In a heavily politicized context of transitional justice, local movements distinguished themselves from internationalized formal transitional justice mechanisms by emphasizing an organic and grassroots approach. While playing an important role in advancing peace-building and micro reconciliation, rather than reinforce national reconciliation and democracy, these movements tended to bolster local authority and social hierarchies, some of which had underpinned the conflict in the first place.

Since its establishment, the Sierra Leonean TRC had a shifting and often tense relationship with civil society. On the one hand, as detailed in Chapter 4, civil society played a strong role in campaigning for the TRC. Bishop Joseph Humper and the Interreligious Council had pushed for a TRC as part of a cease-fire in negotiations leading up to the end of the war. The initial planning for the TRC was undertaken with a consortium of Sierra Leonean civil society organizations. As will be discussed in further detail, despite major tensions between civil society and the TRC, the TRC played an important role in mobilizing civil society. The TRC created two follow up organizations. In August 2008, the government of Sierra Leone and the United Nations implemented a one-year project, known as NACSA (The National Commission for Social Action), to implement recommendations related to reparations. The United Nations Peacebuilding Fund has donated $3 million USD and NACSA has registered a total of 29,733 victims. NACSA has started to implement other reparative measures such as educational support and health care, leading to the government's launching of the Victims' Trust Fund in 2009. In November 2007, the Sierra Leonean parliament enacted the National Human Rights Commission Act to produce a completion strategy for the implementation of the TRC's recommendations. The Human Rights Commission, established as a result of the process, has taken on the de facto role as the TRC's follow up committee, dedicated to conducting researching and advancing the TRC's aims, and hosting events in the country.

The TRC also had a more indirect impact, acting as a normative catalyst for later advocacy groups. The post-TRC period saw a surge of NGO activity and activism, focusing on peace-building and youth

---

[2] This is an issue he deals with in his broader writings on the war. Lansana Gberie, *A Dirty War in West Africa* (Bloomington, IN: Indiana University Press, 2005).

integration, especially in war-affected areas. In Kailahun, a range of organizations were set up throughout the region, often by Sierra Leonean professionals who had moved to Kailahun from different parts of the country to help in post-conflict reconstruction. Some had worked for the TRC, and saw themselves as continuing of a broader peace-building process started by the commission. For Kailahun principle, Masiver Bilahai, who ran peace sessions with youth and foster programs through his school, the TRC and community reconciliation efforts both played important roles and should not be seen as alternatives: "we all do our part to rebuild our country after the war."[3] The TRC had an important discursive role in putting reconciliation into the public sphere. While as noted in Chapter 4, the use of community restorative justice processes to reintegrate ex-combatants had preceded the TRC, the TRC also generated interest and served as a catalyst for community reconciliation processes. As noted by NACSA officer, Saidu Conton Sasay, the net effect of the TRC was a revived interest in traditional layers of providing redress, which are "spreading across the country."[4]

In addition to its role as a reference point for follow up movements, the TRC also had unintended consequences as a catalyst for opposition, particularly in the context of a larger politicization of transitional justice. Criticisms of the TRC – and of the overly international character of the transitional justice in Sierra Leone in general – mobilized sectors against the TRC and led to alternative movements and campaigns to take back ownership in transitional justice. These tensions manifested themselves early on during the initial planning of the TRC. On August 1999, the TRC Working Group was created as a coalition of human rights NGOs, professional groups and development organizations under the direction of the National Forum for Human Rights (NFHR). Forum of Conscience was the organizing point of the group, whose purpose was to "involve Sierra Leonean civil society in the TRC process and to ensure that civil society's concerns would be addressed in the design of the TRC Act and in the ways in which the Commission was going to undertake its task."[5] While meetings were stalled by the resumption of violence after the Lomé Accord, the NFHR and the UNAMSIL Human Rights Section subsequently met again in the early 2000s, receiving funding from the Office of the High Commissioner for Human Rights in Geneva to conduct sensitization and public education on the TRC. Tensions quickly surfaced between the Working Group and the TRC. The TRC blamed inadequate sensitization with regard to the TRC partly on the "poor management" of the Working Group.[6] Key members of the Working Group, notably, John Caulker, expressed mounting concern over the international influence over the TRC, the sidelining of Sierra Leonean civil society, and the TRC's overall level of popular engagement, especially in rural areas. While originally working in partnership with the TRC, over time, Caulker became increasingly critical of the management and

---

[3] Masiver Bilahai, Kailahun secondary school principal and youth worker, interview by author, Kailahun, Sierra Leone, July 14, 2009.
[4] Saidu Conton Sasay, NACSA, interview by author, Freetown, Sierra Leone, August 18, 2009.
[5] The Sierra Leonean TRC Report, Volume One, Chapter Five.
[6] Ibid.

policies of the TRC, citing the lack of "partnership" with communal authorities, and insufficient engagement with local culture as barriers to reconciliation.[7]

Despite a strained relationship, however, the TRC was an important catalyst and played a legitimizing function for human rights efforts, providing a mobilizing point for victims groups and civil society campaigns. Already during the TRC's operation, amputees drew international headlines, boycotting the TRC until their living conditions were addressed. Once the TRC set out provisions to guarantee their demands, amputees withdrew the boycott and participated in the TRC. In 2003, John Caulker helped establish the Sierra Leone Amputees and War Wounded Association for victims to have a future platform at the TRC. Chair of the association, Alhaji Jusu Jaka, became a well-known figure within the country and abroad for his campaigns on behalf of victims, continuing to lobby on behalf of victims.

Tensions became particularly heated over the TRC's contribution to national reconciliation and the international influence on the TRC process. While Forum of Conscience originally worked in partnership with the TRC – with its founder, John Caulker, serving on the TRC Working Committee – Caulker eventually distanced himself from the TRC, establishing Fambul Tok, as an alternative communal reconciliation process. Emphasizing local ownership and communal traditions, Fambul Tok ceremonies utilize local practices of conflict management and work through a decentralized system of local authorities and representatives. In an ethnically diverse country, it serves as an umbrella organization in rural war-affected parts of the country to work with villages to encourage dialogue and interest in reconciliation and helping communities find and revive different restorative practices.

Although a number of important civil society groups distanced themselves from the TRC – contrasting their more localized focus against the centralized TRC – important normative and discursive parallels remain between grassroots efforts and the TRC in key areas. Like the TRC, many current organizations took a similar pragmatic view towards youth, arguing that youth were foremost victims of the conflict, stressing that children were "forced" and "indoctrinated." Some argued that it did not make sense to hold a grudge – as put by Kailahun high school principle, Masiver Bilahai, against our

---

[7] Sierra Leonean Commissioners and Bishop Humper widely shared many of these criticisms. See, for example, Bishop Joseph Humper, interview by author, Freetown, Sierra Leone, July 28, 2009. See also the Sierra Leone Working Group on Truth and Reconciliation, "Searching for Truth and Justice in Sierra Leone: An Initial Study of the Performance and Impact of the Truth and Reconciliation Commission" (February 2006). Commissioner William Schabas defends the TRC's public impact: "After all, most European law students have trouble explaining the distinctions between the European Court of Human Rights and the European Court of Justice. Who can really expect uneducated, illiterate peasants in the countryside of Sierra Leone to do better?…. To the extent that the people of Sierra Leone understand that the two bodies exist, and that they have some shared objectives, such as accountability for human rights violations, then the message has been delivered and "sensitization" achieved." "The Relationship between Truth Commissions and International Courts: the Case of Sierra Leone." *Human Rights Quarterly* 25, no. 4 (2003), 1064-1065.

own "sons and daughters," and that "our children, who were taken from us have finally returned."[8] For UNICEF officer, Michael Charley, the "government used the youth to destroy their own country."[9] In his view, it was time for adults to take responsibility for youth, to work with them and generate opportunities. A common view was that "These are own children who committed the atrocities," and "You cannot disown your own child."[10]

Civil society organizations also carried forward the TRC's non-punitive orientation, emphasizing reintegration and reconciliation over the individual assignation of guilt. Teachers in Kailahun stated that it was better to "let bygones, be bygones," and that "nobody is pointing fingers here."[11] The fear that openly speaking about the war would generate self-incriminating evidence and lead to Special Court for Sierra Leone prosecutions continued to be seen as a barrier to genuine reconciliation. For Kailahun district chief and Fambul Tok representative, Dole Bringo, "sensitizing" people to participate in Fambul Tok reconciliation processes was a process of confidence building and reassurance that testifying would not put them at risk:

> Before they start talking, confessing, they say, 'You just want to arrest us and take us to Freetown.' But before doing that, the chief, as district chairman, has to talk to them to give them the confidence. Because here we have the Special Court and they are afraid that at the end of the day, we will come out and arrest them. So I give them the confidence that nothing will happen to you. If anything happens to you, you can just blame me, Chief Bringo. We tell them that we are doing this because we just want our community to develop.[12]

To pave the way, Bringo described his own testimony at the first Fambul Tok bonfire testimony in Kailahun, admitting that during the war he had stolen from his niece and her husband out of hunger, and publicly apologizing and reuniting with her family. Similarly, Bilahai emphasizes leading by example, reconciling with his own family members after the war. Community leaders served as norm entrepreneurs for reconciliation demonstrating their commitment with their own actions.

Building on the TRC, community authorities also capitalized on the collective externalities of reconciliation, promoting reconciliation as the "only way forward," and necessary for future peace and development. For Kailahun high school principal, Masiver Bilahai, who runs peace workshops with rural children and former child soldiers at his secondary children in Kailahun: "If we do not reconcile, we can't develop. If we have those war grudges, we can't reconcile. So with the children, we are teaching them that the war came as a result of mistakes that we made ourselves. And that we had the

---

[8] Bilahai, interview.

[9] Michael Charley, Children's TRC Official, interview by author, Freetown, Sierra Leone, July 24, 2009.

[10] Matthew Abrose Moigua, IFAD official (International Fund for Agricultural Development), who moved to Kailahun from Freetown with his family to contribute to post conflict reconstruction, interview by author, Kailhun Town, July 14, 2012.

[11] Plan International official, interview by author, Kailahun, Sierra Leone, July 12, 2009.

[12] Bringo, interview.

impact. And that your uncle did something wrong to your father."[13] As put by Sierra Leonean journalist and Fambul Tok officer, Pel Koroma, "Our people are poor in Sierra Leone, we have to reconcile, we don't have a choice." [14] In Kailahun, Chief Bringo encouraged his constituents to take part in Fambul Tok ceremonies to generate a stable foundation for economic growth: "If we don't come together and talk about what happened, I as a chief would tell them, development will not happen in our community. If you're silent about it the community will not grow. But if you talk, ask for forgiveness, repent, we have a chance. Each of us knows if we don't forgive this person, our country will not develop."[15] Similar to the TRC, reconciliation, truth-telling, and development were seen as mutually interdependent. In this context, Fambul Tok, and other civil society organizations, emphasized collective victimization and communal agency to promote the reintegration of youth.

At the same time, reflecting criticisms of the TRC, civil society also distanced itself and redefined their own objectives in opposition to the TRC. Dissatisfaction with the internationalized transitional justice process created an impetus for activists to search for bottom up and indigenous conflict resolution structures and partners. Fambul Tok, more than the TRC, invested reconciliation back into the community, by articulating and institutionalizing a link between reconciliation, poverty reduction, and development into its practices. Also consistent in Fambul Tok's approach was the TRC's conception of testimony as clarification – where testimony was meant to heal communal rifts by showing how individuals were drawn into the war. For Chief Dole Bringo in reference to a Fambul Tok reconciliation process: "We come to hear the stories. They will tell us, 'yes, I did that, but I did that because of the war,' 'I did that because of command,' 'I did that but it was not our fault,' So we forgive him." [16] Individual actions became conceptualized as a mistake, and testifying as an opportunity for clarification. In the process, individual agency was renegotiated away from the individual and towards the collective, attributed to forces beyond the individual's control. This process simultaneously furthered the individual's integration, and had social value by addressing grievances and contributing to deeper understanding.

Importantly, however, there were qualitative differences between the orientation of current civil society and the TRC. Grassroots efforts emphasized the importance of an "organic" approach – of investing reconciliation and peace-building back into the community, so that it would become binding and revitalize local culture and bonds. Reconciliation, Fambul Tok argued, should facilitate social repair and generational cleavages and empathy, healing communities from within. It was commonly asserted that the focus of formal mechanisms - the TRC and the Special Court for Sierra Leone - on individual accountability was Western and not meaningful in this context, where it "takes a

---

[13] Bilahai, interview.
[14] Interview by author, Freetown, Sierra Leone, August 18, 2009.
[15] Bringo, interview.
[16] Ibid.

community to develop." The intimate link of culture and identity was juxtaposed against internationally influenced transitional justice as a measure of legitimacy, and a meaningful resource for reconciliation processes to have an impact.

This discourse was especially potent in areas marginalized from the TRC – and for the state. In Kailahun, where the war started and ended, the short-term TRC stood in contrast to the lack of post-war reconstruction and state policies in rural areas, reinforcing for local civil society the need for a long-term bottom up and capacity building approach, tied to sustainable peace-building. Interviewees described a "frozen peace" in the region, where problems remained beneath the surface. "A hungry man is an angry man, a busy man is a content man" and "an idle mind is the devil's nest" were common refrains. NGO workers and communal authorities argued that while the TRC brought attention to important issues, notably child soldiers, little progress has been made in reintegration. Where many cited the inability of youth to "solve their problems" as a key cause of the war, echoing the TRC, especially concerning were ex-child soldiers, who were still "drifting" and had little economic opportunity. For development worker, Matthew Ambrose Moigua, referring to the widespread phenomenon of ex-RUF driving motorcycle taxis, "I'm telling you, if there were no bikes, there would be a lot of harassment, a lot of armed robbery."[17] Some criticized the short-term orientation of post-TRC reintegration efforts, e.g. the UNDP or Red Cross technical skills training for ex-RUF, for creating a supply of technical laborers but failing to lead to gainful employment. As put by a former RUF, who now works as a motorcycle taxi driver, "how many carpenters do we need in one village?"[18]

Rather than stall reconciliation efforts, however, frustration with the lack of youth integration and communal reconciliation led to a re-assessment among civil society, creating an important impetus for local actors to take stock of peace-building and reconciliation. Pending challenges, coupled with criticisms of the international influence over transitional justice, invigorated local efforts, reinforcing a broader emphasis to turn inward among civil society and communal leaders, and to utilize Sierra Leonean traditions and structures. This reaction has had a boomerang effect as organizations liaise with each other in different regions. Organizations, such as Fambul Tok put together workshops between traditional authorities and youth, and installed and trained "youth ambassadors" to help plan reconciliation programs in their villages. Individuals, such as Bilahai, have focused on peace education and dispute management training, setting up foster homes for orphans, tutoring and reeducation programs for ex-combatants, and matching up adult mentors to marginalized youth. While these processes have taken forward the TRC's aims, unlike Peru, in the highly politicized Sierra

---

[17] Moigua, interview. For a longer discussion on the relation of economic opportunity and reintegration, see Krjin Peters, "From Weapons to Wheels: Young Sierra Leonean Ex-Combatants Become Motorbike Taxi Drivers," *Journal of Peace, Conflict and Development* 10 (2007).

[18] Former RUF combatant from Kailahun, age 32, interview by author, Kailahun, Sierra Leone, July 12, 2009.

Leonean transition justice context, they have had less of an impact in contributing to procedural national reconciliation. While contributing to micro reconciliation and peace-building at the community level, community reconciliation processes, as other civil society groups have noted, also run the risk of reinforcing the social hierarchies and inequalities that underpinned the conflict.

5.2. Civic Trust

> *"I went to the TRC and I spoke my heart, but until this day, the TRC has not done anything. The TRC told us we should 'forgive and forget,' and they promised us pension, compensation. We don't have enough to eat, there is no medicine, no electricity, there is nothing for us."*
>
> *- Sunni Savinam, resident at the Amputee and War-Wounded Camp, Grafton, Sierra Leone.*[19]
>
> *"A lot of people are not very happy that there was no implementation/follow up of findings. They (the commissioners) went to the villages with big four-by-fours and cameras, raising expectations. Now the people are asking what happened. And that is a problem when you do the research, people want to see results."*
>
> *- Abraham John, Secretary of the Human Rights Commission, Freetown, Sierra Leone.*[20]

As noted in Chapter 4, while the TRC made a strong effort to generate civic trust and restore state accountability through its recommendations and participatory reform process, the lack of post-conflict reconstruction in war-affected areas and follow up in implementing the TRC's recommendations severely undermined its contribution to civic trust. Victims across the country complained that the TRC had not "delivered," particularly in the realm of reparatory justice. Former TRC participants felt especially betrayed. While civic trust was already weak due to a long-term history of political marginalization in war-affected areas, the following section argues that the TRC generated an expectations crisis, which although in many ways was beyond the TRC's control, ultimately further eroded civic trust.

The eleven-year civil war in Sierra Leone left devastating legacies in the country, not just for loss of life and infrastructure but also on the social fabric. The messy nature of the Sierra Leonean conflict where insurgents, military forces, and civilian defense committed atrocities against civilians and parties sometimes collaborated and switched sides left a high degree of insecurity. In a context of highly personalized violence where ex-insurgents were often encouraged to commit violent acts against individuals they knew, and where many children had spent a good part of their youth fighting, the war destroyed not only societal relations but also damaged interpersonal relations and trust at the micro level. In Kailahun where the war began and ended, a long backdrop of state marginalization and

---

[19] Interview by author, Grafton War-Wounded Camp, Grafton, Sierra Leone, July 7, 2009.
[20] Abraham John, Executive Secretary of the Human Rights Commission, interview by author, Freetown, Sierra Leone, August 6, 2009.

neglect further reinforced fatalism in authority structures and collective action, severely undermining any sense of political agency and civic trust.

In rural areas, the war took a particularly devastating social-psychological toll. The war had worsened generational gaps, straining traditional social and familial authority structures and generational relationships. Eleven decades of conflict had left a large population of migrant youth throughout the country, many of whom were not willing to return to a subordinate status. Those who did not become combatants were often displaced and lost their families during the war, rupturing traditional family and educational support structures. In war-affected areas, such as Kailahun, families were often separated, and fled to Freetown, Guinea or Liberia.[21] Handicap International official, Bobo Kapindi, who spent his childhood as a refugee in Guinea, recalled his experience coming back a decade later, with some of his cohort more fluent in French (than in their mother tongue), often struggling to speak the same language as their families.[22] Rupture of family bonds and social ties fused reconciliation with the restoration of communal traditions and authority structures, but also inter-generational repair.

While the TRC sought to address these legacies, the lack of follow up and implementations of its reforms severely undermined its ability to generate political capital. This concern came up as early as 2005 when the TRC Working Group Report warned of a "bumpy start" to the "follow-up phase." The Report described widespread frustration over the TRC's delay in making the report available, where copies of the report had only arrived in August 2005.[23] It warned that individuals felt "betrayed" by the delay, calling it an "anti-climax" and raising concern that the government was "doctoring the report." Chief Investigator for the Sierra Leone Truth and Reconciliation Commission, Howard Varney, argued at the time, "the delay has been potentially fatal,"[24] stating that the TRC's momentum was lost and that the TRC's work was delegitimized. Some TRC officials also warned that its work would be irrelevant without results, with one statement-taker warning that without follow up, "people will turn against the whole idea of a TRC."[25]

By 2009, when the research was carried out, the lack of progress in implementing the TRC's recommendations had already severely damaged public perceptions of the TRC. As the TRC was set up as an official body with binding recommendations, in historically marginalized regions, such as Kailahun, the lack of follow up reinforced a larger pattern of government neglect and indifference,

---

[21] Joseph, Fambul Tok representative in Kailahun, interview by author, Kailahun, Sierra Leone, July 13, 2009.
[22] Bob Cakpindi, Handicap International official, interview by author, Kailahun, Sierra Leone, 1 July 13, 2009.
[23] James-Allen, Paul, SheKu B.S. Lahai and Jamie O'Connell, "Sierra Leone's Truth and Reconciliation Commission and Special Court: a Citizen's Handbook," (National Forum for Human Rights and the International Center for Transitional Justice, 2003), 2.
[24] Ibid, 11.
[25] Interview with Daisy Marion Bockarie in the Sierra Leone Working Group on Truth and Reconciliation, "Searching for Truth and Reconciliation."

which continues to this day. Many noted that the causes of the war remain and the pervasive legacies of the conflict in the region, including physical manifestations, which serve as daily reminders of the brutalities of the war. In a group interview in Kailahun, CORD-Sierra Leone staff members pointed to the now empty RUF "slaughter house" in the town square, where the RUF reportedly killed victims during the war, and a wall still has bloodstains on the walls.[26] Teachers complained about the lack of state funds for education, stating that families cannot educate and feed their children. There was a widespread sense that the region was on its own – that if people wanted to move forward, they would have to find their own way and turn to their own communities, rather than the state. Rather than foster a sense of national identity as envisioned by the TRC, traditional authority structures have been bolstered since the end of the war, often heightening tribal and patronage-based politics in remote areas.

In the village of Bomaru on the Liberian border, site of the first RUF attack, interviewees expressed ambivalence towards the TRC's memorial pavilion set up in the village. Villagers perceived that people in Freetown blamed them for the war, citing the memorial as their last contact with the TRC. A health care worker living in Bomaru from Kenema, echoing similar stories shared by others in Kailahun, shared that he had been stationed by the government and living in the village for several years, but that he has yet to be paid by the government. He treats patients in the village and they house him and give him food, yet he does not have medical supplies to offer people, including anti-retroviral treatment.[27] Villagers in Bomaru – as in other villages to Kailahun – complained that they were still in the "emergency relief" stage.[28] At the present, poor roads and the lack of basic waterproof and airproof storage facilities spoils produce before it gets to the market. Many pointed out the fertile potential of the land and that the villages were growing their own rice before the war. Failure to provide basic opportunities as subsistence agriculture in areas severely affected by the conflict significantly undermined the reputation of the TRC, where interviewees commonly perceived lack of TRC follow up as a governmental failing, thereby undermining democracy.

Grievances were particularly high in the realm of reparatory justice. As noted by Jaka, for amputees, who testified at TRC hearings, the lack of reparations was a bitter pill to swallow: "We were expecting immediately after the recommendation report, the government would implement it but nothing has come."[29] At Grafton War-Wounded Camp, amputees who had testified at the TRC shared that they

---

[26] Vandi Dauda, Abie Morray, and Foday Momoh Amara, Officials at CORD-Sierra Leone Development NGO, interview by author, Kailahun, Sierra Leone, July 12, 2009.

[27] Mr. Salieh, interview by author, Bomaru, Sierra Leone, July 13, 2009.

[28] They pointed out that eight years after the end of the conflict, the World Food Program was still bringing imported rice to the villages, creating more dependence on foreign aid, rather than creating capacity and infrastructure for sustainable development. Bomaru Focus Group, Bomaru, Sierra Leone, July 7, 2009.

[29] Alhaji Jusu Jaka, Chair of Sierra Leone Amputees and War Wounded Association, interview by author, Freetown, Sierra Leone, August 7, 2009.

had participated in good faith and revealed intimate stories with little result. Implementation of the TRC's recommendations was perceived as a test of government and societal commitment, which failed, sending a message to vulnerable populations that their needs were not taken seriously, and that their voices had not been heard. Amputees interviewed in Grafton were still waiting for reparations – all had to pull their children out of school to help contribute to the family income. For Sunni Savinam, age 69, widower and father of nine, the only way to subsist was to send his children to beg in Freetown on Fridays before Muslim prayer services. His eldest son, age 29, has taken on the responsibility as primary care taker for the younger children. Similar findings applied in war-affected villages in Kailahun district. Amputees and war-affected villages shared that they never heard back from the TRC after testifying, highlighting a sense of betrayal and disillusionment.

These criticisms unleashed a blame game among different actors. Several government ministers criticized the TRC as shortsighted, faulting it for its "lack of a follow up strategy," and for failing to secure sufficient funding, and more generally, for making promises and raising hopes, without long-term planning.[30] TRC officials commonly argued that insufficient internal government support stifled the commission's public impact and irreversibly delegitimized the process. Secretary of the Human Rights commission, Abraham John, cites a broader frustration shared by many of the Sierra Leonean TRC staff of the international influence over the process as a barrier to the TRC having a meaningful public impact:

> I know that the TRC had a lot of problems – administrative and financial – which affected their ability to reconcile victims and perpetrators. It was done in my view in a superficial way. I don't want to be part of the conspiracy theory that it was all done by external actors, but there was not enough financial internal support. I think if there had been more internal government support, it would contribute to the depth of the reconciliation process.[31]

Funding problems were also a major barrier to facilitating greater public engagement.[32] Humper shared that the TRC only had sufficient funds to print 1,000 copies of the report. However, he also argues that the TRC was more successful than is often acknowledged. In some cases, the government did implement programs that reflect the TRC's recommendations, e.g. its "mainstreaming youth initiative," yet the government did not give the TRC public credit for its post-conflict reforms or link

---

[30] See, for example, Dr. Lansana Nyalley, Deputy Minister of Education, Youth and Sports, interview by author, Freetown, Sierra Leone, August 16, 2009.
[31] John, interview. Some TRC staff also cited the insufficient level of commitment of international commissioners, who "left as soon as the job was over" – as barriers to the TRC having a meaningful political impact. See James-Allen, Lahai, and O'Connell, "Sierra Leone's Truth and Reconciliation Commission and Special Court," 8.
[32] See also Beth Dougherty, "Searching for Answers: Sierra Leone's Truth and Reconciliation Commission," *African Studies Quarterly* 8, no. 1 (2004).

these to the TRC's recommendations.[33] He sees this as a "lost opportunity," not only for the TRC to get recognition, but to generate political capital and civic trust by showing Sierra Leoneans that their voices have been heard.[34]

While many of these criticisms reveal longer standing tensions and politics in a highly politicized transitional justice process and post-conflict landscape, tensions between actors led to further popular disillusionment with the TRC process. Where the TRC represented a form of political agency in the immediate post-conflict period, slow progress in making the report available and the lack of follow up in its recommendations colored the impact of its work. Criticisms of the TRC reflect the commission's own self-understanding. As the TRC was tied to civic participation and the generation of civic trust, the lack of follow up undermined democratization, sending a message that individuals' voices were not heard, and reinforcing communities' political marginalization from the state.

5.3. Solidarity

> *"They spent millions to reintegrate the ex-combatants in the DDR process. If they could just spend a small fraction of this on the victims, it would make such a difference. It is not fair. We have a permanent disability; it is for life. Our children are our breadwinners. We are like children. Looking at me, people say, 'that man is finished.' Sometimes it is hard to get food here."*
>
> *- Alhaji Jusu Jaka, Chair of the Sierra Leone Amputees and War Wounded Association.[35]*

> *"My view of the Sierra Leonean people is essentially that they are a gentle people. And then they have this war; I mean this thing, it just absolutely destroyed the norms of behavior in the country. If you try to figure it out, people give very simplistic answers. Like drugs. People [the TRC] try to explain it with underlying factors – government corruption - but we all know that government corruption alone does not necessarily lead to war. The way they used to cut arms here. You think it's a clinical process - a nice neat block, a measurement. Do you know the way they did it? They used to tie the hands very tightly behind your back, and then take a machete and chop it. Like chopping wood. And the wound used to travel to the backbone and the neck. I mean this level of brutality this level of causing pain, calls for some explanation."*
>
> *- Special Court for Sierra Leone Witness Protection Director, Saleem Vahidy.[36]*

The TRC's third core objective was to generate social solidarity. As noted in Chapter 4, the TRC utilized a strongly pedagogical methodology, holding hearings in different parts of the country, using its findings for educational curricula, and giving a voice to stakeholders, notably victims and ex-

---

[33] Youth programs also existed at the centralized level, where the government undertook programs to "mainstream youth" into decision-making, including "child ambassadors" to government.
[34] Humper, interview.
[35] Jaka, interview.
[36] Vahidy previously served as Witness Protection Director at the International Criminal Tribunal for Rwanda (ICTR). In his estimation, he has worked with over 1,500 witnesses between the ICTR and Special Court for Sierra Leone. Interview by author, Freetown, Sierra Leone, August 13, 2009.

combatants. The primary audience of the commission was the general population. Through its hearings and its detailed historical research, the TRC sought to generate awareness and a sense of collective responsibility, particularly among populations least exposed to the war – middle classes in the capital. As noted earlier in the chapter, while the TRC had an important discursive impact by putting reconciliation into the public sphere, solidarity was already high, even in areas less exposed to the TRC. The following section argues that the TRC's non-punitive and restorative stance generated less controversy as restorative justice and forgiveness already resonated as culturally appropriate and socially valuable. Unlike Peru, while victims sometimes expressed resentment against ex-combatants, there was a high degree of social tolerance for ex-combatants, particularly for former child soldiers. The next section argues that social solidarity had to do with factors external to the TRC, particularly the challenges of underdevelopment and poverty, the non-ethnic character of the war, the youthful demographics of many ex-ex-combatants, preexisting traditions of restorative justice, and the cultural value placed on forgiveness.

As argued in Chapter, the Sierra Leonean TRC took a strongly restorative orientation. It highlighted that ex-combatants were victims as well as perpetrators, emphasized collective responsibility, and reintegration and rehabilitation over punishment. This restorative orientation was reflected in its procedures that took care not to assign guilt and to provide an opportunity for individuals on all sides of the conflict to testify. While many individuals had not read the TRC's report, the TRC's restorative orientation – and narrative of the war –resonated largely with broadly social orientations. In a heavily war weary context, the TRC was part of a broader post-conflict discourse about the importance of moving forward and setting aside past grudges. While many individuals had not read the report, interviewees, particularly in rural areas, expressed similar views of the causes of the conflict, and its narrative stance. Even those who had not read the report generally agreed with the TRC's analysis of the causes of the conflict and its narrative of the war, describing the war as a "war that profited nobody," and "destroyed the country." While intellectuals and academics often supported prosecutions as an important part of democracy – emphasizing the contribution of trials to re-establish the rule of law and deterrence - victims and war-affected communities generally supported the TRC's non-punitive orientation. [37] At Grafton War Wounded camp, amputees stressed the importance of reconciliation over punishment and "revenge," sharing their perception that it was not society's role to punish crimes of such magnitude. Some expressed reassurance that perpetrators are in "God's hands now." As put by Jaka, "Maybe they can't be identified by the Special Court but God will punish them. The final maker of every human being in the world needs to make the final judgment so they will face

---

[37] Villagers in Kailahun often stressed that punishment was less important for those who committed atrocities, although some agreed that the Special Court for Sierra Leone should focus on the highest perpetrators in the conflict.

their judgment day. They may have escaped here but their maker will take action on them."[38] It was commonly pointed out that criminal justice also monopolized scarce resources, which could be invested into development.

Sympathy for child soldiers was especially widespread. Interviewees often distinguished between levels of guilt, taking a similar position to the TRC that children were foremost victims and differentiating between "those who bear the greatest responsibility" and lower level combatants. For Sunni Savinam, who lost both hands to the RUF attack on Freetown and testified in front of the Special Court for Sierra Leone and the TRC: "The person who cut my hand was a rebel, a small boy. It happened on Friday, January 22. But the boss is (RUF commander) Issa Sesay. If Sesay is locked in jail I am very happy for that but not the one who cut my hand, who was just a small boy."[39] For Savinam, the child's involvement in the RUF was not his fault and he should finish his schooling - forcing a child to maim was a crime against this child, who would have to carry this legacy for life. [40]

Solidarity was also high in the Sierra Leonean context where reconciliation was valued as a social good. Interviewees agreed with the TRC that reconciliation was inevitable and "the only way forward" for future development and peace. When asked why they participated at the TRC, residents in Grafton shared that it would give their communities and families a better chance.[41] TRC participants stated that reconciliation was the "Sierra Leonean way" and that "God has put the capacity of forgiveness inside us." In rural areas, interviewees referred to "stages of conflict transition," looking at reconciliation as a precondition for long-term capacity building and sustainable development. In a group interview in Bomaru, villagers recalled their first participation in a Fambul Tok ceremony. Located half a mile from the Liberian border, Bomaru is significant as the site of the first RUF attack on Sierra Leone. As in other areas in Kailahun, perpetrators and victims were living side-by-side. Tensions between villagers were stifling – preventing members of the community from speaking to each other and participate in communal life. Rifts resulting from the war had impeded social relations to the point that the village, which relied on collective agricultural labor, found it hard to do vital communal work, such as farming and building houses. An elderly man in the village described a "miserable atmosphere" – citing a regular occurrence, where a rape victim would go out of her way to avoid contact with an ex-RUF member. Schoolteacher, Sensy J. Musah, recalls the arrival of Fambul Tok to speak to the villagers about reconciliation. Initially they were skeptical: "What is this reconciliation, we asked them?" Eventually, a primary motivation for participating in reconciliation ceremonies was to improve their economic situations. After six years of not speaking, the villagers took part in a series

---

[38] Jaka, interview.
[39] Sunni Savinam, 69-year-old amputee, widower, and father of nine, interview by author, Grafton War-Wounded Camp, Grafton, Sierra Leone, July 7, 2009.
[40] Ibid.
[41] Savinam, interview.

of Fambul Tok reconciliation ceremonies, gathering the following week to build a road to bring agricultural produce to the markets and repairing the homes of war victims. Over time, rifts within the village became less tense as communal work restored a degree of social trust and normalcy in everyday life. Reconciliation served as a form of social capital, which became meaningful and self-generating when proven through action.

This pragmatic understanding of reconciliation was also vulnerable to criticisms. Although interviewees generally agreed that reconciliation was important and necessary, a common complaint is that reconciliation had been targeted towards the reintegration of ex-combatants.[42] Victims, such as Jaka, complained about having to bear a disproportionate burden of reconciliation: "These people (the ex-combatants) have already stolen the country's money and goods and committed violence for the eleven years of the war and then they were very well paid during the DDR process to make them self-reliant. They spend it right away and have the criminal mentality - they will just loot somewhere else when it runs out. It's like putting water on the sand with them."[43] While child soldiers generated domestic and international attention through high profile stories of child soldiers,[44] victims have generally been less visible in the public sphere.[45] Although victims increased their weight through political mobilization, outside of Freetown, in particular, victims spoke of stigma and saw themselves as a burden to society, particularly at Grafton, where they were physically cut off. At the same time, victims' physical isolation kept them out of the everyday experiences of the general population, maintaining their status as an "invisible population." [46]

Perceptions of unequal treatment by the TRC also eroded social capital and led to comparisons between groups. When discussing reparations, victims frequently brought up the range of programs to reintegrate combatants, e.g. skills training, education, and the UN-led Disarmament, Demobilization, and Reintegration process (DDR).[47] Victims complained that perpetrators had better living conditions in prisons at the Special Court for Sierra Leone, compared to victims in their communities. As put by an official at the Human Rights Commission: "They have this DDR program for the ex-combatants, provided training for them, giving them opportunities, going to school. And then some people say, my sister was raped, my house was burnt down, but then you go and provide the opportunities to the

---

[42] Timothy Kelsall, "Truth, Lies, Ritual: Preliminary Reflections on the TRC in Sierra Leone," *Human Rights Quarterly* 27, no. 2 (2005).

[43] Jaka, interview.

[44] For example, Ismael Beah, whose autobiography and campaigns at the UN for youth in conflict have become well known,

[45] Ismael Beah has spoken frequently about issues concerning child soldiers at the UN. See his memoir, *A Long Way Gone: Memoirs of a Child Soldier* (New York, NY: Farrar, Straus, & Giroux, 2007).

[46] Other residents of the camp include individuals with polio and victims of wartime rape and their children.

