
DIALOGUE AND EXCHANGE PROGRAM REPORT

Study Tour of the Burundian Truth and Reconciliation Commissioners



Reconciliation process challenges

*Learning from past experiences and insights
from the South African reconciliation process*

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BURUNDI



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ACRONYMS

AFSC	American Friends Service Committee
ANC	African National Congress
BTRC	Burundi Truth and Reconciliation Commission
CODESA	Congress of Democratic South Africa
DEP	Dialogue and Exchange Program
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
CSOs	Civil society organizations
RRC	Reparations and Rehabilitations Committee
SA	South Africa
SA TRC	South African Truth and Reconciliation Commission
TRC	Truth and Reconciliation Commission

1. What is the Dialogue and Exchange Program?

The Dialogue and Exchange Program (DEP) is one of the tools used by the American Friends Service Committee (AFSC) to bring together people from different nations, social backgrounds, classes, races, ethnicities, and religions with skilled facilitation to reinforce their capacities in peace work, create new networks, stimulate debate, and encourage positive actions. In recent years, AFSC's program in Burundi has organized many DEPs on various themes such as: "The role of women in peace building," "Study tour of Burundian parliamentarians for understanding the different stages of the TRC," "Inclusion of persons with disabilities (PWDs) in electoral processes in Africa," and "Lessons learned from the Truth and Reconciliation Commission." This DEP, "Study tour of Burundian TRC commissioners," was another opportunity for AFSC's program in Burundi to join hands with another organization that had national reconciliation as one of its priorities. This partner organization, the Institute for Justice and Reconciliation (IJR), is based in Cape Town, South Africa.

2. 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, one of the great tasks awaiting the appointed commissioners was to revisit Burundi's traumatic history so that it could serve as a starting point for a long process of reconciliation.

According to the act that established it, the TRC has a mandate to search for and establish the truth about the crimes committed in Burundi from 1962, the date of independence, through 2008, when the last rebel movement accepted the ceasefire conditions. The TRC also was charged with proposing adequate measures of justice for victims and establishing a program of reparations for victims' prejudices. The work of the Burundi TRC will not be easy to carry out without the support and help of different stakeholders.

With this background in mind, a study tour to South Africa 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 was chosen 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. In addition, a previous AFSC-supported visit to Cape Town by the Commission of Justice and Human Rights (part of the Burundi National Assembly) gave the country's decision makers a desire to learn more from the South African experience. The delegates of that earlier visit were charged with refining the long-disputed draft law at the time, and the group traveled to Cape Town to learn from the South African TRC and the content of its law.

3. Background

For more than 40 years, Burundi has dealt with recurring conflicts between two major ethnic groups—the Hutu and Tutsi—which later transformed into a socio-political conflict. In August 2000, a Peace and Reconciliation Agreement was signed between the conflicting parties. The Agreement foresaw the implementation of a provision related to seeking the truth about past atrocities and prosecution of criminals, as well as 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 Burundi's political forces and conflicting parties. The peace agreement was brokered by the international community with 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 Burundi's Parliament and the President of the Republic of Burundi.

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

The establishment of this TRC had been pending for more than a decade, which meant that some evidence of human rights violations had disappeared and some witnesses of atrocities had passed away. The activities of Burundi's TRC were supposed to start in 2001. However, 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 begin 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.

4. Conference Goal and Objectives

The overall goal of this conference was to help the members of Burundi's Truth and Reconciliation Commission get informed and learn from the South African experience, and from the experience of other countries, in order to develop the competencies needed to carry out their mission effectively.

The following were the objectives that this DEP stood for:

- 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 for the establishment of the TRC such as its organization, its functioning, and its missions.
- 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 were as follows:

- Truth and Reconciliation Commissioners have sufficient knowledge of the TRC process, especially on 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, reparations, and recordings/archiving.
- Truth and Reconciliation Commissioners are well informed on the behavior to be adopted during the period of their work and the limits of cooperation with the government and political leaders.

