



DIALOGUE AND EXCHANGE: PROGRAMME REPORT

STUDY TOUR OF THE BURUNDIAN TRUTH AND RECONCILIATION COMMISSIONERS

Reconciliation process challenges: Learning from past experiences



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ACRONYMS

AFSC	American Friends Service Committee
ANC	Assembly National Congress
BTRC	Burundi Truth and Reconciliation Commission
CODESA	Convention for a Democratic South Africa
DEP	Dialogue and Exchange Programme
HRVC	Human Rights Violations Committee
IJR	Institute for Justice and Reconciliation
MOU	memorandum of understanding
PWD	persons with disabilities
RACI	Responsible, Accountable, Consulted and Informed
CSO	civil society organisation
RRC	Reparations and Rehabilitations Committee
SA	South Africa
SA TRC	South African Truth and Reconciliation Commission
TRC	Truth and Reconciliation Commission



INTRODUCTION

Addressing a country's past is one of the most delicate tasks with which a person can be entrusted. After the establishment of the Truth and Reconciliation Commission (TRC) in Burundi in December 2014, the appointed commissioners have had the important task of revisiting Burundi's traumatic history so that it can become a starting point for a long process of reconciliation.

According to its establishing Act, the TRC has a mandate to search for and establish the truth about the crimes committed in Burundi and to propose adequate measures of justice for victims as well as a programme of reparations for victims' prejudices.

The work of the Burundi TRC will cover a long period from 1962, the date of independence, to 2008, when the last rebel movement accepted the ceasefire conditions.

The task will not be easy for the TRC and its members to carry out without the support and help of different stakeholders.

It is from this perspective that a study visit for Burundi TRC members was envisioned and planned by the Institute for Justice and Reconciliation (IJR) in partnership with the American Friends Service

Committee (AFSC). South Africa has been targeted as the first country to visit because of the relative success of the South African Truth and Reconciliation Commission (SA TRC) under the leadership of Archbishop Desmond Tutu. The choice of the SA TRC was dictated by the availability of former South African commissioners and their willingness to share their experiences. It was also a result of the very first visit of the Commission of Justice and Human Rights in the Burundi



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National Assembly – charged with refining the long-disputed draft law at the time, supported by the AFSC – to Cape Town to learn from the content of the South African TRC law. This has given Burundi the continuous desire to learn from the South African experience.

BACKGROUND

For more than 40 years Burundi has been confronted with recurring conflict between two major ethnic groups – the Hutu and Tutsi – which later became a socio-political conflict. In August 2000, a Peace and Reconciliation Accord was signed between the conflicting parties. The Accord foresaw the implementation of a provision related to seeking the truth about past atrocities, the prosecution of criminals, and a reconciliation process that would bridge the divide between the two groups. The two processes are important components of the peace-building process in Burundi.

The TRC is one of the mechanisms proposed within the Arusha Peace and Reconciliation Agreement signed in August 2000 by Burundian political forces and conflicting parties. The peace agreement was brokered by the international community through the support of the mediation efforts of the former president of post-apartheid South Africa, Nelson Mandela.

The appointment of the members of the Truth and Reconciliation Commission in December 2014 was a crucial moment in the launching of the reconciliation process. This appointment of commissioners

was preceded by the enactment of the law governing the Truth and Reconciliation Commission in May 2014 by the Burundi parliament and the president of the Republic of Burundi.

The establishment of a Truth and Reconciliation Commission in Burundi is a response to the need to address the issues related to past injustices and grave violations of human rights that have characterised more than 40 years of ethnic (Hutu and Tutsi) and political conflict in this African country. It is also a bold move in terms of attempting to realign the country on the path of stability and sustained development.



Members of the committee

The establishment of this TRC has been pending for more than a decade, in which time some evidence of human rights violations has disappeared and several witnesses of atrocities committed have passed away. The activities of the Burundi TRC were supposed to have been launched in 2001. The transitional governments installed in the aftermath of the Arusha Peace Talks were not able to establish the TRC because of the difficult political and security environment.

The work of the Burundi TRC will start in a challenging context because of the national elections that will take place in 2015, within a framework of increasing political tensions. Thus, in order to become operational, this institution needs strong support from inside and outside the country.

CONFERENCE GOAL AND OBJECTIVES

The overall goal of this conference is to assist the Burundian commissioners of the TRC to become informed by, and learn from, the South African experience and that of other countries to develop the right competencies to carry out their mission effectively.

The following are the objectives:

- To create a framework for learning and exchange for the Burundian commissioners of the TRC and other experts in South Africa and beyond;
- To improve the understanding of the different stages of the establishment of the TRC, such as its organisation, function and missions; and
- To help Burundi through the TRC in the near future to know the truth, promote reconciliation and bring justice to victims and witnesses of the conflict.

Expected outcomes are as follows:

- TRC commissioners with sufficient knowledge of the TRC process, especially of public hearing proceedings, how to promote national cohesion through trauma healing, the protection of the witnesses and victims, the role of dialogue in the construction of an inclusive society, and reparations and recordings/archiving; and
- TRC commissioners who are well informed about the behaviour to be adopted during the period of their work and the limits of cooperation with the government and political leaders.

STRATEGIC APPROACH TO CONFERENCE SUCCESS

In order to make this study visit a success and to impart the required knowledge into the Burundi TRC commissioners, two organisations – the AFSC and the IJR – first took time to analyse the Burundi TRC's immediate needs, given its recent establishment. The two organisations agreed that there was need for capacity-building as a prerequisite for any success expected of this commission. The manner in

which this study visit should be organised was discussed through preliminary meetings between the two organisations, meetings that involved their senior management. These meetings were intended to analyse the importance of, and need for, the TRC in Burundi, and the added value of the conference for its success. Coming to terms with the need paved the way for the organisations to prepare the conference jointly with a clear RACI understanding (responsible, accountable, consulted and informed).

