

## **LIBERIA'S TRUTH AND RECONCILIATION COMMISSION: AN INTERIM ASSESSMENT**

**William J. Long**

### **Abstract**

Liberia's peace agreement called for the creation of a Truth and Reconciliation Commission (TRC) as part of an ambitious plan to end 14 years of civil war. Now, mid-way through the TRC's tenure, this article assesses the TRC's efforts to secure the truth as a step along the path to national reconciliation. Specifically, this assessment considers the TRC's achievements with regard to four different truths: objective, narrative, social, and restorative. Despite its problems and limited resources, the Liberian TRC is making progress in securing these four truths and contributing to the possibility of lasting peace in Liberia.

### **Introduction**

After 14 years of civil war that left 200,000 dead and a million displaced in a small country of four million people, in 2003 Liberia's warring factions concluded a peace agreement that called for the creation of a truth and reconciliation commission (TRC) as part of the process of restoring and rebuilding the nation. Truth and reconciliation commissions are civilian bodies set up for a limited period of time to investigate a past history of violations of human rights. Invariably, truth commissions gather evidence of violations committed by state actors and insurgent groups and issue a report recommending changes in state institutions and policies to prevent such violations from occurring in the future (Hayner, 1994).

In the case of Liberia, the Liberian government, the two other belligerent forces (Liberians United for Reconciliation and Democracy and the Movement for Democracy in Liberia), and civilian representatives of political parties signed a Comprehensive Peace Agreement (CPA) on August 18, 2003. The CPA provided for the establishment of a Truth and Reconciliation Commission to "provide a forum that will address issues of impunity, as well as the opportunity for both victims and perpetrators of human rights violations to share their experiences in order to get a clear picture of the past to facilitate genuine healing and reconciliation." Liberia's transitional legislature codified this

agreement in May 2005 (TRC Act, 2005). The deployment of the joint Economic Community of West African States (ECOWAS) and the United Nations (Peacekeeping) Mission in Liberia (UNMIL) has sustained the resultant peace and security in Liberia through a two-year transitional government and nationwide elections of a new government in late 2005 to the present.

The recent history of civil conflicts and peacemaking generally, and Liberian political and military realities in particular, made the choice of a TRC in the Comprehensive Peace Agreement of 2003 a hopeful and practical decision. Hopeful, because, although civil conflicts are both more numerous and more intractable<sup>1</sup> than interstate wars, there is evidence that countries that go through a painful and protracted national reconciliation process can restore lasting social order that does not devolve into further violence (Long and Brecke, 2003). These national reconciliation processes, while all distinctive in some ways, often typically include four overlapping phases: (1) public truth telling; (2) a redefinition of the identities of the belligerents and the roles and relationships of important social groups and institutions; (3) limited justice (i.e., justice short of full retribution for all harms); and (4) an explicit call to break with the past and dedicate to a new relationship and a new social and moral order (Long and Brecke, 2003). A public, officially sanctioned truth and reconciliation commission is often one of the first and most indispensable elements of a successful national reconciliation (Zalaquett, 1997). Implementation of a TRC was practical because the alternative to a truth and reconciliation approach to settlement—a war crimes tribunal that would put all the warlords on trial—was unacceptable to the warring factions engaged in the peace negotiations, and the legal mechanisms needed to address accountability through formal judicial proceedings were unavailable in Liberia after 14 years of civil war.<sup>2</sup>

### **The Roles of Truth in the Reconciliation Process**

Truth telling is not synonymous with reconciliation. Rather, it opens up a public space for reconciliation by allowing a formerly taboo subject to become amenable to the action of political bodies and future policies. Truth telling is “one part of a broader process . . . [to] help spark a longer-term process of national healing and reconciliation” (Hayner, 1998, 2). It plays a critical, perhaps indispensable, role in the process of national reconciliation and contributes directly and indirectly to the requirements for justice and redefinition of personal and institutional identities essential to complete the process of reconciliation.

Public truth telling goes beyond merely knowing the truth. In a small, densely populated society like Liberia, few were untouched by the violence and many know what abuses occurred and who carried them out. Thus the importance of truth telling in the context of a truth commission is not only about uncovering the truth, but also in *acknowledging* it. Aryeh Neier (1990, 33) wrote, “Knowledge that is officially

sanctioned” becomes “part of the public cognitive scene that is not there when it is merely ‘the truth’.” Official acknowledgement of what has long been denied can psychologically begin to heal societal wounds because it unmask an official lie and strips away impunity. The truth is especially potent in these respects when it is promulgated so as to be assessable to a large swath of the public. Jon Sobrino (1996, 119), commenting on the case of El Salvador, noted the power of public and publicized truth: “It is a known human fact that we human beings develop knowledge when we express it in words. . . . We cannot avoid facts which are aired publicly.”