5. Strategic Approach for Conference Success

In order to make this study tour a success and impart the right knowledge to the Burundi TRC Commissioners, the two organizations, AFSC and IJR, first took time to determine the immediate needs of the Burundi TRC given that it was so new. The two organizations agreed that capacity building was a prerequisite for the success of this commission. The manner in which this study tour had to be organized was discussed through preliminary meetings between the two organi-

zations involving their respective senior management. These meetings helped the organizations analyze the importance of and the need for the study tour, and the added value of the conference for the success of the TRC in Burundi. Coming to terms with the need paved the way for them to jointly prepare the conference with a clear RACI understanding (responsible, accountable, consulted, and informed).

The two organizations discussed how many commissioners could go given the available resources, and this information was tactfully shared with the TRC along with reasons to justify the decision. They were, however, given the latitude to decide which commissioners could be part of the visit given that not all 11 members could go to South Africa.

The format of the entire program was also discussed and agreed upon, which led to the signing of an MOU between AFSC and IJR. The two organizations made available two program staff to accompany the participants, and one member of Burundian civil society was selected to be part of the trip to serve as a control for the study tour. It is also worth noting that this CSO member is also a member of the reflecting group on transitional justice that assembles a large number of national and international civil society organizations working on transitional justice in Burundi and contributing to reflection about the Burundi TRC's work.

6. Conference Resource Persons

Mr. Fanie Du Toit	Executive Director, IJR (South Africa)
Mrs. Mary Burton	Former member, South African TRC
Mrs. Nomfundo Walaza	Clinical psychologist/consultant
Mrs. Glenda Wildschut	Former member, South African TRC
Dr. Alex Boraine	Former Vice Chairman, South African TRC
Dr. Jeremy Sarkin	Former employee, South African TRC
Prof. Charles Villa Vicencio	Expert in research, investigation, reporting, and archiving
Mr. Stan Henkeman	Expert in trauma healing and conflict resolution
Mr. Webster Zambara	Senior Project Manager, IJR South Africa

7. Description of the Activity

The study tour lasted six (6) days, which included travel time to and from South Africa. The Burundian delegation left on 21 March 2015, and arrived in Cape Town the next day. The study and exchanges between the Burundi TRC Delegation and South African experts and former commissioners started on Monday, 23 March 2015. The program ran for four (4) days and ended on 26 March 2015. It was coordinated by 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 understanding of transitional justice, especially for countries of the Great Lakes region, and for his extensive conflict management expertise. He also has a good grasp of the Burundi context as he lived through it and worked through other contexts.

The general theme of the study tour was "Reconciliation process challenges: Learning from past experiences and insights from the South African reconciliation process." In all, about eight (8) presentations were made covering a range of topics relevant to the work of a Truth and Reconciliation process. It should be mentioned that the IJR has been developing a curriculum for different African Truth Commissions and therefore was in a good position to help the Burundi TRC in crafting a program that responds to the current needs of the TRC members. While the IJR played a key role in designing the presentations, AFSC and the Burundi TRC were involved in the entire process.

The presentations were made by different categories of experts, including the former commissioners of the SA TRC. Among them were Alex Boraine, the former Vice-President of the TRC in South Africa, and Commissioners Glenda Wildschut and Mary Burton. The long experience of Alex Boraine 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 among the founders of the IJR), Professor Jeremy Sarkin, and Dr. Fanie du Toit, the Executive Director of the IJR. All the speakers had a wealth of knowledge and they all have been playing an important role in the South African reconciliation process for a very long time.

The Burundi commissioners heard presentations that outlined 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 its connection to the apartheid regime that has been classified as a crime against humanity. The visits allowed space for explanations of best practices and also the issues that did not succeed with possible reasons and how they could have been done better.

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

8. Setting the Scene: Overview of Truth and Reconciliation Commissions

Dr. Fanie du Toit, the Executive Director of the IJR, started his presentation, “Reflections on the historical context and the genesis of the debate on reconciliation and discussions,” by introducing the origins of the TRC commissions. South Africa, Tanzania, and other international communities contributed much in bringing back stability to Burundi through their involvement in the peace process. The TRC is the result of the peace and reconciliation agreement. According to Dr. du Toit, the truth and reconciliation process of Burundi lies in the hands of Burundians and they are supposed to be the first actors in supporting it.

He continued by explaining that amnesty refers to an open mindedness and provides insurance that there will be no recurrence of violence. The commission must have the budget to achieve some degree of reparations because it is difficult to repair historical land conflicts, sexual violence, and murder, among others.