The two organisations discussed the number of participants in the light of the available resources. This information was tactfully shared with the TRC and reasons given to justify the organisations' decision. They were, however, given the latitude to decide on which commissioners were to be part of the visit, given that not all of the 11 members could be brought to South Africa.

The format of the entire programme was also discussed and agreed upon, which led to an MOU being signed between the AFSC and the IJR. The two organisations made available two programme staff to accompany the entire process; one member of Burundian civil society, who could serve as a control for the study visit, was selected to be part of the trip. It is also worth noting that this civil society organisation (CSO) member is also a member of the Reflecting Group on transitional justice, a group that brings together a large number of national and international CSOs that work on transitional justice in Burundi and that contribute to the Burundi TRC.

CONFERENCE RESOURCE PERSONS

Mr Fanie Du Toit	Executive director of the IJR (South Africa)
Mrs Mary Burton	Former member of South Africa's TRC
Mrs Nomfundo Walaza	Clinical psychologist consultant
Mrs Glenda Wildschut	Former member of South Africa's TRC
Dr Alex Boraine	Former vice-president of South Africa's TRC
Prof. Jeremy Sarkin	Professor, University of the Western Cape; former employee of South Africa's TRC
Prof. Charles Villa-Vicencio	Director of research at South Africa's TRC; expert in research, investigation, reporting and archiving
Mr Stan Henkeman	Head of department, IJR (South Africa); expert in trauma healing and conflict resolution
Mr Webster Zambara	Senior project leader for southern Africa and the SADC, IJR (South Africa)

DESCRIPTION OF THE ACTIVITY

This study visit lasted for six days, which included travel time to and from South Africa. The Burundian delegation left their country on 21 March 2015 and arrived in Cape Town on 22 March. The study and exchanges between the Burundi TRC delegation and South African experts and former commissioners started on Monday 23 March. The programme ran for four days and ended on 26 March. It was coordinated by the IJR's senior project leader for the Great Lakes region, who is based in South Africa. He is very well placed for such an activity because of his good understanding of transitional justice, especially in countries of the Great Lakes region, and for his extensive expertise in conflict management. He has a good grasp of the Burundi context as he has lived through it and worked in it through other contexts.

The study visit organised for the Burundi TRC had the general theme 'Reconciliation process challenges: Learning from past experiences and insights from the South African reconciliation process'. In all, about

eight presentations were made, covering a range of topics that are relevant to the work of a TRC. It should be mentioned that the IJR has been developing a curriculum for African truth commissions and was in a good position, therefore, to help the Burundi TRC to craft a programme that responds to TRC members' current needs. Despite the fact that the IJR played a key role in designing the presentations, the AFSC and the Burundi TRC were involved in the entire process.

The presentations were made by different categories of experts, including former commissioners of the South African TRC. Among them were Alex Boraine, the former vice-president of the TRC in South Africa, and commissioners Glenda Wildschut and Mary Burton. Alex Boraine's long experience and his important work on reconciliation is well known around the globe. Other experts included the former chief researcher of the TRC, Professor Charles Villa-Vicencio (who is also one of the founders of the IJR), Professor Jeremy Sarkin and Dr Fanie du Toit, who is the IJR's executive director. All the speakers were people with a wealth of knowledge who have been playing an important role in the South African reconciliation process for a very long time.

They received presentations from the experiences of other countries such as South Sudan, Zimbabwe, Kenya, Togo, Sierra Leone and Rwanda. They also had a chance to visit the Robben Island and District Six Museums. These two institutions are a reminder of the South African past, especially with its connection to the apartheid regime, whose actions have been classified as a crime against humanity. The visits gave room for explanations of best practices and issues that did not succeed, with possible reasons for their failure and how they could have been executed better.

At the end of the study visit, the delegation departed from South Africa on 27 March 2015.

SETTING THE SCENE: AN OVERVIEW OF THE TRUTH AND RECONCILIATION COMMISSION

Dr. Fanie du Toit, the Executive Director of the IJR, started his presentation by introducing the historical origins of the TRC commission in South Africa as an effort to deal specifically with gross human rights violations committed during apartheid. In Burundi too, it is important to remember the long history of working for some form of accountability for gross human rights violations committed there after the Arusha agreement in 2000. Ordinary Burundians too have been exposed to a long process of deliberating on what shape a TRC should take. At various moments, civil society was consulted.

He continued by explaining that there is a difference between conditional amnesty and wholesale impunity. In cases where amnesty is unavoidable in order to ensure political stability, there needs to be efforts to link this to conditions such as truth-telling and possibly direct acts of restitution by perpetrators. Importantly, victims should be consulted on this. In South Africa, victims expressed a deep desire for truth, since that had been hidden from them for so long and would enable them to move on with their lives. In terms of reparations, it is important that a TRC does not make promises which the government is unable or unwilling to keep. Consequently, the Commission has to make sure there is some independent monitoring ability to keep government accountable in terms of implementing reparations. Also, it is important early on to plan carefully what reparations will cost, and to collaborate with government on how reparations will be paid for.

He advised the Burundian commissioners to do their work with a view to uncovering some of the root causes of the conflict, and to make recommendations to the government on how this could be overcome. For this, it is absolutely important that the Commission safeguards its independence. The Commission must prepare itself for political pressure if it is to produce an independent report, but this is vital for the healing of the country.



Dr Fanie du Toit

Burundi's TRC must show fairness if it really wants to be successful. The commissioners need to show that they are thinking beyond ethnicity and beyond the conflict of the past. They need to help Burundi regain its identity as a people, a Burundian identity. This will help the TRC to work fairly and to truly contribute to a reconciliation process where no one feels left behind. This process should be followed by recommendations on how to resolve problems caused by social and economic injustices.