Truth telling also facilitates the pursuit of justice. The findings of a truth commission provide the evidentiary foundation and a pool of possible witnesses for the pursuit of formal justice against those named in the report.

Furthermore, the truth is linked to a different notion of justice and reparations, especially when justice, in the form of punishment of the guilty, and reparations, in the form of material awards to the victims, are difficult to realize fully. In such instances, truth telling, by publicly placing responsibility where it belongs, both diminishes the perpetrators and helps to restore the good name of the victims of violence. Stripping away impunity and imposing responsibility for violence reduces the power of victimizers and impugns their reputations—an informal, but not inconsequential sanction.

Truth telling, especially in the narrative sense discussed below, acknowledges victims and restores their identity as human beings and as citizens. It begins the redefinition of identity for individuals harmed in the conflict. Official truth recaptures the memory of forgotten people and their experiences. As one commentator said, “Without memory “we do not know who we are . . . we wander aimlessly, not knowing where to go. Without memory, there is no identity” (Aguirre, 1996, 42).

Social and political roles are also reshaped by the truth. Armed with the authority of official truth, truth commissions and fact-finding bodies are empowered to make detailed policy and institutional recommendations and push fundamental reforms and a redefinition of societal relations.

Truth telling is not always in society’s immediate self-interest, however, as it entails substantial risks to social order. It runs the risk of creating greater resentment among participants to civil conflict and of opening up old wounds and inflicting new ones on an already fragmented society. Those likely to be implicated in the truth telling—the military, the judiciary, or rebel groups—often have a strong interest in seeing that certain facts are not uncovered and publicly acknowledged. These groups could, if unduly threatened, resort to violence to stop the process. Even those not culpable have warned of the dangers of investigation and promulgation of truth in a fragile environment. Nonetheless, many countries, like Liberia, have chosen to pursue this path despite the paradoxical fact that such inquiry risks intensifying animosity and conflict and rekindling violence. Why? Guillermo O’Donnell and Philippe Schmitter (1995, 59) remind us of the deeper logic to the process of pursuing the truth: “By refusing to confront and purge itself of its worst fears and resentments, such a society would be burying not just its past

but the very ethical values it needs to make its future livable.” In short, truth, however painful and unsettling, is, in the long run, often indispensable to the viability of a post-conflict society.

### **Assessing Liberia's TRC Efforts to Secure the “Four Truths”**

This article assesses the effectiveness to date of the Liberian TRC in service of the truth (more accurately, four different, but interrelated truths). This article does not, per se, attempt to reach a judgment on the Commission's broader mandate, the ultimate reconciliation of Liberia's peoples and institutions. Generally speaking, there are three good reasons for concentrating on the issue of truth rather than reconciliation as the focal point. First, the term “reconciliation” lacks conceptual clarity. In the case of South Africa, for example, Brandon Hamber and Hugo van der Merwe offer five different understandings of reconciliation: non-racial, intercommunal, religious, human rights, and community building (Hamber and van der Merwe, 1998; Borer, 2001). Second, and related to the first problem, is the question, “how would you define ‘success’?” Is success the disclosure of truth, personal catharsis, healing of interpersonal relationships, inter-community dialogue, national unity, prevention of future human rights abuses, or all of the above? Furthermore, how would you measure notions like the restoration of personal dignity or the creation of a human rights culture as called for in the Liberian TRC? Finally, reconciliation, however defined and measured, can take a long period of time to realize. Hence, judgments about Liberian reconciliation would be inappropriate at this stage.

Instead of entering the reconciliation debate, this article focuses more narrowly and more immediately on the Commission's mandate to seek the truth, and it makes an assessment of the Liberian TRC against the truth goals it sets for itself. These goals are captured by what I call “securing the four truths.” The four truths are: (1) objective or factual truth; (2) personal or narrative truth; (3) social or “dialogical” truth; and, (4) healing and restorative truth (Boraine, 2000).