[47] Donors spent a total of $ 80 million USD for DDR, paying each combatant $150 USD for handing in their weapon. However, while the UN estimates that approximately 72,490 combatants were disarmed, fewer than half that number of weapons has been collected. See the UN DDR Sierra Leone Country Programme Report, available at: http://www.unddr.org/countryprogrammes.php?c=60.

perpetrators? What happened? So that could be a challenge that we have not yet as a nation addressed."[48] The isolation of victims magnified resentment. Many amputees have been relocated to disability camps (in Grafton as well as in Kenema). Originally, the Norwegian Council resettled them here to avoid stigma and give them farmland – as part of the TRC's collective reparations program - along with other disabled populations, including widows and polio victims. While the Norwegian Council supported them for their first six months of residency, today, without external support, most speak of a sense of isolation and find it hard to find a living. Savinam contrasted the lush green surroundings and quiet atmosphere to his inability to work – stating that the location is "peaceful," but he did not see a future for himself and his children.[49] On the other hand, amputees, who lived with their former communities, also described stigma and marginalization. In villages in Kailahun, amputees spoke of "infantalization" - that they felt like "permanent children" - as they could not sufficiently carry their weight and contribute to collective work.[50]

Also of concern were women, especially those who suffered sexual violence during the war. While Fambul Tok implemented gender sensitive measures to get women to participate in ceremonies, such as the presence of female staff and communal gender sensitive workshops, rape victims continued to face heavy stigmas in their communities.[51] Many women were reluctant to discuss sexual violence at formal mechanisms, like the TRC and the Special Court for Sierra Leone. Similarly, reintegration programs insufficiently engaged ex-female fighters who had not demobilized or stayed with their "husbands" (temporary unions described as marriages with RUF members) during the war.[52]

While the TRC sought to generate collective responsibility, in many ways, it ended up elevating victimization and collective suffering over guilt. Building on Chapter 4, ex-combatants often built on the TRC's inclusive narrative, presenting themselves also foremost as victims. Similar to ex-combatant testimonies at the TRC, ex-combatants agreed to testify at Fambul Tok proceedings as a chance to explain their actions and "clarify misunderstandings." Explaining his motivations for participating in a Fambul Tok ceremony in Kailahun, an ex-RUF combatant emphasized the importance of communities understanding the social conditions through which they were drawn into combat:

> *Ex-RUF Member: I was so happy when I heard the war was over. Overwhelmed but so happy. Although our houses were burnt and we didn't have places to dwell and we had to come back and reestablish ourselves so it was very hard especially for those who had been away.*

---

[48] John, interview.
[49] Savinam, interview.
[50] Amandu Kante, interview by author, Bomaru, Sierra Leone, July 7, 2009.
[51] Bringo, interview.
[52] Chris Coulter, Bush Wives and Girl Soldiers: Women's Lives through War and Peace in Sierra Leone (Ithaca: Cornell University Press, 2009), 179.

Author: Did you feel isolated from other people?

Ex-RUF Member: When our brothers and sisters came from exile (referring to civilian refugees who had gone to Liberia and Guinea), there was this distinction between us. They considered us to be part of the rebels, they thought we were the fighters, those responsible, when really, we were victims ourselves. They thought I was a rebel because I was with the RUF, but I was also a civilian. They were taking us to be different people, and we were taking them to be different people. But for now things are a little bit OK.

Author: How did you deal with these divisions?

Ex-RUF Member: From the family level. We had elderly people that came and talked to us to tell us to come together, forgive each other, do what is right. They helped people understand that I was still a civilian, still a victim, even though I had been with the rebels, I was still one of them – a civilian.

Author: Were you afraid that people wouldn't accept you?

Ex-RUF Member: Yes, I was afraid. Very much afraid. They were saying they have established a Court, whether you fought or did not fight, if you had been with them (the RUF), everyone could be arrested and prosecuted.

Author: Why did you decide to tell your story through Fambul Tok?

Ex-RUF Member: It's good for me to say something about myself and my activities so other people's minds will be clear about my actions and it's also good for the next man, as maybe I'm taking him as something bad or good, but now his position can be clear. So it's important for us to come together so we no longer have this misunderstanding. If there is no dialogue between us we would never have known his or her position. So it's always important to have dialogue between ourselves.[53]

As detailed in a study by Pride and the International Center for Transitional Justice, for many ex-combatants public testimony at the TRC was seen as an important avenue for reintegration and acceptance into their former communities.[54] Where many had joined as children, testimony helped show ex-combatants' victimization of this sector and restored a sense of agency to this population in the post-conflict reintegration process. For Ismael Beah, who joined the Sierra Leonean Army at age thirteen after his family was killed by an RUF massacre, "If I choose to feel guilty for what I have done, I will want to be dead myself. I live knowing that I have been given a second life, and I just try to have fun, and be happy and live it the best I can."[55] In his book, he stresses the impact of UNICEF and NGO workers, who started the reintegration process by repeating to child soldiers that "this was not your fault," until he was able to believe it himself. While Beah was adopted by an American UN worker, and finished his education in the US, most ex-child soldiers stayed in the country, having to face their former communities. [56] Individual testimonies at the TRC and Fambul Tok brought attention

---

[53] Former RUF from Kailahun, age 32, interview by author, Kailahun, Sierra Leone, July 12, 2009.

[54] Post-conflict Reintegration Initiative for Development and Empowerment (Pride), Ex-Combatant Views of the Truth and Reconciliation Commission and the Special Court in Sierra Leone." (Freetown, Sierra Leone, PRIDE in partnership with the International Center for Transitional Justice, 2002).

[55] Alissa Swango, "A Child Soldier Grows Up," *The New New Yorkers* (2006).

[56] Abdullah Mustapha argues that ex-combatants practice "self-punishment" by not returning to their communities. Director General, Central Intelligence and Security Unit Office of the President, National Security Secretariat, interview by author, Freetown, Sierra Leone, August 15, 2009.

to wartime agency, creating a common ground for a new social narrative and social integration. They brought to the surface a more complex and nuanced understanding of individual participation in the conflict, which while sidestepping the question of individual responsibility, sought to provide an opportunity for these sectors to express good will and future commitment to reconciliation. Paralleling the TRC's narrative of the conflict, set out in Chapter 5, ex-combatant testimonies often followed a similar narrative structure of a traumatic war and redemption. Wartime atrocities were juxtaposed against past and present day social values - atrocities were "inhuman," the war was not "normal" in Sierra Leone's history, or "typically Sierra Leonean," where "Sierra Leoneans are gentle people," and "not a violent people."

While these subjective understandings may have generated a level of solidarity and cohesion, it is harder to argue that they brought about deeper social understanding of the conflict. In this sense, the TRC's orientation was more restorative than didactic. While many in the NGO community had supported the TRC's non-punitive orientation and emphasis on reintegration of lower level ex-combatants, particularly child soldiers, the post-TRC period also saw a more critical re-assessment of responsibility and commitment. For some, what was missing in ex-combatant narratives is an account of personal accountability. As expressed by several Fambul Tok officials in Kailahun, "if every RUF was a victim, then who were the perpetrators?"

While TRC statement takers shared that they instructed ex-combatants not to go into the details of their crimes so as to not re-traumatize victims, popular criticisms noted the strategic incentives of ex-combatant testimonies.[57] These criticisms reinforced a more critical interrogation of individual commitment to reconciliation. Overall sympathy towards child soldiers was tempered by the view that ex-combatants must also prove themselves. Interviewees criticized the "one step" orientation of testimony, challenging the TRC on its own terms, citing the TRC refrain, "reconciliation is a process, not an event." Civil society and TRC participants often commented that "talking" was not enough, and that reconciliation must be borne out and proven over time. A common allegation was that while the TRC created agency and strengthened democratic values, the emphasis on victimization and restitution had trumped the communal emphasis on restoration and making amends. For Sasay, the post-TRC period had generated a widespread sense of entitlement, elevating a discourse of "what should be done for me?" over "What will I contribute?"[58] Dr. Lansana Nyalley, Minister of Youth, Sports and Education, described his disappointment with ex-combatant participation at the TRC process:

---

[57] Rosalind Shaw describes a narrative of collective suffering and victimhood. She notes that combatants who wished to reintegrate also needed to "locate themselves as 'victims' or civilians. "Linking Justice with Reintegration? Excombatants and the Sierra Leone Experiment," in *Localizing Transitional Justice: Interventions and Priorities after Mass Violence,* eds. Rosalind Shaw and Lars Waldorf (Stanford, CA: Stanford University Press, 2010), 125.
[58] Sasay, interview.

The aspect of reconciliation as a panacea, that lasted and is done and is finished is what amazes me… Reconciliation was supposed to be a process, not an event. That you come in, you confess, you're forgiven, you go. It shouldn't be that way. We have to sit again and again and again and again and keep talking about it to the point that it becomes conversational. You may say, 'it's done,' but I may still be remembering. Because it's like you stand up there and say that it 'wasn't my fault, I was on the drug, let's move on.' To me that's not satisfying. We don't even know the potential of this person – they did it once, will they do it again, will they reoffend? How do we know that the person has changed, that they will be reintegrated?... Only when we revisit it frequently, only when we go back to the community and repay something. Even if it's only community service, even if it's only teaching. Even going to a member of that particular family and helping them with something, even if it's only farm work.[59]

Echoing other interviewees, reconciliation should be the "first step" of a "series of solutions," and the magnitude of war crimes required a holistic and multifaceted recovery process.

These criticisms highlight a consistent tension between the assumption of individual responsibility and blame, on the one hand, versus communal reconciliation and peace-building, on the other. A net result of this process, linking into Section 5.2, is a greater emphasis on non-formal mechanisms of reintegration. For Fambul Tok, like the TRC, navigating this tension required an understanding of responsibility, which was demonstrated, rather than expressed, and continued over time. Truth-telling was a just a first step – a ritualistic turning point - to put the war in the past and start a longer-term process of proving one's own commitment. While the TRC sought to institutionalize the reintegration of ex-combatants into civilian life through its recommendations, calling for ex-combatants to engage in community work, this largely happened with former military soldiers, many of whom now serve in the current military and police corps. Where current soldiers have been involved in a variety of communal work to improve civil-military relations, e.g. building schools and roads, ex-RUF combatants have mainly gone through UN-run skills training and reeducation programs, focused more on their future livelihood rather than in their social reintegration and repair of social relations.[60]

Fambul Tok was an important actor in institutionalizing this conception of reconciliation into practice through its procedures, tying reconciliation to work and giving back to the community. For Bringo, the benefit of local – as opposed to centralized formal mechanisms, i.e. the TRC and the Special Court for Sierra Leone – was the chance to prove goodwill over time. Everyday behavior and actions demonstrated individual reform and built trust more than symbolic testimony.[61] One of Fambul Tok's current practices in Kailahun is that after testifying at a reconciliation ceremony, perpetrators did something for others, especially for victims, e.g. helping with farm work or rebuilding homes. It also made a point that communities themselves should fund and show support for reconciliation. In their

[59] Nyalley, interview.
[60] Ali Mo Kamara, interview by author, Freetown, Sierra Leone, July 24, 2009.
[61] Bringo, interview.

view, the TRC's linking of testimony to inducements, notably reparations for victims and reintegration for ex-combatants, created an instrumental and strategic understanding of reconciliation, which dampened its meaning for participants. Incentives not only led to individual bitterness and disappointment because of the lack of follow up, but eroded social capital by fostering a perception of participation as strategic and disingenuous. One of their criteria to work with a village is that it is willing to fund its own reconciliation process in order to demonstrate commitment and increase ownership. To this end, Fambul Tok covers half the costs of a ceremony, and the village covers the other.

5.4. Conclusions

This chapter evaluated the TRC's contribution to national reconciliation in three core areas: norms and discourses, civic trust, and solidarity. Chapter 4 argued that the TRC took a strong restorative stance, tying reconciliation to reintegration of ex-combatants and democratization. The chapter argued that mechanisms of transitional justice are endogenous to their contexts. Where social solidarity was already relatively high, the TRC was able to take a stronger restorative platform. At the same time, the lack of political capital and civic trust also further magnified resentment when the TRC lost momentum.

The chapter made three main arguments. First, the chapter found that the TRC's broader normative and discursive impact was mixed. Although the TRC had less of a discursive effect on collective memory than in Peru – especially in a context where few had read its report and hearings had not been able to provide an opportunity for many to testify – the TRC had a normative impact in putting interest in reconciliation in the public sphere. The TRC played an important role in mobilizing civil society to further its work, particularly in peace-building, reconciliation, and youth integration. In ways this impact was indirect. The TRC was heavily criticized particularly by Sierra Leonean civil society. The chapter paid particular attention to the Sierra Leonean community reconciliation process, Fambul Tok. It argued that while Fambul Tok and local community actors often distanced themselves from the more centralized TRC process, they also advanced core components of the TRC's work. In rural areas, Fambul Tok tied reconciliation to communal repair and economic development, emphasizing truth-telling as a way to build social understanding and solidarity after the war.

Second, the research highlighted the TRC's limited impact on civic trust. Civic trust and political capital was already severely undermined by eleven years of violence at the hands of state agents and insurgents and a prior backdrop of state neglect and corruption. At the same time, an expectations crisis generated by the TRC severely undermined the TRC's contribution to civic trust. Bitterness over

the lack of follow up, particularly in reparatory justice, left a high degree of public apathy and resentment. The Sierra Leonean case reveals the fragile nature of reconciliation, where TRCs raise hopes and expectations and can lose momentum and legitimacy over time. These findings highlight the qualitative role of TRCs as norm affirmers, where even criticisms of the TRC reflect a set of expectations, which become embedded, of political rights and duties, and social and individual responsibility. While on the civil society level, the TRC strengthened democratic norms and values, by providing a platform for campaigns for justice and recognition, on the broader social level, the lack of follow up generated a legitimacy crisis. Together, these findings reinforced the importance of a long-term process and continued support.

Third, the chapter examined the TRC's contribution to social solidarity. While social tolerance in Sierra Leone was relatively high, evidenced in largely positive views of reconciliation and understanding for ex-combatants, the chapter finds that this was less of a product of the TRC than a reflection of the nature of the conflict and social norms in ex-combatant communities. The youthful background of many ex-combatants and the non-ethnic nature of the war facilitated social understanding. At the same time, in a war weary society, the TRC helped propagate a widespread discourse of reconciliation as a prerequisite for development and peace. The chapter notes that the short-term nature of the TRC also undermined solidarity for ex-combatants. There was a widespread criticism that testimony should be followed with actions and that individuals needed to prove themselves. In this sense, community reconciliation processes took the TRC's objectives further, tying community reconciliation to peace-building by requiring participants to show goodwill and commitment through their everyday actions and by contributing to communal repair.

6   The Peruvian Armed Conflict and the Establishment and Functions of the CVR

> *"The history recounted here tells our story, of what we were and what we must cease to be. This history speaks of our assignments. This history begins today."*
>
>   *- Doctor Salomón Lerner Febres, President of the CVR.[1]*

> *"The official (state) memory is simple but effective narrative, where Peru was a peaceful country until the Shining Path appeared, and the military waged a counter-campaign in defense of peace. The official discourse has allowed a partial vision, where victims of terrorism or the epoch of terrorism is a discourse that implies that the victims of the state were not victims."*
>
>   *Félix Reátegui, CVR Researcher and sociologist.[2]*

This chapter will examine transitional justice in Peru. While the CVR was set up in a distinct social context, there are important similarities between the conflicts in Sierra Leone and Peru. Both conflicts shared in common complex historical antecedents, stemming from colonialism and an unequal class system, and state neglect and marginalization of rural regions. In both conflicts, the brunt of the violence was carried out in remote parts of the country. In each case – and distinguishing Peru from other Latin American conflicts – both state actors and insurgency groups committed violence against civilians. Like the RUF, the Shining Path also recruited largely among marginalized youth, finding a support base among largely provincial university students and rural young people. In Peru, as well, civilians, particularly in rural areas, were caught in the middle of political violence, with indigenous rural populations forming the majority of the victims of the conflict.

This chapter takes a closer look at the establishment and function of the CVR. It argues that, as in Sierra Leone, the CVR was tied foremost to democratization and a civic conception of national reconciliation. The CVR incorporated both rigorous truth-seeking, providing one of the most comprehensive histories in Peru, and public testimonies, becoming the first TRC in Latin America to use public hearings. The CVR conceived public testimonies as a mechanism to honor and dignify victims, as well as a way to raise awareness and generate solidarity for the victims of the conflict.

The chapter argues that despite these general similarities in the conflicts and procedures, there are important differences in the CVR's overall orientation. Unlike the Sierra Leonean TRC, the CVR took

---

[1] Preface to the CVR Report. Hereon, all references to the CVR's text are in English (all translations are my own).
[2] Félix Reátegui, CVR Researcher, interview by author, Lima, Peru, December 1, 2011.

a strongly punitive and human rights based approach. While the CVR also emphasized democratization and consciousness-raising to create solidarity, it emphasized victims' rights and empowerment, and criminal justice. In contrast to the Sierra Leonean TRC, it was less tied to the reintegration of ex-combatants and took a stance on the legitimacy of the insurgency. The chapter argues that unlike the TRC in Sierra Leone, the CVR's relationship with ex-combatants was more strained from the start. The CVR was established retrospectively after the state's victory against the Shining Path, creating fewer incentives for ex-combatants to cooperate, and in a context, where the Shining Path remained highly stigmatized. While the conflict had devastated rural areas, in Lima, the economy was finally seeing an upward turn, reinforcing an emphasis among the capital population on focusing on the future. These factors created a tense relationship between the CVR and important sectors of society from the start, fostering an environment in which the CVR operated under intense public and media scrutiny, defending itself against allegations of bias towards the Shining Path.

This chapter is divided into several sections. Section 6.1 provides a background of the conflict in Peru. It focuses on key aspects of the conflict that factor into the later reconciliation process, especially the concentration of the conflict in Ayacucho. It also highlights state weakness, the demographics and motivations of Shining Path insurgents, and the Shining Path's later loss of its own power base in a context of increasing violence against civilians. After providing a brief overview of the establishment and mandate of the CVR, the chapter turns to the analysis, looking at how a combination of domestic and international factors influenced the commission in favor of justice and human rights, and against political amnesty and impunity. It discusses how this orientation was implemented into the CVR's work, including its methodology, its definition of reconciliation, its narrative, and its collection of testimonies.

6.1. History of the Conflict

The Peruvian armed conflict began in Ayacucho, Huamanga, in the south central Peruvian Andes. This region was also home to the majority of victims of the conflict, as well as many Shining Path insurgents. Since Francisco Pizarro founded Ayacucho on April 25, 1540, the region has played an important part in the colonial history of Peru.[3] A sustained Inca rebellion against the Spanish led Pizarro to settle the region with a small number of Spaniards from Lima and Cusco. Throughout the eighteenth century, indigenous revolts were carried out against the Spanish. The most well known uprising took place under Túpac Amaru II, descendent of the last emperor in 1780. The swift Spanish retaliation led to the movement's defeat. While the Túpac Amaru II uprising failed and led to the

---

[3] While various indigenous groups inhabited the region, notably the Wari, Chanka Nazca, and later, the Inca, the Inca Empire was at its height before the arrival of the Spanish, covering a vast and diverse territory area from present day Colombia to Chile.

extermination of the rest of the Inca royal family, it signified the first large rebellion in the Spanish colonies and inspired many later revolts, including the Movimiento Revolucionario Túpac Amaru (MRTA) in the late twentieth century.

Ayacucho was also significant during Peru's War of Independence. Venezuelan military leader, Simón Bolívar, named the city in 1825 after the historic Battle of Ayacucho in the nearby Pampa de la Quinoa, marking the last armed standoff between the Spanish and the royalists. Since independence, the development of a feudal two-tier society has entrenched neocolonial divisions. A long history of intermarriage and shifting periods of rule resulted in a complex society with multiple layers of identity. Race and class factored into a system of harsh repression from large landowners, while governmental neglect in remote regions magnified popular discontent. Forced assimilation – the denial of indigenous culture and language – was institutionalized through Spanish "modernization" schools – but was also internalized into a class system in rural areas, creating an urban mestizo (mixed) upper class, amid a majority of indigenous peasant population.[4]

The Shining Path itself originated as an eccentric and obscure fringe group in a geographically insignificant and isolated region of the country. Although eventually described as one of the world's deadliest revolutionary forces,[5] and branded domestically and internationally as a terrorist organization,[6] few had heard of the group before the 1980s. The Peruvian insurgency did not follow the pattern of Marxist movements that had emerged in many universities in Latin America, which are "oriented more toward intellectual analysis and influence within academe than toward action and system transformation through violence."[7] The secretive character of the Shining Path augmented the lack of understanding – unlike the MRTA, the Shining Path did not give public speeches, and many point out the difficulty of even doing research on the movement under these conditions.[8]

For many academics at the time, the rise of the Shining Path and Peru's descent into political violence was counter-intuitive.[9] Where democratic transitions are thought to defuse tensions that lead to violent

---

[4] For a detailed history of Ayacucho, see *Historia y Cultura de Ayacucho,* eds. Antonia Zapata Velasco, Nelson Pereyra, and Rolando Rojas Rojas (Lima, Peru: Institute of Peruvian Studies, UNICEF, and DED Servicio Aleman de Cooperacion Social-Tecnica Programa Servicio Civil Para La Paz, 2008).

[5] Gustavo Gorriti, *The Shining Path: a History of the Millenarian War in Peru* (Chapel Hill: University of North Carolina Press, 1999).

[6] Including the Peruvian government, the US Department of State, Canada and the European Union. Palmer argues that the Shining Path was not a terrorist organization, as it did not commit indiscriminate violence. David Scott Palmer. "Introduction," *The Shining Path of Peru,* ed. David Scott Palmer (London: C. Hurst & Co. Ltd., 1992).

[7] Ibid, 1.

[8] Carlos Iván Degregori, *Qué Difícil es Ser Dios: El Partido Comunista del Perú - Sendero Luminoso y el Conflicto Armado Interno en el Perú: 1980-1999* (Lima: Institute of Peruvian Studies, 2010).

[9] Established political science literature holds that democratic transitions mitigate political violence and that revolution is most likely under repressive governments. See Jeff Goodwin and Theda Skocpol, "Explaining Revolutions in the Contemporary Third World," *Politics and Society* 17, no. 4 (1989), 495; Ted Robert Gurr,

conflict, allowing the peaceful expression of discontent through formal channels, this period (1963-1975) marked the beginning of a return to civilian rule with universal suffrage and a free press and an increase in services, particularly in public education and rural development.[10] In contrast to other countries in Latin America, e.g. in Guatemala or the Southern Cone, where conflicts broke out under violent dictatorships, the Shining Path established itself and came to prominence during Peru's most extensive democratic transition and following a sustained period of economic growth. It took an almost solitary role among Peru's active left, opposing Peru's first long-term military government's (1968-1980) economic, social, and political reforms, which were consciously opening up political space for the left.[11] Indeed, the Shining Path's formation in the Andes paralleled the growth of a large and influential legal left and its expansion into the Huallaga valley occurred during a progressive government led by Peru's largest mass-based political party, the *Alianza Popular Revolucionaria Americana* (APRA). It grew without foreign support and spread from impoverished areas to more affluent areas in the jungle and coast.[12]

The philosophy professor, Abimael Guzmán Reynoso, was the Shining Path's symbol and leader. Born in the city of Arequipa in the Southern Peruvian Andes, Guzmán was educated in Lima, and completed Bachelor degrees in philosophy and law. In 1962, he was recruited to teach philosophy at the Universidad San Cristóbal Huamanga (UNSCH) in Ayacucho in the South Central Peruvian Andes. The rector of the university, Doctor Efrain Morote Best encouraged Guzmán to study Quechua, after which Guzmán became increasingly active in left wing political circles, attracting a following of young academics and activist students. After serving as the Department head of San Cristóbal of Huamanga University, Guzmán left the university in the mid-1970s and went underground.

The Shining Path revolution began quietly and did not generate much attention until the 1980s. On January 1979, one year prior to the revolution, Guzmán was arrested along with several leftist politicians and union leaders, following an urban strike by the Peruvian General Confederation of workers. Security officials in Lima had received information that Shining Path insurgents were preparing an armed insurrection from Ayacucho. While many had dismissed the rumors, several wanted to take advantage of their greater surveillance authority to respond to the strike to arrest

---

Why Men Rebel (Princeton, NJ: Princeton University Press, 1970). However, some argue that the Shining Path's rise was less of a surprise than has been suggested. Peruvian journalist and Shining Path expert, Gustavo Gorriti, argues that the Peruvian military was aware of the insurrection and allowed the Shining Path to gain strength because its energies were consumed elsewhere, and as leverage against the civilian government. Gorriti, "The Shining Path," 45-49. See also Gustavo Gorriti, interview by author, Lima, Peru, December 3, 2010.

[10] Palmer, "Introduction," 1-2.

[11] Ibid, 2.

[12] Bruce H. Kay, "Violent Opportunities: The Rise and Fall of "King Coca" and Shining Path," *Journal of Interamerican Studies and World Affairs* 41, no. 3 (1999).

Shining Path leaders.[13] After finding Guzmán in a safe house in Lima, security failed to elicit information from the professor. Under growing pressure from family friends and prominent advocates protesting his innocence, including Guzmán 's own family members within the Peruvian military, he was quickly released.[14]

The Shining Path's first attack also went largely unnoticed. On May 17, 1980, just one day prior to general elections, five men wearing hoods entered the electoral registration office in the Andean village of Chuschi. After subduing and tying up the administrator, they burned the registry and ballots.[15] The army arrested the youths a few hours later and took them to the nearby town of Cangallo. The Peruvian government shipped new ballot boxes to the village and the incident seemed to be forgotten. Even the Ayacucho press did not mention the incident until four days later, and then gave it little importance.[16]

The Shining Path was founded as a communist party to overthrow the Peruvian state, seeking to replace what it identified as "bourgeois democracy" with "new democracy." Guided by Maoist theories of guerrilla warfare, it planned a revolution arising from the countryside.[17] It espoused violence as the way forward and engaged in the Maoist practice of "self-criticism" to purge itself of negative habits and learn from errors.

While the causes of the conflict are disputed, several factors are important in explaining the rise of the Shining Path. A first is state weakness and the marginalization of remote parts of the conflict. State weakness and the Shining Path's rise and growth were mutually reinforcing. The Shining Path's methodological beginnings in remote outposts of government in the 1980s allowed the Shining Path to consolidate its forces quickly pushing the government into a reactive response." [18] Once the government became involved, its heavy-handed and indiscriminate military response hurt the civilian population it was charged to protect more than Shining Path.[19] These patterns increased in the 1980s, as a deepening economic crisis, bringing with it inflation and a decline in production of goods and services; disease; and a sharp fall in living standards gave the Shining Path new opportunities at the government's expense. Economic liberalism, resulting in the "Fuji shock," had taken away subsidies from food and opened the economy to external competition, wreaking havoc among the poor and in

---

[13] Gorriti, "The Shining Path," 2.

[14] Ibid.

[15] Ibid, 17

[16] Ibid, 18.

[17] Tom Marks, "Making Revolution with Shining Path," in *The Shining Path of Peru,* ed. David Scott Palmer (London: C. Hurst & Co. Ltd., 1992), 193-196. See also Marisol de la Cadena, "From Race to Class: Insurgent Intellectuals *de provincia* in Peru, 1910-1970," in *Shining and Other Paths: War and Society in Peru, 1980-1995,* ed. Steve J. Stern (Durham and London: Duke University Press, 1998).

[18] Palmer, "Introduction," 2.

[19] Ibid; Degregori, *Qué Dificil es Ser Dios*.

the countryside.[20] The Shining Path's characterization of Peruvian society as semi-colonial and feudal emphasized the repressive and unequal treatment of the indigenous in Peru's rural areas. While Peru may have functioned as a democratic state in its upholding of elections, separation of powers, free press, and political parties, large portions of territory were declared "emergency ones" and under military power. Burt describes these areas as shadow regions of authority in which the military held power, rather than elected representatives, and civil liberties and political participation was suspended.[21] In 1990, 32 percent of national territory, containing 49 percent of the Peruvian population, was under a state of emergency, including both rural areas and under-represented poor neighborhoods in Lima.[22] While for external analysts, Peru was a democratic regime when the movement emerged; the Shining Path represented the Peruvian state as fascist and reactionary.[23] The Shining Path established its stronghold in these areas, through a combination of popular provision and fear.

Second, education and marginalization of youth were important factors. While the Shining Path first organized in the early 1970s at the UNSCH in Ayacucho, it gained control of student councils in other universities in the country.[24] Gustavo Gorriti describes the "personality cult" surrounding Guzmán, his indoctrination of the Shining Path and doctrinaire use of ideology, and disciplined and methodological leadership.[25] Peruvian anthropologist and ex-CVR Commissioner, Carlos Iván Degregori emphasizes the "pedagogical" nature of the Shining Path, describing the Shining Path's "revolution of manuals," and its distribution of Marxist literature.[26] As in Sierra Leone, education was an important factor in Shining Path recruitment. Many note the important role of the UNSCH in the rise of the Shining Path. [27] As Latin America's third oldest university and the only general university in the region, the UNSCH has historically functioned as a symbol of modernity in Ayacucho. The university already had an image of prestige, attracting external support and donations from European countries, but also young ideologically driven professors and progressives from across Peru.[28] During a period of radicalization of universities, the university embraced and stepped up its historical role as a "bastion of antifascist

[20] John Simpson, *In the Forests of the Night: Encounters with Terrorism, Drug-Running and Military Oppression* (London: Random House, 1993), 87.

[21] Jo Marie Burt, *Violencia y Autoritarismo en El Perú: Bajo La Sombra de Sendero y la Dictadura de Fujimori* (Lima: Institute of Peruvian Studies, 2009), 26. See also Steve J. Stern, "Beyond Enigma: An Agenda for Interpreting Shining Path and Peru, 1980-1995," in *Shining and Other Paths: War and Society in Peru, 1980-1995,* ed. Steve J. Stern (Durham and London: Duke University Press, 1998).

[22] Burt, *Violencia y Autoritarismo*, 26.

[23] Cynthia McClintock, "Theories of Revolution and the Case of Peru," *Shining Path of Peru*, ed. David Scott Palmer (London: C. Hurst & Co. Ltd., 1992), 228.

[24] The MRTA and Shining Path were able to recruit among universities throughout the country. The Shining Path gained particular control over the Universities of Huancayo and La Cantuta, and the National University of Engineering and National University of San Marcos in Lima.

[25] Gorriti, "The Shining Path."

[26] Degregori, *Qué Dificil es Ser Dios*, 41.

[27] Orin Starn, "Maoism in the Andes: the Communist Party of Peru-Shining Path and the Refusal of History," *Journal of Latin American Studies* 27, no. 2 (1995), 404.

[28] Degregori, Qué Dificil es Ser Dios, 132-133.

resistance."[29] The Shining Path was especially popular for anthropology faculty, gaining a following of "cosmopolitan professors," who set up *escuelas populares* (working class schools) in the countryside.[30] Similar to Sierra Leone, class and status played an important role in the demographics of insurgents. Guzmán himself was a "dedicated and intelligent student from a lower middle-class background and an irregular family situation, who advanced by dedication and self-discipline rather than natural brilliance."[31] The majority of former combatants were marginalized indigenous youth and often (first-generation) university students. [32] Here, as well, an important theme is frustrated expectations – a combination of increased educational exposure and non-correlative opportunities – drawing many to the ideology of Shining Path.[33]

While the Shining Path grew in the 1980s, particularly in the Andes, both in the territory it controlled and in its number of militants, the movement's support base in the universities declined. Divisions appeared between "foreign" and "native" faculty and students in Ayacucho, after which an anti-Shining Path alliance led to a campus battle at the UNSCH, which left sixty people gravely injured.[34] The *Frente de Defensa del Pueblo* (long the spokesperson for the Shining Path) condemned the action. Shortly thereafter, the Shining Path lost its hegemony over the UNSCH and shifted to the countryside.

The loss of university support saw a significant shift in focus for the Shining Path, beginning in March 1980, when it formed a political and military "Revolutionary Directorate," and ordered its militias to transfer to strategic areas in the provinces to start the "armed struggle." In this period, the Shining Path also held its "First Military School," beginning a systematic training for militants in tactics and weapons. In the 1980s, the Shining Path found some support in rural peasant populations, where its discourse of equality resonated.[35] The Shining Path initially played a role in the provision of services and restoration of order. Especially in Ayacucho, long among the poorest and most neglected regions of the country, some welcomed the Shining Path's "moralization campaigns," e.g. popular trials to punish adulterers, cattle thieves, and cases of domestic abuse. Florencia Mallon refers to this initial period as a "political honeymoon," where the Shining Path filled a void left by decades of state neglect and later repression.[36]

---

[29] Ibid, 140.

[30] Ibid, 139 and 133.

[31] Palmer, "Introduction," 9.

[32] Marisol de la Cadena, "From Race to Class," 24.

[33] McClintock, "Theories of Revolution," 234. Degregori points out that Shining Path discourses had a strong influence among rural Andean youth, who had experienced social and economic dislocation. *Qué Dificil es Ser Dios.*

[34] Ibid, 141.

[35] Kimberly Susan Theidon, "Justice in Transition: the Micropolitics of Reconciliation in Postwar Peru," *The Journal of Conflict Resolution* 50, no. 3 (2006), 439.

[36] Mallon, "Chronicle of a Path," 122.

Soon, however, the Shining Path presence became increasingly brutal and violent, leading to the most destructive phase of the conflict. In rural and urban areas, the Shining Path embarked on a campaign of terror in its recruitment of insurgents and to maintain the cooperation of civilians, ruling through a combination of fear and repression.[37] In Ashaninka villages in the jungle regions, the Shining Path initially enticed the men to join their camps with offers of guns or knives, but eventually forced conscripts to enlist, sometimes ordering new members to commit brutalities and take part in massacres in other Ashaninka and even their own villages.[38] The net result was a militarization of non-urban populations. When the Peruvian government created *rondas campesinas* in the Andes, Ashaninka enlisted to protect their villages or in retaliation in the central jungle region.

The Peruvian armed conflict was the bloodiest since Spanish colonization, killing an estimated 69,280 individuals, surpassing the number of deaths in all foreign and civil wars in Peru's 182 years of independence.[39] Two decades of political violence internally displaced more than 600,000 people and destroyed more than 400 peasant communities.[40] Unlike other insurgencies in Latin America, where violence was mostly inflicted by state agents against (often middle class) political dissidents, the majority of victims of the Peruvian conflict were Quechua-speaking indigenous peasants, amongst the poorest members of society. While the violence was not an ethnic conflict – in that many insurgents came from the same backgrounds as their victims – ethnicity, like ideology, became a political tool in a struggle for power, perpetuated in a vacuum of centuries of state neglect and social discrimination.

While the Shining Path was known for its display of mutilated bodies, the armed forces often hid their victims, using disappearances after extrajudicial interrogations and as a form of terror. Sexual violence and child conscription were widespread. Although the conflict began and was fought largely in remote parts of the country, particularly the Department of Ayacucho in the south central Andean Sierra, the insurgency recruited and inflicted violence across Peru, enlisting from universities across the country.

The *Movimiento Revolucionario Túpac Amaru* (the Túpac Amaru rebel movement, hereon MRTA), and the Peruvian military (aided later by civil militias) played a less well-known but also important role. The MRTA was named after Túpac Amaru II, the eighteenth-century rebel leader and his ancestor, Túpac Amaru, the last Inca leader. It formed out the union of the Marxist-Leninist Revolutionary Socialist Party and the militant arm of the Revolutionary Left Movement. Unlike the

---

[37] CVR Report, Volume 4, Chapter 1; Degregori, *Qué Difícil es Ser Dios, De* la Cadena, "From Race to Class;" Iván Hinojosa, "On Poor Relations and the Nouveau Riche: Shining Path and the Radical Peruvian Left," in Steve J. Stern, *Shining and Other Paths: War and Society in Peru, 1980-1995* (Durham and London: Duke University Press, 1998). In the same volume, see also Ponciano del Pino, "Family, Culture, and 'Revolution': Everyday Life with Sendero Luminoso."