He continued by advising the Burundian commissioners to engage with and orient the process in a way that brings out analyses that conflicts could really be resolved because the government of Burundi was not to be dictated or compelled on how the process should be carried out. It is the will of the government and the commissioners to be impartial and independent so as to conduct the process in a way that satisfies the majority of the people.

Dr. du Toit informed the commissioners that the importance of the TRC process is to focus on the victims and not the perpetrators. The commissioners need to research alternatives that are victim-oriented and future-oriented as there are many hundreds of non-pardonable acts committed in the country. 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 past conflicts. They need to help Burundians regain their identity as a people, a Burundian identity. This will help the TRC work fairly and truly contribute to reconciliation so no one feels left behind. This process should be followed by recommendations on how to resolve problems caused by social and economic injustices.

Concluding his reflections, Dr. du Toit said that it is a good idea 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.

He ended his presentation by informing the participants that many TRCs have been negatively criticized for not doing large investigations but that there are individual killings which do not concern the TRC and that social justice is too large to be entirely covered by TRC. He advised the Burundian commissioners to avoid promising something they will not achieve.

9. Reflections on the Procedures of Hearings In the South African TRC Process

Mrs. Mary Burton, former member of the SA TRC, presented the case of the South African TRC. She began by saying that most of the commissioners were suspended after some time, leaving the Amnesty Committee to complete its work. A much-reduced team then finalized 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 SA TRC were the public hearings they held. These consisted of open events to hear the testimonies of people who had suffered gross violations of their rights (often described as “victim hearings”). They also included the public hearings of amnesty applicants and special hearings to address particular topics.

She explained how the amnesty hearings were conducted. For example, the majority of applicants for amnesty were considered “in chambers.” Any application concerning a gross violation of human rights was bound by the 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 had the right to adduce relevant evidence, to cross examination, 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 with 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 legal representation afforded for various parties. The TRC had a legal assistance budget, which prescribed legal tariffs 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, there were many tasks 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 and the quest involved prison records, court records, statements from victims, witnesses or persons involved, or confirmation from a political party or liberation movement about whether the applicant was a member or supported. In addition, the TRC's research department and the information gathered by the Human Rights Violations Committee also provided additional 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.

Mrs. Burton noted that the Amnesty Committee initially opposed allowing media coverage of its hearings, especially television coverage. However, the TRC as a whole felt strongly that, as part of its mission to foster understanding and reconciliation, its proceedings should be accessible to the public wherever possible. Once it had agreed, the Amnesty Committee concluded that the media were to play a very 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 waited for long periods before findings were made and even longer for any decision and implementation of reparations.

Concerning the gross violations, the Human Rights Violations Committee (HRVC) hearings were under pressure from the 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). Its main task was to recommend to the government what steps should be taken with regard to reparations and rehabilitation. It was also in charge 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, Mrs. Burton said that a TRC is a brief and limited mechanism to deal with bitter conflicts of the past. It is impossible 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 to prevent secrecy and encourage transparency in government, and uncover some of the hidden evils of the past. It can, in its own way, heal some of the pain, and in its recommendations work toward preventing any recurrence of injustice and mistreatment.

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

There is dignity that accrues to a person who has suffered a gross violation of her/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 for them, 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 always be sustained because 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.

10. The Place of Trauma Healing In Supporting the TRC Work



Mrs. Nomfundo Walaza, clinic psychologist/independent consultant (South Africa)

Mrs. Nomfundo Walaza, a clinical psychologist, is an independent consultant in South Africa. She explained that trauma healing has an important place in the TRC process. It is one way to help the reconciliation process succeed, and while there are different ways of conducting the trauma healing process, the objectives are the same. The TRC cannot succeed without trauma healing for the victims.

She informed participants that the TRC must facilitate access to information. According to her, access to information is the way to hear the victims because it is difficult to forgive without knowing the cause of the killings and one cannot oblige the victim to forgive the perpetrators. The TRC must search and make available the truth about the historical, dark events for people, more particularly the victims. Consequently, the Burundi TRC needed to think carefully about the expected number of beneficiaries/clients who would require the resources necessary for a successful trauma healing process, since this is a process that takes time for each person.