#### *Objective Truth*

Objective truth means reaching a public and official acknowledgement of what happened during the period under review; in this instance, 1979-2003. The Liberian TRC is called upon to gather information and evidence of human rights abuses and identify those responsible through both public and confidential hearings and testimonies. Discovering truth in a forensic sense helps a society redefine itself by “establishing and giving recognition to historical truths in order to address falsehoods and misconceptions of the past . . .” (TRC Act, Article IV, §4d). This truth will be the basis for the TRC's final report and recommendations and for any subsequent judicial proceedings.

Furthermore, this record must be preserved and safeguarded in the Commission's archives. As a recent study warns, "oppressive regimes try to impose selective amnesia on society ... saving the records ensures that amnesia does not prevail" (Peterson, 2005, 2; TRC Act, Article X, 47). This form of truth officially acknowledges what has happened. It can begin a process of healing because it unmask past crimes, strips away impunity, and legitimates those who have suffered.

The TRC's pursuit of objective truth experienced a rocky start due to operational, administrative, and budgetary problems. In its initial months, the TRC did not form an administrative secretariat or a detailed work plan for its tenure. As a result, the Commissioners themselves handled many administrative and oversight activities, sometimes incompletely, inefficiently, and acrimoniously. The Commission's initial efforts to publicize and explain its mandate and programs to the Liberian public were insufficient, especially in reaching outside the capital. In part, this problem was attributable to turnover in key personnel. Delays in the release of funding also hamstrung the initial efforts of the TRC.

Despite the slow start, the Liberian TRC has since laid the groundwork for effectively documenting the history of the Liberian conflict. First, the TRC redoubled its efforts to publicize the role of the TRC through a public awareness campaign in Monrovia and in the 15 counties where public hearings were to occur. The TRC has relied on a multi-faceted approach including the use of cultural, religious, and athletic outlets for publicity. The TRC has had generally good relations with the print and broadcast media, which reaches a largely elite audience, and it has targeted local radio stations as a means of improving awareness in outlying regions.

The TRC has held an ambitious schedule of meetings and will continue to do so for the balance of 2008. The Commission has conducted both public hearings and private in-camera hearings. Public hearings have been open to the general public, broadcast on radio and television, and transcribed and posted on the Commission's webpage. Working with the Georgia Institute of Technology, this website is the first to allow formal statements to be submitted online by persons in country or by the Diaspora. In addition, the site supports discussion forums, facilities for people to upload their own media, news and information sources, and a memorial area. Public hearings were held in each of the 15 counties of Liberia as well as in America and Bujumbura, Ghana, and the TRC is moving into a series of thematic hearings. The hearings have created an opportunity to witness, either live or on recorded video, the stories of human rights violations as told by both victims and perpetrators. Private, in-camera hearings have been used for some witnesses to guarantee security or dignity and for protection of minors.

Tables One and Two below provide summary and specific data on the county public hearings as of June 2008. The tables document that the TRC has conducted a geographically broad survey of human rights violations and has incorporated a large number of women into the hearing and statement giving processes. While not all hearings have run smoothly, on balance, the process has been systematic and thorough.

The TRC anticipates holding an additional 14 theme-based hearings, primarily in Monrovia, from July through October 2008, culminating in a National Conference on Reconciliation in November. The themes include: women, children, and youth; contemporary history of the conflict; prosecution; historical review; external actors; economic crimes; religious, traditional, and cultural dimensions of the conflict; education and civil service; judiciary and national legislature; and student movements and labor unions.

Table One: Liberia: Fourteen County Statistical Summary

Number of Witnesses Heard:	
Number of Victims .....	445
Number of Perpetrators.....	31
Thematic.....	67
Number of Female Witnesses.....	189
Number of Male Witnesses .....	287
Occurrences of Violations:	
Rape .....	60
Cannibalism.....	21
Torture.....	259
Amputation.....	14
Killing/Murder.....	194
Massacre.....	99
Arson/Destruction of Property .....	82
Arbitrary Detention.....	79
Extortion.....	71
Forced Labor .....	74
Looting.....	87
Occurrences of Hearings:	
Individual .....	87 days
Thematic/Institutional.....	14 days
Number of Hearings/Categories	
Public .....	481
In Camera.....	16
Window Cases .....	8