[38] Simpson, *In the Forests*.

[39] Ibid.

[40] CVR Report, Volume 1, Chapter 3.

Shining Path, the MRTA attempted to ally with other leftist organizations following Peru's first democratic elections after the abolition of its long time military government (1968-1975). Victor Polay Campos, and later Néstor Cerpa Cartolini led the MRTA. Its stated aims were the establishment of a communist state and the elimination of imperialist elements from Peru. The MRTA had several hundred members including ex-Peruvian military officials. The MRTA gained attention for its high profile acts, notably, the Japanese hostage crisis, where it took over the Japanese embassy in Lima for four months. In general, however, the MRTA retained an image as a more self-restrained movement, relative to the Shining Path, where its members wore military clothing, and publicly explained their actions. The state's counter-insurgency efforts, clashes with the Shining Path, the imprisonment of top Amaru members, and its loss of support from the left led to its decline.

The Peruvian state, including political parties, governments in power, the military, police, and other armed security forces, are responsible for the remainder of the deaths, most notably under the administration of Alberto Fujimori. Crimes committed by the La Colina death squad under Fujimori and Peruvian Head of National Security, Vladimiro Montesinos, particularly the La Cantuta massacres, where young people mistaken for Shining Path were killed, later became one of the symbols of the conflict, and grounds for Fujimori's extradition, leading to his conviction.

Civilians were on the forefront of the conflict, often caught between the state and the insurgents and targeted by both sides on the grounds of suspected collaboration. In some of the conflict's most notorious abuses, villages were abandoned or completely destroyed in massacres. Theidon describes a campaign by peasants to "rescue their image" from association with the Shining Path, frequently encouraged by the state, who praised peasants for the acts of "heroism."[41] The Shining Path's retaliation was swift and brutal, as in the case of the Lucanamarca massacre, where the Shining Path tortured and massacred 69 men, women and children in the highland town in 1983 after peasants killed Shining Path militants in the town of Huaychao.[42] As Theidon points out, while the militarization and arming of the peasants helped set the stage for the end of the conflict, it also initiated the "internal war fought by intimate enemies," leading to a fatal campaign of personalized violence.[43] The consequence was a rapid escalation of violence within communities, marked by paranoia and self-preservation by villagers against perceived sympathizers, pitting villagers against each other. As loyalties were divided, these dynamics unleashed a vicious cycle, as tactical defeats of the Shining Path led to greater

---

[41] Theidon, "Justice in Transition," 440.
[42] The massacre, according to Guzmán, was meant to serve as a warning and reinforce the Shining Path's willingness to shed blood, symbolized by then Shining Path slogan, "The triumph of the revolution will cost a million deaths." See the CVR Report, Volume 5, Chapter 2; and Carlos Iván Degregori, "Harvesting Storms: Peasant *Rondas* and the Defeat of Sendero Luminoso in Ayacucho," in *Shining and Other Paths: War and Society in Peru, 1980-1995,* ed. Steve J. Stern, (Durham and London: Duke University Press, 1998).
[43] Theidon, "Justice in Transition." See also Rolando Forgues, *Perú: Entre el Desafío de la Violencia y el Sueno de lo Posible* (Lima: Liberia Editorial Minerva, 1993).

Shining Path reprisals. This division of loyalties also took place in the capital particularly in the poorest zones, where more than 100,000 civilians were displaced by the conflict.[44]

The Peruvian conflict came to an end slowly, through a combination of increasing violence in which the Shining Path lost control of the civilian population, coupled by a change in state tactics. As long as the insurgency could hide among the civilian population, a reactive military counterinsurgency only further isolated the state from the peasants. This balance began to change during the 1980s. Although the early 1980s continuing into the 1990s was the high point of state violence against civilians under the Belaúnde and later García administrations, the increasing violence of the Shining Path increasingly isolated it from the civilian population. Degregori describes the militarization of the peasants as a "Pandora's box": the Shining Path had foreseen the war between the peasantry against the state, yet by underestimating the peasants and not acknowledging their capacity for independent agency, the politicization of the peasant class led to its defeat.[45] In the 1980s, as communal authorities began to expel the Shining Path, the Shining Path's ensuing reprisals against civilians and use of indiscriminate violence isolated them from the rural population.[46] Its increasingly extreme actions – its closing of markets, ban of the sale of agricultural goods, burning of Catholic Churches and symbols - were perceived as offensive to community traditions and contrary to the interests of peasants.[47] Also important was the Shining Path's disregard of existing authorities and communal structures, and its tendency to work through those on the margins of communities; i.e. those with ambitions, and youth seeking power, increasing communal suspicion.[48] This brutality also led to a loss of morale among lower level Shining Path combatants. Violence against civilians and the contradictory lifestyles of leaders, especially Guzmán, who stayed in safe houses with bodyguards and medics while rural youth gave their lives, led to a crisis of legitimacy for some members.[49]

---

[44] Degregori, *Qué Difícil es Ser Dios*.

[45] Burt, *Violencia y Autoritarismo,* 36. Carlos Iván Degregori, interview by author, Lima, Peru, 28 February 2011. Interviewees often distinguished between types of support, e.g. passive support, including providing housing and feeding Shining Path militants, versus actively fighting themselves.

[46] In Lima and Ayacucho, citizens recall scenes of victims left in public and dogs hung up from streetlights. See Degregori, *Qué Difícil es Ser Dios,* 89.

[47] In her study of Villa El Salvador, Jo-Marie Burt finds a similar dynamic in urban areas, describing the violent Shining Path power struggles in the neighborhood as it sought to establish its hegemony against the leftwing opposition. She argues that the Shining Path consolidated its presence through a "culture of fear," noting the movement's loss of support after its main leaders were arrested in 1992. *Violencia y Autoritarismo,* 39-40.

[48] Degregori, *Qué Difícil es Ser Dios,* 42; Mallon, "Chronicle of a Path Foretold?"

[49] The recollections of a female ex-Shining Path interviewee illustrate this disillusionment. While attracted initially for ideological reasons as a 21-year-old university student, she became increasingly critical of the movement, remembering the Shining Path leaders' large leisurely meals, while the rank and file went hungry. For her, the arrival of an eleven-year-old child combatant in her unit was a turning point, leading to her disillusionment with the movement. Interview by author, Lima, Peru, 23 February 2011. On the Shining Path's use of children, see Panciano del Puno, "Family, Culture, and 'Revolution': Everyday Life with Sendero Luminoso," in *Shining and Other Paths: War and Society in Peru, 1980-1995,* ed. Steve J. Stern (Durham and London: Duke University Press, 1998).

In rural parts of Ayacucho, the entry of armed forces in late 1982 marked an important turning point. Although the first three years of military presence represented the height of the armed forces' human rights abuses against civilians, many decided to work on the side of the armed forces rather than against them, making a strategic calculation that the state could better protect them.[50] During this period, the state also consciously changed its strategies, increasingly reaching out to and enlisting and arming peasant populations to help fight the Shining Path, leading to the formation of civil defense committees in the Andes and the Amazon.[51] This engagement of peasant support was coupled by a gradual change in counterinsurgency techniques. Recognition that the heavy handed military response was hurting the counter insurgency, coupled by heightened human rights activity and pressure from Peruvian civil society, led the government to shift to a less militarized response in the Sierra.[52] At the same time, the administration took a populist turn under Fujimori, who became known for his personal stays in the countryside and patronage of peasants.

In the 1990s, the Shining Path suffered a wave of defeats, culminating in the capture of Guzmán, significantly weakening the organization of the movement. In 1992, the Fujimori government found and arrested Guzmán in a safe house in Lima. The sight of Guzmán captured and displayed in a public cage, followed by his trial, wherein he proclaimed the end of the struggle, largely decapitated the movement. Within twelve days, Guzmán was judged and condemned by a military tribunal. Significantly, unlike in Sierra Leone, the Peruvian state emerged victorious and did not enter into negotiations with the rebels. At the same time, Guzmán's own actions further contributed to the decline of the movement. In October 1992, in his speech in front of the UN general assembly, Fujimori read a letter sent by Guzmán, calling for peace talks. Guzmán's followers initially refused to believe the message, suspecting fabrication or that he had been tortured. Eventually, as Guzmán made more public statements, many began to accept his resignation.[53]

Shining Path militants were divided after Guzmán's arrest. Some denounced Guzmán as a traitor, while others stayed loyal. These divergences ultimately led to a fractioning between Sendero Rojo, those who continued the armed conflict without Guzmán, and Sendero Negro, who remained loyal to Guzmán. Following Guzmán's arrest, Oscar Ramirez took over leadership of the Shining Path until Peruvian authorities also captured him in 1999. After Ramirez's capture, the group splintered, and while Shining Path continues sporadic activity from the jungle, guerrilla activity has fallen sharply and no longer deemed to be a serious threat. While the Movimiento Por Amnistía y Derechos Fundamentales (Movement for Amnesty and Fundamental Rights) recently tried to register as a

---

[50] Ibid, 440; Palmer, "Introduction."
[51] De Gregori, *Qué Difícil es Ser Dios*, 94.
[52] Although this period was marked by an increase of human rights abuses and lack of due process for suspected captured insurgents in Lima.
[53] Ibid, 103.

political party, on a platform of liberating Abimael Guzmán and granting general amnesty to ex-Shining Path, the Peruvian government denied its registration.

The next section examines the establishment and function of the CVR. As the rest of the chapter argues, while the CVR blames the Shining Path as the trigger for the conflict, beginning Peru's descent into political violence, it also strongly emphasizes state failure, situating this violence within a greater context of state neglect and marginalization, which gave rise to the movement. As in Sierra Leone, the CVR seeks to address these root causes of the conflict by tying its work to a civic conception of democratization and nation-building and the empowerment of rural communities.

6.2. Background: Transitional Justice and the Establishment of the CVR

The CVR was established by executive decree in 2001 by Interim president, Valentín Paniagua. The CVR initially had seven commissioners, but enlarged into a twelve-person body in September 2001 after President Toledo took office. Philosophy professor and then Rector of PUCP, Doctor Salomón Lerner Febres, chaired the commission. Lerner had previously served as Vice President and later President of the Andean Region of the Union of Universities for Latin America. The remaining eleven commissioners were Peruvian nationals and represented a range of professional backgrounds. They included political scientist and former politician, Dr. Rolando Ames Cobián; father Gastón Garatea Yori; the late anthropologist and Shining Path specialist, Carlos Iván Degregori; priest, José Antúnez de Mayolo; national security official and retired air force lieutenant general, Luis Arias Grazziani; executive director of the Andean commission of jurists, Dr. Enrique Bernales Ballesteros; engineer and ex rector of the UNSCH, Alberto Morote Sanchéz; engineer and politician, Carlos Tapia García; lawyer and ex-congresswoman, Dr. Beatriz Alva Hart; evangelical national council, Father Humberto Lay Sun; and sociologist and ex-executive secretary of the coordinator of national human rights, Sofia Macher Batanero. Luis Armando Bambarén Gastelumendi, served as an Observer.

The CVR handed its final twelve-volume report to president Toledo on August 28th, 2003. On August 29th commissioners traveled to Ayacucho for a ceremony where Lerner read out the main conclusions and recommendations of the report and uncovered a commemorative plaque for victims of the conflict on the central square.

The CVR was established alongside trials for war crimes committed during the conflict. state. Despite the state's passing of an amnesty decree, trials for the military began after the war. A special prosecutor responsible for investing human rights crimes under Fujimori filed the first charges against members of the La Colina group, a government death squad responsible for the Barrios Altos killings

and the notorious kidnapping and execution of nine students and a professor from La Cantuta University in 1992.

Finally, parallel grassroots restorative processes have taken place at the community level in villages in the Sierra and Amazon regions. In some cases, these processes preceded the CVR, drawing on traditional restorative practices in communities. Where there is no official process of reintegration community leaders – and in some cases Evangelical Christian groups – have also played a role in some regions in helping to reintegrate ex-Shining Path members into communities. José Coronel Aguirre argues that this process preceded the CVR where communities could not afford to "wait for the state."[54]

6.3. CVR Process

Historical Context and Aims

From the beginning, the CVR took a strong orientation in favor of human rights and justice. A number of factors shaped the CVR's goals and procedures. First, in contrast to the establishment of the CVR in Sierra Leone, the CVR was established *retrospectively* after a military victory against the Shining Path. State agents involved in the conflict and the military remained powerful with a strong support base among the middle classes.

The CVR was also established to investigate and respond to a conflict, which had affected people in the country in very different ways. While villages in the Andes had experienced violence from both the Shining Path and the military counterinsurgency for several decades, urban classes in the capital and the coast were mainly exposed to Shining Path violence, and relatively late into the conflict. In Peru, a historically marginalized indigenous and rural population bore the brunt of the violence in the conflict, which has left different legacies across the country. It increased inequality between rural and urban areas, and within urban areas - most notably metropolitan Lima. In rural areas, an unequal educational system perpetuates socio-economic class divides as teachers and academics describe a "crisis of education" in which provincial universities are cut off from funding (as in Puno and Ayacucho).[55] The conflict also left less visible but pervasive legacies in war-affected regions, notably, a high incidence of mental health problems and post-traumatic stress, as well as a general fatalism and lack of trust in authority. The military's tactic of disappearances and mutilation of bodies especially in

---

[54] He, and other civil society organizations, reported that many ex-Shining Path have converted to Evangelicism. José Coronel Aguirre, interview by author, Ayacucho, Peru, 12 January 2011.

[55] This came up repeatedly in conversations with secondary school teachers and professors in villages and the UNSCH Ayacucho. For example, Dr. Manuel Mayorga, interview by author, UNSCH, Anthropology Department, Ayacucho, Peru, November 5, 2010.

regions such as Ayacucho left many victims unidentified, with families continuing to seek information on missing relatives.[56] This picture contrasts sharply with post-conflict Lima. While inequality and poverty within the capital have also increased - and indeed, reached worrying levels, in response to a population bulge and increase of *pueblos jóvenes* (shanty towns) on the outskirts of Lima - the economy in Lima has seen a significant rebound since the end of the war, making the capital a growing center of international investment.[57] Peru's economic growth remained constant even in a turbulent regional context where Peru did not experience the financial collapses of Argentina and Uruguay in the late 1990s and early 2000s. The Peruvian economy grew 0.9 percent, reaching one of the fastest growth rates in the world at 8.8 percent in 2010. Since 2004, the country has seen a 28.4 percent decline in poverty.[58]

The CVR was established in a charged social climate, reflecting very different experiences of the conflict. While civilians in the Sierra experienced violence by both state agents and the insurgency for decades, Lima and most of the coast largely was targeted by the Shining Path, and relatively late into the conflict. For residents of Lima, who had been less exposed to military violence, the Shining Path was the face of the conflict, remembered for its brutality and "senselessness," creating a strong stigma around public discussion of the group. While this view was especially prevalent among middle and upper classes and the economic elite, it extended also to the left, and academic and civil society circles, where the Shining Path's violent and extreme ideology and tactics, and its failure to accept other political actors as legitimate and secretive character had isolated it during the war.[59] Peruvians were also divided over their view of the military. In Lima, the military was often remembered for pacifying the country and bringing an end to terrorism.[60]

These divisions polarized transitional justice from the beginning, and fostered a social climate, which was antagonistic to the truth-seeking process. For middle classes in Lima, as Peru's economic recovery gradually eased the traumatic memory of the Shining Path, the human rights community's emphasis on historical investigation and accountability stood in sharp contrast to the discourse of government officials and elites that it is time to "*voltear la página*" (turn the page), and move on to a

---

[56] For a discussion of the presence of the Shining Path in other regions, e.g. Puno, see José Luis Renique, *La Batalla Por Puno: Conflicto Agrario y Nación en Los Andes Peruanos 1866-1995* (Lima, Peru: Institute of Peruvian Studies, 2004). See also the CVR report on Puno, Volume 5, Chapter 2.17, "El PCP-SL y La Batalla Por Puno."

[57] The increase in shanty towns is a consequence of the conflict, as well as a high rate of rural to urban migration from the provinces (particularly from affected areas). In consequence, the population of Lima has doubled in the last decade.

[58] USAID/Peru, "Peru: Economic Growth," (February 2011), 1, available at: http://www.usaid.gov/pe.

[59] Degregori notes that state and media portrayals of the Shining Path and their equating of criticism of state policies with support of terrorism led to the suppression of critical views, even among academia and civil society. *Qué Difícil es Ser Dios*, 43.

[60] Burt describes a "culture of authoritarian consensus," where counterterrorism was gradually justified as the only alternative to chaos. Burt, *Violencia y Autoritarismo* 325-327.

more prosperous and peaceful future.[61] The conflict had, in their view, destroyed democracy and interrupted progress, leaving little sympathy for the Shining Path and reconciliation with this sector. In this context, the CVR was sometimes seen as soft on terrorism and pro-Shining Path. Carlos Iván Degregori describes a "*memoria salvadora*" (salvation memory) – a view that the state and the armed forces saved the country from terrorism and that the loss of civilian lives is the cost that society had to pay to save the country from further chaos and destruction.[62] Félix Reátegui describes a black and white history, where the culprits were not only the Shining Path and the MRTA, but also those who disagreed with the official version.[63]

At the same time, the CVR was established amidst a strong regional and international normative orientation favoring human rights and criminal justice. Unlike the Sierra Leonean CVR, where the influence of the South African TRC, combined with the country's own practices of restorative justice, likely created a greater tolerance and a less politicized orientation towards amnesties, the CVR plugged into a larger regional legacy linking TCs to struggles for justice and democratization. Moreover, as will be discussed in the next section, Peru also drew on a legacy of didactic TCs, notably the Guatemalan Historical Clarification Commission, which used rigorous truth-seeking as an instrument against impunity.

International and domestic pressures to prosecute perpetrators reinforced this regional legacy. The Inter-American Latin American Court called for prosecutions and opened cases against Peruvian military officials. Pressure also came from below as a domestic and international civil society created a mounting human rights campaign in the country. Public scrutiny on issues such as the treatment and trial of political prisoners had preceded the end of the conflict and mounted once the political situation in Peru stabilized. The major impetus for trials, however, came in 2000, following a highly tainted presidential campaign and the discovery of corruption in the Fujimori Administration, after which the ex-President fled the country and faxed his resignation from Japan.[64] While the Fujimori government had passed a general amnesty law in 1995, in March 2001, the Inter-American Court of Human Rights outlawed the ruling. In February 2001, Peru reached an accord with the Inter-American Commission on Human Rights, in which the government agreed to investigate and determine criminal

---

[61] Degregori, *Qué Difícil es Ser Dios*.

[62] Degregori, interview. Jo Marie Burt argues that the state's "instrumentalization of fear" during the Fujimori years and its criminalization of critical discussion of the Shining Path further entrenched this discourse. Burt, *Violencia y Autoritarismo*.

[63] Reátegui, interview. See also Cynthia E. Milton, "Defacing Memory: Untying Peru's Memory Knots," *Memory Studies* (2011).

[64] As argued by Theidon, Peru's sudden political transition was more of a response to middle class worries about corruption rather than violations during the conflict. "Histories of Innocence," 95. On this point, see also Leigh A. Payne's discussion on how corruption can change public perceptions of national heroes. *"Unsettling Accounts: Neither Truth Nor Reconciliation in Confessions of State* Violence (Durham and London: Duke University Press, 2008), 96.

responsibility. While many Shining Path and MRTA insurgents were already serving sentences in prison, mounting human rights activism towards the end of the conflict had led to a wave of judicial inquiries leading to a series of retrials of previous sentencing of Shining Path and MRTA combatants, many of whom had been hastily sentenced during the conflict.[65] Additionally, the CVR was established during a period of high profile international activity in international criminal justice, first through the establishment of the ICTY and the ICTR, and then for the ratification of the Rome Statute for the International Criminal Court (ICC) in 2002, the same year as the Peruvian commission's establishment. In the view of commissioners, these measures had entrenched a mounting international norm in favor of individual accountability and conditional state sovereignty.[66]

Unlike the Sierra Leonean NGO community, which was often antagonistic towards prosecutions, Peruvian civil society was active in campaigns against impunity. The CVR was not set up alongside an international tribunal. In this context, the CVR did not see itself as an alternative to criminal justice, but as one of the main bodies responsible for bringing about prosecutions. This factor put a certain onus on the CVR from the start, where the CVR saw itself as responsible for carrying out various goals of transitional justice at once, and accountable to different stakeholders. As explained by Lerner, even if the CVR had wanted to avoid retributive justice, giving amnesty was never a possibility, given domestic aversion to the Shining Path and international and regional pressure to prosecute. Relaying an incident where an ex-combatant asked him for amnesty in exchange for giving names, he explained: "even if I had been in favor of amnesty [which he was not], of course I could never agree to it. It was not an option."[67]

Together, these factors strongly pushed the commission away from amnesty, and towards human rights and justice. They put in front of the CVR a specific set of constraints as well as tasks, where the CVR had to balance the goals of justice for victims against political feasibility. The CVR was created as a historical commission, mandated to look into human rights abuses and disappearances committed during the conflict and to acknowledge and give a voice to victims. Mirroring the opposition of key parties within the state to reconciliation, the CVR did not contain the word reconciliation until 2001 when Panigua's successor, president Alejando Toledo, added it to its name and mandate. While many in the commission originally felt uncomfortable with the political connotations of the term and its association with impunity, as will be shown, the CVR decided to redefine reconciliation in a way that would fight impunity and bring justice to victims.[68]

---

[65] Hooded judges often carried out trials during the conflict to avoid retribution by insurgent groups.
[66] Dr. Salomón Lerner Febres, interview by author, Lima, Peru, February 10, 2011; Enrique Bernales, CVR Commissioner, interview by author, Lima, Peru, March 1, 2011.
[67] Lerner, interview.
[68] Reátegui, interview.

The conception of the CVR as an instrument of human rights became more entrenched as the CVR began its work. The CVR went through its own learning curve particularly in reference to the Shining Path. From the beginning, the media closely monitored the commission. In a particularly tense moment after commissioner, Sofia Macher, referred to the Shining Path as a "political party," a massive media campaign accused the CVR of taking a pro-terrorist position. This incident prompted a series of high profile investigations. On July 15, 2002, after a Congressional Committee summoned Lerner to defend the application of the term "political party" to the Shining Path, Lerner presented a series of dictionary definitions of "political" and "party" to explain the use of the term without making an apology for terrorism.[69]

Another important factor over time was the commission's discovery of the magnitude of crimes, which, as the CVR advanced its investigation, surprised many of the CVR staff themselves.[70] The commission increasingly emphasized the geographic concentration of the violence and its "ethnic undertone." This related to the scale of the violence in Ayacucho, as well as to the nature of crimes themselves, where indigenous victims frequently revealed in their testimonies that racial-ethnic slurs had accompanied abuses.[71]

As the CVR developed, it had several key objectives. The first and overarching objective of the commission was to acknowledge and empower victims and promote justice for marginalized sectors through recommendations and reparations. Early on, the CVR identified the marginalization of rural areas and the indigenous to be one of the root causes of the conflict – and raising awareness and furthering social justice as key objectives of its work. As the late Commissioner and anthropologist, Carlos Iván Degregori argues, testimony was meant to be a symbolic process, affirming the status of participants as agents and citizens of the country. This was especially the case where testimonies were in a language other than Spanish, where he argues testimony came to serve a double symbolic reparation: "Because his (the participant's) silence was broken, and because his voice was heard in silenced languages in the public sphere."[72]

The second objective was democratization, where the CVR process was tied to recommendations for democratic reforms and civic participatory nation-building. This conception had both a vertical and horizontal component. Vertically, as will be shown, it was tied to the construction of a new social contract, making recommendations and setting out reforms and assigning responsibility to foster rights

---

[69] Theidon, "Justice in Transition."

[70] Ibid. See also Lerner, interview; and Dr. Beatriz Alva Hart, CVR Commissioner, interview by author, Lima, Peru, 4 February 2011.

[71] In the CVR's analysis, "If the ratio of victims to population reported to the CVR with respect to Ayacucho were similar countrywide, the violence would have caused 1,200,000 deaths and disappearances. Of that number, 340,000 would have occurred in the city of Lima." CVR Report, Volume 1, Chapter 3.

[72] Degregori, *Qué Difícil es Ser Dios*.

based citizenship and outline clear obligations. This included rule of law and countering impunity. Here, unlike the TRC in Sierra Leone, the CVR was strongly tied to criminal justice, using its findings to make recommendations leading to prosecutions for abuses during the conflict. Horizontally, the CVR sought to generate solidarity and enshrine respect for cultural pluralism and values.

Third, as in Sierra Leone, commissioners conceived of the CVR as an educational tool to raise awareness and generate solidarity for a historically "invisible" population.[73] Here, the CVR's main target audience were those most removed from the conflict – middle classes in the capital. Lerner referred to the CVR's "moral" mandate as a form of consciousness-raising. The CVR prepared its report for educational and commemorative purposes, including curricula and museums.

Procedures and Methodology

Methodologically, the CVR was established as a hybrid commission, combining rigorous truth-seeking with public hearings. Yet, while CVR drew on different outside influences, commissioners made sure this was their own process and adapted various procedures to the commission's goals. The CVR was deliberately set up using only Peruvian commissioners.[74] After an initial debate between those involved in planning the CVR and government over the appropriate background of the commissioners and whom the commissioners should represent (whether regions of the country, political positions, or sides of the conflict), a decision was reached to choose commissioners based on their moral standing and contribution to social justice and society in Peru.[75] Similarly, the initial planning for the CVR was mainly a closed process. For one year prior to the establishment of the CVR, Lerner, and his wife, Rosemary Lerner Rizo Patron, both philosophy professors at the PUCP, held workshops to define the various terms and objectives of the commission. In focus groups with other academics, they deliberated and brainstormed meanings of justice, reconciliation, reparation, and truth, as well as of the CVR's purpose and meaning, and its priorities and audiences.

While the CVR studied and consulted with delegates of other CVRs, notably from South Africa and Guatemala, and international consultants, e.g. from the International Center for Transitional Justice, as Lerner and commissioners shared, the CVR's primary inspiration came from Guatemala.[76] Both countries had in common the historical oppression of an indigenous class, and the systematic

---

[73] Lerner, interview.

[74] Lerner also expressed that foreign staff would not have been able to understand and relate to the Peruvian conflict and context in the same way.

[75] CVR officials maintained that it would have been politically explosive to put protagonists in the conflict on the commission. As a middle ground, they installed a former general, and an Ayacuchan professor from UNHCR as commissioners. The presence of both caused criticism among different sectors. Professor Morote was related to a Shining Path leader and had worked at the UNSCH causing controversy in Lima. In turn, interviewees in Ayacucho often criticized the presence of the general.

[76] Ibid.

victimization of an indigenous population during the conflict. The Guatemalan Historical Clarification Commission's careful emphasis on the establishment of an objective historical record and identification of systematic patterns also influenced the CVR, as well as its emphasis on truth-seeking over (interpersonal) reconciliation.

This didactic influence is manifest in many of the CVR's procedures. The CVR ended up collecting 16,917 testimonials, and holding many additional focus groups and public hearings. It also consulted academic specialists on the conflict and read CIA documents. The commission used this data to write its final report, which it delivered on August 28, 2003. The report produced what is widely considered to be the most extensive history of Peru in existence, spanning a total of nine volumes, covering four broad themes: "the process, events, and victims," "factors that made violence possible," "the consequences of violence," and "recommendations of the CVR: towards a national commitment to reconciliation." These findings were prepared for educational and awareness raising purposes, e.g. the photo archive and exposition, *Yuyanapaq*, "to remember" in Quechua. The CVR prepared versions of the report for history curricula and school children. The exhibition features attacks by the Shining Path and the state, Shining Path propaganda, torture victims, remains, and families of the victims and is open in the Museum of the Nation in Lima.

While the Peruvian commission drew on restorative procedures, becoming the first and only Latin American commission to use public hearings - hearings were foremost a mechanism to honor and increase awareness for victims. The CVR held thirteen public audiences. Commissioners explained that public hearings had two objectives: the primary objective was to dignify victims by giving them a platform to speak, and thereby reaffirm their status as citizens and rights bearers, and provide acknowledgment. Commissioners emphasized the symbolic meaning of these hearings, where for many participants from rural backgrounds and testimony was their first opportunity to receive official and public acknowledgment. The second objective of hearings was to raise awareness among the general population and increase solidarity for the victims of the conflict.[77] The CVR held public audiences in different locations around the country, and aired live hearings through television.

The CVR was tied less to the reintegration of combatants than in Sierra Leone. While the CVR provided an opportunity for all sides of the conflict to testify, including leaders of fighting factions, these statements were more important for informing its report. Most of the CVR's testimonies were collected in confidence, e.g. during focus groups with ex-combatants in prisons. It also collected statements from key figures, e.g. Shining Path leader, Guzmán. The CVR required ex-insurgents to

---

[77] CVR hearings were broadcast on television. Condensed versions of the report were also made available in hard copy, e.g. the Hatun Willakuy volume.

"auto-criticize" as a condition to testify, in other words, ex-Shining Path and the MRTA had to renounce the movement and their role in it before speaking.[78]

Unlike the TRC in Sierra Leone, the CVR did not offer confidentiality to ex-combatants; on the contrary, it used the information collected to make recommendations for prosecutions. The CVR's position on how to deal with crimes committed by military members remained unresolved until the end of the commission as disagreements surfaced between CVR commissioners over the extent to which information gleaned during testimony should be used to make recommendations for prosecutions. Eventually the commission reached a decision that it would list names and details of crimes, but not relate specific abuses to individuals.[79]

Finally, an important part of the CVR's work was making recommendations. The report includes a chapter of reforms, covering a range of topics including democratization, judicial and institutional reforms, civil military relations, decentralization, governance, rural developments, cultural pluralism, and representation, and "plans for the treatment of prisoners, incarcerated for political violence, and plans for their rehabilitation."[80] It also laid out a comprehensive reparations program, the Program of Integral Reparations.[81] The reparations program identifies five types of reparations, including symbolic, manifested in civic rituals and memorialization; mental and physical health; education; economic (individual); and collective reparations. Individual reparations apply to relatives of victims of death or disappearance, those left mentally or physically incapacitated as a result of the conflict; people unjustly imprisoned, victims of sexual violence, and children who were a product of sexual violence.[82] Collective reparations include the reconstruction of destroyed productive infrastructure, institutions, basic services, and employment to war affected-communities and areas.[83]

Definition of Reconciliation

The CVR offered a contractual understanding of reconciliation, tied to justice and a new understanding of rights based citizenship. As mentioned earlier, President Toledo only added reconciliation to the CVR's mandate in 2001. Sociologist and CVR researcher, Félix Reátegui, describes the CVR staff's original aversion and discomfort with the term: "Reconciliation for us carries an association of impunity, of mutual amnesties in civil wars for strategic reasons… Especially

---

[78] Rolando Ames Cobían, interview by author, Lima, Peru, February 7, 2011.
[79] For more on the CVR's contribution to prosecutions, see Eduardo Gonzales Cueva, "The Peruvian Truth and Reconciliation Commission and the Challenge of Impunity," in *Transitional Justice in the Twenty-first Century,* ed. Naomi Roht-Arriaza (Cambridge: Cambridge University Press, 2006).
[80] *Hatun Willakuy*, abbreviated version of the CVR (Lima, Peru: Comisión de Entrega de la Comisión de la Verdad y Reconciliación, February 2004), 412.
[81] Laplante and Theidon, "Truth with Consequences."
[82] Ibid*,* 420.
[83] Ibid*,* 421.

in Latin America, it is understood as the necessity of being in peace with the armed forces, where reconciliation means forgetting."[84]

Eventually, however, the CVR decided to embrace its new mandate and re-define reconciliation in its own terms.[85] CVR officials decided early on that interpersonal reconciliation between victims and perpetrators would be beyond the scope of the commission. In the CVR Working Group minutes, Rosemary Rizo-Lerner Patron argues that interpersonal reconciliation has to do with pardon and repentance. Both are identified as personal and "asymmetrical" and "not necessarily reciprocally oriented to the past." These processes are private to individuals, and do not belong in the public sphere.[86] According to Salomón Lerner, "interpersonal reconciliation" between two parties requires forgiveness. In his view, only individuals themselves can decide whether to reconcile; the decision of whether or not to forgive should be respected and must come from within and no one can (or should try) to encourage another individual to forgive.[87]

The commission's final report distinguishes between dimensions of reconciliation, including the political dimension between the state, society, and political parties; the social dimension, dealing with institutions and public space of civil society; and the interpersonal dimension between members of communities, which were affected by violence.[88] The CVR states that its objective is to further national reconciliation, which it defines as *future*-oriented, requiring the establishment of a *new* framework, built on pluralism and justice. It contrasts this understanding to the restorative orientation of the South African TRC, warning that the aim of reconciliation in Peru cannot be to restore previous political and economic structures and social conditions, many of which contributed to the conflict in the first place.[89] Reconciliation is conditional on achieving concrete policy changes and establishing a new framework built upon cultural pluralism, democratic protections and rights-based citizenship, and social justice and institutional reform.[90]

This understanding comes together in the CVR's conception of reconciliation as a new social and political *"contract,"* which it argues has both horizontal and vertical components. Reconciliation as a contract would address the root causes of conflict; establish horizontal ties and social solidarity;[91] and

---

[84] Reátegui, interview.

[85] Ibid.

[86] Rosemary Rizo Lerner Patron, CVR Working Group Minutes, 74. See also Rosemary Rizo Lerner Patron Patron, "Between Conflict and Reconciliation: the Hard Truth," *Human Studies* (2007).

[87] Lerner, interview. See also Salomón Lerner Febres, *La Rebelión de la Memoria: Seleccion de Discursos, 2001-2003* (Lima, Peru: CEP, IDEH-PUCP, Coordinadora Nacional de Derechos Humanos, 2004).

[88] *Hatun Willakuy*, 411.

[89] As noted by M. Guisti in the CVR Working Group Minutes, reconciliation cannot aim to reestablish an original relation or framework, as prior political and social structures in Peru "cultivated the perverse process that led to its destruction."

[90] *Hatun Willakuy*, 412.

[91] Ibid, 411. The actual Spanish word is *"refundacion."*

establish a new understanding of rights based citizenship. [92] According to the CVR, justice was both a precondition and an outgrowth of reconciliation, which would require institutional reforms, reparations, and criminal justice for those responsible. [93]

Narrative

As was the case for the Sierra Leonean TRC, the CVR emphasized the longstanding root causes of conflict. While the CVR identified the Shining Path's decision to wage a "popular war" as the immediate trigger for the conflict, it focused on the social, political, and economic antecedents, which gave rise to the movement. [94] The commission described an underlying context of state neglect and marginalization, unequal employment and educational opportunity, weak institutions and government corruption, underdevelopment, deep-seated racism and cultural discrimination, which it traced back to colonialism and neocolonialism in the country.