In addition, she noted that the Burundi TRC needed to initiate adequate and motivating strategies—such as handwritten stories testifying to individual past events—that could help victims express the wounds they suffered and create the safe, secure spaces where people could say the truth without fear.

Trying to answer the question of whether the TRC helped achieve national healing, Mrs. Nomfundo admitted that it was hard to confirm because the process involved a small sample of the population. Only 22,000 persons were able to speak out during the public hearings out of a total population of more than 50 million. The participation of the rural population was not significant

because they did not have equal access to information. Access to information is vital as an incentive to participation in the process and for the healing of 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 have to go and forgive. This had a negative effect and prevented some people from participating.

It is also important to know that the process of healing does not end with the talking. There must be other actions that follow and that help the victim understand his/her current reality. This means that someone must reconcile with himself /herself before reconciling with others. The fact that the beneficiaries and actors 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 who would admit that he was part of the apartheid system. This became a serious hindrance to healing and reconciliation because no one, especially among leaders like Botha and F. De Klerk, took responsibility for what happened and asked for forgiveness.

Another serious problem that hindered the SA healing process even today was what Mrs. Nomfundo called the psychology of the oppressed. For instance, when a black man was oppressed by his white boss, he would start beating his wife. This is what is being observed today in South Africa with xenophobic attacks. The reality is that South Africans, especially the blacks, are dealing with problems of poverty and unemployment, part of the legacy of past inequality and which the current government has thus far been unable to address. South Africa is still in need of deep social transformation, an important issue that was not addressed during the reconciliation process. And the work of South African leaders has left a bitter taste because people have been wounded but they did not receive 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 had done before. Making the hearings public was truly an added value and it made the process transparent while at the same time giving it strength.

The TRC also must deal with the issue of exhumation of some victims in order to allow people to bury them with dignity and finally mourn them. 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 toward healing. This can happen by building monuments, sites in memory of the victims, among others.

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, where the central concern is not punishment but the redress of broken relationships consonant to the spirit of Ubuntu which states:

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.

TIPS FOR BURUNDI TRC

- It is necessary to create safe spaces for people who are not able to express themselves publically. These are spaces where people feel they are not endangered. Women in particular need such safe spaces.
- In some cases people say they do not want to dig up what is rotten—meaning going back to the past. But they say this because they are afraid. Therefore, the TRC must find ways to help people get rid of their fears so that they can deal properly with their pasts.
- The real objective of a TRC, according to Mrs. Nomfundo, is to launch a national dialogue about what happened and the reasons the society has been divided.
- In its work, the TRC needs to set in place or to propose a series of actions that will help promote the reconciliation process.

11. Woundedness and the Role of Dialogue In Building an Inclusive Society

Mr. Stan Henkeman, an expert in trauma healing and conflict resolution, discussed the problem of “woundedness.” He started by informing participants that there are different levels of trauma and ways of healing wounded people from past traumas.

According to him, there are unconsciously and consciously wounded people that the TRC has to take into account in order for the trauma healing process to succeed. He noted that some people know they are wounded and 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 runs chronologically but the pain does not. It can remain present for a long time.

In order to deal with “woundedness,” it is necessary to transform the unconscious into the conscious. Individuals, communities, and the