The Executive Director informed the Commissioners that a TRC process ought at all times to adopt a victim-centred approach. This means that the restoration of their civic and human dignity ought to be the priority, and not amnesty for the perpetrators.

Concluding his reflections, Dr. Fanie du Toit said that it is a good thing that among the Burundi commissioners there is a significant number of religious leaders. They are in a good position to prepare the minds of the population during this phase of reconciliation and to continue the healing process after the TRC has ended its work.

REFLECTIONS ON THE PROCEDURES OF HEARINGS IN THE SOUTH AFRICAN TRC PROCESS



Mrs Mary Burton

Mrs Mary Burton, former member of the South African TRC, presented the South African TRC's case. She began by saying that most of the commissioners had been suspended after some time, leaving the Amnesty Committee to complete its work and a much-reduced team to finalise various processes such as verifying findings, referring the names of victims for reparations and eventually producing the final volumes of reports. One of the characteristics of the South African TRC was its public hearings. These were open events at which the testimonies of people who had suffered gross violations of their human rights were heard. They were often described as 'victim hearings'. They also included the public hearings of amnesty applicants and special hearings to address particular topics.

She communicated to the participants how the amnesty hearings were conducted. The majority of applications for amnesty were considered in chambers. Any application concerning a gross violation of human rights was bound by legislation to be heard in public. The applicant was entitled to legal representation. Before such a hearing could take place, every effort had to be made to notify the person or persons who were affected by the acts committed by the applicant, and such person(s) also had the right to be legally represented. All parties would have the right to adduce relevant evidence, to be cross-examined, and to address arguments to the hearings panel. The Amnesty Committee sought to ensure that the hearings were not overly regulated and that they were not equated to a court of law. However, the nature of the public hearings of the amnesty applications meant that they were not unlike judicial proceedings.

If an application was opposed, the preparations for a hearing could be considerably delayed. Sometimes, interested parties and victims appeared before the panel without actively opposing the application. Interested parties could also submit written representations. One of the causes for concern was the inequality in the legal representation afforded to various parties. The TRC had a legal assistance budget, which prescribed legal tariffs that were considerably lower than lawyers' fees on the open market. The SA TRC facilitated the indigent victims. The indigent applicants for amnesty, as well as the victims who participated in the hearings, had to rely on this legal assistance, whereas state employees or members of liberation movements could qualify for legal representation provided by the state. In a number of cases, however, senior and highly respected members of the legal profession came forward to offer their services, assisting the victims and their families to discover and expose more of the truth.

Mrs Burton said that before any public hearing, many tasks were undertaken by the commission staff, including gathering evidence and conducting investigations. A dedicated team of skilled investigators

travelled assiduously throughout the country and beyond. The commission often required additional information or corroboration. This quest involved prison records; court records; statements from victims, witnesses or implicated persons; or confirmation from a political party or liberation movement of whether the applicant was a member of the party or movement. In addition, the TRC's research department and the information gathered by the Human Rights Violations Committee (HRVC) also provided further information.

The TRC's leader of evidence was responsible for scheduling and making arrangements for the hearing of an application, deciding where it would be held, issuing the necessary notices in the terms of the Act, preparing the documentation and arranging for legal representation where necessary, as well as arranging pre-hearing conferences for all the legal representatives. There were times when four panels of the Amnesty Committee sat simultaneously at four different locations, stretching the capacity of the staff. She shared with the participants that the Amnesty Committee was initially opposed to allowing media coverage of its hearings, especially television coverage. However, the TRC as a whole felt strongly that wherever possible its proceedings should be accessible to the public as part of its mission to foster understanding and reconciliation. The Amnesty Committee, once it had agreed, concluded that the media were to play a constructive and important role in communicating the essence of the amnesty process and involving the public in the proceedings. For the victims, the sight of perpetrators being granted amnesty was extremely painful, when they themselves had waited for long periods before findings were made – and even longer for any decision and implementation of reparations.

Concerning the gross violations, the HRVC hearings were under pressure from the very start of the SA TRC's work to hold public hearings. The HRVC did its utmost to gather statements from people who stepped forward to identify themselves as having suffered a gross violation and to rely on the investigation unit to corroborate their statements so that they could be asked to testify in public with safety and certainty.

The third committee of the TRC in South Africa was the Reparations and Rehabilitation Committee (RRC), which had as its main task to recommend to the government the steps that should be taken with regards to reparations and rehabilitation. It was also in charge of the task of caring for many of the victims, whether or not they testified at public hearings. The briefers were trained and supervised by this committee, and were an essential component of ensuring the welfare of the victims.

In her conclusion, she said that a TRC is a brief and limited mechanism for dealing with bitter conflicts of the past. It is impossible for it to record every event, discover every truth and apportion blame and responsibility in accurate measure for all the years of suffering. It can, however, examine causes, diminish hostility, increase understanding, indicate ways of preventing secrecy and encouraging transparency in government, and uncover some of the hidden evils of the past. It can, in its own work, heal some of the pain, and in its recommendations can work towards preventing any recurrence of injustice and maltreatment.

Public hearings enable such knowledge to be shared with the public and encourage people to move forward into new understandings and better relationships.

“One of the causes for concern was the inequality in the legal representation afforded to various parties. The TRC had a legal assistance budget, which prescribed legal tariffs that were considerably lower than lawyers' fees on the open market.”