The CVR put emphasis on identifying patterns of victimization and blame, finding correlations with victimization and geographical areas and social strata. One of its contributions was to provide a "profile" of the victims of the conflict. According to the CVR, over 40 percent of conflict-related deaths occurred in the department of Ayacucho. 79 percent of the victims lived in rural areas and were engaged in livestock activities (as compared to only 29 percent of Peru's total population according to the 1993 census); 75 percent spoke Quechua or other native languages as their mother tongue (as compared to only 16 percent of the national average at the time); and 68 percent of the war's victims didn't have secondary education (as compared to 40 percent of the general population). [95] The commission finds that ethnicity was an important factor in determining the probability of being a victim and in the type of violence inflicted, and that the suffering of "rural Peru, the Andean and jungle regions, Quechua and Ashaninka, Peru, the peasant, poor and poorly educated Peru, was neither felt nor taken on as its own by the rest of the country." [96]

The CVR also assigns direct blame for the conflict. The commission holds the Shining Path responsible for 54 percent of abuses reported to the CVR, the armed forces for 37 percent, and smaller groups, including the MRTA, for the rest. [97] It also assigns individual guilt, using the information collected to make recommendations for criminal prosecutions, which have since led to the trial of hundreds of high ranking military individuals.

---

[92] M. Guisti, CVR Working Group Minutes, 70.
[93] CVR Working Group Minutes, 69- 70.
[94] *Hatun Willakuy.*
[95] Ibid.
[96] The role of ethnicity came up consistently in interviews too. Interviewees raised the ethnic profile of the majority of victims, as well as the ethnic undertones of violence (e.g. the accompaniment of ethnic slurs with physical violence).
[97] CVR Report, Volume One, Chapter 3.

Additionally, the CVR took a stance on *indirect* responsibility, citing indifference and public apathy as causes of the conflict. Lerner's preface to the report begins by emphasizing the systematic and widespread nature of the violence: "The number (of victims) is so large that our nation cannot continue speaking of errors or excesses on the part of those who intervened directly in these crimes. And it is also too strident or explicit for any authority or citizen to claim ignorance of their discharge."[98] He asserts a "general guilt, the guilt of omission that involves all those who did not ask during the years of violence."[99] This theme of secondary responsibility continues throughout the CVR's work.[100] In a ceremony marking the report's completion, Lerner refers to the conflict as a "double outrage": the outrage of "massive murder, disappearance and torture," and the outrage of "indolence, incompetence and indifference of those who could have stopped this humanitarian catastrophe but didn't."[101]

Unlike the CVR's report in in Sierra Leone - which suspends judgment on the legitimacy of the RUF - the CVR's narrative looks at the Shining Path as a terrorist, rather than a political organization. Commissioners by and large seem to share this discourse. For Lerner, violence was a negation of politics.[102] The Shining Path's use of terrorism signaled the destruction of the political process and civic community and made it illegitimate from the start. For others, treating the Shining Path as a political actor would give it more credit than it deserves. For Degregori, the Shining Path was a "political religion," quickly falling apart without a leader.[103] He and other commissions argues that private interviews and statement taking with the Shining Path did not lead to profound answers. Rolando Ames Cobían describes the CVR interview with Guzmán as "uninteresting" and "banal;" that away from his followers and outside of his political support base, Guzmán had little to say.[104] Some also took the view that ex-Shining Path insurgents have not repented after their prison terms and that public hearings with these sectors would not have benefited reconciliation.

Testimonies

Most of the CVR's testimonies came from victims. The CVR held its first hearing in Ayacucho. As the next chapter will discuss in further detail, Ayacuchan victims' rights activist, Mamá Angelica, whose campaigns on behalf of her missing son had made her a well-known figure in the conflict, gave the first testimony. While victims tended to share personal experiences of atrocities at hearings, as in

---

[98] *Hatun Willakuy*, 9-11.
[99] *Hatun Willakuy*, 10
[100] Rosemary Lerner Rizo Patron, "Between Conflict and Reconciliation."
[101] See also CVR Preface (Primer Edicion), 9.
[102] In Lerner's view, deeper engagement with insurgents might have been more publicly acceptable if the CVR was just dealing with the more moderate MRTA. Lerner, interview.
[103] Degregori, interview. See also *Qué Dificil es Ser Dios.*
[104] Dr. Rolando Ames Cobían, interview by author, Lima, Peru, February 7, 2011.

Sierra Leone, most testimonies went beyond sharing a personal story, and demanded redress. In Degregori's words, "victim" served as a juridical category demanding a legal obligation of civil and penal redress.[105] Especially in areas, which experienced military violence, many came forward to speak about and register missing family members.

Unlike the South African and Sierra Leonean TRCs, where perpetrators provided testimony at hearings, ex-combatants featured less prominently in the CVR's hearings. The CVR held hearings with some protagonists, notably the police and *rondas campesinas* ("peasant patrols"). The MRTA, generally considered more moderate than the Shining Path, also took part in public hearings.[106] Many of their testimonies emphasized the challenge of mitigating circumstances during wartime and the difficulty of distinguishing combatants from civilians.[107] In early public hearings in Ayacucho, while Rondas and the head of the police shared the view that violence against civilians was wrong and expressed regret, they also emphasized that violence against civilians was never institutionally condoned, and that abuses were isolated, rather than systematic.[108]

The main protagonists, however, - the military and the Shining Path - did not participate in public hearings. The Shining Path leadership came to a decision in prison that Shining Path should not give public testimonies. Those who chose to speak to the CVR did so anonymously through confidential individual interviews, including former Shining Path leader, Guzmán.

Despite the CVR's early efforts to reach out to the military corps and its acknowledgement of the sacrifice and dedication of security and military forces to end the conflict, the CVR's relationship with the military became especially tense. While senior members of the military as well as former government leaders appeared before the CVR, many refused to participate. Participation was sensitive in the context of open trials, but as Chapter 7 will discuss in more detail, many also took offense to being put in the same category as the Shining Path as an actor in a civil conflict, with some claiming that the CVR language was a taint on the military's honor and pride and its historic place in society. Tensions increased following the CVR's use of its findings to make recommendations and bring about prosecutions of high-ranking military officers, many of whom are now on trial or cannot leave the country. While the CVR made an effort to include statements of individuals on all sides of the conflict,

---

[105] Degregori, *Qué Difícil es Ser Dios,* 283; Laplante and Theidon, "Truth with Consequences."
[106] See also Nelson Manrique's analysis of political insurgency in the jungle. Manrique argues that the MRTA has a history of exposing its practices to public questioning at the local level while stationed in jungle regions. Unlike the Shining Path, the MRTA submitted to auto-criticism in front of the Ashaninka communities, and later the CVR. "The War for the Central Sierra," in *Shining and Other Paths: War and Society in Peru, 1980-1995,* ed. Steve J. Stern, (Durham and London: Duke University Press, 1998), 213.
[107] Theidon describes a process whereby ex-Senderistas had to "present themselves" to communities and ask for pardon and that villagers not turn them over to government soldiers. Often ex-Shining Path would narrate how they had been "forced to kill or tricked." "Justice in Transition."
[108] Videos of CVR Hearings, obtained from IDEHPUCP.

it was only partially successful. Lerner's personal trip to Japan to collect a statement from Fujimori was met with rejection.

6.4. Conclusions

This chapter examined the establishment and functions of the CVR. The chapter argued that while the CVR's procedures followed the hybrid model of TRCs, tying reconciliation to a civic conception of nation-building and democratization, the nature of the armed conflict in Peru and contextual factors pushed the CVR to take a strong orientation against impunity and in favour or human rights and victims' justice. As the first Latin American commission to use public hearings, it ranked its priorities as: first, empowering and dignifying the victims of the conflict, who had largely come from marginalized backgrounds, and second, to raise awareness and build solidarity among the middle classes. While the CVR took a stance in favor of criminal justice and human rights from the beginning, the chapter argued that this position became more entrenched, creating a tense relationship with protagonists, notably the military and the Shining Path. This orientation shaped different aspects of its work, including its methodology, its narration of the conflict, its understanding of reconciliation, and its collection of testimonies. Unlike the Sierra Leonean TRC, the CVR was closely tied to criminal justice, making recommendations for prosecutions and condemning the Shining Path as a terrorist group. The chapter argued that the Peruvian post-conflict socio-political context and the CVR's approach to addressing the past were mutually reinforcing. While public stigma of the Shining Path constrained the CVR's truth-seeking efforts, the CVR's condition of auto-criticism and its contribution to retributive justice also isolated ex-combatants. As will be argued in the next chapter, the net result was an emphasis on reconciliation between state and society, and not between belligerents.

Leading into the next chapter, as in Sierra Leone, the end of the Peruvian conflict has prompted questions about the causes and responsibility for the conflict both among academics and internally. In the Peruvian context, where the secretive character of the Shining Path had previously constrained academic research on the group, a large literature has emerged since the end of the conflict, seeking to explain the group's motivations and emergence.[109] While academic literature generally emphasizes state weakness, there are divergences in the literature between those who focus on political opportunity structures versus micro level explanations. Mirroring the greed and grievance debate on

---

[109] Degregori reports the difficulty of doing research on the Shining Path, who operated in secrecy during the conflict. The MRTA, in contrast, waged a "media war," giving press conferences and inviting journalists. The MRTA projected an image of a "heroic guerilla," and a "*guerra limpia*" (clean war), sometimes subjecting themselves to auto-criticism in front of rural communities. Degregori, interview. For more on the MRTA's auto-criticism, see the CVR's interview with former MRTA director, Alberto Galvez Olaechea. CVR Report, Chapter 2.

Sierra Leone, on the one hand, many emphasize the movement's ties to economic resources structures. Focusing on the Shining Path's control over regional resources and economies, particularly the coca trade, Bruce H. Kay argues that state weakness allowed rebels to forge alliances.[110] This literature points out that the Shining Path base - the Huallaga Valley in the northeast of the country - is responsible for more than 70 percent of Peru's entire cocaine production. A booming market based on the illegal production and trade of coca, coupled by a failing legal economy and decreased government services, gave the movement critical resources to pursue their campaign.[111] For some, the regional opportunity structure also explains the decline of the Shining Path as the collapse of the coca economy, coupled with aggressive state institutional reforms, weakened the Shining Path.[112]

On the other side of the debate, another - mainly Peruvian literature - focused on the psychosocial aspects of insurgency, arguing that economic incentives and state neglect alone cannot account for individual participation in violence. Some have focused on the appeal of ideology in an unequal society, offering a form of social advancement and a way to gain prestige.[113] The Shining Path recruited in a backdrop of deep generational breaches, exacerbated by variations in access to education and internal migration. For Degregori, educated youth "had eyes," "they saw things that adults could not see," gaining respect through their new exposure and indoctrination into the movement.[114] Knowledge offered a channel of social mobility and "form of control," where the Shining Path was able to make sense of a history that had hitherto offered only despair and provide a way forward.[115] Often, as in Sierra Leone, the Shining Path took advantage of "micro-differences within communities" and of relative disparities, appealing to and playing upon existing inequalities within communities. It frequently targeted those with ambition, but on the margins, e.g. youth, women, and poorer peasants.[116] Violence became politics by other means as the insurgency provided a vehicle for advancement, as well as a way to settle personal scores.

Importantly, in this context, and tying into the CVR's report, both literatures stress state weakness. Jo Marie Burt argues that conventional political science understandings of insurgency, emphasizing structural conditions and "failed states," draw on European histories of Weberian state-building, where states eventually consolidate and institutionalize order in the market and society, creating a functional

---

[110] Kay, "Violent Opportunities," 99.

[111] Palmer, "Introduction," 7.

[112] Kay, "Violent Opportunities," 100.

[113] Ayacucho, at the time, had one of the highest rates of illiteracy in the country, second only to neighboring Apurimac.

[114] Degregori, *Qué Difícil es Ser Dios*, 79.

[115] Ibid.

[116] On women in the Shining Path, see Robin Kirk, "The Monkey's Paw: New Chronicles from Peru (Amherst, MA: University of Massachusetts Press, 1997); and Isabel Coral Cordero, "Women in War: Impact and Responses," Steve J. Stern, *Shining and Other Paths: War and Society in Peru, 1980-1995* (Durham and London: Duke University Press, 1998).

bureaucracy to control territory and maintain a legitimate monopoly of force. In her view, many Latin American states are better understood as "weak states," which do not collapse but never provided for their citizens.[117] Weak states do not maintain a monopoly over violence; rather, they failed to consolidate a system of citizenry and representative modes of political participation. In these contexts, states are often perceived as repressive and illegitimate, viewed as one of many competing models of representation.[118] As David Scott Palmer puts it, revolutions do not succeed, rather, states fail.[119] In his view, to understand the Shining Path, it is more important to study the Peruvian state's shortcomings, especially in the rural areas and its flawed response to the Shining Path, than the movement itself.

Linking to the next chapter, Chapter 7, these interpretations become important again in the CVR's investigations. The CVR attributed the underlying causes of the conflict largely to state neglect and the long time marginalization of rural regions, such as Ayacucho, as well as the state's inability to uphold the rule of law during crisis. The commission sought to address these factors through a civic nation-building process and by strengthening democratic institutions and responsibilities. It also sought to provide the basis for a more empathetic and emotionally connected society, seeking to generate new social bonds and a sense of responsibility through its historical investigation and use of public hearings.

Chapter 7 will now examine the CVR's contribution to national reconciliation. Chapter 7 will argue that the CVR had an important normative and discursive effect. The CVR increased awareness for victims of the conflict and state atrocities and provided an important mobilizing point for civil society. It also helped consolidate an overall norm of truth-telling, even among sectors, which were generally antagonistic to the commission, notably the armed forces. On the other hand, Chapter 7 argues that the CVR had a limited impact in increasing civic trust, and generating solidarity. While the CVR sought to generate social and political capital through its participatory methodology and pedagogical outreach, the chapter finds that the nature of the conflict in Peru and the lack of follow up undermined its contribution. Experiences of military violence and state neglect left a high degree of mistrust and resentment in war-affected areas, and the concentration of the violence to remote areas further distanced political violence from the emotional identifications of the coastal populations. In many cases, social tensions increased as a response to the CVR's work, leading to defensive reactions, notably among the military. Finally, in contrast to the RUF in Sierra Leone, the Shining Path remains particularly marginalized and absent from the public discourse in Peru.

---

[117] Jo-Marie Burt, *Violencia y Autoritarismo*, 30.
[118] Ibid, 29.
[119] Palmer, "Introduction."

7 National Reconciliation in Peru

The preceding chapter examined the establishment, procedures, and objectives of the CVR in Peru. Chapter 6 argued that the CVR was a hybrid TRC, incorporating a mix of didactic and participatory procedures. Like the Sierra Leonean TRC, the CVR focused its work on the civic sphere on national reconciliation. Similar to the Sierra Leonean TRC, the CVR tied its work to social learning. The CVR sought to raise awareness for victims and marginalized groups, identifying the general population, particularly middle classes in the capital, who were more removed from the effects of the conflict, as its key audience. The chapter also identified differences in orientation between the CVR and the Sierra Leonean TRC. Chapter 6 argued that the CVR was more focused on strengthening human rights and countering impunity than the more restoratively oriented Sierra Leonean TRC. Chapter 6 emphasized the CVR's limited engagement with ex-combatants, including the military and the Shining Path. It stressed the tense and polarized climate within which the CVR was established, highlighting indigenous communities' experiences of both military and Shining Path violence, the ethnic undertones of the conflict; the economic recovery in the capital, and the creation of the CVR in a context of democratization and human rights. Chapter 6 argued that these factors played important roles in shaping the CVR's orientation, encouraging its cautious approach towards ex-combatants and reinforcing its focus on acknowledging and empowering victims and marginalized communities.

Chapter 7 will now offer an empirical analysis of national reconciliation in Peru. Linking back to the analytical framework, provided in Chapter 3, the chapter evaluates the contribution of the CVR to national reconciliation. Unlike Chapter 6, which drew mainly on CVR officials and the analysis of primary materials, Chapter 7 will engage with the primary stakeholders of transitional justice. As in Chapter 5 on Sierra Leone, the research targets a broad cross section of society to evaluate the CVR's impact on individuals on different sides of the conflict. It will put particular emphasis on CVR participants, victims, community leaders, teachers, students, civil society and advocacy groups, military officials and ex-combatants. The chapter will evaluate how these groups perceived national reconciliation and their view of the CVR. It also analyzes the collective memories of different groups, particularly how different stakeholders remember the conflict and where they attribute responsibility; whether there was solidarity and understanding for ex-combatants and victims; and what must be done for reconciliation to occur. The chapter draws primarily on qualitative research carried out in Ayacucho as the region most affected by the conflict and home to the majority of the victims of political violence as well as ex-Shining Path. It utilizes interviews, focus groups, surveys, and participant observation through travel with the organization, COSMA, and attendance of ANFASEP Juventud meetings.

Using the threefold framework of national reconciliation as norms and discourses, civic trust, and solidarity, identified in Chapter 3, Chapter 7 argues that the CVR had a mixed impact on reconciliation. Building on Chapter 6, the chapter finds that similar factors that drove the CVR's orientation also constrained its impact over time. While the CVR had an important normative and discursive contribution by putting collective memory into the public sphere and providing a forum for civil society and victims' groups, the nature of the conflict in Peru and the lack of follow up to the CVR's recommendations severely undermined the CVR's contribution to civic trust and social solidarity.

The argument will be expounded as follows. First, the chapter looks at the CVR's normative and discursive impact. The chapter finds that the CVR played an especially important role in mobilizing civil society. In contrast to Sierra Leone, where civil society turn inwards, distancing themselves from national politics, in Ayacucho, civil society organizations increasingly focused their campaigns on Lima, working through the political process. In addition, the chapter finds that the CVR had an important discursive impact, raising awareness for victims and generating a public interest in collective memory. While debates over the past remain contentious, the chapter argues that this process strengthened democracy by providing a political platform for activist groups and channeling conflict into the public sphere.

Second, the chapter looks at the CVR's contribution to civic trust. Similar to the Sierra Leonean TRC, while the CVR sought to generate civic trust and political capital through its recommendations and public hearings, the nature of the Peruvian conflict undermined its efforts. The chapter finds that in Ayacucho, a heavy- handed military presence during the conflict and long history of state neglect fostered a fear of authority and a sense of regional persecution, especially where the military was seen as an extension of the state. While the CVR sought to address these legacies, the government's lack of follow up to the commission's recommendations, particularly in reparatory justice, undermined its impact on civic trust.

Third, the chapter finds that while the CVR played an important role in raising the public profile of victims – and the treatment of rural populations in general – similar factors limited the CVR's contribution to social solidarity. While many Peruvians were supportive of the CVR, noting its important role in increasing knowledge about the state's role in committing abuses, the CVR also generated intense criticism. In a polarized social context, actors' experiences during the conflict influenced their openness to the CVR and willingness to follow its work. Those with the most to lose from the CVR – actors affiliated with the former regime and protagonists in the conflict – tended to be critical of its narrative. Importantly, and unlike Sierra Leone, open discussion of the Shining Path remained absent from the public discourse as former insurgents remain highly stigmatized in Peru.

Rather than contribute to a more open discourse, this polarized social context stifled the CVR's work and inhibited it from offering an inclusive platform to all stakeholders.

Chapter 7 will be organized into three sections. Section 7.1 will examine the CVR's normative and discursive impact, Section 7.2 will look at the CVR's contribution to civic trust, and Section 7.3 will look at social solidarity. The chapter concludes will a broader evaluation of the contribution of the CVR to national reconciliation in Peru.

7.1. Norms and Discourses

The following section discusses the CVR's normative and discursive contribution in the civic sphere. It highlights the important yet often tense relationship between the CVR and civil society. It argues that despite rifts over the CVR's findings, the CVR strengthened procedural democracy by directing victims' campaigns into the public sphere. It also finds that the CVR had an important normative and discursive impact even among groups antagonistic to the commission by creating a public interest in collective memory and disseminating a language of human rights and responsibility.

While the CVR played an important role in providing a forum to civil society and increasing the visibility of victims in the public sphere, victims' campaigns and memory work preceded the CVR. On January 26, 1983, the Uchuraccay killings, in which seven journalists from Lima and their Ayacuchan guide were killed in a northern mountain region of Ayacucho, marked an early turning point in a contentious process of civil society pressure on the state to investigate political violence. Three days earlier, after media allegations surfaced of indiscriminate killings by the state in Huaychao, the journalists had travelled to the village to investigate the killings of Shining Path militants by peasants. The murders led President Fernando Belaúnde to establish an Investigatory Commission, headed by acclaimed Peruvian novelist and political figure, Mario Vargas Llosa. The commission concluded that villagers themselves had killed the journalists, whom they had mistaken for Shining Path.[1] The commission's report determined that the murders were an act of vigilante protection, where the village had been facing Shining Path attacks and were encouraged to protect themselves by the military.

Twenty years after the killings, the CVR determined that despite language barriers, the Investigatory Commission had provided a good account of the "tension and general violence" that produced the massacre, and of the backdrop of confrontations between peasants and the Shining Path. Nonetheless, civil society and academics in Peru have heavily criticized the Investigatory Commission. Late CVR commissioner, Degregori, points out that the report presented the killings as a "misunderstanding,"

---

[1] Llosa has been a political figure in Peruvian politics, losing to Fujimori in presidential elections on June 11, 1990.

that it depicted Uchuraccay as "backwards and violent," and its inhabitants as living in "pre-Hispanic times." He criticizes the "indiginism" of the report, as reifying cultural mysticism and the potential for violence in the drive for survival.[2] For Theidon, the commission's portrayal of the conflict reinforced an image in the capital of an "Andean rage," where the inhabitants of the Sierra are portrayed as "endemically violent" and explosive. In their view, the commission only further distanced Ayacucho and the conflict from the experiences of civilians in other parts of the country.[3] Today, civil society in Ayacucho contrasts the interest generated by the murders of the journalists to the lack of attention to the many deaths of peasants in Uchuraccay before and after the arrival of the journalists.[4]

Debates surrounding the Uchuraccay Commission are an early example of a memory politics in Peru that continues into the present. While civil society has stayed active in pushing for further inquiry into the past, direct stakeholders have generally been absent from these debates. Although the killings of the journalists were an important turning point in bringing the conflict to national and international attention, residents of the village, who had been facing attacks for decades, abandoned Uchuraccay during the conflict amidst growing violence by the military and Shining Path.[5] Over two decades later, the facts of the incident remain disputed and the journalists' families have called for further investigations.[6] A site of several memorials to the murders, the village remains largely isolated today.

While civil society activism helped set the stage for the CVR, the CVR provided an important impetus for civil society, as in the case of ANFASEP (Asociación Nacional de Familiares de Secuestrados, Detenidos y Desaparecidos del Peru). In 1983, after military soldiers kidnapped her nineteen year-old son, Arquemides, from their home, Angelica Mendoza de Ascarza became a representative and symbol for victims of the conflict. Generating domestic and international attention for her campaigns for missing peoples, "Mamá Angelica," as she is known in Ayacucho, founded ANFASEP in 1983 with other indigenous rural women as an organizing forum and refuge for family members of missing persons. Mostly run by relatives of military abuses, Arcarza and other women searched mass graves for the bodies of their missing children, frequently travelling to Lima to speak out. During the conflict,

---

[2] In an interview with the journal, *Caretas*, Llosa elaborated on the notion of "the two Perus," consisting of "men who participate in the twentieth century and men such as these villagers of Uchuraccay who live in the 19th century, or perhaps even the 18th. The enormous distance that exists between the two Perus is what lies behind this tragedy." *Caretas* (2 April 1990) in Maria Elena García, *Making Indigenous Citizens: Identity, Development and Multicultural Activism in Peru* (Stanford, CA: Stanford University Press, 2005), 43.

[3] Kimberly Susan Theidon." Histories of Innocence: Post-War Stories in Peru," *Localizing Transitional Justice: Interventions and Priorities after Mass Violence,* eds. Rosalind Shaw, Lars Waldorf and Pierre Hazan (Stanford, CA: Stanford University Press, Studies in Human Rights, 2010), 96-97.

[4] Theidon points out that while Shining Path violence began in the region three years earlier, this event marked the "initiation of a war in the hinterlands" at the national level. Ibid.

[5] Today, Uchuraccay remains one of the most isolated and remote parts of Ayacucho.

[6] Journalist and professor Carlos Infante Yupanqui at the UNSCH and son of the fallen Ayacuchan guide, denies the official account, explaining that his father knew the peasants and they would have recognized him. He believes the military is responsible for the deaths and that the assignation of blame to the peasants is a cover-up. Dr. Carlos Infante Yupanqui, interview by author, Ayacucho, Peru, 4 November 2010.

ANFASEP served as a grassroots victims' organization, housing a soup kitchen and cafeteria to feed orphans and children whose family members were missing.

The history of ANFASEP is an example of a complex dynamic between the CVR and local advocacy groups. While sustained civil society campaigns to create accountability helped set the stage for the CVR's establishment, the CVR also gave a new impetus to human rights and victims' campaigns. The post-CVR period saw a wave of NGO activity, manifest in the establishment of a plethora of organizations in the region. Many in the NGO community referenced the CVR's findings, referring to the commission as their "*punto de referencia*" (reference point).[7] As in the case of ANFASEP, this relationship went both ways. ANFASEP played an important role in the history of the CVR. CVR officials sometimes referred to Mamá Angelica as an inspiration for the CVR – Arcanza was the first individual to testify at the CVR hearings in Ayacucho. At the same time, the CVR improved ANFASEP's public image in Peru and helped it grow as an organization by playing a legitimizing function and providing support and resources.[8] With the CVR's support, ANFASEP established the *Museo de la Memoria* (Museum of Memory) above its offices in Ayacucho, detailing the history of political violence in Ayacucho and the story of ANFASEP as an organization. The museum features a replica of mass graves and the *Los Cabitos* military base and torture center, material artefacts of the disappeared, and a photographic mural of ANFASEP members, the majority of whom are indigenous women. Today, ANFASEP has approximately 200 members, and new wings, including ANFASEP Juventud (ANFASEP Youth) - young professionals and students, many of whom lost relatives in the conflict, and are committed to taking the organization forward.[9] Since its original inception, ANFASEP also expanded its advocacy to span other areas, notably individual reparations and state violence in the Amazon. Some of the Juventud have become well-known activists and spokespersons for their communities for human rights and victims' campaigns.[10] On 16 October 2005, the second anniversary of the CVR final report, the ANFASEP Museum opened as a major media event, with hundreds of people in attendance including former commissioners, political officials, and leaders of the human rights community. From its history as an organization branded as a terrorist organization by

---

[7] ANFASEP official, Yuber Alcarón Quispe, for example, shares his deep respect for Salomón Lerner, whom he refers to as a personal inspiration. Interview by author, Ayacucho, Peru, October 12, 2010.

[8] The García and Fujimori administrations routinely referred to the organization as "aligned with Sendero." Following her trip to Europe in 1985, Fujimori called Mamá Angelica a "Shining Path ambassador."

[9] ANFASEP provided for some of these youth during the war, cooking daily meals for children with missing family members.

[10] ANFASEP Juventud member, Heeder Soto Quispe has become a human rights and community activist, working for EPAF, and as an art therapist for indigenous women. His art features in the museum and he has travelled to peace conferences abroad to speak about victims' rights and the conflict. Heeder Soto Quispe, interview by author, Ayacucho, Peru, 11 October 2010. Another example is Daniel Roca Sulca from Cangallo. After his family's displacement by Shining Path violence, Sulca served in the army, before becoming a human rights activist in Ayacucho. Today, he works for the victims' organization, CONAVIP (Coordinadora Nacional de Organizaciones Afectados Por la Política de Perú). Daniel Roca Sulca, interview by author, Ayacucho, Peru, November 9, 2010.

the Fujimori and García administrations, state leaders now pay attention to the organization in the post-CVR period.

The CVR also played a direct role in inspiring new organizations. The CVR created several follow up commissions, including a reparations committee to oversee allocation and implementation of reparations. In Lima, many of the former CVR staff work at IDEHPUCP. The institute, headed by Salomón Lerner, is part of the PUCP and continues to conduct research and work on human rights, transitional justice, and forensic anthropology in Peru.[11] In Ayacucho, the CVR also helped inspire new organizations, some of whom are headed by individuals who worked for the CVR and seek to continue its objectives. Recently retired director, psychiatric nurse and Carmelite nun, Sister Anne Carbon, founded COSMA in 2003, together with local Ayacuchan nurses and volunteer psychiatrists from Lima, as a follow up to the CVR's mental health reparations program to treat victims of political violence and their families. Today, the clinic has expanded into a large center, doubling as one of the main providers of mental health services in Ayacucho and a handicraft center for patients, where patients engage in therapy through art and simultaneously acquire a means to sell their work.[12] COSMA also generated more attention and solidarity for victims of the conflict, attracting staff and a regular rotation of visiting doctors, staff and interns from Lima and other parts of the country.

More so than in Sierra Leone, the NGO community in Ayacucho now turns to Lima to pursue their campaigns, strengthening democracy by advocating their causes through democratic channels. In many ways, this process has become self-reinforcing over time as greater integration into democratic politics changed the orientation of civil society organizations. Younger members of the NGO community are generally more integrated into the political process, often traveling to Lima.[13] Significantly, ANFASEP Juventud see political advocacy in the capital and greater state integration as the main way forward to retain the relevance of the organization and carry out its aims.[14]

This process is dynamic and not uniform. Important members of civil society have challenged aspects of the CVR's work, particularly its historical findings. The majority of ANFASEP members disagree with the CVR's claim that the Shining Path caused more deaths than the state, maintaining that the

---

[11] It now offers a Masters in transitional justice and forensic anthropology, and is a base for visiting scholars focusing on human rights and transitional justice.

[12] Carbon estimates that fifty percent of the patients today are dealing with legacies of political violence, while the other fifty percent, deal with broader mental health issues. Given the conflict's long-ranging effects on society, she, like others working in mental health in the region, finds it hard to untangle the two. In her view, alcoholism and domestic violence have become worse, reflecting a general disillusionment and lack of opportunity, and a deeply scarred society. Sister Anne Carbon, interview by author, Ayacucho, Peru, October 1, 2010.

[13] During the field research, the author sat in on weekly weekend sessions with ANFASEP Juventud and a "marketing trainer," whom they had hired from Lima. The sessions evaluated how ANFASEP could better promote itself and channel its work through the political process.

[14] ANFASEP Juventud Focus Group (8 participants), held at ANFASEP, Ayacucho, Peru, November 6, 2010.

figure of military-related violence should be higher. [15] As opposed to the Shining Path, who intentionally left their victims in the open to inflict terror, the military's tactic of disappearances and deliberate burning and mutilation of bodies left victims missing or unidentified. The Peruvian forensic anthropology organization, EPAF, estimates that as more bodies are found, the number of victims at the hands of the military will also increase.[16]

Significantly, in the Peruvian context, criticisms of the CVR have created a vocal memory politics at both the national and micro levels. Similar to Sierra Leone, a common criticism in Ayacucho concerns the CVR's insufficient follow up in rural areas and its centralized character in Lima, raising questions about ownership and legitimacy. On the micro level, in Ayacucho, "*memoria histórica*" (historical memory) has become an important focus area for civil society, leading to the establishment of memory projects throughout the region. These projects have enforced the idea that history is not hegemonic, and that communities have the right to "make" their own historical memory and offer alternative narratives of the past.[17]

Memory politics also involved sectors, which did not participate in the CVR, notably the Peruvian military. In February 2011, the military released its counter-report to the CVR, entitled, "*En Honor a la Verdad*" ("In Honor of the Truth"). The report agrees with the importance of historical memory, emphasizing a collective duty to learn from history to prevent future conflict and administer justice for past wrongs. The report identifies its objective to give a "voice to one of the direct actors in the conflict: the forces of order or the state, and especially the military."[18] A common assertion is that the military would like a "do over" and to see a commission established with a military commissioner on board. According to several CVR commissioners, it is important to bear in mind that military officials were more willing to talk than is often acknowledged, and that conversations with lower ranking military officials still took place off the record. While the military's 2011 report is a criticism of the CVR, it also reflects the emergence of a wider norm of truth-seeking and process of legitimating one's actions in the public sphere.[19] Rationalizations are part of this process, where the military's discourse of "excesses," while denying responsibility, still utilizes a language of human rights and laws of war. Military members interviewed stressed that they would also like to tell "their story" of the conflict,

---

[15] Joseph P. Feldman, "Exhibiting Conflict: History and Politics at the Museo de la Memoria de ANFASEP in Ayacucho, Peru," *Anthropological Quarterly* 85, no. 2 (2012), 497.

[16] EPAF suspects that more than 15,000 missing persons remain of which only 1,500 bodies have been recovered and 600 have been identified. Tanya Molina Morote, interview by author, forensic anthropologist and regional coordinator of EPAF, Ayacucho, Peru, October 5, 2010.

[17] Community leaders and local NGOs focus on documenting historical memory through villagers' own mediums and voices.

[18] Marco Merino Amand, Ejército del Perú, *En Honor a la Verdad* (Comisión Permanente de Historia del Ejército del Perú: Lima, Peru, 2010), 7. Field interviews with military officials consistently demonstrated the military's interest in telling their version of events. Officials who were critical of the CVR still often respected the "idea" of a CVR.

[19] The military has disputed the CVR's figure of victims and its percentage of military related deaths as too high.

and that they felt their voice was missing in debates. While these alternative memories show the absence of a unified truth, they also represent a larger discursive shift about what types of debates belong in the public sphere and the claims generated by the past, and how individuals should pursue them.

On a broader macro level, the CVR's truth-seeking process put civil society in a stronger position to mobilize against the state. As demonstrated by the March 2011 *Chalina de la Esperanza* (Scarf of Hope) exposition in Lima,[20] moments of controversy bolster the democratic process as censorship ignites further human rights campaigns and media attention. Victims' increased visibility in the post-CVR period has raised their political clout and delegitimized political efforts to censor activists. In this instance, rural women from Ayacucho had scheduled a quilt display in the upscale Lima neighbourhood of San Isidro, documenting their experiences during the conflict and telling the stories of their missing family members. The San Isidro mayor's decision to cancel the event days before the women's arrival on the basis that it was pro-Shining Path prompted intense outrage by human rights organizations and close media scrutiny. Under public pressure, the Lima municipality moved the event to the capital's town hall, hanging the quilts in dramatic display around the municipal building. The attempt to censor the event resulted in a much bigger and high profile ceremony, with a keynote speech by noble prize winner and political figure, Mario Vargas Llosa, and contending political candidates in Peru's upcoming election in the audience.

While shifting political power to victims' groups, this process has been painful and involved trade offs, particularly for groups themselves. As the CVR strengthened civil society's position vis-à-vis the state, greater political integration also created tensions between organizations and their constituents and within organizations. In the case of ANFASEP, the organization's greater visibility in the post-CVR period raised new concerns over the extent to which the organization should work through the centralized political process versus hold on to its traditional role critiquing the state. There is a fear within the organization that the state's initiatives on victims' issues have decreased the organization's clout in other areas. In particular, senior members of ANFASEP have questioned whether the state's integral reparations program is in tension with the organization's political views and aims. ANFASEP administrator, and Mamá Angelica's daughter, Maribel Ascarza Mendoza, is critical of the rural populations' emphasis on reparations:

> I often say that the peasants are pragmatic people - too pragmatic. They are too sensible. They have this culture of resignation. Reparations are a tremendous risk. I tell them that they shouldn't be so quick to accept reparations until their greater concerns are met. What about the

---

[20] Attended by the author in the Plaza de Armas in Lima on January 18, 2011.

disappearances? What about justice and a change in overall state policies? Don't accept reparations until your voice is heard and your cause is achieved.[21]

For Mendoza, age 54, there was a "tension" between her cohort, who were thrown into the conflict, and "was forced to grow up so quickly" and "never had a youth" and the younger generation. While the CVR had a positive impact in creating a language of human rights and equality in front of the law and creating a more open atmosphere - "It [the CVR] has let us [ANFASEP] meet openly today" - the negative side of this "human rights culture" is that the younger generation is very "individualistic." While she emphasizes the importance of respecting the alternative views of young people, she warns of the broader loss of community: "They [young people] don't want to remember. We used to believe in community and have solidarity. This has changed."[22]

For other senior community activists, as well, the strengthening of civil society has yielded limited consequences. At a meeting for educators in Ayacucho, teachers described an "NGO boom" in the post-CVR period, yet expressed uncertainty about the "point of all these NGOs." As in Sierra Leone, Ayacucho has witnessed a certain revivalism of indigenous cultures and traditions and interest in turning inward among sectors of civil society. While not uniform, many raised the fear that political integration risked further exploitation. An agricultural engineer and development worker, working with indigenous women in Victor Fajardo, cited an array of negative effects arising from centralized state policies, ranging from problematic agricultural policies, eroding the soil, to food policies, contrasting the imported rice, causing dependency and malnutrition, to the depreciation and internalization of the region's native foods.[23] She was critical of the CVR, taking the view that talking about the past had stifled productivity for rural women by opening past wounds. While she comes from the capital city of Ayacucho, she and other members of her organization have relocated to rural areas, focusing on the development of local sustainable agriculture and the promotion of cultural traditions.