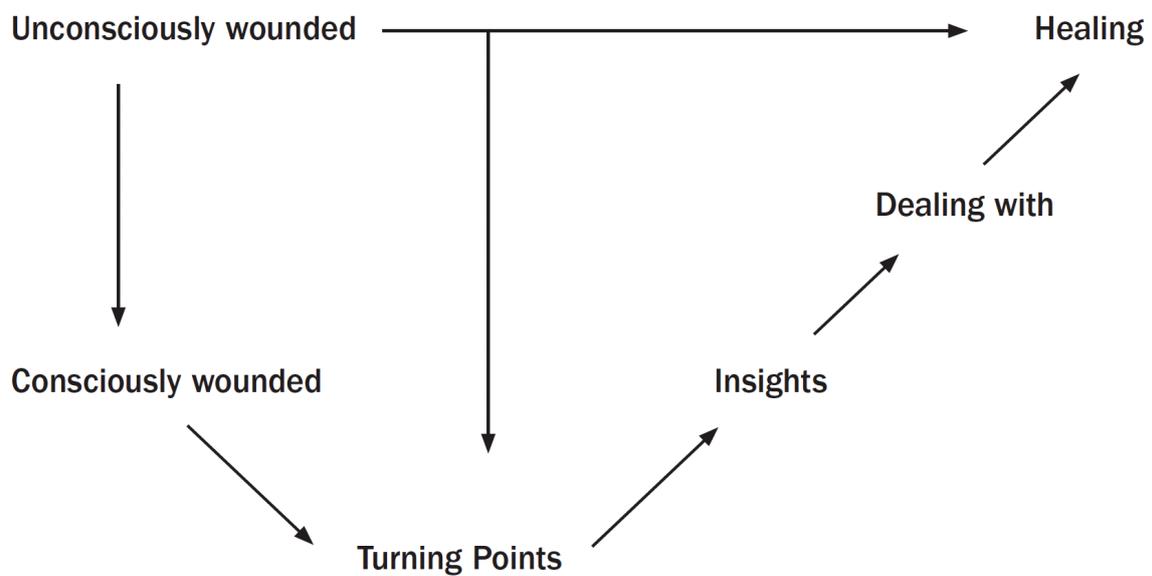


Mr. Stan Henkeman,
trauma healing expert.

whole nation all need to become conscious of their wounds so 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 an honest conversation, genuine dialogue between those who have been wounded and those who caused the harm. Mr. Henkeman affirmed that when people begin to talk about their pain and tell their history, a fundamental process of healing begins. He added that trauma healing plays a key role for the TRC process and for long-lasting peace and knowing the truth.

Then, he provided the following process of trauma healing for good action of Burundi TRC:



Mr. Henkeman said that pain and trauma affect not only individuals but the entire society. According to him, when pain and trauma are widespread and ongoing, they affect entire communities and even the country as a whole. The implications are serious for people’s health, the resilience of the country’s social public, the success of development schemes, and the hope of the future generations.

12. The Reconciling Role of the TRC: Personal Reflections of a TRC Commissioner



Mrs. Glenda Wildschut with the participants

Mrs. Glenda Wildschut had an honest conversation with the Burundi commissioners about her experience as a commissioner. She shared her observations and some important lessons learned when she was a commissioner. She briefly reflected on the crucial moment that preceded the establishment of the TRC in South Africa. The process was called CODESA (Congress of Democratic South Africa). It was a multiparty congress that led to the establishment of the democratic base and allowed for opposition political forces, including ANC, to no longer be banned 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. It was a very important question that is asked in transitional justice processes everywhere in the world. The main question is how we hold accountable those who not only perpetrated human right violations but also were responsible for planning and crafting the executions of those violations. A decision was made that South Africa would have a Truth Commission to deal with that problem.

One of the biggest criticisms of the South African Truth Commission was what is called “the even-handed approach.” This meant that there would be no distinction between the role of the liberation

movements and freedom fighters who perpetrated the gross violations of the human rights and those who committed the same violations with the support of the state.

Once that decision was made, it meant that the TRC could not have its legitimate right to carry out its duties. President Nelson Mandela promulgated the TRC Act for “the promotion of national unity and reconciliation.” It is interesting to note that this Act was not aimed at achieving national unity and reconciliation. In other words, this particular process of the Truth Commission was established not to achieve reconciliation but to set in place a series of legislations, conversations, and policies that would ensure that reconciliation took place. The promise of this activity was to ensure that South Africans understood as much as possible the horrors of the past so that as a nation they could say, “never again.” Obviously the TRC was not the only institution promoting national unity. The SA TRC was not only looking at the past but also looking to the future.

The integrity of the commissioners was very important. Archbishop Desmond Tutu, who worked as chair of the TRC, constantly reminded the members of the need to be beyond reproach as commissioners. This placed huge responsibilities on the shoulders of the commissioners. In cases where the commissioners failed to accomplish their mandate, it was in part because of their lack of integrity.

Mrs. Wildschut also noted that the commissioners and TRC staff needed to ensure that their well-being was taken care of and that concern about their health was taken into account throughout the process. This was true for those who would be conducting the verification, those uncovering information, and those who sit behind computers capturing the data. All stories of trauma do not just go straight into the computer; they go through the bodies of the individuals who are doing the technical work. They need assistance. People who accept to give their testimonies need psychological support as well.