Dignity accrues to a person who has suffered a gross violation of her or his human rights through the generous, and also liberating, process of granting forgiveness to the perpetrator. If this outcome is achieved in a privately facilitated encounter, it is enormously poignant and profound for both parties. If it takes place in public it can be cathartic, but it also offers a vicarious opportunity for thousands of individuals to pursue those same steps internally.

It does not matter if the public expression of forgiveness cannot be sustained, because – according to Mrs Burton – forgiveness is an ongoing process, but the transcendent moment has been lived and cannot be erased. The healing work of a TRC should be carried forward by every citizen.



Mrs Nomfundo Walaza

THE PLACE OF TRAUMA HEALING IN SUPPORTING THE WORK OF THE TRC

Mrs Nomfundo Walaza, clinical psychologist, is an independent consultant in South Africa. She began by saying that trauma healing has important place in the TRC process. It is one of the ways of making the reconciliation process successful. There are different ways of conducting the trauma-healing process, but their objectives are the same. The TRC cannot succeed without healing victims' trauma. She continued by informing the participants that the TRC has to do its best to facilitate access to information. According to her, access to information is a way of hearing the victims: it is difficult for victims to forgive without knowing the cause of the killings, and difficult to force victims to accept perpetrators. The TRC has to search for, and make available, the truth about dark, historical events for people – victims in particular – to know for whom their forgiveness is expected. Consequently, the Burundi TRC needs to balance the expected number of trauma-healing beneficiaries/clients to plan the required resources for the trauma-healing process to succeed, as healing trauma takes a great deal of time. In addition, she informed participants that the Burundi TRC needs to initiate adequate and motivating strategies such as victims writing their stories down – stories that testify to the events the individual experienced in the past. Writing these stories facilitates or promotes the expression of the wounds that victims suffered and creates safe places in which to speak the truth without fear.

Trying to answer the question of whether the TRC helped to achieve national healing, Mrs Walaza admitted that it is hard to confirm whether it did because the process involved a small sample of the population. Only 22 000 people were able to speak out during the public hearings, of a total population of more than 50 million. The participation of the rural population was not significant, because rural people did not have equal access to information. Access to information is vital as an incentive to participation in the process and for healing the nation.

Another important element is how people understand the mission or mandate of the TRC. In some rural areas, the SA TRC was presented as a Commission for Truth and Forgiveness. People were told that they had to forgive. This had the negative effect of preventing some people from participating in it.

It is also important to know that the process of healing does not end with talking. Other actions must follow, actions that help the victim to understand his or her current reality. This means that someone must reconcile with himself or herself before reconciling with others. The fact that the beneficiaries and promoters of apartheid refused to acknowledge their role further complicated the healing process. In fact, it is very difficult to heal when people refuse to take responsibility for what they have done. For instance, during the period of the reconciliation process, many white people said that they never supported apartheid and that they were liberal. It was difficult to find a white person admitting that he or she had been part of the apartheid system. This became a serious hindrance to healing

and reconciliation because no one, especially leaders like PW Botha and even FW de Klerk, took responsibility for what happened and asked for forgiveness.

Another serious problem that hindered South Africa's healing process – and does so even today – is what Mrs Walaza calls the psychology of the oppressed. For instance, when a black man was oppressed by his white boss, he would in some cases start beating his wife. This is seen today in South Africa's xenophobic attacks. The reality is that South Africans, especially black South Africans, are confronted with problems of poverty and unemployment as a legacy of the past's inequality, which the government has not yet been able to address. South Africa is still in need of deep social transformation, an important issue that was not addressed during the reconciliation process. The work of South African leaders has left a bitter taste, because people who have been wounded have not experienced real healing.

The added value of the SA TRC is that it exposed the truth in a way that no other commissions around the world have done before. Making hearings public was truly an added value. It made the process transparent, which strengthened it. The TRC needs to deal with the issue of exhumation of some victims to allow people to rebury them with dignity and to mourn them, finally. Although it may not make sense to some people, it is indeed an aspect of the healing process. The symbolic restoration of dignity is also a necessary step towards healing. This can take the form of erecting monuments to the victims, etc. The government needs to create healing spots with psychologists. As Archbishop Desmond Tutu put it, the aim in South Africa was not to come to a retributive justice but to a restorative one, whose central concern is not punishment but redressing broken relationships consonant with the spirit of Ubuntu:

A person is a person through other people, I am because you are, you are because I am – ubuntu speaks to our interconnectedness, that we need each other to survive. When we make others human our humanity is enhanced.

“The symbolic restoration of dignity is also a necessary step towards healing.”

Tips for the Burundi TRC

- It is necessary to create safe spaces for people who are not able to express themselves publicly (spaces where these people feel they are not endangered). More specifically, women are a category of people who need such safe spaces.
- In some cases, people say they do not want to dig up what is rotten, meaning they do not want to go back to the past. They say this because they are afraid. Therefore, the TRC must find ways to help people overcome their fears so that they can deal with their past properly.
- The real objective of a TRC, according to Mrs Walaza, is to launch a national dialogue on what has happened, on the reasons why society has been divided.
- In its work, the TRC needs to set in place or to propose a series of actions that will help to promote the reconciliation process.



Mr Stan Henkeman

WOUNDEDNESS AND THE ROLE OF DIALOGUE IN BUILDING AN INCLUSIVE SOCIETY

Mr Stan Henkeman began by informing the participants that there are different levels of trauma and different ways of healing wounded people. According to him, the TRC has to take unconsciously and consciously wounded people into account for the trauma-healing process to succeed. Mr Henkeman, head of the Building an Inclusive Society Programme at the IJR, discussed the problem of woundedness. Some people know they are wounded, while others do not. Woundedness manifests itself in various ways. One of these ways is the constant presence of the past in someone's life. It is very important to remember that time is chronological, but pain is not. It can remain present for a long time.