Source: Truth and Reconciliation Commission

Table Two: Liberia: Specific County Data from Public Hearings

County	HEARING DAYS		TESTIMONIES			
	Public	Thematic	# of Witness	Female:Male	Victims:Perpetrators	Thematic/Institutional
<b>PHASE ONE</b>						
Montserrado	15	0	75	27:48	67:8	N/A
<b>PHASE TWO</b>						
Maryland	4	2	34	13:16	28:1	5
Grand Kru	3	1	37	10:21	31:0	6
River Gee	4	1	41	16:20	34:2	5
Grand Gedeh	4	1	36	16:15	29:2	5
Sinoe County	3	1	36	14:17	30:1	5
<b>PHASE THREE</b>						
River Cess	5	1	41	19:18	36:1	4
Grand Bassa	4	1	39	9:22	30:1	8
Lofa	5	1	35	15:16	30:1	4
Gbapolu	4	1	35	10:20	27:3	5
Bomi	5	1	31	8:23	28:3	3
<b>PHASE FOUR</b>						
Nimba	4	2	36	9:21	25:5	6
Bong	4	1	37	12:20	32:0	5
Margibi	4	1	37	12:19	29:2	6
Cape Mount	<i>PENDING</i>					

Source: Truth and Reconciliation Commission

In addition to the hearings, the TRC has carefully trained over 200 statement takers, who, to date, have secured approximately 16,000 statements in the country. To put this number in perspective, Liberia has already collected several thousand more statements than neighboring Sierra Leone's TRC effort, a country with a larger population. An additional two to three thousand statements have been taken from the Liberian Diaspora living elsewhere in Western Africa and in the United States. Despite its resource limitations, working with its partner, The Advocates for Human Rights, Liberia's TRC is the first to systematically engage its Diaspora in the statement-giving process. The Commissioners have encouraged Liberians to come forward and give their statements and there is both quantitative and anecdotal data supports the notion that Liberians want to be heard.

The TRC staff, with technical assistance from the Western NGO, BENETECH, is coding the statements and creating a database to serve the TRC's report writing responsibilities. The database should be a fount of information for subsequent scholarly

research on the Liberian conflict. Working with foreign partners, the Liberian TRC also has ambitions to conduct survey research and to map the pattern of human rights violations that occurred during the period of investigation

The TRC has established an Inquiry Unit to conduct research and investigate specific cases of victimization. Its focus will be on 20-24 so-called "window cases" of grave human rights violations. The Inquiry Unit staff will also look into thematic issues deemed critical to the history of the conflict. The Inquiry Unit has been challenged by these responsibilities and is working to prepare for upcoming thematic hearings and to handle its caseload.

Despite these impressive results, the numbers do not tell the whole story. Although certain "big name" actors in the Liberian conflict have come forward to testify, most have not. To both capture the truth and to establish that no one is above the law, powerful figures, including those currently in the Liberian executive, legislative, and judicial branches of government, will need to participate in the TRC process going forward. In early August, several prominent political figures will testify before the TRC including former State Councilman Oscar J. Quiah, prominent politician Dr. Togbah Nah Tipoteh, former Chief Justice Councilor Chea Cheapoo, Deputy Planning Minister Marcus Dahn, and Grand Kru County Senator Blamo Nelson (TRC Diaspora Project Update, 2008). The President herself, Ellen Johnson Sirleaf, initially indicated that she would testify before the TRC, but has since equivocated. Many of those close to the TRC process believe that participation by the powerful is critical to the process of truth seeking and is indispensable to breaking the culture of impunity that has long held sway in Liberia (Long, 2008). The TRC holds the power to subpoena witnesses to appear before it. As part of its thematic and institutional hearings, for example, the TRC has subpoenaed rebel group leader Prince Johnson to appear before it on August 26 to testify regarding several severe human rights abuses. Rather than relying on its subpoena powers, however, the TRC hopes to rely on moral suasion as the means for drawing key players into future hearings and on a practical appeal to the likely reduction in any subsequent penalty or prosecution for those who willingly testify.

### *Narrative Truth*

Personal or narrative truth emerges in the stories told by victims, witnesses, and perpetrators. In public hearings and through broadcasts to the wider society these personal truths also become part of a larger societal discourse. The act creating the Liberian TRC (and the CPA before it) explicitly require that the TRC "provide a forum that will address issues of impunity, as well as provide an opportunity for both victims and perpetrators of human rights violations to share their experiences in order to get a clear picture of the past to facilitate genuine healing and reconciliation" (TRC Act, Preamble). Explicit in the Act is an affirmation of the healing power of personal narrative. One of the objectives of the Liberian TRC is "helping restore the human



dignity of victims and promote reconciliation by providing an opportunity for victims, witnesses, and others to give an account of the violations and abuses suffered and for the perpetrators to relate their experiences in an environment conducive to constructive interchange . . .” (TRC Act, Article VII, §26f).