In the case of the SA TRC, there were staff members who met the testifiers before the hearing and briefed them about how the hearings would take place and which commissioners would be sitting in on those hearings, what their legal rights were, etc. The staff used to walk with the testifiers up to the podium and sit alongside them to symbolically indicate that the commission was supporting them through that process. In fact, when the testifiers were testifying, it was like they were really re-living the trauma once more.

The relationship between the commissioners was also important since they came from different political backgrounds, language groups, and socio-economic status. Commissioners must work on the things they agree or disagree on and try to always reach a consensus. The main objective was to ensure that they work together as a united entity. Therefore, one of their main tasks would be to unite as a group and come to an agreement on how they would resolve and manage their differences. The only way was to portray an image of togetherness at all times for the sake of their mandate.

13. South Africa's Experiences In 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:

First, every TRC is unique. There is no way you can impose a certain type of TRC on another country. People can learn from each other but, in the end, each country must shape its own TRC. And every TRC will take different forms largely because of history, present circumstances, what is possible, and what is not.

Second, every TRC is controversial. The establishment of a TRC will not make everybody happy. There will be critics—by those who think there should not be a TRC or that there is no need to dig up old wounds and instead the focus should be on moving forward. The critics may also suggest that the TRC takes a different form from the one that has been established.

He continued by explaining the situation before the TRC in South Africa. He explained that the white people owned the government and wealth and that blacks had neither a role to play in government nor the facilities to invest or exercise development in many towns. The white minority politically oppressed the rest of the population by maintaining and controlling everything.

He told the participants that civil society organizations played an important role in the establishment of the SA TRC. He mentioned the role played by the association for which he worked, the Institute for Democracy. In addition, he said that the process was made possible and promoted by Nelson Mandela because he was the living truth through the messages he sent from prison and after he was released. Mandela tackled the past to reorient the future, and revenge was not the goal. Dr. Boraine added that civil society organizations also helped with the political negotiations that resulted in the new constitution preventing political oppression in South African society.

Dr. Boraine noted that the TRC leadership must be exemplary, and the president of the TRC also has a key role to play and should remember he was invested for the success of the commission. Desmond Tutu was the special chairman of the SA TRC. They met many challenges and manipulations during the process but Archbishop Tutu was well prepared and did not pass up any opportunities. Rather, he took into account the ideas of the manipulators. The mission to a greater extent was to know all the historical events and through the hearings undertaken by the TRC, the whites accepted the torture they had inflicted on blacks. Impartiality is very important and as a white man, 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 all TRCs are not the same. He said that there are many things to be done in South Africa. Trauma healing and reconciliation have been carried out but South Africa has to put in place committees to heal all South Africans, find all the truth, and adequately address issues of economic injustice. It is this aspect that was not completed. The TRC asked and decided to bring to justice the former president, but when Mandela heard this, he asked the TRC not to appeal for him in justice. Mandela said: "He remains President."



Dr. Alex Boraine, former Vice Chair of the SA TRC

14. The Protection of Witnesses and the Reparations for Victims: Addressing the Challenges

Prof. Jeremy Sarkin is a university professor of law and an expert in transitional justice. In his presentation and discussion with the commissioners, he said they needed to develop a sense of confidence among themselves given that they come from different backgrounds and they needed to be strong enough to accomplish their mission.



Prof. Jeremy Sarkin with participants

Secondly, he explained that they needed to create good relationships with the media through their senior management, which would allow the international media to make positive, constructive criticisms. These criticisms were normal due to the international media's lack of clear information about the TRC process. The TRC was thus often confronted with negative criticisms at the local level, which led to correct information being shared, thereby bringing the international media and local communities closer to the TRC process.

Reparations for victims

There are two types of reparations that need to be distinguished: material and non-material reparations. The material reparations include all the forms of compensation that address material and financial needs of the victims. The financial aspects of reparations tend to be complex because the nature of violations varies in many ways. It is not always easy to determine the financial value of reparations. Additionally, it is not always possible or easy to find readily available resources to financially support the material reparations. For example, experience shows that taxes are not a good way to finance reparations.