To deal with woundedness, it is necessary to transform the unconscious into the conscious. Individuals, communities and the nation all need to become conscious of their wounds so that they can start a genuine healing process. 'We can only deal with what is conscious,' said Mr Henkeman. This process is possible when there is honest conversation – genuine dialogue between those who have been wounded and those who caused the harm. Henkeman affirmed that when people start to talk about their pain, and tell their story, a fundamental process of healing kicks off. He added that trauma healing plays a key role in the TRC process and in long-lasting peace and knowledge of the truth. He recommended the following process of trauma healing for the Burundi TRC:

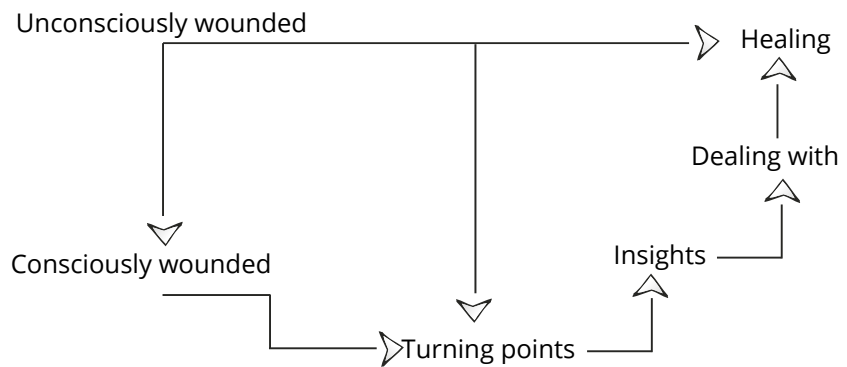


Diagram depicting the process of trauma healing

Mr Henkeman said that pain and trauma afflict not only individuals but communities and all of society when they become widespread and ongoing. The implications are serious for people's health, the resilience of the country's social public, the success of development schemes and the hope for future generations.

THE RECONCILING ROLE OF THE TRC: PERSONAL REFLECTIONS OF A TRC COMMISSIONER

Ms Glenda Wildschut exchanged with the Burundi commissioners and had an honest conversation about her experience as a commissioner. She shared her observations and some important lessons she learnt in her time as a commissioner. She briefly reminded the participants about the crucial movement that preceded the establishment of a TRC in South Africa: the Convention for a Democratic South Africa (CODESA). CODESA was a multiparty congress that established the country's democratic base and allowed the unbanning of opposition political forces including the ANC, and the liberation of political prisoners.

After the peace negotiations, one of the final questions asked was how to hold accountable those who had perpetrated gross violations of human rights during the apartheid era. This is a very important question, one that transitional justice asks anywhere in the world. The main question is how we hold those who not only perpetrated human rights violations, but were responsible for planning and crafting the execution of those violations, accountable. South Africa was to use a truth commission to do this.

One of the biggest criticisms of the South African TRC was what is called its even-handed approach. This approach meant that there would be no distinction between liberation movements and freedom fighters who perpetrated gross human rights violations and those who committed the same violations with the support of state establishments.

President Nelson Mandela promulgated an Act for 'the promotion of national unity and reconciliation'. It is interesting to note that the Act was not aimed at achieving, but rather promoting, national unity and reconciliation. In other words, the truth commission was put in place not to achieve reconciliation but to stimulate legislation, conversation and acts that would ensure that reconciliation took place: it promised to ensure that South Africans understood, as well as possible, the horrors of the past so that as a nation, they could say never again. The TRC was obviously not the only institution to promote national unity. It looked not only at the past, but also to the future.

The commissioners' integrity is very important. Archbishop Desmond Tutu, who worked as chair of the TRC, constantly reminded the members of their need to be beyond reproach as commissioners. This placed huge responsibilities on the commissioners' shoulders. Commissioners' failing to achieve their mandate was in part because of their lack of integrity.

Also important is that commissioners and TRC staff ensure that their well-being is taken care of throughout the process – especially those who will be conducting verification, uncovering information, and sitting behind a computer and capturing data. Stories of trauma do not simply go straight into the computer; they go through the bodies of the individuals who are working with the data. These people need assistance. People who agree to testify also need psychological support. In the case of the SA TRC, staff members met the testifiers before their hearings and briefed them about how the hearings would take place, who the commissioners were who would be sitting on those hearings, and what their legal rights were. These staff used to walk with the testifiers up to the podium and sit beside them as a symbol of the commission's support through the process. When testifying, the testifiers relive their trauma.

The relationship between the commissioners is also important. Commissioners come from different political, language and socio-economic backgrounds. They have to work to reach consensus. The main objective is to ensure that they work together. It is a big task to come together as a group and agree on how to resolve and manage differences. The only way to do this is to portray an image of unity at all times.



Ms Glenda Wildschut



Dr Alex Boraine

SOUTH AFRICA'S EXPERIENCES OF DEALING WITH THE PAST

Dr Alex Boraine, former vice-chairman of the SA TRC, started by announcing the two important things that everyone should understand about any TRC.

Firstly, every TRC is unique. You cannot impose a certain type of TRC on a country. People can learn from one another, but in the end, it is for each country to shape its own TRC. Every TRC will take a different form largely because of history, present circumstances, and what is possible and what is not.

Secondly, every TRC is controversial. Establishing a TRC will not make everybody happy. There will be critics: those who think there should not be a TRC, or that there is no need to open old wounds, that the country should rather move on. Critics may also suggest that the TRC takes a different form from the one decided on.

He continued by briefing the participants on the situation before the TRC in South Africa. He explained how white people governed and owned the wealth, and that black people had neither a role to play in government nor the means to invest in or develop the country. The white minority oppressed the rest of the population politically by controlling all resources.