The public hearings and personal statement taking have provided for many participants the first sympathetic hearing for their suffering. It is too early and too ambitious to suggest that the process thus far has healed the wounds to identity suffered by so many. Nonetheless, the TRC process has allowed some to begin a process of redefinition of self from that of victim to that of citizen and to begin to a process of closure to the war years. As in other TRC processes, there have been a few cases of remarkable forgiveness and mercy by the injured offered to perpetrators and there are many who have wondered whether the process of personal narrative does not reopen as many wounds as it heals. It will take time to weigh out the costs and benefits of the process, but Liberia has cast its lot that, on balance, the process is helpful to individuals and necessary to the country’s future. What can be said with greater certainty is that the TRC process has created a platform for a sympathetic airing of individuals’ personal truth and many Liberians are availing themselves of this opportunity.

The TRC has been sensitive to the psychosocial needs of those who testify as well as to the needs of its staff and its statement takers. Working with religious accompaniment groups, a host of civil society groups, and international donors, it has labored to provide training, counseling, and referral services to those involved in the process that might suffer renewed trauma as a result of their participation. Like many other TRCs, Liberia lacks sufficient resources to cope fully with this challenge, but it is aware of the problem and is actively leveraging the resources that are available to it both in Monrovia and in rural areas (Long, 2008).

A second problem related to securing personal narrative truth is that of physical protection from recrimination for those who testify about crimes and atrocities. The Security and Protection Unit of the TRC has established a witness protection program with advice from the International Committee of the Red Cross and has used the in-camera testimony option as means for improving personal security for those who testify. Here too, however, the TRC lacks the financial resources to offer witnesses long-term protection and it remains rightfully concerned about the possibility of perpetrator-on-perpetrator violence and other forms of retribution.

In addition to formal statements and hearings, the TRC and Georgia Tech have jointly developed and launched a mobile video story-telling system that allows all Liberians—urban and rural, literate and non-literate—to share their stories of the war years with others across the nation and to browse and view the stories of others. The mobile units also allow Liberians to view official videos and information from the TRC including testimonies from public hearings. The video system is situated within a specially outfitted vehicle and uses a unique computer system that allows people to view and record videos with simple push-button commands.

*Social Truth*

Whatever the individual benefits or costs of giving personal narratives, these accounts may have a beneficial social effect by helping a society reach a sense of resolution of the past that allows it to move forward (Tutu, 1999; Lederach, 1999; Lerche, 2000; Goodman, 1999). Social and dialogical truth is truth established through interaction, discussion, and debate among various individuals, communities, sectors, and parties that is open to public scrutiny and media attention. The key feature of dialogical truth is the *process* by which truth is acquired; a process that should be transparent, inclusive, and participatory. The Liberian TRC Act mandates “a process which seeks to establish the truth through a public dialogue that engages the nation” including the provision of information by “any person, group of persons or organizations or institutions” (TRC Act, Preamble; Article VII, §26m ).

Liberia TRC's extensive involvement with many external advisers—donors, NGOs, consultants, international organizations, and foreign governments—together with Liberia's reinvigorated press, has ensured that its procedures receive sustained and often harsh scrutiny. Its critics are quick to point out that the TRC has, out of an excess of caution or as a result of bureaucratic turf wars, held some information unnecessarily close, thus inviting suspicion. It is fair to say that public disputes among Commissioners have tarnished the TRC's image, and its slow start administratively has led to skepticism about its competence.

Notwithstanding these problems, the Liberian TRC is working energetically and more effectively in engaging many aspects of Liberian society in the truth-telling process. The gender and geographic diversity of participants in the TRC hearings and statement process is admirable. The TRC focus on women, children, and ex-combatants and its upcoming county consultations, workshops, and thematic hearings should ensure the participation of key elements of society. The TRC has signed several memorandum of understanding with civil society organizations and developed an ongoing dialogue with the Transnational Justice Working Group of Liberia to improve public awareness of its efforts and to ensure that its institutional functioning is transparent. Its plan of work is now clear, and its financial accounting and management processes have been strengthened (TRC Report, September 13, 2007).