These more rigid positions of community leaders were sometimes at odds and challenged by *afectados* themselves. In a group interview with ANFASEP Juventud, two young men (in their 20s and 30s) expressed that it was good that the field research incorporated voices beyond the organization's directors. "First of all, I would like to congratulate you because these topics, which are spoken of many times, are referred solely to directors of affected communities, and not the actors themselves as the bases of youth or their own affected families." As will be elaborated in the next section, most *afectados* saw reparations as a form of justice and fundamental to address the causes of the conflict. In

---

[21] Maribel Ascarza Mendoza, ANFASEP administrator and lawyer, interview by author, Ayacucho, Peru, October 12, 2010.
[22] Mendoza, interview.
[23] Agrarian Engineer and IPAC official (Instituto de Promoción Agropecuaria y Comunal), interview by author, Huancapi, Peru, October 16, 2010.

some cases, *afectados* formed their own organizations and campaigns, distancing themselves from their ideologically staunch counterparts. Where ANFASEP remains an Ayacuchan organization, much of the younger generation is focused on political integration through the state, seeing participation in the democratic process as the only way forward.[24]

This section argued that the CVR had an important normative and discursive impact, mobilizing civil society and generating a wider norm of truth-seeking in the public sphere. While memory politics in Peru highlight a polarized socio-political context, collective memory has provided an important platform to social activists and victims' groups. The CVR strengthened civil society by tying collective memory to other ends, notably reparations. The greater political integration, generated by the CVR, involves trade offs, in some cases, leading to rifts within organizations and between activists and their constituents, and revealing a lack of consensus over how to address legacies of violence and move forward. By and large, however, the CVR strengthened procedural democracy, as younger generations, in particular, channel their efforts through the political process.

7.2. Civic Trust

"When reconciliation is achieved, it won't be necessary to talk about it. But this will come from concrete state changes in people's lives. We live in a place where the state is sick. Every single aspect of life – health, employment, education, and development – is affected by the state. Reconciliation will take place in the long-term; it will come from people within when they have opportunities."

- Law Student, age 21, UNSCH, Ayacucho.[25]

"How can you say building a school or well or better roads (what the state should do for us anyways) is a reparation? This is already our right to development – it is what the state should do for us already."

-Widow, Cayara.[26]

The following section evaluates the CVR's contribution to civic trust. In general, the chapter finds that while CVR participants found testimony to be a positive experience, the CVR's objective to generate civic trust was not successful. While one of the CVR's primary goals was to establish civic trust, two decades of political violence in Ayacucho had severely eroded political capital. In addition, the lack of follow up to the CVR's recommendations caused severe disappointment and resentment in war-affected communities. As argued in Chapter 6, while Ayacucho was not the only region of the country affected by political violence, the region's experience of military violence was unparalleled in Peru.

---

[24] Many members of ANFASEP Juventud work for human rights NGOs with offices in Lima, frequently traveling to and working with their counterparts in the human rights community in the capital.
[25] Interview by author, Ayacucho, Peru, October 21, 2010.
[26] Interview by author, Cayara, Peru, October 13, 2010.

The military established a presence in Ayacucho long before the general population had heard of the Shining Path. A prolonged and heavy-handed military presence during the Peruvian conflict, coupled with the state's long-term marginalization and lack of investment in the region, had severely damaged state-society relations.

In 2010, when the research was carried out, the effects of this dual legacy – military violence and political marginalization – were vast. Eleven years since the termination of the conflict, forensic investigations, exhumations, and reparations featured daily in the local press in Ayacucho and NGOs reported serious mental health problems and trauma among the population. Decades of political violence at the hands of military agents and marginalization had left a strong fear of authority. Although the region had been severely hit by both Shining Path and military violence, interviewees frequently distinguished between the two, arguing that Shining Path violence was merely a symptom of a wider context of state neglect and oppression. While interviewees pointed out that both the military and Shining Path committed violence against civilians, there was often a qualitative difference when individuals discussed military violence.[27] Interviewees tended to see military violence as less discriminate, pointing to widespread practices of rape and extrajudicial disappearances. As put by an engineer and development officer in Ayacucho: "Yes, Sendero Luminoso, and any group who committed violence, were bad, but we can never forget the sexual violence [of the military]. The women will carry that with them for the rest of their lives. Many cannot have children. The people here will never forget. How could they? Every time they see a uniform, every time they hear loud noises, they are scared."[28]

Where the military was seen as an extension of the government, military violence also left a pervasive mistrust of the state. Rather than protect the population from the Shining Path, interviewees pointed out that the military had turned on the civilian population. For a young Ayacuchan woman, working for the reconciliation organization, *Paz y Esperanza* (Peace and Hope): "It's not about whether one is worse than the other, but that the state should have protected us [from the Shining Path]. They weren't there when we needed them. Instead they turned on us."[29] They treated us like enemies," recalls an engineer in Huancapi, who used to travel to villages in Victor Fajardo for her agricultural work.[30] "For ANFASEP official, Mendoza: "They [the military] killed us as if we weren't part of Peru." Interviewee Rosa Maria, in an interview with her daughter in Cangallo, pulled out photos of her son – a scientist, who was killed by the military. She, like many other interviewees, expressed bewilderment

---

[27] Interviewees in Ayacucho consistently identified the state as the main culprit and the Shining Path as a symptom of structural violence and state neglect. This applied also to victims of the Shining Path.
[28] Interview by author, Huancapi, Peru, October 16, 2010.
[29] Ana Milagros Quiroz Vargas, Paz y Esperanza (Peace and Hope, NGO), interview by author, Ayacucho, October 20, 2010.
[30] Interview by author, Huancapi, Peru, October 16, 2010.

over why her family was targeted by the state: "He was a scientist. What did he have to do with politics? What did he ever do against the state?"[31] In contrast to the Shining Path, who intentionally displayed their victims in the open to make an example or disseminate fear, the military often conducted covert operations. The military's practice of disappearances, in particular, kept families in limbo, who hung on to hope that their loved ones would return or continued to wait for the remains. Interviewees frequently referred to disappearances as the worst type of violence, allowing no closure. The lack of information on missing persons also kept families from claiming reparations, perpetuating a further sense of victimization and helplessness vis-à-vis the state. At the same time, suspicion that the military knew the whereabouts of missing persons' remains further wore down civic trust.

Years of political violence also eroded trust at the micro levels. Fear of self-incrimination and betrayal by informants remained, especially within rural communities, where lower level ex-Shining Path and/or state collaborators coexisted with victims. Ayacuchan NGOs and academics described an atmosphere of self-censorship and "culture of fear," where individuals monitored what they openly said or were deliberately vague, particularly in areas heavily affected by military violence.[32] Some highlighted the "messy" nature of the conflict where former Shining Path militants switched sides to become *rondas* (supported by the state) and now served as political representatives. In the village of Cayara, charred homes and a high number of female headed households were a testament to the killing of boys and men during the conflict, and present day rural to urban migration as husbands and sons work in larger cities to send money home.[33] Victims of Shining Path violence described their difficulty to speak openly about their experiences in Ayacucho, where so many suffered from military violence and/or had Shining Path members in their families. The net effect, as put by lawyer and ANFASEP official, Yuber Alcarón Quispe, was a confused and "closed" society, with multiple narratives, and a "torn social fabric."[34] Interviewees often stressed the "indirect victims" of the conflict, where family hurts were passed down to the new generations.[35]

The ethnic undertones of the conflict further magnified the legacies of violence. In Ayacucho, a long backdrop of state marginalization and depreciation of indigenous culture and identity continued to

---

[31] Rosa Maria García Caldéron, interview by author, Cangallo, Peru, October 16, 2010.

[32] According to Kimberly Susan Theidon, ambiguity was a " resource" to facilitate reintegration of *arrepentidos* (repented ex-combatants), who turned themselves in to communities and showed their sincerity through remorse rather than discussion of their actions. "Justice in Transition: the Micropolitics of Reconciliation in Postwar Peru," *The Journal of Conflict Resolution* 50, no. 3 (2006), 451.

[33] The details of the Cayara Massacre remain contested. Ayacuchan Special Prosecutor, Carlos Escobar claims that the military executed at least 30 villagers before removing their bodies from the scene. See Amnesty International's coverage, including, "Peru: The Cayara massacre" (September 1989). See also the CVR's coverage on the Cayara massacre and the extra-judicial military disappearances of alleged suspicious persons that followed.

[34] Alcarón Quispe, interview.

[35] UNSCH students described a "broken cord and society in disharmony." UNSCH Anthropology Student Focus Group, Ayacucho, Peru, October 21, 2010.

politicize personal grievances, reinforcing a sentiment that the decades of Shining Path violence and reprisals were only one episode in a longer history of violations in the region. The region's present day struggles and marginalization magnified this perception, with many complaining that the causes of the conflict remained. This finding applied both to older generations, who had directly experienced the conflict, and young people, who described their dejection and hopelessness about the future. In their view, in a highly unequal class structure, the only vehicle for social mobility was education; yet even here young people perceived few prospects of finding gainful employment with the only university in the region stigmatized for its historic association with the Shining Path. The state's marginalization of the region strengthened the perception that military abuses were systematic and state sanctioned. Political violence was seen as a product of the disregard of the capital elite and middle classes for those of indigenous or rural descent. Opposition to the CVR's work and denial of the scale of abuses by powerful sectors in the capital were perceived as a depreciation of the lives of indigenous citizens as less valuable.[36] Interviewees, particularly young people, cited ethnic discrimination and racism as barriers to reconciliation, complaining of the persistence of prejudices against those of indigenous descent as "inferior" and "backwards." Many described social and professional discrimination on account of their Ayacuchan background when they traveled or looked for work outside of the region, especially in Lima, where they felt stigmatized for coming from a "red" or subversive area.[37] In their everyday lives, younger interviewees felt stifled by the region's association with the Shining Path, complaining of a censored atmosphere and severe government restrictions on political activity and areas of study, due to a conflict, which they had not personally experienced.[38] As put by a professor of anthropology, relaying an earlier arrest of a student on suspicion of subversion: "We can barely breathe here." He argued that censorship has stifled critical thinking among students: "What kind of children are we going to have? We put words in their mouth and they tell us what we want to hear."[39]

The CVR sought to address these legacies, aiming to foster civic trust through its hearings and recommendations. While CVR participants found the experience of testifying to be largely positive, others felt resentful by the lack of a political response to the CVR's work. The state's failure to apologize and assume concrete responsibility came up consistently in interviews as a continued injustice and barrier to reconciliation. A common complaint was that political officials responsible for abuses were still in power. By far, however, the lack of follow up in the post-CVR period was the largest grievance, severely undermining the CVR's contribution to civic trust. While the CVR consciously held hearings in war-affected parts of the country and in the language of local

---

[36] See Salomón Lerner's recent article, "Por Qué Incomoda la Memoria?" *La Republica* (16 September 2012).
[37] UNSCH Law and Anthropology Focus Groups.
[38] At the time of the research, the government had banned lecturers at the UNSCH from teaching disciplines that had an association with the former Shining Path presence at the university, notably, political science, sociology, and philosophy.
[39] Dr. Manuel Mayorga, UNSCH, Anthropology Department, interview by author, Ayacucho, Peru, November 5, 2010.

populations, interviewees often pointed out that they did not receive the final report and were not aware of its findings. As in Sierra Leone, the government's slow progress to implement the CVR's recommendations with regard to reparatory justice was particularly contentious.[40] Interviewees stressed the importance of individual over collective and symbolic reparations. In their view, individual reparations not only provided crucial economic support to *afectados*, but also offered a direct form of recognition to victims of atrocities.[41] Victims frequently criticized collective reparations, such as building schools or roads, as fulfilling what the state already owed them as their right to development. For a twenty-two year-old Ayacuchan university student and ANFASEP Juventud member, studying anthropology, collective reparations reified a problematic discourse of victimhood by focusing on the "generalized repair of destruction," rather than a direct repair of wrongdoing: "victim connotes helplessness and charity; what communities want is justice and recognition."[42] Individual reparations, it was commonly argued, had a greater ability to afford this recognition through their direct acknowledgment of wrongdoing, thus serving as a form of justice. ANFASEP Juventud members stressed the importance of an integral approach, starting with individual victims and affected families, and then repairing the effects of the conflict collectively on the entire region.

7.3. Solidarity

> *"What does historical memory have to do with reconciliation? What happens when the families, affected by political violence, live in a cycle of pain? What happens when they don't feel understood by the rest of society, resulting in practically a broken cord between generations, of adults, who directly experienced the political violence, and those who indirectly experienced it, but can't really empathize, and don't take it as obligatory or important? If there existed more [projects for historical memory], as an affected person, I would believe that at least someone understands me. I would feel at least that the history that I have, I have shared with others. But without these places of memory, I would definitely feel that my pain is my own, that my past is my own. The function of historical memory is therefore to ensure that this pain, this remembering, is*

---

[40] Many did not understand that the CVR was only able to make recommendations and did not itself have the legal ability to monitor and deliver reparations. Some felt directly betrayed by the CVR, referring to the CVR as a "*comisión de mentiras*" (commission of lies). After his frustration by the government's lack of progress in implementing reparations, Lerner cited criticisms that the CVR did not deliver its promise of reparations as one of his biggest disappointments. Lerner, interview.

[41] State officials working in collective reparations also raised this symbolic function, emphasizing the importance of providing communities with an official letter saying that reparations came from the government. As put by a government official in Ayacucho, working in reparations: "It's important for people to know that they [reparations] came from the state rather an international organization, and that this is meant to acknowledge violence, rather than represent one more government project." Officials working in reparations in Ayacucho and Lima also argued that the legacies of the conflict were collectively shared and that communities were so interconnected that a crime against one individual or family had repercussions and was felt by all. Because of the number of indirect victims, and the broader problems in identifying those who should receive individual reparations, they made a case that reparations should be collective and that individual reparations could further divide commissions. See Felix Palomino Quispe, SER, interview by author, Ayacucho, Peru, October 19, 2010; Jairo Rivas, Consejo de Reperaciones, interview by author, Lima, Peru, December 19, 2010.

[42] ANFASEP Juventud Member and Anthropology Student, age 24, ANFASEP Juventud Focus Group, Ayacucho, Peru, October 16, 2010.

not just my own. Make it everyone's – yes, everyone's - so that we are all aware, so that we all would prevent such violence again, so that we all feel empathetic, so that we all will help lobby and fight for victims' rights. Because otherwise, we will continue to be fractioned. Some of us will belong to organizations for those affected by political violence like this one, and we'll keep fighting for the truth, for justice, for reparation, for dignity, and we'll feel alone, while others won't understand why we're fighting."

24 year-old female university student and member of ANFASEP Juventud, Ayacucho.[43]

As detailed in Chapter 6, the tense social context surrounding the CVR's establishment strongly shaped popular reactions to reconciliation and the truth-seeking process. As was the case for civic trust, the nature of the conflict in Peru undermined the CVR's contribution to social solidarity. The following section will argue that the CVR had a mixed impact in generating solidarity. The CVR played an important role in generating attention for victims and put the marginalization of indigenous populations into the public sphere. Where the middle classes' exposure to the conflict had largely been limited to Shining Path and MRTA violence, the CVR also helped bring attention to the underlying causes of violence and the state's role in committing abuses. At the same time, the CVR exposed deep societal divisions. While all interviewees generally agreed with the importance of a truth-seeking process, interviewees' social backgrounds and experiences during the conflict affected their openness to the commission. Although the CVR succeeded in increasing the public profile for victims, it had little impact in providing a space to protagonists in the conflict, including the military and insurgent groups.

As argued in Chapter 6, in contrast to Sierra Leone, the Peruvian CVR's primary objective from the beginning was to create a space to honor and recognize victims of political violence. Established as part of a larger climate of human rights following the discovery of massive corruption of the Fujimori regime, the CVR had defined itself less as a restorative body, but as a human rights mechanism, meant to bring justice to victims and counter impunity. In this regard, the CVR succeeded. The CVR significantly increased awareness for victims and the marginalization of rural provinces. Most of the CVR's testimonies came from victims of indigenous descent, with the first hearings held in Ayacucho. Public opinion polls during the CVR's operation showed that Peruvians were strongly in favor of the CVR and moved by the testimony of victims.[44] In the post-CVR period, victims' experiences assumed a more prominent role in the public sphere, reflected in films and exhibitions about the conflict, and the attention given to victims' campaigns in electoral politics.

---

[43] Female Communications Student at the UNSCH and ANFASEP Juventud Member, age 24, Focus group, Ayacucho, Peru, November 6, 2010.

[44] Public opinion polls carried out during the CVR's operation revealed a generally favorable view, with a majority in favor of a CVR and in agreement that it did a good job. See Carlos Iván Degregori, *Qué Difícil es Ser Dios: El Partido Comunista del Perú - Sendero Luminoso y el Conflicto Armado Interno en el Perú: 1980-1999* (Lima: Institute of Peruvian Studies, 2010); Eduardo Gonzales Cueva, "The Peruvian Truth and Reconciliation Commission and the Challenge of Impunity," in *Transitional Justice in the Twenty-first Century*, ed. Naomi Roht-Arriaza (Cambridge: Cambridge University Press, 2006).

Interviewees of varying social backgrounds and on all sides of the political spectrum broadly agreed with the CVR's understanding of the root causes of the conflict, citing, in particular, the political and economic marginalization of the Sierra, chronic underdevelopment, and a crisis in education. Public opinion polls also showed high support for carrying out the CVR's recommendations, particularly in criminal justice and reparations.[45]

Beyond these points of convergence, however, the CVR exposed strong social divisions. Perceptions of victimization and scapegoating often affected individuals' willingness to engage with the CVR in the first place. While many were broadly supportive of a truth-seeking process and of the "idea of a CVR," stressing the importance of studying the past to prevent future conflict, many took issue with the CVR's findings and composition. In Ayacucho, the CVR was frequently considered to be too "academic" and "intellectual." Many pointed out that the commissioners represented educated, left-leaning, white males from Lima, and that only one commissioner spoke Quechua. Individuals across the political spectrum accused the commission of bias, summarily dismissing the CVR without having read the report.[46]

Social understandings of reconciliation and of the CVR's contribution were highly divided. CVR participants frequently expressed a positive reaction to their testimony at the CVR.[47] In their view, the CVR played an important role in honoring victims' experiences in the public eye. The CVR also restored a measure of dignity to victims, highlighting the strength and agency of survivors of violence. The CVR's first hearing with Mamá Angelica gave her a platform to speak about her missing son, and also paid tribute to her courage and campaigns during the conflict on behalf of missing persons. In another of the CVR's earliest hearings, Magdalena Monteza Benavides, who was wrongly arrested for suspicion of being a Shining Path member and raped by a group of military soldiers, testified with her young daughter (born of the rape). In an emotional hearing, she detailed her personal journey to overcome the experience and of her love for her child.[48] Benavides found the experience largely positive in affording social recognition and solidarity. Members of ANFASEP Juventud considered historical memory to be a critical part of reconciliation. In their view, historical memory offered a way

---

[45] Ibid.

[46] This sometimes resulted in conspiratorial accusations that commissioners were pursuing their own political interests through the commission, after having failed in the domestic political process, now with the aid of the international community. CVR President, Salomón Lerner Febres, has been subject to death threats and serious harassment.

[47] See also Lisa J. Laplante and Kimberly Susan Theidon, who found that by and large, for their interviewees (former CVR participants in Ayacucho) giving testimony had cathartic effects, although these were later undermined by the lack of concrete follow up. "Truth with Consequences: Justice and Reparations in Post-Truth Commission Peru," *Human Rights Quarterly* 29, 1 (2007).

[48] Interview by author, Lima, Peru, February 23, 2011.

to show respect to survivors of violence, and "co-share their pain."[49] Public testimony and its inscription into official memory markers provided a medium through which victims could feel less atomized and generated solidarity and social interest.

In rural areas, however, the lack of follow up often undermined the positive impact of the CVR. Some juxtaposed the short-term CVR and the attention it received to the lack of changes to people's lives. Interviewees emphasized corruption and the lack of justice – that not enough military officials have been put on trial and the absence of reparations – as well as the continuation of socio-economic problems, notably, poverty and the lack of opportunities. While many – particularly youth participants – strongly emphasized education as a vehicle for upward mobility and social progress, they brought up the difficulty of obtaining work, pointing out the historical taint of the UNSCH when they travel to other parts of the country.[50] Many questioned the value of democratic representation without social justice. As put by a young member of ANFASEP Juventud, "yes, we have democratic procedures now, which we deserve for our efforts, but we have no opportunities, or dignity, and the region remains forgotten."[51]

Understandings of national reconciliation varied widely. In marginalized areas in Ayacucho, war-affected communities described reconciliation as an intimate and personal process, defining reconciliation as "peace" and tranquility and "internal healing."[52] For a ninety-year-old woman from Cangallo, whose son was killed by the military: "Reconciliation is being able to sleep tranquilly at night."[53] Most cited mental health and the passage of time as most important drivers of reconciliation. NGO workers sometimes referred to reconciliation as a *"palabra impuesta"* (imposed word), which does not exist for rural populations, where victims live in a "forced coexistence" with former perpetrators.[54] In focus groups conducted through COSMA in Colca, village women agreed that reconciliation was possible – and relevant – at the individual, interpersonal, and communal levels, but not at the state level.[55] In a workshop with thirty high school students in the village of Colca, participants stated that they believed that reconciliation was possible at many levels (the individual, inter-personal, and communal levels), but never with the state (national reconciliation).[56]

[49] ANFASEP Juventud Focus Group, Ayacucho, Peru, November 6, 2010.
[50] UNSCH Law Student Focus Group, Ayacucho, Peru, October 21, 2010.
[51] Participant in His Twenties from Cayara, ANFASEP Juventud Focus Group, November 6, 2010.
[52] Colca Adult Focus Group, Colca, Peru, October 15, 2010.
[53] Calderon, interview.
[54] Colonel, interview.
[55] Colca Adult Focus Group.
[56] Youth participants defined reconciliation as "a way of living in harmony, peace, tranquility and equality," and "adopting a culture of peace." Some also described reconciliation as "forgetting bad experiences, related to the war," as well as a "pact" and "understanding" between two groups. Colca Youth Focus Group (ages 16-18), Colca, Peru, October 15, 2010.

In contrast to rural populations, who tended to see national reconciliation as abstract or irrelevant, for educated sectors in Ayacucho – young people, academics, students, and civil society – national reconciliation often carried a stigma. In their assessment, while the CVR strengthened civil society and reinforced democratic norms and procedures, it also exposed the lack of reconciliation between society and state. There was a widespread view that the state was the primary barrier to reconciliation and that reconciliation would require concrete changes in state policies, especially in social justice and economic opportunities.[57] A common sentiment was that reconciliation was a "misnomer;" that it implied a "conciliation," which never existed.[58] Some argued that reconciliation was a "political" concept manipulated by the state to curb social resentment. Echoing the statements of other students at the university, for an anthropology student at the UNSCH:

> The state looks for mediums; channels to transmit reconciliation. It's psychological propaganda to channel the discontent. And they do research and say that we all want reconciliation, but it's not what we said. For Peruvians in Lima, the whole world is Lima, and the rest of us don't exist, or we are backwards, and red (subversive). They've been trying to bring us in for a long time, with their "modernization schools," trying to make us like them, and we don't even know who we are anymore, but they still resent us.[59]

Similar to the CVR, for many interviewees, truth was a prerequisite for reconciliation. In their view, the state had failed to accept the "truth of victims."[60] Where the CVR played an important role in putting collective memory into the public sphere, it also exposed the lack of political will to implement its recommendations. As put by a young member of ANFASEP Juventud (age 30): "What needs to be done for reconciliation? Well it's very clear to me. I understand that there are plenty of economic resources in this country, and they haven't given any to us. Once there is some investment in this forgotten region and its people, we can talk about reconciliation."[61]

Another common perception was that reconciliation was contingent on the state adopting more progressive social and political provisions, notably, an open understanding of citizenship and official support of multiculturalism. For Doctor Carlos Infante at the UNSCH, "Reconciliation for politicians is that the Indian or "*cholo*" (a derogatory term used for those of indigenous descent) accepts with happiness his donation." In his view, reconciliation required nation building, not in the "fascist sense," but as a socio-political process of "value pluralism and mutual respect." In his words, "We have to feel Peruvian. Only if the state helps and includes us can we develop."[62] For Infante, nation-building would

---

[57] In two focus groups conducted with eight university students at the UNSCH, six participants said national reconciliation has not advanced in Peru, and two believed it was impossible with the state. These included four law and four anthropology students. UNSCH Focus groups, Ayacucho, Peru, October 21, 2010.
[58] Ibid.
[59] UNSCH Anthropology Student, age 24, originally from Cayara, Ayacucho, Peru, October 21, 2010.
[60] Soto Quispe, interview.
[61] ANFASEP Juventud Focus Group.
[62] Infante, interview.

require meaningful engagement with the Shining Path as one of the main actors in the conflict, taking into consideration the one time social base of the Shining Path: "We cannot forget that at one point the Shining Path mobilized thousands of people. What happened to these people? Who represents them?" Citing the capture and killing of nineteen-year-old Ayacuchan ex-Shining Path woman, Edith Lagos, by the military in 1982:

> Never before had Ayacucho been so mobilized. Thousands of people literally poured into the streets for her funeral. It is as if all the collective pain and suffering of this region and our people were encapsulated in this one event. Today, it is as if this history is swept under the rug; people pretend it never existed. Nobody talks about the Shining Path or their role in this society.[63]

For Infante, the CVR's conception of national reconciliation between state and society was "abstract," failing to integrate the principle protagonists. Until the state institutionalizes new policies and outlooks, "reconciliation is forgetting why we fought." He maintains that the current constitution is a "war constitution," arguing that nation-building required a new constitution, where it is not a crime to protest; and which would address the problem of (Shining Path) prisoners, disappearances, and expatriates.[64] Other civil society officials in Ayacucho shared similar views, stating often that the CVR should have included a Shining Path commissioner.

Social views were most polarized over perceptions of responsibility. In rural areas in Ayacucho, while some cited the prosecution of Fujimori as a victory for justice, others were grateful to the former President for "pacifying the country," and visiting the villages.[65] Some stated that they felt a closer tie to Fujimori due to his immigrant Japanese background, referring to him as "El Chino" (the Chinese), and his hard-working, practical mentality. In Lima and the coast, on the other hand, individuals often criticized the CVR as biased in favor of the Shining Path. Where middle classes broadly supported the CVR, a widespread discourse remains that violence is the cost of war. For the coastal populations, the Shining Path remains the face of the conflict and bears a strong stigma, remembered as a movement, which was senselessly violent and "killed people like dogs."[66]

---

[63] Ibid. For a discussion of Lagos as a cultural rather than political figure, see Degregori, *Qué Difícil es Ser Dios.*
[64] Ibid.
[65] As put by a widow in Cayara, "he [Fujimori] was the only president who ever visited us, cared for us, and came to talk to us." Interview by author, Cayara, Peru, 13 October 2010. On the impact of Fujimori's populist political style on the poor, see Patricia Oliart, "Albert Fujimori: 'the Man Peru Needed'?" *Shining and Other Paths: War and Society in Peru, 1980-1995*, ed. Steve J. Stern (Durham and London: Duke University Press, 1998).
[66] Residents of Lima remember the 1980s and 1990s blackouts, attacks on infrastructure, hostage crises, and bombings in Lima. The Japanese Embassy Hostage Crisis in 1996 is a particularly vivid instance. In this case, fourteen MRTA members took hostage hundreds of senior diplomats, government, military officials, and businessmen.

Members of the military and former state actors have reacted particularly strongly to the CVR. A mobilized coalition of military and conservative sectors in Lima publicly referred to the CVR as a leftist organization, biased against the military.[67] The military's counter-report (2011), acknowledges "excesses," but denies any institutional sanctioning of violence against civilians. It stresses the military commitment to civil-military relations and training, citing psychological strain and personal reprisals, racism, cultural and language barriers, superiors' lack of control of subordinates, and poor recruitment policies during the quick escalation of the conflict as factors that augmented abuses. The report urges consideration of the contexts within which abuses took place as mitigating circumstances, focusing on the loss of agency during wartime, and the emotional strain of soldiers. Military officials often extended this narrative to society at large, claiming that the middle classes turned a blind eye and gave the military a carte blanche to defeat terrorism, and now that the Shining Path was defeated, were pushing for trials.[68] In their view, the general population was indifferent and/or did not want to know about a conflict in remote parts of the country until the Shining Path reached Lima. For a retired colonel from Lima, who had been stationed in Ayacucho: "Peruvians were happy to support Fujimori. They supported him to do 'whatever it takes' to defeat terrorism. Now they want to prosecute him."[69] Military interviewees pointed out that they fought against a campaign of terror on behalf of a democratically elected state, and were disturbed by the portrayal of the conflict as a "civil war" between the military and Shining Path.[70] For a former colonel from Lima, who had been stationed in Ayacucho during the conflict, the military sacrificed for the country and received little in return. He cites the absence of veterans' benefits and pensions, and the military members who were crippled and suffered from post-traumatic stress. A related grievance is that civilians did not appreciate the conditions of the conflict and the challenge of defeating the Shining Path.[71] These officials, like the report, raised the difficulty of identifying targets, describing a context of ambushes and betrayal, and

---

[67] A common sentiment was that the military has been scapegoated and that the CVR was trying to bring down the military corps. A vocal coalition has mobilized in criticism of the CVR. The organization, Instituto Paz, Democracia y Desarrollo (Institute of Peace, Democracy and Development), headed by Victor Robles Sosa, has produced publications and held conferences in response to the CVR, identifying as its purpose to represent the perspective of the military and police. While none of the military officials interviewed had not read the CVR's report, all stated that they "knew its position" by virtue of knowing the identity of the commissioners. Mirroring the official military position on the conflict, they also questioned the CVR's figure of victims and military-related deaths as too high, and challenged the "political interests" of the CVR. Interview with former military Colonel from Lima, Peru, February 16, 2011.

[68] Interview with a former military colonel from Lima, stationed in Ayacucho during the conflict, Lima, Peru, January 16, 2011.

[69] Ibid.

[70] ANFASEP interviewees and UNSCH interviewees also often took issue the narrative of political violence as a conflict between two sides, stressing that counter-insurgency mischaracterized a conflict where the state attacked civilians with helicopters, and that the state should also be identified as a terrorist.

[71] According to the former military official, the CVR "destroyed the military's honor and prestige." The interviewee, who was sent to Cayara after the massacre, describes the village as a "ghost town," dejected after prolonged violence by the Shining Path and military, in contrast to other villages, where he had been stationed. He describes Cayara's "cursed" strategic location in the fighting between the military and the Shining Path, arguing that a standoff with the peasants in this context was inevitable and that the village was "doomed" before the military arrived.

the difficulties of fighting an enemy, who "wears no uniform" and uses civilians as human shields, sending children to plant bombs. They highlighted the tired state of their soldiers, who were generally young and uneducated, and drawn mainly from the coast, and the challenge of fighting a counter-insurgency in the Andean terrain, where they did not speak the language of the local population and felt as if they were in "another country." [72]

Perhaps, most significantly, public discussion of insurgents remains contentious. While the CVR recommended the rehabilitation of Shining Path prisoners once they finished their prison terms, to date, with the exception of individual pastoral work in jails and Evangelical outreach efforts in rural areas, Peru lacks an official policy to reintegrate ex-combatants.[73] The Shining Path's current involvement in drug-trafficking has further reinforced its image as a criminal-terrorist, rather than a political group. There was a common perception that ex-Shining Path members have not reformed their political views. Open discussion of the insurgencies was also delicate where lower level militants have now been released from jail or never served jail time. Most ex-insurgents in the capital cities hid their identities.[74] In contrast, the few former Shining Path, who were open about their views were more politically active and had returned to politics on a pro-Shining Path platform. Ex-insurgent interviewees themselves confirmed this view, stating that the Shining Path's involvement in the drug trade reflected the current ranks' abandonment of ideology.[75] A female ex-MRTA member from Lima argued that the de-politicization of the MRTA was already noticeable when she was in the movement, as the MRTA began attracting a larger number of "delinquents," looking for personal profit.[76] In her view, these individuals were "rogues," as opposed to the students from her generation, who had joined for ideological reasons and made "personal sacrifices," abandoning their education and professional careers and cutting off contact with their family members. While interviews with two ex-insurgent women in Lima revealed that both regretted their participation in the conflict, the women shared their struggles to come to understand their involvement in these movements. Both women had spoken to the CVR in private (and focus groups) while in prison. Today, since being released, they hide their pasts, with only their family and closest friends knowing their identities. The female ex-MRTA combatant was able to provide a strong narrative of why she joined the MRTA, citing her interest in social justice

---

[72] Ibid.

[73] Pilar Coll Torrente, interview by author, Lima, Peru, February 3, 2011.

[74] For Torrente, who has worked with hundreds of ex-Shining Path and MRTA female prisoners, this is the case for most ex-combatants. Some ex-Shining Path, however, have returned to politics on platforms, advocating amnesty and reconciliation with the Shining Path, notably, Vasty Lescano Ancieta, who recently ran for local elections in Puno on a MOVADEF platform, after serving a sixteen-year jail term.

[75] A former female Shining Path combatant from Huánuco, interview with author, Lima, Peru, February 23, 2011. The interviewee joined the Shining Path as a twenty-year-old sociology student.

[76] The interviewee was an anthropology student at the PUCP in Lima from a middle class family when she joined the MRTA. She attributes her interest in the MRTA to her commitment to social justice and political activism from a young age. The interviewee dropped out of university and cut all ties with her family for ten years to serve in the MRTA, rising to the position of bodyguard to a senior leader before their joint arrest. Interview by author, Lima, Peru, February 26, 2011.

from a young age, her close relationship with her grandfather, who was always "socially conscious," and her growing political awareness as an anthropology student at the PUCP in Lima. These culminated in her eventual attendance of MRTA meetings, which she felt was more attractive for its more ideologically rigorous and principled image than the Shining Path. Yet, as she points out, although the majority of her cohort was politically active and sympathetic to the left, most did not join insurgency groups and certainly none reached her rank.[77] In her view, any answers she could give to such questions are "predetermined" and she has spent the last ten years trying to work out with a psychologist why she fought in the movement. While she has found some "peace" in society through her current work with street children and her dignified treatment by police women in prison, the stigma of ex-insurgents and the lack of open dialogue with others with similar experiences have been barriers to making sense of this chapter of her life.[78]

Where TRCs seek to create solidarity by understanding individual motivations and wartime agency, this objective stands in contrast to actors' struggles to comprehend their own actions and objectives. In post-conflict Peru, rather than create a space for competing narratives, the CVR revealed the boundaries of social tolerance. The CVR was both an instrument seeking to influence perceptions and a product of its environment. In a setting where public discussion of the MRTA and the Shining Path remained highly sensitive, the commission concentrated its efforts on raising awareness and providing acknowledgment for victims of the conflict. Additionally, in a social climate intolerant to former insurgents and of ongoing criminal prosecutions, both former military officials and ex-Shining Path declined to take part. As put by Kimberly Susan Theidon, the result was a commission that focused on victimization rather than protagonism.[79] While the CVR provided a detailed account of the root causes of the conflict, it declined to address the question of what motivated so many thousands of individuals to take part and support the insurgencies.