He told the participants that CSOs played a very important role in the SA TRC. He mentioned the role played by the association he co-founded, the Institute for Democracy in South Africa (IDASA). In addition, he informed the participants that Nelson Mandela promoted the process. Mandela was the living truth through the messages he sent from prison and, on his release, he tackled the past to re-orient the future without the desire for revenge. He added that CSOs contributed to the political negotiations that resulted in the new Constitution, which did away with political oppression in South African society.

“*Mandela was the living truth through the messages he sent from prison and, on his release, he tackled the past to re-orient the future without the desire for revenge.*”

Dr Boraine stated that TRC leadership has a key role to play in its success. Archbishop Desmond Tutu chaired the SA TRC. The commission faced so many challenges, but Archbishop Tutu did not relinquish any opportunities to take conflicting ideas into account and was well prepared. The mission was, to a great extent, to uncover historical events and for white people to acknowledge the torture they had inflicted on black people. Impartiality is very important to this process. As a white South African, Dr Boraine said, 'I was not partial and I defended the truth in the country until the whites were confused about my identity.'

He ended his presentation by saying that there is no perfect TRC, and that no two TRCs are alike. He said that there are so many things to be done in South Africa. Trauma-healing and reconciliation may have been done, but South Africa has to put in place committees to heal all South Africans, uncover all truths and address, adequately, the issue of economic injustice.

WITNESS PROTECTION AND REPARATIONS FOR VICTIMS: ADDRESSING THE CHALLENGES

Prof. Jeremy Sarkin is a professor of law and an expert in transitional justice. In his presentation to, and discussion with, the commissioners, he informed them of the need to create confidence given that the commissioners had come from different backgrounds and the need for them to be competent enough to attend to their tasks. He then explained the need for the commissioners to create good relationships with the media through their senior management, to make room for the international media to express constructive criticism. The media's lack of clear information about the TRC process could result in their levelling negative criticism at the process.



Prof. Jeremy Sarkin

Reparations for victims

Two types of reparations need to be distinguished: material and non-material reparations. Material reparations include all the forms of compensation that address the victims' material and financial needs. The financial aspects of reparations tend to be complex because the nature of violations is varied, so it is not always easy to determine the financial value of reparations. In addition, it is not always possible or easy to find readily available financial resources to support material reparations. Experience also shows that taxes, for example, are not a good way to finance reparations.

Material reparations should also be gender-sensitive. When planning reparations, the TRC needs to take into account the needs of the more vulnerable among the victims, especially women.

For this process to be successful, the TRC must ensure that it is participative. In other words, there is a need to create a space for the victims' voices, for their participation in the process. The TRC's regular sharing of information can enhance victims' participation in the process. If victims do not know how the process is evolving, they are not likely to participate in it.

Another important aspect of reparations is avoiding discrimination. The programme of reparations should take into account the needs of all victims without any form of discrimination. Discrimination could have negative effects that could reverse the positive process of reconciliation. People should be treated equally.

Reparations can take an individual or a more community-oriented form. This means that direct payments are but one of the multiple forms that reparations can take. Other – community-oriented – forms of reparations could include new schools and health facilities, water services, sanitation services, skills training, financial loan programmes for communities, and so on. Reparations also include the restitution of land and houses. In Burundi's case, the TRC will probably have to collaborate with the Land Commission to develop a better land restitution programme. However, the interaction of the two commissions should be planned beforehand.

Symbolic reparations are aimed at addressing collective grievances using non-material compensation. This form of reparations includes renaming important places such as airports, universities, hospitals, or streets.

Prof. Sarkin further informed the commissioners that the TRC has to define the reparations policy. Doing this involves the following steps: mapping (where are the victims, and are they accessible?); defining the purpose and meaning of the policy; defining the victims; designing the policy; and rolling the policy out. In addition, the TRC must clearly set out the criteria for determining whether a person is a victim and determining the reparation.

“*Symbolic reparations are aimed at addressing collective grievances using non-material compensation. This form of reparations includes renaming important places such as airports, universities, hospitals, or streets.*”

He stated further that sources of funding that offer an avalanche of opportunities include state budgets; general and special taxes; international financial institutions such as the World Bank; the international community; and other donors.

With regards to reparations, he advised the Burundi TRC not to raise victims' expectations. According to him, the TRC must make promises it can keep; otherwise, there is a chance that the victim could be wounded a second time.

Witness protection

Witness protection is built on the principle of doing no harm. The TRC is obligated not to jeopardise the life, safety, freedom, or well-being of victims, witnesses, or any other cooperating person who agrees to testify about the human rights violations they have witnessed.

The TRC must ensure that there is a regular process of risk assessment and review of its decisions and actions to check whether they are not harming a category of people. The TRC collects information from witnesses. So, it should be creative about how it collects the information it needs. Commissioners should constantly bear the protection of their sources in mind.

For work of this nature, time can be seen as serious obstacle to gathering all the necessary information. However, this obstacle should not be considered as an impediment to acquiring the information as such.



Prof. Charles Villa-Vicencio

INSIGHTS INTO HISTORY REWRITING AND INVESTIGATIONS, REPORTING, AND ARCHIVING FOR TRCS

Drawing on lessons learnt from the South African reconciliation process, Prof. Charles Villa-Vicencio shared with Burundi TRC members some of the things they need to take into account right at the beginning of their delicate work:

- Political will is key to the success of the reconciliation process;
- There is a need for commissioners to be beyond reproach;
- It is important always to take into consideration the responsibilities of reconciling a nation;
- It will be necessary to take care of the TRC members themselves by putting in place an appropriate mechanism to deal with the psychological issues/needs of TRC members, staff and supporting groups (mental health needs, for example);
- There is a need to organise support systems for those who agree to testify, whether publicly or in a more private way; and
- TRC members also need to come to an agreement about how to manage their own differences. The TRC cannot be in a good position to promote reconciliation if its members are not reconciled. You cannot teach others what you don't know or do; this is a big task.