The administrative operations of the TRC, while still resource constrained, have integrity, and the gravity of the hearings and personal statements has had a sobering effect on the Commissioners and the staff as they are reminded daily of the seriousness of their task. Chairman Verdier's leadership is often cited for its positive contribution to the TRC's current performance (Long, 2008).

*Restorative Truth*

Finally, healing or restorative truth is truth that helps to repair past damage and that prevents the recurrence of civil violence. Restorative truth establishes a new moral order and makes recommendations for a political, social, and economic transformation. This form of truth is to be the culmination of the TRC's efforts wherein they "make recommendations reflective of the truth, to reunify and reconcile contending groups and/or the peoples of Liberia" (TRC Act, Article VII, §26i ). The Liberian TRC may make recommendations regarding reparations for, and rehabilitation of, victims and perpetrators; legal and institutional reforms; and the need for continuing investigations and prosecutions (TRC Act, Article VII, §26j).

The key findings, outcomes, conclusions and recommendations of the TRC will be presented in its final report to the Government for implementation. The report will be due early next year, although most believe that the TRC will request and receive an extension of up to one year to complete its work.

The report will need to address antecedent causes of the conflict, redress and refute historical wrongs and fallacies, and make recommendations for Liberia's future growth and development. As noted, the TRC is collecting through its hearings, statements, and personal interviews the data needed to meet this mandate. The data is being stored and coded to facilitate its usability and reliability in writing the report.

Furthermore, the TRC believes that the proceedings, in themselves, have contributed to the restoration of Liberia by "promot[ing] tolerance and understanding by allowing conflicting parties to air their respective grievances and sufferings . . . [and by] building empathy, thereby deterring acts of vengeance and countering the rivalries and hatreds arising from past events" (TRC Report, April/September 2007). It also maintains that its hearings and other meetings provide a setting for "restorative justice" processes in which the victim, the offender, and the other individuals or community members can actively participate in the mediation and resolution of past grievances. To continue restorative dimensions of their work, the TRC has created a Reconciliation Unit which has engaged traditional religious leaders and solicited their views on the way forward for Liberia.

It is encouraging that the TRC recognizes the daunting empirical and moral challenge of summarizing its findings and making recommendations critical to Liberia's future. It remains to be seen, however, how the TRC's forthcoming report will steer a course between recommendations for future prosecutions and recommendations for amnesty as called for in its mandate. Other sensitive topics that the TRC must tackle in its report include recommendations for reform of the judicial sector to ensure its impartiality and recommendations for reparations. On the latter point, the TRC has indicated that it will award limited reparations to groups (rather than individuals) and, of necessity, many of the reparations will be symbolic rather than economic.

### Concluding Thoughts

Although flawed, there are good reasons to conclude that the Liberian TRC is on course in meeting the challenge of securing the four truths. The TRC and Liberia have several high hurdles ahead on the path to reconciliation and the consolidation of peace, however. First, as discussed, the TRC itself must adhere to a demanding schedule of hearings, data analysis, and report writing in the next six to 12 months. The report will have to integrate many different viewpoints and make Solomonic recommendations regarding justice and judicial reform. Following the Report, Liberia must stand up an Independent National Human Rights Commission with the responsibility of seeing that the TRC recommendations are scrupulously implemented. Liberia's governing institutions will have to demonstrate political will and skill in meeting their reporting requirements and enacting the recommendations. And, all these political reforms will have to occur in the context of a struggling economy made more precarious by rising food and commodity prices. If Liberia can sustain these reforms in the coming two to three years, it will face a renewed set of challenges beginning in 2011 and 2012 when international peacekeeping forces withdraw and national elections for the consolidation of democracy occur.

Liberia's future course is, at best, arduous and uncertain. But reasons for hope exist because of the hard work and good intentions of the TRC and its partners and because Liberians know only too well the alternative to the TRC's success.

### Notes

1. Most civil conflict is recidivistic. During the past 50 years, in those conflicts that did not attempt a reconciliation process, more than 90 percent returned to conflict after failed peace negotiations or ceasefires. In contrast, the majority of cases where a concerted reconciliation process occurred, lasting civil order was maintained. The history of Liberia supports this general proposition as separate peace agreements in 1990, 1991, 1993, 1994, and 1996 failed to halt the war.