7.5. Conclusion

This chapter examined the role and contribution of the CVR to procedural reconciliation in Peru. Drawing on the threefold conception of national reconciliation, developed in Chapter 3, the chapter

---

[77] The interviewee described the "test" process through which she rose up in the MRTA ranks. She identified her arrest as the moment she realized her level of ideological commitment was not what she thought it was. A leak had led the police to surround the heavily armed safe house where she was hiding with the commander. When the commander instructed that both should kill themselves with grenades, she realized that her loyalty to the movement was insufficient to take her life.

[78] Ibid.

[79] Kimberly Susan Theidon describes a general condition of simmering low-intensity intrastate conflicts, characterized by political violence at the hands of state agents and insurgent groups and intimate violence between neighbors. *Entre Prójimos: Violencia y La Política de la Reconciliación en el Perú* (Lima, Perú: Instituto de Estudios Peruanos, 2004).

argued that the impact of the CVR to procedural reconciliation was mixed. On the one hand, the CVR had an important normative and discursive function. The CVR played a significant role in raising awareness for victims, and of the military's commission of human rights abuses in the Sierra. The CVR was an especially important catalyst for civil society and victims' groups, who used the commission as a reference point for their campaigns. The CVR also had a significant discursive impact in putting Peru's three decades of political violence into the public sphere. This process generated a nationwide interest in historical memory and politics about the past, which continues to this day.

On the other hand, the chapter found that the CVR's contribution to civic trust and social solidarity was limited. The nature of political violence in Peru undermined the CVR's contribution to civic trust. In Ayacucho, a long legacy of state neglect and military violence had left a deep distrust of political authority and democratic politics before the arrival of the CVR. Here, as in Sierra Leone, the lack of follow up played an important role. While the CVR provided an important platform for civil society, the CVR raised expectations, which also delegitimized the commission over time. As in Sierra Leone, war-affected communities criticized the CVR on its own terms, focusing on the lack of follow up and change. This applied to the individual level, where people complained about the lack of reparations, and on the collective level, where interviewees pointed out that the causes of the war remained and that the state has not addressed injustices. While the CVR offered a detailed reparations scheme, subsequent administrations have put up barriers to going forward with reparations, setting stipulations on eligibility and sustaining an ongoing politics surrounding restitution.

Similarly, regarding social solidarity – and the CVR's attempt to foster social learning and collective responsibility – individuals filtered their views of the past through their own experiences and perceptions of victimization. While the CVR generated dialogue about the past, critical reactions to the CVR also revealed deep rifts in society. Cass and regional differences strongly affected individuals' experiences of the CVR and perceptions of the conflict. The chapter highlighted the struggles of former protagonists to come to terms with their own pasts, especially in a context where former insurgent groups, particularly the Shining Path, remain heavily stigmatized in Lima. Rather than foster collective responsibility, the CVR elicited defensive reactions, as individuals on all sides felt victimized by the conflict and questioned the CVR's findings and allegiances.

On their own, the politics surrounding the CVR do not undermine the commission's work. As detailed in Chapter 3, memory politics can reinforce democracy by channeling conflict into the public sphere. For former CVR officials, if anything, public criticism is an indicator of effectiveness. As put by

Rolando Ames Cobían, "This is not a job that makes you popular. We knew that from the start."[80] Félix Reátegui comes to a similar conclusion, "If everyone criticizes you, you can say you have done your job."[81] In Peru, the CVR's role in generating norms and discourses about the past reinforced procedural democracy by encouraging a more pluralistic political process and fostering a culture and language of human rights. What these debates do reinforce, however, is that mechanisms of transitional justice are endogenous to their social and political contexts. The broader socio-political context and history, which the CVR sought to address, also shaped and limited its impact. Individual experiences during and since the conflict strongly shaped how populations viewed the CVR, and whether they engaged with the CVR in the first place. While there was wide agreement that addressing the past and having one's story told were important in theory, interviewees were more divided over their assessment of the CVR and how it should work in practice. The trauma of a sustained and divisive conflict inhibited large sectors of the population from testifying during the CVR's operation, and led to opposition of others. The CVR sought to bring about reconciliation between society and state and generate civic trust, yet the slow progress on reparations and active opposition to the CVR by powerful state agents and military members undermined its contribution. The CVR provided an important forum to civil society and *afectados*, yet it also revealed a deeply polarized and strained social fabric, especially in regions still marginalized from the state.

---

[80] Dr. Rolando Ames Cobían, interview by author, Lima, Peru, February 7, 2011.
[81] Félix Reátegui, CVR Researcher, interview by author, Lima, Peru, December 1, 2011.

8   Conclusions

8.1. Points of Departure and Contributions

This thesis examined the contribution of hybrid TRCs to national reconciliation and peace-building in the contexts of civil war and protracted social conflicts, via the case studies of Sierra Leone and Peru. In the last four decades, TCs have come to play a prominent role in the theory and practice of transitional justice. Established in almost 30 countries, often with international support, in theory and practice, TCs have been the subject of an intense debate between their supporters, who advocate their potential to contribute to reconciliation or counter impunity, and their critics, who see them as a trade-off to criminal justice, externally imposed, or as simply ineffective. As a number of more rigorous empirical impact studies have emerged, the literature on TCs has taken a critical turn. Ethnographic studies, focusing largely on the micro level, have tended to argue that TCs do not resonate with local culture and traditions, and do not contribute to personal healing and communal reconciliation. At the same time, an increasing number of comparativists have found that TCs, relative to trials, have little impact.

While recent impact studies have brought an important critical perspective to a field long driven by normative and teleological assumptions, the point of departure of this research was twofold. Despite a burgeoning literature on TCs, scholarship has paid little attention to the varying methodologies of TCs and the contexts within which they are established. First, as argued in Chapter 1, while TCs first emerged within the context of regime transitions during the Cold War, TCs today are increasingly set up with global support in fragile post-conflict contexts. Whereas Cold War TCs sought to contribute to human rights and democratization, recent TCs were tied to a broader set of objectives, often more linked to peace-building than to regime change. These included the reintegration of ex-combatants, including youth; addressing systematic sexual violence and slavery; promoting cultural pluralism and political and economic integration in areas which suffered long-term state neglect and marginalization; addressing the mass displacement of populations and legacies of protracted political and micro violence; and promoting social and political capital. Second, existing scholarship has tended to group together the practices of TCs. While a growing critical literature has interrogated the global promotion of transitional justice, in many ways, the rapid proliferation of transitional justice has reinforced a dismissive orientation among scholars. TCs are often identified in this literature as a Western export and a part of liberal state-building, lumped together with trials as "formal" mechanisms. While critical scholarship has brought important attention to the global promotion of transitional justice and its

impact and relevance abroad, the thesis argued that the scholarship has tended to reify a problematic dichotomy between the local and the global and disregard important variances between TCs.

Drawing on extensive primary research in Sierra Leone and Peru, the thesis argued that hybrid TRCs in Sierra Leone and Peru had an important impact on what it terms "procedural reconciliation." The thesis offered a theoretical framework with which to evaluate the contribution of hybrid TRCs to national reconciliation and peace-building. First, the thesis offers a typology of TCs. While TC mandates have tended to treat truth-seeking and reconciliation as complementary, the thesis argued that the objectives of truth and reconciliation are often in tension in practice, leading TCs to emphasize one goal over the other. The thesis identified two historical models of TCs: participatory TRCs, exemplified by the South African TRC, and didactic TCs, notably the UN-run TRCs in El Salvador and Guatemala. While participatory TRCs are based on high-profile testimonies and widespread popular engagement through media and public hearings, didactic TRCs often conduct their research in confidence, emphasizing rigorous historical investigation and systematic fact-finding. The thesis also identified a third model of "hybrid" TRC, which seeks to address the tension between truth and reconciliation. Hybrid TRCs (set up in Sierra Leone, Peru, and East Timor) merge rigorous truth-seeking with public participation, and focus on a democratic understanding of national reconciliation between society and state.

Second, the thesis offers a framework with which to evaluate hybrid TRCs' contributions to national reconciliation. In line with the objectives and methods of hybrid TRCs, the understanding of national reconciliation advanced by the thesis has three components: norms and discourses, civic trust, and solidarity. Chapter 3 fleshes out theoretical ways in which hybrid TRCs might contribute to national reconciliation. Unlike much of the comparative literature, which focuses on externally derived (generally quantifiable) criteria; the analytical framework developed in the thesis focuses on hybrid TRCs' normative and discursive impact and their substantive contributions to political and social capital. The analytical framework draws on a wide-ranging interdisciplinary literature from political theory, psychology, sociology, and criminology. It takes inspiration from an older normative literature on social learning at the nexus of political theory, transitional justice, and education, and incorporates concepts from restorative justice. The primary research conducted in Sierra Leone and Peru also adds substance to the analytical claims of the thesis. While the typology developed in Chapter 2 is based on rigorous first-hand research with TRC officials and analysis of primary material and archives, the analytical model is developed and evaluated through extensive field research with direct stakeholders. Unlike other impact studies, which seek to understand transitional justice mechanisms through externally derived criteria or local preferences, the thesis evaluates hybrid TRCs within the bounds of their contexts and on their own terms. As such, it also offers an important contribution by bridging the close engagement with practices and follow-up research with direct stakeholders.

The conclusion will now provide an analysis of the empirical findings of the thesis in comparative perspective with regard to the two central research questions. It will then turn to an analysis of the study's broader implications for research and practice.

8.2. National Reconciliation and Peace-building in Sierra Leone and Peru

Starting with the first thesis question – *what is the contribution of hybrid TRCs to national reconciliation and peace-building?* – the findings were mixed. While much of the impact literature found that, compared to trials, TCs have little effect on democracy, the empirical research of the thesis found that hybrid TRCs have an important although underappreciated effect on procedural reconciliation. More specifically, using the analytical framework provided in Chapter 3, the thesis highlighted the normative and discursive contributions of hybrid TRCs. In both Sierra Leone and Peru, hybrid TRCs focused intensely on the civic sphere, on generating awareness for direct stakeholders and on encouraging democratic participation. Both took a pedagogical methodology, identifying as their primary audience populations most removed from conflict. The thesis found that both TRCs had an important role as norm entrepreneurs. The Peruvian CVR, in particular, put the economic, social, and political marginalization of remote and indigenous populations and state violence into the public eye. The Sierra Leonean TRC also created a discourse about ex-combatants and tied testimony to their reintegration.

This process often had indirect consequences over time. Chapters 4 and 6 argued that hybrid TRCs in both Sierra Leone and Peru focused the majority of their efforts on the civic spheres. The thesis found that both had an important contagion effect through local civil society. In both Sierra Leone and Peru, the TRCs served as reference points for NGOs, who continue aspects of their work. In each case, reflecting the focus points of hybrid TRCs, civil society organizations had different orientations. In Ayacucho, many organizations concentrated on victims' rights and collective memory, with organizations set up in forensic anthropology, reparations, mental health, and missing persons. Additionally, in Ayacucho, historical memory has become an active field as communities produce their own memory projects often through local civil society organizations. The thesis found that the CVR provided a platform to civic society to advocate for reparations and missing persons. In Kailahun, home to many of the RUF, the post-TRC period also saw an NGO boom; however, in this context, it was focused more on reintegration of combatants and, more broadly, youth mentorship and training, and peace-building.

In many ways, the TRCs' normative and discursive contributions took on unexpected dynamics over time. The research found that hybrid TRCs often had the greatest impact where they mobilized opposition in criticism to their work. In Peru, where society was polarized over the conflict, the CVR generated an intense debate over collective memory. In this context, the CVR had a significant discursive role in putting collective memory into the public eye and stimulating debate about responsibility and guilt. The CVR was an important catalyst for alternative memories, enforcing the idea that history is not hegemonic, and that communities have the right to "make" their own historical memory. Truth-seeking in Peru has extended beyond victims' groups and civil society, drawing in protagonists, notably the Peruvian military. While competing memories in Peru highlight the absence of a unified truth in a context where discussion of the conflict remains contentious, they also represent a larger discursive shift about what types of claims are generated by the past, and who has a responsibility to address them.

In Sierra Leone, the TRC's discursive role was less significant. Many had not read the TRC's report and the TRC's findings were less debated. At the same time the TRC had an important normative impact. Feeding into a wider politics of transitional justice in the country, the TRC generated an interest in – and politics of – reconciliation. In a context where the international involvement in transitional justice was delicate, civil society mobilized against the TRC, searching for alternative reconciliation mechanisms, and drawing on Sierra Leonean authority structures and traditions.

8.3. The Challenges Facing Hybrid TRCs in Post-Conflict Contexts

While the thesis found that hybrid TRCs had an important normative and discursive contribution to procedural reconciliation in Sierra Leone and Peru, it also offered a critical analysis of the impact of hybrid TRCs to peace-building and national reconciliation in practice. In response to the second question - *What are the challenges facing recent hybrid TRCs in contexts of civil war and protracted social conflict?* - the thesis argued that mechanisms of transitional justice are endogenous to their contexts. The factors that hybrid TRCs were set up to address also undermined their impact over time.

Here, the thesis found that the nature of the violence in each case severely constrained hybrid TRCs' contributions to civic trust and solidarity. While both the Sierra Leone and Peruvian TRCs tied much of their work to fostering civic trust (particularly through their recommendations process and providing a space for public testimony), the concentration of the conflicts to remote regions and a long history of state neglect had already severely diminished political capital. In Kailahun, the military and RUF's targeting of the region followed a long history of state neglect and economic marginalization. Similarly, in Ayacucho, following a backdrop of underinvestment and discrimination, the heavy-

handed military presence in the region and decades of political violence took an additional toll, reinforcing a fear of authority and persecution. The military's use of disappearances during the conflict helped perpetuate an ongoing cycle of disappointment in the state, keeping families from filing claims for reparations as they wait for information or hold out hope about the return of the disappeared. The thesis argues that in Ayacucho, the legacies of political violence were magnified by the ethnic undertones of the conflict, contributing to a sense that the region as a whole had been targeted and that indigenous lives were seen as less valuable by political actors and the capital elite.

While both hybrid TRCs sought to generate solidarity by raising awareness and fostering collective responsibility, in Sierra Leone and Peru the concentration of violence in remote parts of the country undermined solidarity. Although in Peru the CVR put victims and the marginalization of rural areas in the public eye and brought attention to the military's role in the conflict, the CVR was part of contentious memory politics. The thesis found that actors' experiences during the war and present situations strongly influenced their openness to the CVR and willingness to follow its work in the first place. Those with the most to lose from the CVR – actors affiliated with the former regime and protagonists in the conflict – were often the most critical, while populations affected by political violence demanded consequences, especially in reparatory justice. In Sierra Leone, while many agreed with the TRC's overall restorative orientation, stressing that it was time to move forward and that child soldiers were primarily victims, as in Peru, responsibility was highly contested.[82] Despite a higher social tolerance and openness to ex-combatants, a strong discourse remained that ex-combatants had not proven themselves and followed their testimony with action.

While the Sierra Leonean and Peruvian TRCs sought to address these legacies, seeking to generate civic trust and solidarity, the thesis found that the lack of follow up and implementation of TRCs' recommendations further undermined their impact. More than any other factor, the lack of reparations diminished the contribution of TRCs, leaving victims not only economically vulnerable, but also taking on symbolic importance for many interviewees as a continued form of injustice and marginalization. For many participants, the lack of follow-up was a personal betrayal where individuals had shared intimate testimony. Sierra Leonean widower and amputee Sunni Savinam spoke of broken trust after "speaking his heart" at the TRC. In the same conversation, he brought up the Special Court for Sierra Leone verdict of RUF commander Issa Sesay – at whose trial he also testified – repeating the date and time of day that Sesay's verdict was announced. While Savinam was

---

[82] For an interesting discussion on perpetrators and responsibility, see Jon Elster, who argues that individuals deny wrongdoing to retain a moral self-image. As time passes, they cannot deal with the weight of their actions: "Very soon, rationalizations, justifications, and excuses take over - not merely to provide a defense in the courts but to preserve the agent's self-image as a moral being." *Closing the Books: Transitional Justice in Historical Perspective* (Cambridge: Cambridge University Press, 2004), 241. See also Trudy Govier, "A Dialectic of Acknowledgment," *Reconciliation (s): Transitional Justice in Postconflict Societies,* ed. Joanna Quinn (Montreal and Kingston, London, and Ithaca: McGill-Queen's University Press, 2009), 43-44.

not a proponent of the Court, the crucial difference, in his view, was that the Special Court for Sierra Leone followed up, while the TRC "did nothing."

8.4. Reconciliation in Comparative Perspective

Analyzed together, the two cases provide important comparative findings. A first question that arises from both of the case studies is the extent to which exogenous factors, beyond TRCs' control, influenced their work and impact. While the cases were chosen based largely on similarities in TRC procedures – as well as some similarities in contexts - as argued in Chapters 5 and 7, specific challenges, influences, and constraints shaped the TRCs' work. In order to generate participation in the first place and have legitimacy, they must plug into widely shared goals, norms and challenges.

Although in comparative perspective, Peruvian society was more polarized than in Sierra Leone, the CVR had a greater impact on the public sphere. The CVR unleashed a widespread and often vigorous debate about the past, involving both numbers and facts about the conflict (how many victims and who is responsible), but also legitimacy (who had the right to fight and whether the ends justified the means). While this public discourse illustrates the prominent role that collective memory has come to play in the public sphere, open discussion of the Shining Path is absent from the public discourse. In Sierra Leone, on the other hand, while there is greater consensus about moving forward and the importance of reconciliation, there has been relatively little public discussion about the TRC's findings. In contrast to Peru, the RUF is less stigmatized in the country, and former combatants are more open about their pasts. However, victims in Sierra Leone are more absent from the public sphere and remain marginalized, especially amputees, some of whom live in disability camps.

The cases reinforce the argument that TRCs are endogenous to their broader political and social contexts. Eric Wiebelhaus-Brahm suggests that TCs in general face a certain paradox: the more effective TCs are in generating attention, the more opposition they may generate among subgroups, raising the danger that they may destabilize democracy.[83] This thesis found the reverse to be the case: the more initial opposition, the more likely a TRC is to get attention. The comparative analysis shows that TRCs generate debate where society is less reconciled. While the CVR generated a heated and ongoing debate, this debate is contentious, leading to further divisions. Much of the debate is over the legitimacy of different actors to carry out violence and whether civilian deaths were a necessary part in this war (whether the ends justify the means or such actions were systematic policies or "excesses"). It is also a debate where groups do not recognize each other, which is reflected in the absence of the

---

[83] Eric Brahm, "Uncovering the Truth: Examining Truth Commissions Success and Impact," *International Studies Perspectives* 8, no. 1 (2007), 28.

Shining Path from the public sphere, and its routine categorization as a terrorist or criminal, rather than political, group. Indeed, where actors do engage in the debate, this discussion is often less about disputing numbers and charges – although this is part of it – than about making a case for one's right to exist and demanding respect and recognition. For military officials, the CVR was an attack on their honor and dignity. Much of the military narrative pertains to the armed forces' understanding of itself as moral agents and their service as performing an essential function in society. In contrast, in Sierra Leone, where society is less polarized, the TRC's findings were less disputed.

Second, in comparative analysis, the thesis highlights the dynamic and unexpected momentum generated by institutionalized transitional justice processes, which is often missed in comparative quantitative research. The thesis found that both TRCs had a particularly important impact on civil society groups who became normative entrepreneurs in their communities. While in both Sierra Leone and Peru victims' groups have used the TRCs as platforms to generate domestic and international attention and mobilized through the TRCs, in each case the relationship between civil society and the TRC was complex. While civil society in both Peru and Sierra Leone helped lobby for the TRCs and helped carry out its work, in both instances later tensions between advocacy groups and the TRCs created a contentious politics of transitional justice. In each case, new groups mobilized in criticism o the TRCs, leading often to new processes and campaigns.

Taken together, civil society mobilization on account of the TRCs had a different impact on national reconciliation in each case. In Peru, given civil society's active role in calling for a TRC and a relatively small international presence in the region, civil society was more centrally focused. While rifts emerged within groups, by and large advocacy organizations directed their campaigns towards Lima, thereby also working through and reinforcing the democratic process. In Sierra Leone, however, the international influence on civil society organizations and NGOs was stronger, corresponding with a continuing significant international presence in Sierra Leone. In a context where many civil society groups have become increasingly critical of the international presence in the country, the international influence over the TRC increased tensions between civil society and the TRC and between different organizations who competed for external support. As the TRC began its work, significant actors, notably Fambul Tok, charged that the TRC had excluded Sierra Leonean civil society, insufficiently engaged areas beyond the capital, and sidelined Sierra Leonean culture and traditions. Importantly, these criticisms put in motion a larger process where Sierra Leonean civil society established new communal reconciliation organizations and revived interest in tradition-based practices as an alternative to the TRC. While these processes strengthened micro-communal reconciliation and peace-building, they had less of an impact on national reconciliation, as groups focused instead on turning inward and creating a long-term capacity building and grassroots approach. Although playing an important role in post-conflict reconstruction, rather than reinforce democracy, activism against the

TRC strengthened decentralized and localized patrimonial authority structures, in some cases reinforcing the social hierarchies that underpinned the conflict.

The Peruvian and Sierra Leonean TRCs also highlight some of the limitations of procedural reconciliation. While the Peruvian CVR contributed to democracy, it is important to note – as many of the Peru scholars discussed in Chapter 4 stressed - that Peru was a democracy when the conflict occurred. In both Sierra Leone and Peru, post-conflict democratization sometimes increased intergroup tensions. In Sierra Leone, democracy deepened ethnic rifts as politicians mobilized on ethnic platforms during electoral campaigns. In both Sierra Leone and Peru, members of former insurgent groups have remained active to some extent. While in Peru, MOVADEF was banned from registering as a political party, in Sierra Leone the RUF Party eventually merged with the APC in July 2007. In both cases, however, it is significant that these parties have gained the highest support among disenchanted sectors in rural bases, particularly youth, many of whom did not directly experience the conflict but represent a similar demographic background to those who joined the movements during the conflicts.[84] In Peru, the 2012 electoral victory of President Ollanta Moisés Humala over Keiko Fujimori showed the persistence of historical grievances. Electoral politics reignited factors from the conflict as politicians accused each other of being soft on terrorism and Humala's reference to Shining Path in jail as "political prisoners" caused public controversy.[85] Shortly after the election, tense and vocal debates over the CVR mounted again with the capture of the Shining Path head of command.[86] While the CVR succeeded in channeling disagreement into the public sphere, present day politics surrounding the CVR also show the fragile nature of procedural reconciliation where groups refuse to acknowledge each other and public discussion of militants remains stigmatized.

Together, the Peruvian and Sierra Leonean cases highlight that democratic coexistence is distinct from reconciliation. While hybrid TRCs sought to play a transformative role, contributing to peace-building by addressing the root causes of the conflict, the underlying conditions that led to the conflicts remain. Where historical marginalization played a key role in leading up to the conflicts, reparations and the continuation of socio-economic marginalization came up consistently as present-day grievances, keeping the conflict alive for victims of the conflict, who saw the lack of social justice as a continued form of victimization. In war-affected areas, the lack of social justice also reinforced a sense that the

---

[84] In Sierra Leone, the Revolutionary United Front Party won 2.2. percent of popular votes in May 14, 2002. Thereafter, it received its highest support in Kailahun at 7.8 percent of the parliamentary election.

[85] Some in the human rights community argue that Keiko only lost the election after a prolonged campaign by human rights groups over her father's sterilization of indigenous women swung the vote especially among female voters.

[86] After at least one commissioner conceded mistakes made on the part of the CVR, of not engaging military participants, Lerner responded publicly that engaging the actors of the conflict was never the point of the CVR. See Lerner's interview with *Caretas*. Lerner argues that it is the critics of the CVR who keep memory alive. *Caretas,* Entrevista by Enrique Chavez, "Lerner Febres Contraataca," (September 28, 2012).

causes of the conflict remained unaddressed, particularly inequality and the marginalization of remote regions.

0

8.5. Research Implications

Mechanisms of transitional justice, particularly in post-conflict settings, are established in contexts not conducive to their success. As the previous section argued, to a large extent the conditions in both Sierra Leone and Peru that hybrid TRCs were set up to address also diminished their contributions to national reconciliation and peace-building. The thesis noted, in particular, legacies of state neglect, political violence, and a highly unequal social class structure as barriers to reconciliation. While to some extent mechanisms of transitional justice are vulnerable to circumstances beyond their control, the research also identifies areas where hybrid TRCs could improve. In particularly, the cases reveal important tensions between peace-building and transitional justice that need to be better addressed. These include how to meet the short-term and long-term goals of conflict transition, how to achieve the restorative and didactic goals of hybrid TRCs, and how to ensure that TRCs' findings and recommendations are properly carried through and implemented.

Follow-Up

A first key finding emerging from the research is the importance of follow-up and setting out clear expectations. Hybrid TRCs are established at critical junctures – soon after the cessation of violence and sometimes as part of negotiations. Particularly where global agents are increasingly involved in establishing, staffing, and running TCs, what happens after they finish their mandates is often insufficiently addressed. In both Sierra Leone and Peru the lack of follow-up, more than any other factor, severely undermined hybrid TRCs' contributions. The empirical chapters of the thesis highlighted a persistent expectation gap and loss of momentum of TRCs, often leading to severe disappointment and a sense of betrayal among victims.

To some extent the importance of follow-up, particularly in reparatory justice, has emerged in the literature. In Peru, scholars have made the case that class positions determined needs and priorities in transitional justice. For some of the scholarship, these findings have reinforced a Maslowian orientation towards transitional justice – that basic needs determine priorities and demands. The thesis argues that the literature's emphasis on economic development is important. In war-affected areas, poverty has clearly magnified grievances over reparatory justice. Tying into the work of Lisa Laplante and Kimberly Susan Theidon, my research found a strong link between reconciliation and economic

development.[87] The association between reconciliation and economic opportunities also emerged more diffusely, e.g. in Ayacucho, where interviewees argued that "conciliation" should precede reconciliation – that only concrete policy changes by the state and improvements in daily life would set the stage for reconciliation. Similarly, during research with Fambul Tok in Sierra Leone, reconciliation resonated at the communal level, where it was tied to collective labor and practices of reciprocity.

At the same time, there are grounds to caution against an overly instrumental understanding of reconciliation. The thesis urges differentiation between disappointment with the TRC versus rejection of its aims. The Sierra Leonean and Peruvian commissions both mobilized on ideological and normative platforms in contexts of severe social disruption. Each embarked on major public awareness campaigns to increase popular engagement and support. This process generated significant momentum and raised hopes. In many cases, public participation preceded the discussion of reparations, which were only incorporated as recommendations later through the TRCs' reports. On closer analysis, individuals participated in TRCs for different reasons. Mirroring the literature, for many participants TRCs were tied to material interests. In Sierra Leone the TRC was tied to amnesty provisions and securing the future status of the RUF, institutionalized into the Lomé Accord. The TRC later reinforced these incentives for ex-combatants, tying testimony to their rehabilitation (e.g. skills training and DDR). Similarly, in Peru, the argument can be made in the reverse. The absence of any self-interested incentive helps explain the lack of ex-combatant participation in the CVR. The military had more to lose than to gain from participation, especially where the CVR was tied to prosecutions. The same applied to the Shining Path in a context where insurgent groups remained heavily stigmatized. In a context of economic recovery, lack of interest in returning to the past can also explain the preference of the middle classes for moving forward.

At the same time, economic interest only partially accounts for individual motivations. In Sierra Leone, many ex-combatants testified at the TRC despite a perceived risk of prosecution at the court, generating the highest participation of ex-combatants out of any TRC. For many, testimony was tied to their societal reintegration. Ex-combatants participated both to restore their images in order to return to their former communities and secure their futures, and to contribute to post-conflict reconstruction and make recommendations. Likewise, it is important to stress that for victims, reparations were more than monetary compensation; they were deeply symbolic as forms of justice and acknowledgment. The lack of follow-up in reparations sent a message to marginalized populations of continued indifference and vulnerability. Where participants shared intimate details of atrocities, the failure to

---

[87] Lisa J. Laplante and Kimberly Susan Theidon, "Truth with Consequences: Justice and Reparations in Post-Truth Commission Peru," *Human Rights Quarterly* 29, no. 1 (2007).

implement the TRCs' recommendations was perceived as a personal betrayal and exploitation. This discussion is important as it shows that the very initial factors, which drove participation can also lead to backlash. Unfulfilled claims and expectations, particularly concerning reparations and justice, can cause more resentment. TRCs lose legitimacy when they raise hopes and fail on their own terms. Often, disappointment was greatest where individuals had been sympathetic to the process and believed in its aims. As Aletta J. Norval warns with regard to the South African TRC: "justification of the pursuit of truth and justice derives its strength from an appeal to more fundamental intuitions about the just treatment of citizens in a democratic society."[88]

The importance of setting clear expectations and having a transparent well-planned process from the onset cannot be overstated. If TRCs give people the chance to have a voice or make recommendations, then they should make clear that they lack the authority to enforce implementation. The objective of generating broad participation and political agency must be weighed against the social expectations TRCs will engender among populations who have already experienced significant loss and disappointment.

TRCs should also think carefully about the implications of participation for ex-combatants, who will be concerned about revealing self-incriminating evidence and inducing reprisals if they speak freely. As both the Peruvian and Sierra Leonean cases showed in different ways, since the establishment of the ICC and mounting international and regional pressure to prosecute, TRCs have less ability to offer amnesty in order to encourage participation. Even if they are not tied to prosecutions directly as in the Peruvian case, it is still likely that ex-combatants will face prosecutions separately by a court. TRCs should therefore think carefully and communicate the risks inherent from giving testimony and their position on confidentiality. They also should make clear the benefits populations can expect, e.g. whether testimony will lead to amnesty, reduction of penalty, and reparations. TRCs should weigh the benefit of ex-combatant participation against the possible fall-out this will cause among the broader population and victims, especially where TRCs seek to elicit public participation, play a consciousness-raising role, and promote a victim-centered process.

Institutional Overstretch

A second finding is that hybrid TRCs should think carefully about the extent to which multiple mechanisms and objectives of transitional justice are compatible. The emphasis of the recent holistic approach on multiple parallel tracks of transitional justice needs to more carefully take into account

---

[88] Aletta J. Norval, "Memory, Identity, and the (Im) possibility of Reconciliation: the Work of the Truth and Reconciliation Commission in South Africa," *Constellations* 5, no. 2 (1998), 252.

tensions between these tracks in practice.[89] As noted in Chapter 2, hybrid TRCs have been tied to a long catalogue of aims – including not only truth-seeking and reconciliation, but also democratic reforms, criminal trials, and reparations. The compatibility of these aims with hybrid TRCs' traditional mandates and methodology has been inadequately explored. The thesis cautions that the current tendency of hybrid TRCs to pursue multiple goals may lead to institutional overstretch and the pursuit of incompatible goals.

In the field research conducted, this finding was particularly thorny in the case of criminal trials and reparations. As argued already, while reparations play a fundamental role in transitional justice, the failure to implement reparations led to frustrated expectations and delegitimized TRCs over time. As argued in the case study chapters, it is likely that the linking of hybrid TRCs to reparations also diminished the public impact of hybrid TRCs on solidarity. Somewhat ironically, given the lack of progress in reparations, the tying of TRCs to inducements reinforced an instrumental understanding of reconciliation, where many saw the participation of victims and ex-combatants as strategically motivated or disingenuous. It also raised a risk that individuals participated even where they were less comfortable doing so or would otherwise not take part.

Similar issues came up in the relationship between hybrid TRCs and criminal trials. While the CVR's contribution to criminal prosecutions and its condition of auto-criticism increased tensions with the military and former combatants, in Sierra Leone the later establishment of the Special Court for Sierra Leone undermined the TRC's restorative aims. Although many ex-combatants still gave testimony despite the fear of self-incrimination, others declined to take part after the Special Court for Sierra Leone's establishment – a factor that continues to disincentivize ex-combatants from participating in community reconciliation processes in the present. It is likely that the Sierra Leonean TRC's concern that the Special Court for Sierra Leone would undermine its work and the tensions between the two bodies also came at the expense of the TRC's didactic aims, as key members of the TRC further entrenched the commission's non-punitive and inclusive orientation to further elicit ex-combatant participation.

This thesis questions the integration of aims in the current holistic turn. Separating TRCs from criminal trials and reparations would help TRCs achieve their primary objectives: the generation of a

---

[89] As put by the International Center for Transitional Justice: "Without any truth-telling or reparation efforts, for example, punishing a small number of perpetrators can be viewed as a form of political revenge. Truth-telling, in isolation from efforts to punish abusers and to make institutional reforms, can be viewed as nothing more than words. Reparations that are not linked to prosecutions or truth-telling may be perceived as "blood money"- an attempt to buy the silence or acquiescence of victims. Similarly, reforming institutions without any attempt to satisfy victims' legitimate expectations of justice, truth and reparation is not only ineffective from the standpoint of accountability, but unlikely to succeed in its own terms." The International Center for Transitional Justice, "What is Transitional Justice?"(2008).

critical and inclusive collective memory and the provision of a space to interested parties to give testimony and receive public acknowledgment.[90] If it is not possible to separate these processes, then TRC officials should seek reassurance that there is political will and funding to implement reparations before including reparations recommendations in their reports. TRCs should also be careful to explain to participants that they only have the legal capacity to make recommendations. Finally, TRCs should still concentrate on other types of follow-up ,which they have greater power to implement, for instance sharing their findings in an accessible way in order to afford recognition and respect to those who participated.

8.6. Avenues for Future Research

Taken together the cases suggest significant avenues for future research. One is whether reconciliation is a greater challenge following ethnic or sectarian conflicts. As argued in Chapter 1, while current research finds that the type of violence has little or no bearing on the likelihood for a transitional justice process to be implemented, the nature of violence in Peru and Sierra Leone had significant effects on the contributions of both hybrid TRCs once established. In both countries, the legacies of political violence left pervasive distrust and resentment, severely undermining hybrid TRCs' ability to generate civic trust. At the same time, the concentration of violence in remote areas also diminished solidarity for victims and, in the Peruvian case, ex-insurgents.

The ethnic undertones of the Peruvian conflict magnified these findings. In Sierra Leone, interviewees often maintained that the only benefit of the war is that it did not follow ethnic lines and that ethnic conflicts are more "intractable." Where collective assignation of victimization and blame are a barrier to reconciliation, keeping grievances alive, it is likely that the non-ethnic nature of the violence in Sierra Leone made it easier in for communities to look at the war as a product of underdevelopment and a youth crisis. In Peru, in contrast, the ethnic undertones of the conflict magnified a sense of collective victimization, fostering a perception that political violence in Ayacucho had targeted the people of the region as a whole. The ethnic nature of the conflict also more easily passed on grievances to younger generations, who linked the region's experiences of political violence to present-day marginalization and lack of opportunities. Together, the cases reinforce the question of whether and to what extent the challenge of reconciliation is qualitatively distinct after ethnic or sectarian conflicts. [91]

---

[90] While having a separate reparations process raises other concerns, notably increased public confusion over these processes' separates roles and jurisdictions, the onus would be on transitional justice officials to clearly specify their goals and jurisdictions to the public.