Investigations and all other forms of research aim to discover or establish the truth about what has happened. According to Prof. Villa-Vicencio, there are several types of truth, such as:

- Forensic truth;
- Societal truth; and
- Global truth (a bigger picture of the truth).

The commissioners and the TRC must be in a position to navigate through all of these truths. It is important to understand one's role as commissioner. Every commissioner must ask himself or herself which role he or she is called to play or what he or she is called to do. In South Africa, the commissioners had a narrow mandate to find or search for the truth to promote reconciliation. There are three ways to discover the truth. These include prosecution (trials); tribunals; and researching history (written or oral history). In South Africa's case, testimonies constituted the core of the research. About 22 000 victims told their stories about the South African problem, of what had happened from 1960 to 1994. One way to discover the truth is to talk to people. Another way is to travel to places where key events occurred. The hearing, whether public or private, is also part of this research. The role of the media during this process cannot be underestimated.

It becomes obvious that one of the roles of the TRC is to gather as much information as possible. It is important to share this information with the whole nation, which means the TRC needs to work with the media. The TRC needs to adopt a media-friendly policy.

In addition to the methods above, participatory history rewriting is the popular revisiting of history. This work needs the involvement of research experts for the process to be conducted in a proper way. During this type of research in South Africa, 60 full-time investigators were recruited. They searched for all possible historical facts that accompanied the search for the truth or the corroboration of what was being said during the hearings.

UNDERSTANDING THE SOUTH AFRICAN CONTEXT OF CONFLICT

The morning of the last day of the study tour was reserved for a visit to the **District Six Museum**, a space that describes the degree of denigration of black people by white people in South Africa. The Burundi TRC commissioners saw this as an opportunity to compare notes and avoid copying and pasting the South African context onto theirs.

The Museum is located in a district that was inhabited by black people before white people removed them forcibly and destroyed their homes. Inside the museum, maps describe the district before its destruction, how it looks today, and its boundaries. The museum also displays inhabitants' memories and photos of some of the inhabitants and the avenues in which they once lived.

This area's residents were forced to leave because they had no power to resist. The commissioners had the opportunity to ask as many questions as possible and, at the same time, to see for themselves the context of the SA TRC to inform what they would be doing in their own work.

LEARNING FROM ANOTHER COUNTRY'S EXPERIENCE: ZIMBABWE

Mr Webster Zambara, senior project leader at the IJR in South Africa, presented on the TRC process in Zimbabwe, a country that has chased out about 44 000 white farmers. Because the latter had monopolised the wealth of the country, inflation – and, consequently, extreme poverty – followed. Today, Zimbabwe has only about 300 white farmers due to pressure from the government.

Mr Zambara informed the participants that at the end of March 2015, President Robert Mugabe was trying to put a TRC in place, starting with the nomination of commissioners without a law describing the motivation, objectives and mission of the commissioners. Zimbabweans and the international community – including the IJR – are confused about this process, wondering whether the president really needs a TRC. Mr Zambara said that Zimbabweans and white farmers await the commission, which may restore white farmers to Zimbabwe.



Mr Webster Zambara



Mr Patrick Hajayandi

CLOSING REMARKS

In his closing remarks, Mr Patrick Hajayandi, senior project leader for the Great Lakes region on behalf of the organisers (the AFSC and the IJR), expressed gratitude to the commissioners for their availability and concentration. He expressed the organisers' wish to continue to accompany the Burundi TRC. He concluded his remarks by encouraging the commissioners to put the lessons they had learnt into practice for a successful reconciliation process in Burundi.

The president of the Burundi TRC, Bishop Jean-Louis Nahimana, thanked the IJR and the AFSC for organising the study visit and choosing the themes that were relevant to the needs of the Burundi TRC. He continued by asking for continued support, both technical and financial, for the Burundi TRC. He added that when the BTRC acquires funds from other donors, the IJR will be called on for technical support. He ended by saying that the BTRC is ready to sign an MOU with the IJR and the AFSC for lasting cooperation.

EVALUATION

All of the participants, dominated by the BTR commissioners (8/10), greatly appreciated the themes of the presentations as they met the commissioners' needs. They appreciated, also, the presenters, who are former commissioners of the SA TRC and other technical employees of that commission.

SUMMARY OF LESSONS LEARNT/RECOMMENDATIONS

- The contexts of Burundi and South Africa are different;
- The commission needs experts as its members are not experienced in the domain of TRCs and readiness to learn remains the impetus for success;
- It is necessary to create safe spaces for people who are not able to express themselves publicly (spaces where these people feel they are not endangered). More specifically, women fall into a category of people who need such safe spaces;
- In some cases, people say they do not want to go back to the past. They say this because they are afraid. Therefore, the TRC must find ways to help people overcome their fear, so that they can deal properly with the past;
- In its work, the TRC needs to set in place or to propose a series of actions that will help to promote reconciliation;
- Political will is key to the success of the reconciliation process;
- There is a need for commissioners to be beyond reproach. This adds to the success of the process;
- It is important always to take into consideration the responsibilities of reconciling a nation;
- It will be necessary to take care of TRC members themselves by putting in place an appropriate mechanism to deal with their psychological issues/needs;
- There is a need to organise a support system for those who agree to testify, whether publicly or in a more private way;
- Inside the TRC, the members also need to agree on how to manage their own differences. The TRC will be in no position to promote reconciliation if its members are not reconciled. You cannot teach others what you don't know or do. This is a big task.