2. It should be noted that the resort to a TRC as the more appropriate mechanism did not represent a choice of blanket amnesty or an abdication of justice, however. The Liberian TRC's role is to secure the truth and ensure accountability by making recommendations both as to the need for future prosecutions and for amnesty (but only for lesser offenses and only if certain prerequisites have been fulfilled by the individual requesting amnesty). Section 26, part g, of the TRC Act (2005) provides that the Commission's powers shall include:

Recommending amnesty under terms and conditions established by the TRC upon application of individual persons making full disclosure of their wrongs and thereby expressing remorse for their acts and/or omissions, whether as an accomplice or a perpetrator, provided that the amnesty or exoneration *shall not apply to violations of international humanitarian law and crimes against humanity in conformity with international law and standards.* (Author emphasis added.)

The italicized clause makes clear that not all violations are pardonable, and, based on precedent, it would prohibit the TRC from recommending amnesty for most serious crimes committed during the period of the Commission's investigation (1979-2003).

### References

- Aguirre, Luiz Perez. 1996. "Reconciliation, Justice, and Forgiveness." In Charles Harper, ed., *Impunity: An Ethical Perspective*. Geneva: World Council of Churches Publication.
- Boraine, Alex. 2000. *A Country Unmasked*. Capetown: Oxford University Press.
- Borer, Tristan Anne. 2001. "Reconciliation in South Africa: Defining Success." Kroc Institute Occasional Paper.
- Goodman, David. 1999. *Fault lines: Journeys into the New South Africa*. Berkeley, CA: University of California Press.
- Hamber, Brandon and Hugo van der Merwe. 1998. "What is this Thing Called Reconciliation?" *Reconciliation in Review*, Vol. 1, No. 1, pp. 3-6.
- Hayner, Priscilla. 1998. "The Past as Predator," draft manuscript.
- Hayner, Priscilla. 1994. "Fifteen Truth Commissions 1974-1994: A Comparative Study." *Human Rights Quarterly*, Vol. 16, No. 4, November, pp. 597-655.
- Lederach, John Paul. 1999. *The Journey Toward Reconciliation*. Scottsdale, PA: Herald Press.
- Lerche, Charles O. 2000. "Truth Commissions and National Reconciliation: Some Reflections on Theory and Practice." *Peace and Conflict Studies*, Vol. 7, No. 1, May, pp. 1-19.
- Long, William. 2008. Author Interviews. June.
- Long, William and Peter Brecke. 2003. *War and Reconciliation: Reason and Emotion in Conflict Resolution*. Cambridge, MA: MIT Press.
- Neier, Aryeh. 1990. "What Should Be Done About the Guilty?" *New York Review of Books*, pp. 32-34.
- O'Donnell, Guillermo and Philippe Schmitter. 1995. "Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies." In Neil J. Kritz, ed., *Transitional Justice: General Considerations*, Vol. 1. Washington, DC: U.S. Institute of Peace Press).
- Peterson, Trudy Huskamp. 2005. *Final Acts: A Guide to Preserving the Records of Truth Commissions*. Baltimore: The Johns Hopkins University Press.
- Sobrino, Jon. 1996. "Theological Reflections on the Report of the Truth Commission." In Charles Harper, ed., *Impunity: An Ethical Perspective*. Geneva: World Council of Churches Publication.
- The TRC Act. 2005. May 12. "An Act to Establish the Truth and Reconciliation Commission (TRC) of Liberia." <<http://www.ictj.org/static/Africa/Liberia/liberiactrtract.eng.pdf>> Last Accessed 1 December 2008.
- "TRC Diaspora Project Update." Press release of the Advocates for Human Rights. <[liberia-trc@mnadvocates.org](mailto:liberia-trc@mnadvocates.org)> Accessed August 6, 2008.

- Truth and Reconciliation Commission of Liberia. 2007. April/September. "Advancing the TRC Mandate," 5<sup>th</sup> & 6<sup>th</sup> Quarterly Reports. < <https://www.trcofliberia.org/reports/quarterly-reports>> Last Accessed 1 December 2008.
- Truth and Reconciliation Commission of Liberia. September 13, 2007. "Toward Achieving the Mandate: A Progress Report of the TRC." Monrovia.
- Tutu, Desmond. 1999. *No Future Without Forgiveness*. New York: Doubleday.
- Zalaquet, José. 1997. Human Rights Program, Harvard Law School, *Truth Commissions: A Comparative Assessment*, Cambridge: Harvard Law School.