[91] My teaching experience in the summer Peace-Building program at the American University in Kosovo reinforced my interest in the challenge of reconciliation following ethnic and sectarian conflicts. In our daily seminars, composed of undergraduate and postgraduate students representing different nationalities from various

A second question for future research concerns the relationship between TRCs and courts. While the thesis cautioned against the integration of aims among hybrid TRCs – and the holistic turn, in general – how TCs will operate in parallel to trials is an issue that will face all future commissions. As pointed out by Peruvian CVR President Salomón Lerner Febres, since the establishment of a permanent ICC and a mounting global normative emphasis in favor of criminal justice, offering amnesty to elicit ex-combatant participation is no longer an option for TRCs. The question of how and whether retributive and restorative mechanisms can work together needs further attention. Should TRCs and courts collaborate, as in the Peruvian case or, as William Schabas argues, should they try as much as possible not to interfere with each other's work and to stay separate, as in Sierra Leone?[92] An interesting comparison to the Sierra Leonean and Peruvian TRCs is the hybrid East Timorese TRC, which was established alongside a similar UN-run hybrid tribunal to the Special Court for Sierra Leone. As was the case in Sierra Leone, the East Timorese commission also focused on eliciting ex-combatant participation, which was tied, in this case as well, to their reintegration. Future research on the East Timorese TRC could further develop the conception of hybrid TRCs developed in this thesis, and would advance knowledge on the extent to which transitional justice can play a transformative role and contribute to peace-building in post-conflict societies.

---

parts of the Balkans, as well as other countries that had experienced violence, the students learned from each other as they compared experiences from their own countries. While students in the program were interested in learning about conflict transformation and transitional justice in other contexts, the important role played by memories of historical injustices in ethnic identities in the Balkans was frequently cited as a barrier to advancing reconciliation.

[92] William Schabas, "The Relationship between Truth Commissions and International Courts: the Case of Sierra Leone," *Human Rights Quarterly* 25, no. 4 (2003).

Annex 1   Chronology of the Conflict in Sierra Leone

1787	Freetown is founded as a city for repatriated ex-slaves. British abolitionist Granville Sharpe establishes the Committee for the Relief of Black Poor, bringing formerly enslaved Afro Britons to Sierra Leone under "Province of Freedom," a predecessor of the Sierra Leone Company, as an initiative to repatriate slaves from the US.
1896	Sierra Leone is established as a British colony.
1949	Sir Milton Augustus Strieby Margai founds the SLPP, and becomes the first prime minister of Sierra Leone. He is an important figure in setting out the country's post-colonial constitution and independence struggle.
27 April 1961	Sierra Leone wins independence.
1964 -67	After the death of Sierra Leone's first prime minister, Sir Milton Margai, Milton's half-brother, Sir Albert Michael Margai, becomes the second prime minister of Sierra Leone.
1967	The APC comes into power under Siaka Stevens, who became president in 1971, and in 1978 made the APC the sole political party. In a series of coups and attempted coups supported by Margai, Stevens is temporarily ousted under martial law but reinstated by a counter-coup of non-commissioned officers. Elected brigadier, John Bangura, reinstated Stevens, who rules until 1984 and is known for corruption and use of politics for personal gain.
1985-1992	Major General Joseph Momoh is elected as president after being selected by Stevens as the sole candidate, largely continuing the status quo.
23 March 1991	Conflict breaks out in neighboring Liberia. The RUF with support of Charles Taylor's National Patriotic Front of Liberia intervenes in Sierra Leone to overthrow the Momoh government.

April 1992	The National Provisional Ruling Council wages a coup against the Momoh Regime. Twenty-five year-old, Captain Valentine Strasser comes to power.
March 1995	The South African based private military company, Executive Outcomes, enters Sierra Leone.
1996	The civilian government is reinstated and Abidjan Peace Accord signed with the RUF.
March 1997	RUF leader, Foday Sankoh, is arrested in Nigeria.
May 1997	Corporal Tamba Gborie wages a military coup with a group of seventeen SLA soldiers, establishing the AFRC, and sending Kabbah into exile. The RUF unites with the AFRC to capture Freetown. Johnny Paul Koroma is installed as the new president and announces the war to be officially over. Samuel Hinga Norman, leading the Kamajors stays loyal to Kabbah.
October 1997	Following a period of looting and abuses in Freetown, Nigerian mission, ECOMOG, intervenes. ECOMOG gains control of the capital but fails to secure the remainder of the country. Under the Conakry Peace Plan, ECOMOG moderates a temporary agreement with the RUF.
January 1999	The RUF wages "Operation No Living Thing" on Freetown, killing approximately 7,000 people.
27 March 1999	International intervention to bring about the Lomé Peace Accord, gives the vice presidency and control of diamond fields to Sankoh in exchange for an RUF ceasefire and agreement that UNPK forces will monitor disarmament. President Kabbah resumes the presidency.
October 1999	UN peacekeepers intervene, leading to a hostage crisis as the RUF kidnaps approximately 500 forces.

2000	The RUF's failure to uphold Lomé and its subsequent advance on Freetown lead the British to intervene under Operation Palliser.
10 February 2000	The Truth and Reconciliation Commission Act lays out the mandate of the TRC.
18 January 2002	President Kabbah announces the end of the war.
November 2002	The TRC begins its investigation, handing over its findings to the Sierra Leonean government on 5 October 2004.
16 January 2002	The UN and the government of Sierra Leone set up an agreement for the Special Court for Sierra Leone, after President Kabbah's letter to the UNSG Kofi Annan, asking the UN to prosecute those responsible.
July 2007	The RUF political party gains popular votes in the 2002 elections but no seats, receiving the highest support in Kailahun. It forms a coalition with the APC in July 2007.
17 September 2007	Current president, APC representative, Ernest Bai Koroma, wins the presidency by 54.52 percent in the second round of elections (55 percent are required in Sierra Leone to win elections).

Annex 2   Chronology of the Conflict in Peru

1948-56	General Manuel A. Odría becomes president through military coup, under pressure from the oligarchy after a mutiny. He later takes a populist course in an administration marked by corruption and the suspension of civil rights.
1956	Odría calls for new elections, and Manuel Prado is elected.
1963	Fernando Belaúnde becomes president, embarking on a series of social reforms and development projects.
Late 1960s	Abimael Guzmán founds the Shining Path during his tenure at the UNSCH.
1968	General Juan Francisco Velasco Alvarado overthrows Belaúnde in a coup.
Early 1970s	The Shining Path establishes a presence in universities across the country, including in Lima.
1975	Francisco Moralez Bermúdez Cerruti becomes the new president, holding the first elections in 1980.
April 1980	Following a period of depression, the military allows restoration of constitutional rule, leading to the election of Belaúnde and the return of civil liberties.
17 May 1980	The Shining Path burns ballot boxes in Chuschi, Ayacucho on the evening of presidential elections. It also establishes *escuelas militares* (military schools) and begins its relocation to the provinces.
Early 1980s	Victor Polay Campos and Néstor Cerpa Cartolini found the MRTA, waging their first attack on 31 May 1982. Shining Path violence in rural areas increases, leading to a series of massacres, notably Lucanamarca in 1983.

1981	Fernando Belaúnde Terry announces a state of emergency and orders military intervention. He suspends constitutional rights in Ayacucho.
1983-1985	Extrajudicial disappearances, rape, disappearances and torture are widely reported, with the highest number of deaths, occurring form 1983-84.
1985-90	Dr. Alan García Perez of the APRA becomes president. The García administration is responsible for the highest number of disappearances under any incumbency during the conflict, and some of the worst counter-subversive activities, notably the El Frontón prison massacre in 1986.
1989	The military starts a more targeted counter-insurgency campaign, beginning to change the armed forces' relationship with the peasant population.
1990-2000	Independent candidate, Alberto Fujimori, is elected president, against novelist, Mario Vargas Llosa. In 1991, Fujimori issues a law to give legal status to the rondas. The same year, the La Colina forces, a death squad operating under Fujimori and National Security Director, Vladimiro Montesinos, carry out a number of massacres, notably Barrios Altos and the La Cantuta university massacre. The Inter American Court later used the La Colina massacres as grounds to call for Fujimori's extradition from Japan.
5 April 1992	Fujimori absolves the Congress of Peru and abolishes the constitution in an "*auto golpe*" (self-coup). He announces Peru's withdrawal from the Inter American Court of Human Rights and places the judiciary under executive control. The administration establishes new anti-terrorism legislation and the Repentance Law, giving reduced punishment to individuals accused of terrorism and treason, who name Shining Path or MRTA members.
1992	The Shining Path begins its "strategic equilibrium," moving to the

cities, planting a bomb in the Miraflores district on Tarata street.

12 September 1992   Abimael Guzmán is captured in a safe house in Lima. Oscar Ramirez takes over the Shining Path.

December 1996   The MRTA takes over the Japanese embassy, occupying it for more than four months.

1999   Oscar Ramirez is captured.

2000   Valentín Panuiga becomes interim president, working to restore democracy. He revokes Fujimori's withdrawal from the Inter American Court and establishes the CVR.

June 2001   Alejandro Toledo is elected. The TRC begins operation, formally concluding its work on 28 August 2003.

August 2003   The Peruvian government submits a request for Fujimori's extradition from Japan.

13 October 2006   Guzmán is sentenced to life in prison. Some Shining Path attacks continue.

December 2007   Fujimori is extradited to face criminal charges in Peru.

April 2009   Fujimori is sentenced to 25 years for kidnappings and killings committed under La Colina, marking the first extradition, trial, and conviction of a head of state back to his home country. Fujimori is subsequently tried for corruption together with Montesinos.

28 July 2011   President Ollanta Moisés Humala, representing the Peruvian Nationalist Party, becomes president, winning 51.5 percent of the vote in a tense election against Fujimori's daughter, Keiko Fujimori.

Annex 3   List of Interviewees in Sierra Leone

- **Dr. Joe A. D. Alie**, Professor of History and Chair of the History Department at Fourah Bay College, Freetown, Sierra Leone, 17 July 2009.

- **Matthew Ambrose Moigua**, IFAD official (International Fund for Agricultural Development), age 30, stationed in Kailahun from Freetown, Kailhun, Sierra Leone, 14 July 2012.

- **Masiver Bilaha**i, Kailahun secondary school principal, Kailahun, Sierra Leone, 14 July 2009.

- **Bomaru Group Interview** with ten villagers, including Bomaru, Sierra Leone, 7 July 2009.

- **Dole Bringo**, Fambul Tok Chairman and Kailahun District Chief, Kailahun, Sierra Leone, 12 July 2009.

- **Bob Cakpindi**, Handicap International, Kailahun, Sierra Leone, 13 July 2009.

- **CAR Official** (Child Advocacy and Rehabilitation Center), confidential, Kailahun, Sierra Leone, 12 July 2009.

- **Michael Charley**, UNICEF Officer and Children's TRC Official, Freetown, Sierra Leone, 10 August 2009.

- **Vandi Dauda, Abie Morray, and Foday Momoh Amara**, officials at CORD-Sierra Leone Development NGO, Group interview, Kailahun, Sierra Leone, 12 July 2009.

- **Dr. Alusine Fofanah**; Executive Director of Amistad Heritage Inc. and Parliamentarian, Freetown, Sierra Leone, 10 August 2009.

- **Father John Emmanuel William Garrick**, a priest from Bundt Island, who is credited to have saved a number of civilians particularly elders and chiefs during the war often at risk to himself by smuggling them to safety. He testified both at the TRC and the Special Court for Sierra Leone, Freetown, Sierra Leone. 14 August 2012.

- **Osman Gbla**, political science professor and head of Fourah Bay College's political science department, Freetown, Sierra Leone, 24 July 2009.

- **Female War Victim,** amputee and mother of two, deserted by her husband, Grafton War-Wounded Camp, Grafton, Sierra Leone, 7 July 2009.

- **Focus Group Fourah Bay College**, four students of political science, Freetown, Sierra Leone, 17 July 2009.

- **Former RUF combatant**, age 32, born in Kailahun, Kailahun, Sierra Leone, 12 July 2009.

- **Former RUF combatant**, age 33, born in Kono, served with the RUF since age 17, after being abducted, Freetown, Sierra Leone, 15 August 2009.

- **Almamy Koroma**, Ministry of Works, Housing and Infrastructure, former Secretary General of the Sierra Leone Council of Churches, Freetown, Sierra Leone, 28 July 2009.

- **Bishop Joseph Humper**, Chairman of the TRC and current Head of the Sierra Leone Interreligious Council, Freetown, Sierra Leone, 28 July 2009.

- **Joseph**, Fambul Tok Representative, Kailahun, Sierra Leone, 13 July 2009.

- **Ali Mo Kamara**; military official, Freetown, Sierra Leone, 24 July 2009.

- **Niata Kane** (Deputy Assistant Women's Leader of the Tawakaitu Women's organization of Bomaru), Bomaru, Sierra Leone, 7 July 2009.

- **Amandu Kante**, amputee, Bomaru, Sierra Leone, 7 July 2009.

- **Memunato Kegomo**, amputee, Grafton War-Wounded Camp, Grafton, Sierra Leone, 7 July 2009.

- **Pel Koroma**, journalist and Fambul Tok officer, Freetown, Sierra Leone, 18 August 2009.

- **Plan International Official**, Kailahun, Sierra Leone, 12 July 2009.

- **Abraham John**; Executive Secretary of the Human Rights Commission, Freetown, Sierra Leone, 6 August 2009.

- **Alhaji Jusu Jaka**, Chair of Sierra Leone Amputees and War Wounded Association, Freetown, Sierra Leone, 7 August 2009.

- **Sheku Koroma**, Fambul Tok official, Freetown, Sierra Leone, 18 August 2009.

- **Mohammad Magoria**, ex-combatant in the SLA, age 27, originally from Bo, who served in the army since age eighteen, Freetown, Sierra Leone, 15 August 2009.

- **Mr. Bankole Morgan**, Human Rights Commission, Freetown, Sierra Leone, 7 August 2009.

- **Mr. Abdullah Mustapha**, Director General, Central Intelligence and Security Unit Office of the President, National Security Secretariat, Freetown, Sierra Leone, 15 August 2009.

- **Dr. Lansana Nyalley**, Deputy Minister of Education, Youth and Sports, Freetown, Sierra Leone, 16 August 2009.

- **Lieutenant Sadiki Bi Bogra**, Freetown, Sierra Leone, 24 July 2009.

- **Mr. Salieh**, medical official stationed in Bomaru from Kenema, Bomaru, Sierra Leone, 13 July 2009.

- **Mr. Sunni Savinam**, amputee, age 67, widower and father of 9, Grafton War-Wounded Camp, Grafton, Sierra Leone, 7 July 2009.

- **Mr. Theophilus Savinam**, amputee, age 29, eldest son of Sunni Savinam, Grafton War-Wounded Camp, Grafton, Sierra Leone, 7 July 2009.

- **Saidu Conton Sasay**, NACSA, Freetown, Sierra Leone, 18 August 2009.

- **Josephine Thompson Shaw**, TRC Statement Taker, Freetown, Sierra Leone, 10 August 2009.

- **Silladee Turay**, Project Officer, Conciliation Resources, Freetown, Sierra Leone, 6 August 2009.

- **Ibrahim Turay Jr.,** Chairman of Banana Water Youth Development Organization, Freetown, Sierra Leone, 14 August 2009.

- **Saleem Vahidy**, Director of Chief of Witness and Victims Section at the Special Court for Sierra Leone, Freetown, Sierra Leone, 13 August 2009.

Annex 4   List of Interviews in Peru

- **Afectada**, female, age 78, Carampa, Peru, 14 October 2010.

- **Afectada**, female, age 73, Carampa, Peru, 14 October 2010.

- **Afectada**, female, age 48, widow, Colca, Peru, 15 October 2010.

- **Afectada**, female, age 44, Cayara, Peru, 13 October 2010.

- **Victor Madariaga Ancienta**, economist, brother of politician and former Shining Path militant, Vasty Lescano Ancieta, Puno, Peru, 24 November 2010.

- **ANFASEP Juventud member**, anthropology student, Ayacucho, Peru, 26 October 2010.

- **ANFASEP Juventud member**, anthropology student, Ayacucho, Peru 28 October 2010.

- **ANFASEP Juventud member**, communications student, Ayacucho, Peru 26 October 2010

- **ANFASEP Juventud Focus Group** (8 participants), Ayacucho, Peru, 6 November 2010.

- **Dr. Rene Asperico**, UNSCH, Anthropology Department, Ayacucho, Peru, 10 November 2010.

- **Dr. Enrique Bernales Ballesteros**, Executive Director of the Andean Commission of Jurists and CVR Commissioner, Lima, Peru, 1 March 2012.

- **Magdalena Monteza Benavides,** afectada and CVR participant, Lima, Peru, 23 February 2011.

- **IPAC Official,** Agrarian Engineer and development worker, Huancapi, Peru, 16 October 2010.

- **Rosa Maria García Caldéron**, afectada, age 90, former social services worker, widow, and mother of a son who was disappeared by the Peruvian military, Cangallo, Peru, 16 October 2010.

- **Rute Victoria Chauca García**, afectada, age 56, teacher and widow, daughter of Rosa Maria García Caldéron (above), Cangallo, Peru, 16 October 2010.

- **Sister Anne Carbon**, former director, COSMA, Ayacucho, Peru, 1 October 2010.

- **Dr. Rolando Ames Cobían**, CVR Commissioner, Lima, Peru, 7 February 2011 and 22 February 2011.

- **Colca Focus Group**, eleven participants (eight women and one man), Colca, Peru, 15 October 2010.

- **José Coronel Aguirre**, UNICEF official and CVR Regional Coordinator, anthropologist, Ayacucho, Peru, 12 January 2011.

- **Cumaco Victoriano Apari Crisostomo,** afectado, age 40, Cayara, Peru, 13 October 2010.

- **Ricardo Cuenca**, Instituto de Estudios Peruanos, Lima, Peru, 21 January 2011.

- **Carlos Iván Degregori**, anthropologist and Shining Path specialist and ex-CVR Commissioner, Lima, Peru, 28 February 2011.

- **Carlos Tapia García**, CVR Commissioner and politician, Lima, Peru, 3 December 2010.

- **Gustavo Gorreti,** journalist and Shining Path specialist, Lima, Peru, 3 December 2010.

- **Dr. Beatriz Alva Hart**, lawyer and ex-congresswoman and CVR Commissioner, Lima, Peru, 4 February 2011.

- **Olga Mendoza Huamani,** age 53, family members were disappeared during the conflict, Colca, Ayacucho, Peru, 15 October 2010.

- **Dina Crisostomo Huayanay**, age 34, husband was disappeared, Cayara, Ayacucho, Peru, 13 October 2010.

- **Former colonel from Lima**, stationed in Ayacucho during the conflict, Lima, Peru, 16 January 2011.

- **Former colonel from Lima,** stationed in Cayara during the conflict, Lima, Peru, 16 February 2011.

- **Former MRTA combatant**, female from Huánuco, Lima, Peru, 26 February 2011.

- **Former Shining Path combatant**, female from Lima, Lima, Peru, 23 February 2011.

- **Frente del Defensa del Pueblo**, President, Ayacucho, Peru, 27 October 2010.

- **Dr. Jefry Gamarra**, anthropology professor, UNSCH, Ayacucho, Peru, 3 November 2010.

- **Gustavo Gorritti**, Shining Path expert and journalist, Lima, Peru, 16 January 2011.

- **High school teacher and youth group director**, Cangallo, Peru, October 16, 2010.

- **Marciela Quispe Iordan,** Consejo de Reperaciones (Ministry of Reparations), Ayacucho, Peru, 5 October, 2010.

- **Dr. Salomón Lerner Febres**, Philosophy professor and ex-rector at the PUCP and former president of the CVR, Lima, Peru, 10 February, 2011 and 5 March 2011.

- **Dr. Manuel Mayorga**, UNSCH, Anthropology Department, Ayacucho, Peru, 5 November 2010.

- **Dr. Ulpiano Quispe Mejía**, UNSCH, Anthropology Department, Ayacucho, Peru, 17 November 2010.

- **Maribel Ascarza Mendoza**, ANFASEP administrator and lawyer, Ayacucho, Peru, 12 October 2010.

- **Tanya Molina Morote**, forensic anthropologist and regional coordinator of EPAF, Ayacucho, Peru, October 5, 2010.

- **Jorge Adan Villegas Montoya**, professor of sociology, Universidad Nacional de Altiplano, Puno, Peru, 25 November 2010.

- **Indalucio Huomani Naccha**, afectado (lost 6 family members), age 68, works in education, Colca, Peru, 15 October 2010.

- **Carlos Roberto Rojas Neyra,** CMAN administrator (Comisión Multisectorial de Alto Nivel), accountable to the Council of Ministries, created to carry out the recommendations of the CVR, Ayacucho, Peru, 21 October 2010.

- **Dulia Lozano Noa,** Proyecto Yuyanapaq (CVR related memory project, meaning "to remember" in Quechua), Ayacucho, Peru, 7 October 2010.

- **Edilberto Jiménez Quispe,** Apoyo Para la Paz (Support for Peace, NGO), Ayacucho, Peru, 6 October 2010.

- **Estela Enrique Quispe**, age 36, Colca, Peru, 15 October 2010.

- **Félix Palomino Quispe**, SER official and sociologist, Ayacucho, Peru, 19 October 19 2010.

- **Heeder Soto Quispe**, EPAF official, Member of ANFASEP Juventud, and anthropology student, Ayacucho, Peru, 11 October 2010.

- **Yuber Alcarón Quispe,** ANFASEP official and lawyer, Ayacucho, Peru, 12 October 12 2010.

- **Félix Reátegui**, CVR Researcher, Lima, Peru, 1 December 2010.

- **Jairo Rivas**, Consejo de Reperaciones, Lima, Peru, 19 December 2010.

- **Delia Salvatera Riviera**, COSMA patient, former teacher, Ayacucho, Peru, 25 October 2010.

  Elena Peria Romero, Wiñastin Salud Mental Comunitaria (mental health project, associated with the CVR), psychologist, Ayacucho, Peru, October 6, 2010.

- **James Michael Rumin Saez**, age 28, student, La Mar, Ayacucho, Peru, 31 October 2010.

- **Alberto Morote Sanchéz**, engineer, ex-rector of the UNSCH and CVR Commissioner, Lima, Peru, 1 December 2010.

- **Daniel Roca Sulca**, President, CONAVIP (Coordinadora Nacional de Organizaciones Afectados Por la Violencia Política de Perú) and governor of Ayacucho, Ayacucho, Peru, 9 November 2010.

- **Father Humberto Lay Sun**, Evangelical National Council, CVR commissioner, Lima, Peru, 9 February 2011.

- **Pilar Coll Torrente,** missionary and Coordinara Nacional de Derechos Humanos (National Human Rights Coordinator), Lima, Peru, 3 February 2011.

- **Javier Torres**, SER, Lima, Peru, 3 December 2010.

- **Blanca Zanabria Pantoja**, Ceprodep (the Center for Population Promotion and Development), social worker, Ayacucho, Peru, 18 October 2010.

- **UNSCH focus group**, anthropology students (four), Ayacucho, Peru, 21 October 2010.

- **UNSCH focus group**, law students (four), Ayacucho, Peru, 21 October 2010.

- **Ana Milagros Quiroz Vargas**, Paz y Esperanza Official (peace-building organization, literally, "Peace and Hope"), Ayacucho, Peru, 20 October 2010.

- **Dr. Carlos Infante Yupanqui**, journalist and professor at the UNSCH, Communications Department, Ayacucho, Peru, 4 November 2010.

Bibliography

Abdullah, Ibrahim, ed. *Between Democracy and Terror: the Sierra Leone Civil War*. Dakar, Senegal: Codesria, 2004.

Abraham, Arthur, "War and Transition to Peace: a Study of State Conspiracy in Perpetuating Armed Conflict." *Africa Development*. Dakar, Senegal: Codeseria, 1997.

Ainley, Kirsten A. "Responsibility for Atrocity: Individual Criminal Agency and the International Criminal Court." In *Evil, Law and the State: Perspectives on State Power and Violence*. Edited by John Parry. Amsterdam and New York: Rodopi, 2006.

Abrams, Jason S. and Priscilla B. Hayner. "Documenting, Acknowledging and Publicizing the Truth." In *Post-Conflict Justice*. Edited by M.C. Bassiouni. Ardsley, NY: Transnational Publishers, 2002.

Alie, Joe A. D. "Reconciliation and Traditional Justice: Tradition based Practices of the Kpaa Mende in Sierra Leone." *Traditional Justice and Reconciliation after Violent Conflict: Learning from African Experiences*. International Institute for Democracy and Electoral Assistance, 2008.

Amand, Marco Merino. Ejército del Perú. *En Honor a la Verdad*. Comisión Permanente de Historia del Ejército del Perú: Lima, 2010.

Anderson, Benedict. *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. London: Verso, 1977.

Amnesty International. *Peru: The Truth and Reconciliation Commission a First Step towards a Country without Injustice*. New York, Amnesty International, 2004.

Amnesty International, "Peru: The Cayara Massacre." (September 1989).

Arendt, Hannah. *Eichmann in Jerusalem: a Report on the Banality of Evil*. London: Faber & Faber, 1963.

Arendt Hannah. *The Human Condition*. Chicago: Chicago University Press, 1998.

Asmal, Kadar, Louise Asmal, and Ronald Suresh Roberts. *Reconciliation Through Truth: a Reckoning of Apartheid's Criminal Governance.* Cape Town: David Philip Publishers, 1997.

Azar, Edward. *The Management of Protracted Social Conflict: Theory and Cases.* Dartmouth: Aldershot, 1990.

Auerbach, Yehudith. "The Role of Forgiveness in Reconciliation." In *From Conflict Resolution to Reconciliation.* Edited by Yaacov Bar-Siman-Tov. Oxford: Oxford University Press, 2004.

Aukerman, Miriam. "Extraordinary Evil, Ordinary Crimes: A Framework for Understanding Transitional Justice." *Harvard Human Rights Journal* 15 (2000).

Azar, Edward. *The Management of Protracted Social Conflict: Theory & Cases.* Dartmouth: Aldershot, 1990.

Bar-Tal, Daniel and Gemma H. Bennink. "The Nature of Reconciliation as an Outcome and a Process." In *From Conflict Resolution to Reconciliation.* Edited by Yaacov Bar-Simon-Tov. Oxford: Oxford University Press, 2004.

Barahona de Brito, Alexandra; Enriquez, Carmen Gonzales; and Aguilar, Paloma. *The Politics of Memory: Transitional Justice in Democratizing Societies.* New York: Oxford University Press 2001.

Bar-Tal, Daniel and Gemma H. Bennink. "The Nature of Reconciliation as an Outcome and as a Process." In *From Conflict Resolution to Reconciliation.* Edited by Yaacov Bar-Siman-Tov. Oxford: Oxford University Press, 2004.

Bassiouni, M. Cherif. "From Versailles to Rwanda in Seventy-Five years: the Need to Establish a Permanent International Criminal Court." *Harvard Human Rights Journal* 10, no. 11 (1997).

Bassiouni, M. Cherif. *Searching for Peace and Achieving Justice: The Need for Accountability, Law and Contemporary Problems* 59, no. 4 (1996).

Beah, Ismael. *A Long Way Gone: Memoirs of a Child Soldier.* New York: Farrar, Straus, & Giroux, 2007.

Bell, Christine. "Transitional Justice, Interdisciplinarity and the State of the 'Field' or 'Non-Field'." *International Journal of Transitional Justice* 3 (2009).

Bell, Duncan Bell, "Memory, Trauma and World Politics," in *Memory, Trauma and World Politics: Reflections on the Relationship between Past and Present.* Palgrave MacMillan, 2006.

Brooks, Roy Lavon, *When Sorry Isn't Enough: The Controversy Over Apologies and Reparation for Human Injustice.* New York: New York University Press, 1999.

Berdal, Mats and David M. Malone, eds, *Greed and Grievance: Economic Agendas in Civil Wars.* Boulder, CO: Lynne Rienner, 2000.

Bloomfield, David. "On Good Terms." *Berghof Report* 14. Berghof Research center for Constructive Conflict Management, October 2006.

Boraine, Alex. *A Country Unmasked: Inside South Africa's Truth and Reconciliation Commission.* Oxford: Oxford University Press, 2000.

Boraine, Alexander. "Transitional Justice: a Holistic Interpretation." *Journal of International Affairs* 60, no. 1 (2006).

Boraine, Alex. "Truth and Reconciliation in South Africa: the Third Way." In *Truth v. Justice: the Morality of Truth Commissions.* Edited by Robert I. Rotberg and Dennis Thompson. Princeton: Princeton University Press, 2000.

Borer, Tristan Anne. "A Taxonomy of Victims and Perpetrators: Human Rights and Reconciliation in South Africa," *Human Rights Quarterly* 25, no. 4 (2003).

Brahm, Eric. "Uncovering the Truth: Examining Truth Commissions Success and Impact." *International Studies Perspectives* 8, no. 1 (2007).

Braithwaite, John. *Crime, Shame, and Reintegration.* Cambridge: Cambridge University Press, 1989.

Braithwaite, John. "Restorative Justice: Assessing Optimistic and Pessimistic Accounts." *Crime and Justice* 25 (1999).

Braithwaite, John, and Heather Strang, eds. *Restorative Justice and Civil Society.* Cambridge: Cambridge University Press, 2001.

Burt, Jo-Marie. *Violencia y Autoritarismo en El Perú: Bajo La Sombra de Sendero y la Dictadura de Fujimori.* Lima: Institute of Peruvian Studies, 2009.

Call, Charles. "Is Transitional Justice Really Just?" *Brown Journal of World Affairs* XI, no. 1 (2004).

Chapman, Audrey R., and Patrick Ball. "Levels of Truth: Macro-Truth and the TRC." In *Truth and Reconciliation in South Africa: Did the TRC Deliver?* Edited by Audrey R. Chapman and Hugo Van Der Merwe. Philadelphia, PA: University of Pennsylvania Press, 2008.

Chapman, Audrey R. and Ball, Patrick. *"The Truth of Truth Commissions: Comparative Lessons from Haiti, South Africa, and Guatemala." Human Rights Quarterly* 23, no. 1 (2001).

Chávez, Pereyra, Nelson Rojas Rojas and Antonio Rolando Zapata Velasco. *Historia y Cultura de Ayacucho.* Edited by Antonia Zapata Velasco, Nelson Pereyra, and Rolando Rojas. Lima, Peru: Institute of Peruvian Studies, UNICEF, and DED Servicio Aleman de Cooperacion Social-Tecnica Programa Servicio Civil Para La Paz, 2008.

Chayes, Antonia and Martha Minow, eds. *Imagine Coexistence: Restoring Humanity after Violent Ethnic Conflict.* Cambridge, MA: Jossey-Bass, 2003.

Cobián, Rolando Ames and Reátegui Félix. "Toward Systemic Social Transformation: Truth Commissions and Development." In *Transitional Justice and Development: Making Connections.* Edited by Pablo de Greiff and Roger Duthie. New York: Social Science Research Council, 2009.

Collier, Paul and Anke Hoeffler. "On Economic Causes of Civil War." *Oxford Economic Papers* 50, no. 4 (1998).

Collier, Paul. "Economic Causes of Civil Conflict and their Implications for Policy." Washington, D.C.: World Bank, 2000.

Collier, Paul and Anke Hoeffler. "Greed and Grievance in Civil War." *World Bank Working Paper* (1999). Available at http://www.worldbank.org/research/ conflict/papers/civilconflict.html.

Collins, Cath. "Human Rights Trials in Chile: During and After the 'Pinochet Years'," *The International Journal of Transitional Justice* (2009).

Conteh-Morgan, Earl and Mac Dixon-Fyle. *Sierra Leone at the End of the Twentieth Century: History, Politics and Society.* New York: Peter Lang, 1999.

Cordero, Isabel Coral. "Women in War: Impact and Responses." In *Shining and Other Paths: War and Society in Peru, 1980-1995.* Edited by Steve J. Stern. Durham and London: Duke University Press, 1998.

Coulter, Chris. *Bush Wives and Girl Soldiers: Women's Lives through War and Peace in Sierra Leone.* Ithaca, NY: Cornell University Press, 2009.

Crocker, David A. "Reckoning With Past Wrongs: a Normative Framework," (June 2004). Available online:
http://terpconnect.umd.edu/~dcrocker/Courses/Docs/Reckoning%20with%20past%20wrongs.pdf. Updated from David A. Crocker, *Ethics & International Affairs* 13 (1999).

Cueva, Eduardo Gonzales. "The Peruvian Truth and Reconciliation Commission and the Challenge of Impunity." In *Transitional Justice in the Twenty-first Century.* Edited by Naomi Roht-Arriaza. Cambridge: Cambridge University Press, 2006.

CVR Working Group Minutes. Grupo de Filosofos. "Glosario de Terminos Para La Comisión de la Verdad." 12 July 2003.

CVR Working Group Minutes. Grupo de Filosofos. "Glosario Operativo: Definiciones Epistemologico-Eticas CVR." 2 June 2003.

Dancy, Geoff, Hunjoon Kim, and Eric Wiebelhaus-Brahm. "The Turn to Truth: Trends in Truth Commission Experimentation." *Journal of Human Rights* 9 (2010).

Daye, Russell. *Political Forgiveness: Lessons from South Africa.* New York: Orbis Books, 2004.

De Brito, Alexandra Barahona, Carmen Gonzalez Enriquez, and Paloma Aguilar, eds. *The Politics of Memory: Transitional Justice in Democratizing Societies.* Oxford: Oxford University Press, 2001.

De Grieff, Pablo. "Articulating the Links Between Transitional Justice and Development: Justice and Social Integration." In *Transitional Justice and Development: Making Connections.* Edited by Pablo de Greiff and Roger Duthie. New York: Social Science Research Council, 2009.

De Grieff, Pablo. "Theorizing Transitional Justice." In *Transitional Justice,* Nomos, Volume L. Edited by Melissa Williams, Rosemary Nagy, and Jon Elster. New York: New York University Press, 2012.

De la Cadena, Marisol. "From Race to Class: Insurgent Intellectuals *de provoncia* in Peru, 1910-1970." In *Shining and Other Paths: War and Society in Peru, 1980-1995*. Edited by Steve J. Stern. Durham and London: Duke University Press, 1998.

Degregori, Carlos Iván, Javier Ciurlizza and José Coronel. *Construyendo Justicia: Verdad, Reconciliación y Procesamiento de Violaciones de Derechos Humanos.* Lima: PUCP, 2003.

Degregori, Carlos Iván. "Harvesting Storms: Peasant *Rondas* and the Defeat of Sendero Luminoso in Ayacucho." In *Shining and Other Paths: War and Society in Peru, 1980-1995*. Edited by Steve J. Stern. Durham and London: Duke University Press, 1998.

Degregori, Carlos Iván. *Qué Difícil es Ser Dios: El Partido Comunista del Perú - Sendero Luminoso y el Conflicto Armado Interno en el Perú: 1980-1999*. Lima: Institute of Peruvian Studies, 2010.

Del Puno, Panciano. "Family, Culture, and 'Revolution': Everyday Life with Sendero Luminoso." In *Shining and Other Paths: War and Society in Peru, 1980-1995*. Edited by Steve J. Stern. Durham and London: Duke University Press, 1998.

Denov, Myriam. *Child Soldiers: Sierra Leone's Revolutionary United Front.* Cambridge: Cambridge University Press, 2010.

John Dewey. *Democracy and Education: an Introduction to the Philosophy of Education.* New York: MacMillan, 1916.

Dewey, John. *Experience and Education.* New York: Macmillan Company, 1938.