APPENDIX 1: CONFERENCE AGENDA

TIME	EVENT	VENUE	NOTES
22 March 2015			
17.25	Arrival of Burundi TRC commissioners in Cape Town, Flight Number SA 437 Patrick and Shaheed to welcome at the airport	Cape Town International Airport	Flight: SA 347, JNB-CPT
18.00	Transport from airport to hotel	Cape Town International → Hotel	City Bowl Transport (Shaheed) to take care of the delegation transfer to the hotel
23 March 2015			
8.00 – 8.30	Commissioners collected from hotel, transported to IJR	Hotel IJR	
Day One: The TRC and reconciliation processes: The historical context of South Africa + visit to Robben Island + welcome dinner			
8.30 – 8.45	Session 1: Welcome by Tim and Fanie	IJR	
8.45 – 9.00	Session 2: Introduction to the Study Visit Programme; programme, objectives, spirit of programme – Patrick Hajayandi	IJR	
9.00 – 10.30	Session 3: Reflection on the historical context of SA and the genesis of a reconciliation discourse + discussion – Dr Fanie Du Toit	IJR	
10.30 – 11.00	Tea Break	IJR	
11.00 – 13.00	Session 4: South Africa TRC hearings proceedings: Some reflections; Mary Burton + exchanges	IJR	
13.00 – 14.00	Lunch	IJR	
14.00 – 14.30	Transport to Waterfront for Robben Island Tour	IJR → Waterfront	City Bowl Transport
15.00 – 18.00	Visit to Robben Island	Nelson Mandela Gateway/ Robben Island Tours (TBC)	
18.30 – 21.00	Welcome dinner, Waterfront Restaurant	Waterfront	
21.00	Transport from Waterfront to hotel	Waterfront → Hotel	
24 March 2015			
8.00-8.30	Commissioners collected from hotel, transported to IJR	Hotel → IJR	
Day Two: Conversations with commissioners – Reconciliation: Processes and practices			
8.30 – 8.35	Introduction to the day's sessions – Patrick Hajayandi	IJR	
8.35 – 10.05	Session 5: The role of TRC in addressing trauma healing – Mrs Nomfundo Walaza	IJR	
10.05 – 10.30	Tea Break	IJR	
10.30 – 12.30	Session 6: The reconciling role of the TRC: Personal reflections of a TRC commissioner – Ms Glenda Wildschut, former TRC commissioner	IJR	
12.30 – 13.30	Lunch	IJR	
13.30 – 14.30	Session 7: South Africa's experiences with dealing with the Past – Dr Alex Boraine, former vice chairman SA TRC	IJR	
14.30- 16.00	Session 8: The protection of witnesses and the reparations for victims: How to address the challenges? Prof. Jeremy Sarkin	IJR	
16.00	Transport to hotel and free time	IJR → Hotel	City Bowl Transport Afternoon and evening at leisure
25 March 2015			
9.00-9.30	Commissioners collected from hotel, transported to IJR	Hotel → IJR	City Bowl Transport
Day Three: Reconciliation, politics and (social) justice			
9.30 – 9.35	Welcome and Introduction to Day Three's proceedings – Patrick Hajayandi	IJR	
9.35 – 11.00	Session 9: Team-building exercise with Ms Philomene Luyindula	IJR	
11.00 – 11.30	Tea Break	IJR	
11.30 – 13.00	Session 10: Insights on history rewriting + investigations, reporting and archiving for TRCs – Prof. Charles Villa-Vicencio	IJR	
13.00 – 14.00	Lunch	IJR	
14.00 – 16.00	Session 11: Woundedness and the role of dialogue in building an inclusive society – Mr Stan Henkeman, HOD, IJR	IJR	
16.00	Transport to hotel	IJR	
26 March 2015			
9.00 – 9.30	Transport from hotel to museum	IJR	City Bowl Transport
9.30 – 12.30	Visit to District Six Museum	District Six Museum, Woodstock, CPT	
12.30 – 13.00	Transport from Museum to IJR offices	Museum → IJR offices	City Bowl Transport
13.00 – 14.00	Lunch	IJR	
14.00 – 14.30	TRC Case of Zimbabwe – Mr Webster Zambara	IJR	
14.30-14.45	Closing remarks – Patrick Hajayandi		
14.00 – 14.30	Transport to hotel and free time	City Bowl Transport	

APPENDIX 2: LIST OF PARTICIPANTS (BURUNDI, AFSC AND IJR ONLY)

NAME	ORGANIZATION	TITLE	E-MAIL
Rev. Father Jean Louis Nahimana (M)	Burundi TRC	President of the commission	
Rev. Father Bernard Ntahoturi (M)		Vice-president of the commission	
Rev. Father Antoine Pierre Madaraga (M)		Member of the commission	
Rev. Father Nzigo Onésphore (M)		Member of the commission	
Honorable Liberate Nicayenzi (F)		Member of the commission	
Father Desire Yamuremye (M)		Member of the commission	yades55@hotmail.com
Honorable Clotilde Bizimana (F)		Member of the commission	
Sheikh Ali Shabani (M)		Member of the commission	
Mr. Aloys Batungwanayo (M)	AMEPCI (Organisation of victims)	Legal representative	batungwanayo@gmail.com
Léonidas Ntirampeba (M)	AFSC	Programme assistant	LNtirampeba@afsc.org
Patrick Hajayandi (M)	IJR	Senior project leader: Great Lakes	phajayandi@ijr.org.za
Philomene Luyindula (F)		Language interpreter	philomene.l.l@gmail.com



A person is a person through other people, I am because you are, you are because I am – ubuntu speaks to our interconnectedness that we need each other to survive. When we make others human our humanity is enhanced.



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