The material reparations should also be gender-sensitive. When planning the reparations, the TRC needs to take into account the needs of the more vulnerable among the victims, especially women. In order for this process to be more successful, the TRC must ensure that it is participative. In other words, there is a need to create a space for the victim's voice, for their participation in the very process. Regular sharing of information on the behalf of the TRC enhances the participation of victims. When the victims do not know how the process is evolving they are likely not to participate.

Another important aspect of the reparations is to avoid being discriminatory. The program of reparations should take into account the needs of all victims without any form of discrimination. The opposite may produce negative effects that have the potential to reverse the positive process of reconciliation. People should be treated in the same way.

Reparations can take an individual or a more community oriented form. This means that direct payments are one of the multiple forms the reparations can take. The other forms of reparations, especially the community oriented ones, include the building of schools and health facilities, water sanitation, skills trainings, financial loans program for a given community, etc. Reparations also could include the restitution of property such as land and houses. In the case of Burundi, the TRC will probably have to collaborate with the already existing Land Commission for a better program of land restitution. However the interaction of the two commissions should be prepared beforehand.

Symbolic reparations address collective grievances using non-material compensation. This form of reparations includes the renaming of famous places like airports, universities, hospitals, or streets.

He further informed the TRC members that the Commission has to define the reparations policy, which consists of the following steps: Mapping (where are the victims? are they accessible?), purpose and meaning, define the victim, design, and roll out. In addition, the TRC has to clearly set the criteria helping to prove whether the person is a victim or not and how to determine the reparation.

He went further to state the sources of funding that have an avalanche of opportunities such as state budgets, general and special taxes, international financial institutions (e.g., the World Bank), the international community, and other donors.

With regard to reparations, he advised the Burundi TRC not to raise victims' expectations. According to him, the TRC must give the population promises it can keep. Otherwise there is a possibility of hurting the victim a second time.

Witnesses' protection

The protection of witnesses is built on the principle described as: DO NO HARM. The TRC has the obligation not to jeopardize the life, the safety, the freedom or the well being of victims, witnesses, or any other cooperating person who accepts to speak and give evidence of the human rights violations they saw.

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 or not harmful to a certain category of people. The work between the TRC and the witnesses consists of collecting information. Therefore the TRC should be creative in the way it collects the needed information. The protection of the source of the information should be constantly reminded to the members of the TRC.

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

15. Insights On Rewriting History and Investigations, Reporting, and Archiving for the TRCs

Drawing on lessons learned from the SA reconciliation process, Professor Charles Villa-Vicencio shared with Burundi TRC members some of the things they needed to take into account at the beginning of their delicate work:

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

The investigations and all other forms of research are aimed at discovering or establishing the truth of what happened. According to Prof. Villa-Vicencio, there are several types of truths:

- Forensic truth
- Societal truth
- Global truth /a bigger picture of the truth



Prof. Charles Villa-Vicencio

about the history (written or oral history).

For SA, the testimonies of people constituted the core part of the research. Some 22,000 victims told stories of the South African problems, of what happened from 1960 to 1994. So, one way to know the truth is to talk with people. The other way is to travel to different places where the key events occurred and try to establish how they happened chronologically. Organizing hearings, public and private, is also part of the research. The role of the media during this process cannot be underestimated.

It is obvious that one of the roles of the TRC is to gather as much information as possible in order to take the right decisions on the past. After gathering information, it is important to share it with the whole nation. Sharing the information with the nation means that the TRC needs to work with the media. The TRC needs to adopt a policy of being media friendly.

Beside the methods enumerated above, there is also a participatory rewriting of history. By nature, it is a popular revisiting of history. All this work needs the involvement of research experts in order to conduct the process in a proper way. During the research in South Africa, 60 full-time working 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.

16. Understanding the South African Context of Conflict



A visit to the District Six museum

The commissioners and the TRC must be in a position to navigate all those truths.

It is important to understand the role of a commissioner. Every commissioner must ask him/herself what role he/she is called to play or what he/she is called to do. In SA, the commissioners had a narrow mandate of finding or searching for the truth in order to promote reconciliation. There are three ways to discover the truth. These include the prosecutions (trials), the tribunals, and research

The morning of the last day of the study tour was reserved for a visit to the District Six Museum, a space describing the degree of denigration of black people by whites in South Africa. The Burundi TRC Commissioners saw this as an opportunity to more fully understand the South African context and avoid copying and pasting that context to theirs.