Digeser, Paul E. *Political Forgiveness.* Ithaca, NY: Cornell University Press, 2001.

Dougherty, Beth. "Searching for Answers: Sierra Leone's Truth and Reconciliation Commission." *African Studies Quarterly* 8, no. 1 (2004).

Du Toit, André. "The Moral Foundations of the South African TRC: Truth as Acknowledgement and Justice as Recognition." In *Truth v. Justice: the Morality of Truth Commissions*. Edited by Robert I. Rotberg and Dennis Thompson. Princeton, NJ: Princeton University Press, 2000.

Dwyer, Susan. "Reconciliation for Realists." *Ethics and International Affairs* 13, no. 1 (1999).

Dzur, Albert. "Restorative Justice and Civic Accountability for Punishment," *Polity* 36, no. 1 (2003).

Elshtain, Jean Bethke. "Politics and Forgiveness." In *Burying the Past: Making Peace and Doing Justice after Civil War.* Edited by Nigal Biggar. Washington, D.C.: Georgetown University Press, 2001.

Elster, Jon. *Closing the Books: Transitional Justice in Historical Perspective.* Cambridge: Cambridge University Press, 2004.

Fanthorpe, Richard. "On the Limits of Liberal Peace: Chiefs and Democratic Decentralization in Post-War Sierra Leone." *African Affairs* 105, no. 418 (2005).

Farah, Douglas. "They Fought for Nothing, and That's What They Got." *Washington Post* (1 September, 2001).

Febres, Salomón Lerner. *La Rebelión de la Memoria: Seleccion de Discursos, 2001-2003.* Lima, Peru: CEP, IDEH-PUCP, Coordinadora Nacional de Derechos Humanos, 2004.

Febres, Salomón Lerner, "Por Qué Incomoda la Memoria?" *La Republica* (16 September 2012).

Feldman, Joseph, P. "Exhibiting Conflict: History and Politics at the Museo de la Memoria de ANFASEP in Ayacucho, Peru." *Anthropological Quarterly* 85, no. 2 (2012).

Fletcher, Laurel E., Harvey M. Weinstein, and Jamie Rowen. "Context, Timing and the Dynamics of Transitional Justice: A Historical Perspective." *Human Rights Quarterly* 31, no. 1 (2009).

Fletcher, Laurel E., and Harvey M. Weinstein. "Violence and Social Repair: Rethinking the Contribution of Justice to Reconciliation." *Human Rights Quarterly* 24, no. 3 (2002).

Forgues, Rolando. *Perú: Entre el Desafío de la Violencia y el Sueno de lo Posible.* Lima: Liberia Editorial Minerva, 1993.

Mark Freeman, *Truth Commissions and Procedural Fairness.* Cambridge: Cambridge University Press, 2006.

Freeman, Mark and Priscilla Hayner. "Truth-Telling." In *Reconciliation after Violent Conflict: A Handbook*. Edited by David Bloomfield. Stockholm: International Institute for Democracy and Electoral Assistance, 2003.

Fujii, Lee Ann, "Shades of Truth and Lies: Interpreting Testimonies of War and Violence," *Journal of Peace Research* 47, 2 (2010).

Fullard, Madeleine and Rousseau, Nicky. "Truth-Telling, Identities and Power in South Africa and Guatemala," Research Brief, International Center for Transitional Justice (June 2009).

Gambetta, Diego. "Can We Trust Trust?" *Trust: Making and Breaking Cooperative Relations.* Edited by Diego Gambetta. Oxford: Oxford University Press, 2000.

García, Maria Elena, *Making Indigenous Citizens: Identity, Development and Multicultural Activism in Peru*. Stanford: Stanford University Press, 2005.

Gberie, Lansana. *A Dirty War in West Africa.* Bloomington, IN: Indiana University Press, 2005.

Geddes, Barbara. "How the Evidence You Use Affects the Answers You Get: Rigorous Use of the Evidence Contained in Case Studies." In *Paradigms and Sand Castles:* Theory Building and Research Design in Comparative Politics. Ann Arbor, MI: University of Michigan, 2003.

Gibson, James L. *Overcoming Apartheid: Can Truth Heal a Divided Nation.* New York: Russell Sage Foundation, 2004.

George, Alexander L. and Andrew Bennett. *Case Selection and Theory Development in the Social Sciences.* Cambridge, MA: Belfer Center for Science and International Affairs, 2005.

Goldstone, Richard J. "Justice as a Tool for PeaceMaking: Truth Commissions and International Criminal Tribunals." *NYU Journal of International Law and Politics* 28 (1996).

Goodwin, Jeff and Theda Skocpol. "Explaining Revolutions in the Contemporary Third World." *Politics and Society* 17, no. 4 (1989).

Gorriti, Gustavo. *The Shining Path: a History of the Millenarian War in Peru.* Chapel Hill: University of North Carolina Press, 1999.

Grandin, Greg. "The Instruction of Great Catastrophe: Truth Commissions, National History, and State Formation in Argentina, Chile and Guatemala." *American Historical Review* 110, no. 1 (2005).

Gready, Paul. *The Era of Transitional Justice: the Aftermath of the Truth and Reconciliation Commission in South Africa and Beyond.* New York: Routledge, 2011.

Gurr, Ted Robert, *Why Men Rebel.* Princeton, NJ: Princeton University Press, 1970.

Gutmann, Amy and Dennis Thompson, "The Moral Foundations of Truth Commissions." In *Truth v. Justice: the Morality of Truth Commissions.* Edited by Robert I. Rotberg and Dennis Thompson. Princeton, NJ: Princeton University Press, 2000.

Guttman, Amy and Dennis Thompson. *Why Deliberative Democracy?* Princeton, NJ: Princeton University Press, 2004.

Halpern, Jodi and Harvey M. Weinstein. "Rehumanizing the Other: Empathy and Reconciliation," *Human Rights Quarterly* 26, no. 3 (2004).

Hamber, Brandon and Gunnar Theissen, "A State of Denial: White South Africa's Attitudes to the Truth and Reconciliation Commission," *Indicator South Africa* 15 (1998).

Hamber, Brandon and Grainne Kelly. "A Working Definition of Reconciliation." In "What is Reconciliation?" *Reconciliation(s): Transitional Justice in Postconflict Societies.* Edited by Joanna Quinn. Montreal and Kingston, McGill-Queen's University Press, 2009.

Hamber, Brendon, and Van der Merwe, Hugo. "What is this Thing Called Reconciliation?" *Reconciliation in Review* 1, no. 1 (1998).

Hatun Willakuy, abbreviated version of the CVR (Lima, Peru: Comisión de Entrega de la Comisión de la Verdad y Reconciliación, February 2004).

Hayner, Priscilla, B. "Past Truths, Present Dangers: The Role of Official Truth Seeking in Conflict Resolution and Prevention." In *International Conflict Resolution after the Cold War*. Edited by Paul. C. Stern and Daniel Druckman. Washington, D.C.: National Academy Press, 2000.

Hayner, Priscilla B. "The Sierra Leone Truth and Reconciliation Commission: Reviewing the First Year." *The International Center for Transitional Justice* (2004).

Hayner, Priscilla, B. "Fifteen Truth Commissions--1974-1994: a Comparative Study." *Human Rights Quarterly* 16, no. 4 (1994).

Hayner, Priscilla, B. "Truth Commissions," *NACLA Report on the Americas* 32, no. 2 (1998).

Hayner, Priscilla, B. *Unspeakable Truths: Facing the Challenge of Truth Commissions*. New York: Routledge, 2002.

Hinojosa, Iván. "On Poor Relations and the Nouveau Riche: Shining Path and the Radical Peruvian Left." In *Shining and Other Paths: War and Society in Peru, 1980-1995*. Edited by Steve J. Stern. Durham and London: Duke University Press, 1998.

Hirschman, Albert. "Against Parsimony: Three Easy Ways of Complicating Some Categories of Economic Discourse." *American Economic Review* (1984).

Hite, Katherine and Cath Collins. "Memorial Fragments, Monument Silences and Re-awakenings in 21st-Century Chile." *Millennium: Journal of International Studies,* Violence and Memory Forum 38, no. 2 (2009).

Hoddie, Matthew and Caroline Hartzell. "Signals of Reconciliation: Institution-building and the Resolution of Civil Wars." *International Studies Review* 7 (2005).

Humphreys, Macartan and Jeremy M. Weinstein. "Who Fights? The Determinants of Participation in Civil War." *American Journal of Political Science* 52, no. 2 (2006).

Huntington, Samuel. *The Third Wave: Democratization in the late Twentieth Century*. Norman: University of Oklahoma Press, 1991.

Ignatieff, Michael. "Articles of Faith." *Index on Censorship* 25, no. 110 (1996).

Kaplan, Robert D. "The Coming Anarchy." *The Atlantic Monthly* (1994).

Kim, Hun Joon. *Expansion of Transitional Justice Measures: A Comparative Analysis of Its Causes*. Minneapolis, University of Minnesota, 2008.

James-Allen, Paul, SheKu B.S. Lahai and Jamie O'Connell. "Sierra Leone's Truth and Reconciliation Commission and Special Court: a Citizen's Handbook." National Forum for Human Rights and the International Center for Transitional Justice, 2003.

Jaspers, Karl. *The Question of German Guilt.* New York: Dial Press, 1948.

Jelin, Elizabeth. "Public Memorialization in Perspective: Truth, Justice and Memory of Past Repression in the Southern Cone of South America." *The International Journal of Transitional Justice* 1, no. 1 (2007).

Jelin, Elizabeth. *State Repression and the Labors of Memory.* Minneapolis, MN: University of Minnesota Press, 2003.

Kaldor, Mary. *New and Old Wars: Organized Violence in a Global Era.* Cambridge: Polity Press, 1999.

Karl, Terry Lynn, and Philippe Schmitter. "Modes of Transition in Latin America: Southern Europe and Eastern Europe." *International Social Sciences Journal* 128 (1991).

Kay, Bruce H. "Violent Opportunities: The Rise and Fall of "King Coca" and Shining Path." *Journal of Interamerican Studies and World Affairs* 41, no. 3 (1999).

Kaye, Mike. "The Role of Truth Commissions in the Search for Justice, Reconciliation and Democratisation: the Salvadorian and Honduran Cases." *Journal of Latin American Studies* 29, no. 3 (1997).

Keen, David. *Conflict and Collusion in Sierra Leone.* Oxford: James Currey Ltd, 2005.

Kelsall, Tim. *Culture Under Cross Examination: International Justice and the Special Court for Sierra Leone.* Cambridge: Cambridge University Press: 2009.

Kelsall, Timothy. "Truth, Lies, Ritual: Preliminary Reflections on the TRC in Sierra Leone." *Human Rights Quarterly* 27, no. 2 (2005).

Kirk, Robin. *The Monkey's Paw: New Chronicles from Peru.* Amherst, MA: University of Massachusetts Press, 1997.

Kiss, Elizabeth. "Moral Ambition with and beyond Political Constraints." In *Truth v. Justice: the Morality of Truth Commissions*. Edited by Robert I. Rotberg and Dennis Thompson. Princeton, NJ: Princeton University Press, 2000.

Kriesberg, Louis. "Changing Forms of Coexistence." In *Reconciliation, Justice and Coexistence: Theory and Practice*. Edited by Mohammed Abu-Nimer. Lanham, MD: Lexington Books, 2001.

Kriesberg, Louis. "Coexistence and the Reconciliation of Communal Conflicts." In *The Handbook of Interethnic Coexistence*. Edited by Eugene Weiner. New York, NY: Continuum, 2000.

Kritz, Neil J. *Transitional Justice: How Emerging Democracies Deal with Former Regimes*. Washington, D.C.: United States Institute of Peace, 1995.

Krog, Antjie. *Country of My Skull*. London: Vintage Books, 1999.

Lambourne, Wendy. "Transitional Justice After Mass Violence: Reconciling Retributive and Restorative Justice." In *Julius Stone: A Study in Influence*. Edited by Helen Irving, Jacqueline Mowbray and Kevin Walton. Sydney: Federation Press, 2010.

Lambourne, Wendy. "Transitional Justice and Peacebuilding After Mass Violence." *International Journal of Transitional Justice* 3, no. 1 (March 2009).

Laplante, Lisa J. and Kimberly Susan Theidon. "Truth with Consequences: Justice and Reparations in Post-Truth Commission Peru." *Human Rights Quarterly* 29, no. 1 (2007).

Lederach, John Paul, *Building Peace: Sustainable Reconciliation in Divided Societies*. Washington, D.C.: US Institute of Peace, 1997.

Lederach, John Paul. "Civil Society and Reconciliation." In *Turbulent Peace: the Challenges of Managing International Conflict*. Edited by Chester A Crocker, Fen Osler Hampson, and Pamela Aall. Washington, D.C.: US Institute for Peace, 2001.

Lederach, John Paul. *The Moral Imagination: The Art and Soul of Building Peace*. Oxford: Oxford University Press 2005.

Leebaw, Bronwyn. *Judging State Sponsored Violence: Imagining Political Change.* Cambridge: Cambridge University Press, 2011.

Leebaw, Bronwyn. "Legitimation or Judgment? South Africa's Restorative Approach to Transitional Justice," *Polity* 36, no. 1 (2003).

Lessa, Francesca. *Memory and Transitional Justice in Argentina and Uruguay: Against Impunity.* New York, NY: Palgrave, 2013.

Linz, Juan and Alfred Stefan. *Problems of Democratic Transition and Consolidation.* Baltimore, MD: John Hopkins Press, 1996.

Little, Adrian. "Disjunctured Narratives: Rethinking Reconciliation and Conflict Transformation." *International Political Science Review* 33, no. 82 (2012).

Maconachie, Roy and Tony Binns. "Beyond the Resource Curse? Diamond Mining, Development, and Post-Conflict Reconstruction in Sierra Leone." *Resource Policy* 32 (2007).

Mac Ginty, Roger. "Gilding the Lily? International Support for Indigenous and Traditional." *Palgrave Advances in Peacebuilding.* Basingstoke, UK: Palgrave 2010.

Mac Ginty, Roger. "Hybrid Peace: the Interaction between Top-down and Bottom-up Peace." *Security Dialogue* 4, no. 41 (2010).

Mahoney, James and Terrie, P. Larkin, 'Comparative-historical Analysis in Contemporary Political Science,' in *The Oxford Handbook of Political Methodology,* eds. Janet M. Box-Steffensmeier, Henry E. Brady, and David Collier. Oxford: Oxford University Press, 2008.

Maier, Charles S. "Overcoming the Past? Narrative and Negotiation, Remembering and Reparation: Issues at the Interface of History and the Law." In *Politics and the Past: on Repairing Historical Injustices.* Edited by John Torpey, Lanham, MD: Rowman & Littlefield Publishers, 2003.

Mainwaring, Scott. "Transitions to Democracy and Democratic Consolidation: Theoretical and Comparative Issues." In *Issues in Democratic Consolidation; The New South American Democracies in Comparative Perspective.* Edited by Scott Mainwaring, Guilermo O'Donnell and Samuel Valenzuela. Notre Dame, IN: University of Notre Dame Press, 1992.

Mallon, Florencia E. "Chronicle of a Path Foretold? Velasco's Revolution, Vanguardia Revolucionaria, and 'Shining Omens' in the Indigenous Communities of Andahuaylas." In *Shining and Other Paths: War and Society in Peru, 1980-1995*. Edited by Steve J. Stern. Durham and London: Duke University Press, 1998.

Mani, Rama. *Beyond Retribution: Seeking Justice in the Shadows of War*. Cambridge and Maldon, MA: Polity Press, 2007.

Manrique, Nelson. "The War for the Central Sierra." In *Shining and Other Paths: War and Society in Peru, 1980-1995*. Edited by Steve J. Stern. Durham and London: Duke University Press, 1998.

Marks, Tom. "Making Revolution with Shining Path." In *The Shining Path of Peru*. Edited by David Scott Palmer. London: C. Hurst & Co. Ltd., 1992.

McClintock, Cynthia. "Theories of Revolution and the Case of Peru." *Shining Path of Peru*. Edited by David Scott Palmer. London: C. Hurst & Co. Ltd., 1992.

Mendeloff, David. "Truth-seeking, Truth-telling and Postconflict Peacebuilding: Curb the Enthusiasm." *International Studies Review* 6 (2004).

Mendez, Juan E. "Accountability for Past Abuses." *Human Rights Quarterly* 19, no. 2 (1997).

Mendez, Juan E. and Javier Mariezcurrena. "Unspeakable Truths: Facing the Challenge of Truth Commissions." *Human Rights Quarterly* 24 (2003).

Millar, Gearoid. "'Ah Lef Ma Case Fo God': Faith and Agency in Sierra Leone's Postwar Reconciliation." *Peace and Conflict: Journal of Peace Psychology* 18, no. 2 (2012).

Millar, Gearoid. "Assessing Local Experiences of Truth-telling in Sierra Leone: Getting to 'Why' Through a Qualitative Case Study Analysis." *The International Journal of Transitional Justice* 4 (2010).

Millennium: Journal of International Studies Special Forum on Memory and Grief, Volume 38, 2 (2009).

Milton, Cynthia, E. "Defacing Memory: Untying Peru's Memory Knots." *Memory Studies* (2011).

Minow, Martha. *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence*. Boston, MA: Beacon Press, 2000.

Moon, Claire. *Narrating Political Reconciliation: South Africa's Truth and Reconciliation Commission*. Lanham, MD: Lexington Books, 2008.

Moon, Claire. "Prelapsarian State: Forgiveness and Reconciliation in Transitional Justice." *International Journal for Semiotics of Law* 17, no. 2 (2004).

Murphy, Jeffrie G. and Jean Hampton. *Forgiveness and Mercy*. Cambridge: Cambridge University Press, 1988.

Nagy, Rosemary. "Reconciliation in Post-Commission South Africa: Thick and Thin Accounts of Solidarity." *Canadian Journal of Political Science* 35, no. 2 (2002).

Neumann, William. "Peru Forced to Confront Deep Scars of Civil War." *New York Times* (May 26, 2012).

Nino, Carlos Santiago. *Radical Evil on Trial*. New Haven, CT and London: Yale University Press, 1996.

Norval, Aletta J. "Memory, Identity, and the (Im) possibility of Reconciliation: the Work of the Truth and Reconciliation Commission in South Africa." *Constellations* 5, no. 2 (1998).

Ntsebeza, Dumisa, B. "The Uses of Truth Commissions: Lessons for the World." In *Truth v. Justice: the Morality of Truth Commissions*. Edited by Robert I. Rotberg and Dennis Thompson. Princeton, NJ: Princeton University Press, 2000.

Nunn, Nathan and Leonard Wantchekun. "The Slave Trade and the Origins of Mistrust in Africa." *American Economic Review* 101 (2011).

Okello, Moses Chrispus, "Afterword: Elevating Transitional Local Justice or Crystallizing Global Governance," in *Localizing Transitional Justice: Interventions and Priorities after Mass Violence,* eds. Rosalind Shaw, Lars Waldorf, and Pierre Hazan. Stanford, CA: Stanford University Press, 2010.

Oliart, Patricia. "Albert Fujimori: 'the Man Peru Needed'?" In *Shining and Other Paths: War and Society in Peru, 1980-1995*. Edited by Steve J. Stern. Durham and London: Duke University Press, 1998.

Olsen, Tricia D., Leigh A. Payne and Andrew G. Reiter. *Transitional Justice in Balance: Comparing Processes, Weighing Efficacy*. Washington, D.C.: United States Institute for Peace, 2010).

Orentlicher, Diane F. "Settling Accounts: The Duty to Prosecute Human Rights Violations of a Prior Regime." *The Yale Law Journal* 100 (1991).

Osiel, Mark. *Mass Atrocity, Collective Memory, and the Law*. New Brunswick, NJ: Transaction, 1997.

Palmer, David Scott, ed. *The Shining Path of Peru*. London: C. Hurst & Co. Ltd., 1992.

Pankhurst, Donna. "Issues of Justice and Reconciliation in Complex Political Emergencies: Conceptualising Reconciliation, Justice and Peace." *Third World Quarterly* 20, no. 1 (1999).

Patron, Rosemary Lerner Rizo. "Between Conflict and Reconciliation: the Hard Truth." *Human Studies* (2007).

Payne, Leigh A. *Unsettling Accounts: Neither Truth Nor Reconciliation in Confessions of State Violence*. Durham and London: Duke University Press, 2008.

Peters, Krjin. "From Weapons to Wheels: Young Sierra Leonean Ex-Combatants Become Motorbike Taxi Drivers." *Journal of Peace, Conflict and Development* 10 (2007).

Peters, Krijn. *War and the Crisis of Youth in Sierra Leone*. Cambridge: Cambridge University Press, 2011.

Peters, Krijn and Paul Richards. "Why We Fight: Voices of Youth Combatants in Sierra Leone." *Africa: Journal of the International Africa Institute* 68, no. 2 (1998).

Pham, John-Peter. *Child Soldiers, Adult Interests: the Global Dimensions of the Sierra Leone Tragedy*. New York, NY: Nova Science Publishers, 2005.

Philpott, Daniel. *Just and Unjust Wars: An Ethic of Political Reconciliation*. Oxford: Oxford University Press, 2012.

Philpott, Daniel and Gerard Powers. "Reconciliation: an Ethic for Peacebuilding." *Strategies of Peace.* Edited by Daniel Philpott and Gerard Powers. Oxford: Oxford University Press: 2010.

Popkin, Margaret. "The Salvadoran Truth Commission and the Search for Justice." In *Truth Commissions and Courts: the Tensions between Criminal Justice and the Search for Truth.* Edited by William Schabas and Shane Darcy. Dortrecht, Netherlands: Kluwer Academic Publishers, 2004.

Post-conflict Reintegration Initiative for Development and Empowerment (Pride). "Ex-Combatant Views of the Truth and Reconciliation Commission and the Special Court in Sierra Leone." Freetown, Sierra Leone, PRIDE in partnership with the International Center for Transitional Justice, 2002.

Quinn, Joanna. "Constraints: The Un-Doing of the Ugandan Truth Commission." *Human Rights Quarterly* 26, no. 2 (May 2004).

Quinn, Joanna. "Introduction." *Reconciliation (s): Transitional Justice in Postconflict Societies.* Edited by Joanna Quinn. Montreal and Kingston: McGill-Queen's University Press, 2009.

Rahn, Wendy M. and John E. Transue. "Social Trust and Value Change: The Decline of Social Capital in American Youth, 1976–1995." *Political Psychology* 19, no. 3 (1998).

Renan, Ernest. "What is a Nation?" In *Becoming National: A Reader.* Edited by Geoff Eley and Ronald Grigor Suny. New York and Oxford: Oxford University Press, 1996.

Renique, José Luis. *La Batalla Por Puno: Conflicto Agrario y Nación en Los Andes Peruanos 1866-1995*. Lima, Peru: Institute of Peruvian Studies, 2004.

Reno, William. *Corruption and State Politics in Sierra Leone.* New York, NY: Cambridge University Press, 1995.

Richards, Paul. *Fighting for the Rainforest.* The International African Institute in association with James Currey/ Heinemann, 1996.

Richards, Paul. "To Fight or To Farm? Agrarian Dimensions of the Mano River Conflicts (Liberia and Sierra Leone)." *African Affairs* 104, no. 417 (2005).

Richmond, Oliver P. "A Post-Liberal Peace: Eirenism and the Everyday." *Review of International Studies* 35, no. 3 (2009).

Robins, Simon. "Challenging the Therapeutic Ethic: a Victim-Centred Evaluation of Transitional Justice Process in Timor Leste." *International Journal of Transitional Justice* 6, no. 1 (2012).

Rorty, Richard. "Human Rights, Rationality and Sentimentality," in *On Human Rights*. Shute and Hurley, eds. New York, NY, Basic Books, 1993.

Rotberg, Robert I. "Truth Commissions and the Provision of Truth, Justice and Reconciliation." In *Truth versus Justice: the Morality of Truth Commissions*. Princeton, NJ: Princeton University Press, 2000.

Sachs, Albie. *Healing of a Nation.* Edited by Alex Boraine and Janet Levy. Cape Town: Justice in Transition, 1995.

Sarkin, Jeremy. "The Necessity and Challenges of Establishing a Truth and Reconciliation Commission in Rwanda." *Human Rights Quarterly* 21, no. 3 (1999).

Schaap, Andrew. *Political Reconciliation.* Oxford and New York: Routledge, 2005.

Schabas, William. "Conjoined Twins of Transitional Justice: the Sierra Leone Truth and Reconciliation Commission and the Special Court." *Journal of International Criminal Justice* 2, no. 4 (2004).

Schabas, William. "The Relationship between Truth Commissions and International Courts: the Case of Sierra Leone." *Human Rights Quarterly* 25, no. 4 (2003).

Schabas, William. "Truth Commissions and Courts Working in Parallel: the Sierra Leone Experience." *Proceedings of the 98th American Society of International Law* (2004).

Schabas, William A. and Shane Darcy, eds. *Truth Commissions and Courts: the Tension between Criminal Justice and Truth*. Dordrecht: Kluwer Academic Publishing, 2004.

Scharf, Michael P. "The Case for a Permanent International Truth Commission." *Duke Journal of Comparative and International Law* 7 (1997).

Schwan, Gesine. "The 'Healing' Values of Truth-Telling: Chances and Social Conditions in a Secularized World." *Social Research* 65 (1998).

Schwartz-Shea, Peregrine and Yanow, Dvora, *Interpretive Research Design: Concepts and Processes.* New York, NY: Routledge, 2012.

Shaw, Rosalind. "Displacing Violence: Making Pentecostal Memory in Sierra Leone." *Cultural Anthropology* 22, no. 1 (2008).

Shaw, Rosalind. "Linking Justice with Reintegration? Excombatants and the Sierra Leone Experiment." In *Localizing Transitional Justice: Interventions and Priorities after Mass Violence.* Edited by Rosalind Shaw and Lars Waldorf. Stanford, CA: Stanford University Press, 2010.

Shaw, Rosalind. *Memories of the Slave Trade: Ritual and the Historical Imagination in Sierra Leone.* Chicago, IL: University of Chicago Press, 2002.

Shaw, Rosalind. "Rethinking TRCs: Lessons from Sierra Leone." *Special Report.* United States Institute of Peace, 2005.

Shklar, Judith. *Legalism: Law, Morals, and Political Trials.* Cambridge, MA: Harvard University Press, 1986.

Shriver, Donald W. Jr. *An Ethic for Enemies: Forgiveness in Politics.* Oxford: Oxford University Press, 1998.

Sil, Rudra Sil and Katzenstein, Peter J., *Beyond Paradigms: Analytical Eclecticism in the Study of World Politics.* New York and London: Palgrave MacMillan, 2010.

Sierra Leone Working Group on Truth and Reconciliation. "Searching for Truth and Justice in Sierra Leone: An Initial Study of the Performance and Impact of the Truth and Reconciliation Commission." February 2006. Available at: www.fambultok.org/**TRCS**tudy-FinalVersion.pdf.

Sikkink, Kathryn. *The Justice Cascade: How Human Rights Prosecutions are Changing World Politics.* New York and London: W.W. Norton and Company, 2011.

Sisk, Timothy D. *Democratization in South Africa: the Elusive Social Contract.* Princeton, NJ: Princeton University Press, 1995.

Simpson, John. *In the Forests of the Night: Encounters with Terrorism, Drug-Running and Military Oppression.* London: Random House, 1993.

Sluzski, Carlos. "The Process Towards Reconciliation." In *Imagine Coexistence: Restoring Humanity after Violent Ethnic Conflict.* Edited by Antonia Chayes and Martha Minow. Cambridge, MA: Jossey-Bass, 2003.

Snyder, Jack and Leslie Vinjamuri. "Trials and Errors: Principle and Pragmatism in Strategies in International Justice." *International Security* 28, no. 5 (2003).

Sriram, Chandra Lekha. *Confronting Past Human Rights Violations: Justice v. Peace in Times of Transition.* London and New York: Frank Cass, 2004.

Starn, Orin. "Maoism in the Andes: the Communist Party of Peru-Shining Path and the Refusal of History." *Journal of Latin American Studies* 27, no. 2 (1995).

Stern, Steve J. "Beyond Enigma: An Agenda for Interpreting Shining Path and Peru, 1980-1995." In *Shining and Other Paths: War and Society in Peru, 1980-1995.* Edited by Steve J. Stern. Durham and London: Duke University Press, 1998.

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

Teitel, Ruti, G. "Transitional Justice Genealogy." *Harvard Human Rights Journal* 16 (2003).

Tepperman, Jonathan, D. "Truth and Consequences." *Foreign Affairs* 81, no. 2 (2002).

The Chilean National Commission on Truth and Reconciliation Report. Available at: http://www.usip.org/files/resources/collections/truth_commissions/Chile90-Report/Chile90-Report.pdf.

The Guatemalan CEH Report. Available at: http://shr.aaas.org/guatemala/ceh/report/english/conc3.html.

The International Center for Transitional Justice. "What is Transitional Justice?" (2008). Available at: http://ictj.org/sites/default/files/ICTJ-Global-Transitional-Justice-2009-English.pdf.

The Institute for Justice and Reconciliation. "The South African Reconciliation Barometer Dialogue Report." (2010). Available at: http://www.ijr.org.za/publications/recbar2011.php.

The Lomé Peace Accord. Available at: http://www.sierra-leone.org/lomeaccord.html.

The CVR Report. Available at: http://www.cverdad.org.pe/ingles/pagina01.php.

The Sierra Leonean TRC Report. Available at: http://www.sierra-leone.org/TRCDocuments.html.

"The Situation of Human Rights in Sierra Leone." U.N.Doc. E/CN.4/2001/35, at 13 H 41.53. Eleventh Report of the Secretary General on the United Nations Mission in Sierra Leone.

The South African TRC Report. Available at: http://www.info.gov.za/otherdocs/2003/trc/.

The Special Court for Sierra Leone. *Decision on the Request by the TRC of Sierra Leone to Conduct a Public Hearing with the Accused*, SCSL-02-08-PT-101 (29 October 2003). Available at: www.sl-sc.org.

The Truth and Reconciliation Commission Report for the Children of Sierra Leone. Available at: http://www.unicef.org/infobycountry/files/TRCCF9SeptFINAL.pdf

Theidon, Kimberly Susan. *Entre Prójimos: El Conflicto Armado Interno y la Política de la Reconciliación en el Perú*. Lima, Perú, Instituto de Estudios Peruanos, 2004.

Theidon, Kimberly Susan. "Histories of Innocence: Post-War Stories in Peru." In *Localizing Transitional Justice: Interventions and Priorities after Mass Violence.* Edited by Rosalind Shaw, Lars Waldorf and Pierre Hazan. Stanford, CA: Stanford University Press, Studies in Human Rights, 2010.

Theidon, Kimberly Susan. "Justice in Transition: The Micropolitics of Reconciliation in Post-War Peru." *Journal of Conflict Resolution* 50, no. 3 (2006).

Todorov, Tzvetan, *Hope and Memory: Lessons from the Twentieth Century* (Princeton, NJ: Princeton University Press, 2003).

CVR Hearing Videos, covering geographical areas of hearings, and thematic case studies, obtained through IDEHPUCP.

Tutu, Desmond. *No Future without Forgiveness*. Houghton, South Africa: Random House, 1999.

UN DDR Sierra Leone Country Programme Report. Available at: http://www.unddr.org/countryprogrammes.php?c=60.

UN High Commissioner for Refugees. "Sierra Leone: Lack of Aid Funds for Amputees, Rape Survivors, and War Widows." (2012). Available at: http://www.irinnews.org/Report/83100/SIERRA-LEONE-Lack-of-aid-funds-for-amputees-rape-survivors-war-widows.

UN High Commissioner for Refugees. "Sierra Leone: Lack of Aid Funds for Amputees, Rape Survivors, War Widows." (2009). Available at: http://www.unhcr.org/refworld/publisher, IRIN, SLE,49a660d01a,0.html

United Nations. "What is Transitional Justice? A Backgrounder." (February 20, 2008). http://www.un.org/en/peacebuilding/pdf/doc_wgll/justice_times_transition/26_02_2008_background_note.pdf.

UN Office for the Coordination of Humanitarian Affairs, IRIN Interview with Special Court for Sierra Leone Chief Prosecutor, David Crane (25 September 2012). Available at: http://www.irinnews.org/InDepthMain.aspx?InDepthId=31&ReportId=70568.

US Institute of Peace. "Truth Commissions: Digital Collection." Available at: http://www.usip.org/publications/truth-commission.

USAID/Peru. "Peru: Economic Growth" (February 2011). Available at: http://www.usaid.gov/pe.

UN Secretary General. "The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies – Report of the Secretary General." (2011).

Van Roermund, Bert. "Rubbing Off and Rubbing On: the Grammar of Reconciliation." In *Lethe's Law: Justice, Law, and Ethics in Reconciliation*. Edited by Emilios Christodoulidis and S. Scott Veitch. Oxford: Hart Publishing, 2001.

Villa-Vicencio, Charles and William Vorwoerd, eds. *Looking Back, Reaching Forward: Reflections on the Truth and Reconciliation Commission of South Africa*. Capetown, South Africa: University of Capetown Press, 2000.

Villa-Vicencio, Charles. "Reconciliation." In *Pieces of the 2004: Keywords on Reconciliation and Transitional Justice.* Edited by Charles Villa-Vicencio and Erik Doxtader. Capetown, South Africa: Institute for Justice and Reconciliation, 2004.

Vinjamuri, Leslie and Michelle Sieff. "Reconciling Order and Justice? New Institutional Solutions in Post-Conflict States." *Journal of International Affairs*, Special Edition on International Institutions and Justice 52, no. 2 (1999).

Weinstein, Harvey M., Laurel E. Fletcher, and Patrick Vinck. "Stay the Hand of Justice: Whose Priorities Take Priority?" In *Localizing Transitional Justice: Interventions and Priorities after Mass Violence.* Edited by Rosalind Shaw and Lars Waldorf. Stanford, CA: Stanford University Press, 2010.

Williams, Sarah. "Amnesties in International Law: the Experience of the Special Court for Sierra Leone." *Human Rights Law Review* 5, no. 2 (2005).

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

Yin, Robert K., *Case Study Research: Design and Methods,* 4th edition. Thousand Parks, CA: Sage, 2009.

Young, Iris Marion. "Communication and the Other: Beyond Deliberative Democracy." In *Democracy and Difference.* Edited by Seyla Benhabib. Princeton: Princeton University Press, 1995.

Zack-Williams, A. B. "Child Soldiers in the Civil War in Sierra Leone." *Review of African Political Economy* 87, no. 73 (2001).

Zack-Williams, A. B. "Sierra Leone: the Political Economy of Civil War, 1991-98." *Third World Quarterly* 20, no 1 (1999).

Zalaquett, José. "Introduction," Report of the Chilean Commission of National Truth and Reconciliation. Available at:
http://www.usip.org/files/resources/collections/truth_commissions/Chile90-Report/Chile90-Report.pdf.

Zehr, Howard. "A Restorative Framework for Community Justice Practice." In *Criminology, Conflict Resolution and Restorative Justice.* Edited by Kieran McEvoy and Tim Newburn. New York: Palgrave MacMillan, 2003.

Zehr, Howard. *Changing Lenses: a New Focus for Crime and Justice.* Scottsdale, PA: Herald Press, 1990.

Zehr, Howard. "Restoring Justice in God and the Victim: Theological Reflections on Evil, Victimization, Justice, and Forgiveness." In *Neighbors Who Care*. Edited by Lisa Barnes Lampman and Michelle D. Shattuck. Washington, D.C: William B. Eerdmans Publishing Company, 1999.

Zehr, Howard. "Restorative Justice: When Justice and Healing go Together." *Track Two* (1997).