The museum was constructed in a district that was inhabited by blacks who were displaced by whites who destroyed their houses. Inside the museum, there were maps describing how the district was before the destruction and the way it appears today, its boundaries, souvenirs of the inhabitants, the photos of some inhabitants, and the avenues they lived.

The blacks living in this area were obliged to leave District Six because they had no power to resist. The commissioners were able to ask many questions and at the same time see for themselves what the context looked like in order to be better informed about what they would be doing.

17. Learning From Another Country's Experience – Zimbabwe



Mr. Webster Zambara (right) with Patrick Hajayandi of IJR.

Mr. Webster Zambara, the IJR Senior Project Manager in South Africa, gave a presentation about the TRC process in Zimbabwe, the country that chased out about 44,000 white farmers. Because the latter monopolized the wealth of the country, inflation and extreme poverty followed. Today, the country only has about 300 white farmers.

Mr. Zambara informed participants that at the end of March 2015, President Robert Mugabe was trying to put in place a TRC. He began nominating commissioners without the law describing the mo-

tivation, objectives, and the mission of the commissioners. Zimbabweans and the international community, including IJR, got confused about this process. They are all wondering if the president really needs a TRC or not. Mr. Zambara said that Zimbabweans and white farmers are waiting for it and that they may get their seized lands restored.

18. Closing Remarks

In his closing remarks, Mr. Patrick Hajayandi, the IJR Senior Project Leader in the Great Lakes region, expressed his gratitude on behalf of the organizers (AFSC and IJR) to the commissioners for their time and concentration. He expressed the wish of the two organizations to continue to accompany the Burundi TRC. He ended his closing remarks by encouraging them to practice the good lessons learned in order for the Burundi reconciliation process to succeed.



Mr. Patrick Hajayandi with participants

The president of the Burundi TRC, Bishop Jean-Louis Nahimana, thanked IJR and AFSC for organizing the study visit and the choice of the themes. He also asked for continued support both technically and financially for the Burundi TRC. He added that when the Burundi TRC has the funds from other donors, IJR will be called for technical support. He ended by saying that Burundi TRC is ready to sign a MOU with IJR and AFSC for lasting cooperation.

19. DEP Evaluation

The Burundi Truth and Reconciliation Commissioners appreciated the themes of the presentations as they answered the needs of the commissioners. They also appreciated the presenters as they were former commissioners of SA TRC and other technical employees of that commission in South Africa.

20. Summary of Lessons Learned/ Recommendations

- The context in Burundi and South Africa are different.
- The commission needs the support of external experts as the commissioners recognize the challenges of the TRC work and the urge to learn is necessary for success.
- It is necessary to create safe spaces for people who are not able to express themselves publically (these are spaces where people feel they are not endangered). Women in particular need such safe spaces.
- In some cases, people say they do not want to dig up what is rotten—meaning going back to the past. But the reason they say this is because they are afraid. Therefore, the TRC must find ways to help people get rid of their fears so they can deal properly with their past.
- In its work, the TRC needs to set in place or propose a series of actions that will help promote reconciliation.
- Political will is a key to the success of the reconciliation process.
- The commissioners need to be beyond reproach because this will add to the success of the process.
- It is important to take into consideration the responsibilities of reconciling a nation.
- It will be necessary to take care of the members of the TRC themselves by putting in place an appropriate mechanism to deal with psychological issues/needs of the TRC members, staff, and supporting groups (e.g., mental health).
- There is a need to organize a support system for those who accept to testify whether publicly or in a more private way.
- Inside the TRC, members need to come to agreement on how to manage their own differences. The TRC cannot promote reconciliation if its members are not reconciled. You cannot teach others what you don't know or do. This is a big task!

21. List of Participants

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[Institute for Justice and Reconciliation](http://www.ijr.org.za) (www.ijr.org.za): was launched in 2000 by officials who worked in the South African Truth and Reconciliation Commission (TRC), and was awarded the 2008 UNESCO Prize for Peace Education. The organization works to stabilize post-conflict societies by promoting a culture of peace, justice, reconciliation through research and analysis, sustained interventions, capacity development and education. The Institute works actively to provide platforms for the forging of consensus on interventions including mediation and reconciliation.



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