

Commonwealth Roundtable on Reconciliation

1-3 May 2013, Marlborough House, London



The Commonwealth

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1. Introduction

Realizing reconciliation as a pre-condition to peace

For Commonwealth nations transitioning from armed conflict or political violence, reconciliation constitutes an important pre-condition to sustaining peaceful and democratic societies. Achieving true reconciliation in societies torn by violence, however, is not an easy task. Supported by transitional justice mechanisms, reconciliation is inherently a multifaceted process through which the root causes of violence can be addressed and social consensus around reforms built. The Commonwealth Secretariat has undertaken specific initiatives to support Member States in implementing locally driven processes towards achieving reconciliation and thus preventing any abuses from recurring.

Held in London in May 2013, representatives of Commonwealth member countries attended a high level Roundtable on Reconciliation organised by the Human Rights Unit of the Commonwealth Secretariat. The Roundtable was convened in furtherance of the work of the Commonwealth Commission on Respect and Understanding. Established in 2005 at the request of Commonwealth Heads of Government, the Commission was tasked to “explore initiatives to promote mutual understanding and respect among all faiths and communities in the Commonwealth”. Chaired by Nobel Laureate Dr Amartya Sen, the Commission’s report of 2007, *Civil Paths to Peace*, outlines value-driven responses to conflict that are rooted in the Commonwealth’s collectively agreed-upon principles, including adherence to and improving human rights and realizing economic and social justice for all citizens.

Building upon this work, the Roundtable considered concrete examples and lessons learnt by Member States in their efforts to realize the very outcomes outlined in *Civil Paths to Peace*. Opening the event, Commonwealth Secretary-General Kamalesh Sharma outlined the Roundtable’s objective of fostering a stronger understanding of the core elements of effective and sustainable reconciliation, which include truth, justice, and accountability. The Roundtable featured examples of transitional justice processes that encompass accountability, truth-seeking, reparation, and institutional reform. Best practices and lessons learnt on how to realize post-violence reconciliation, recovery and development were considered.

To discuss and evaluate these initiatives, the Roundtable brought together expert practitioners; State representatives; and national human rights institutions (NHRIs) and civil society organisations (CSOs) from Kenya, Papua New Guinea, Rwanda, Sierra Leone, South Africa, Sri Lanka, Uganda, and the United Kingdom (Northern Ireland). In so doing, the Roundtable presented a rich mosaic of how Member States have sought to realize reconciliation and other post-conflict needs across the Commonwealth.

The Roundtable’s opening session considered how the field of transitional justice can enable all members of society to contribute to addressing the past and building a stable future. Annexed to this Report, the Roundtable Agenda

outlines how the event was then organised into thematic sessions. These sessions examined the experiences of Member States in specific transitional justice mechanisms, specifically, the role of truth commissions, memorialization, and criminal justice and restorative justice proceedings. The roles played by local stakeholders, such as NHRIs and CSOs, in contributing to the realization of reconciliation goals were also examined. The challenge of meeting the needs of historically marginalized groups with particular vulnerabilities, such as women and children, was also considered. Working groups were then formed under the topics of truth commissions, criminal and restorative justice, memorialization, and NHRIs. Tasked with identifying key points and best practices that were raised during the Roundtable discussions, the Working Groups produced thematic reports that will serve to support reconciliation efforts by Member States in the future. These reports are annexed to this Report.

In summarizing the Roundtable presentations and discussions, this Report serves as an initial compilation of good practices and promising practices on nation-building in post-conflict settings. The Human Rights Unit of the Commonwealth Secretariat will be taking forward further sustainable initiatives flowing from the Roundtable, including a best practice publication.

Roundtable sessions

2. Opening session

The Opening session was chaired by Commonwealth Deputy-Secretary General Mmasekgoa Masire-Mwamba, with introductions made to Commonwealth Secretary-General Kamallesh Sharma; Lord John Alderdice, former member of the Commonwealth Commission on Respect and Understanding and a member of the House of Lords; and Dr Pablo de Greiff, UN Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence.

2.1. Charting pathways for implementing *Civil Paths to Peace*

Recalling the Commonwealth Commission on Respect and Understanding and its mandate to “explore initiatives to promote mutual understanding and respect among all faiths and communities in the Commonwealth”, the Secretary-General delivered the opening remarks to the Roundtable. Making reference to the Organisation’s new strategic plan, the Secretary-General noted the Secretariat’s role as a trusted partner in creating a neutral space for promoting best practice and developing innovative solutions to political challenges.

The Secretary-General highlighted four of the key findings from the Commission’s 2007 report, *Civil Paths to Peace*, as the starting point for the Roundtable’s deliberations: the Commonwealth can play a role in the use of dialogue and multilateralism in dealing with issues related to violent conflict; the need to recognize the positive and constructive role civil initiatives can have in building peace; women and young people play critical roles in reconciliation; and agreement on some general policy priorities is of overwhelming importance, and must take into account that precise policies will necessarily depend on specific circumstances and vary from country to country. It was against the backdrop of the Commission’s conclusions that the Roundtable dedicated itself to achieving a better understanding of the core elements of effective and sustainable reconciliation with a view to enhancing knowledge of the concepts, mechanisms, best practices, and stakeholders in the area of transitional justice. The Secretary-General’s “Opening Remarks” are included in the Annexures.

2.2. Securing a peaceful future by addressing the past in a socially inclusive manner

The Secretary-General and Lord Alderdice emphasized that civil peacebuilding initiatives can play a positive and constructive role in achieving reconciliation, particularly when women, children, and young people are engaged as positive agents of change. Indeed, a range of stakeholders must be engaged in reconciliation processes in order to ensure sustainability and non-recurrence. Lord Alderdice elaborated that civil society engagement is an important actor in advancing reconciliation, particularly in building trusted partnerships between the State and society, be it economically, ethnically, militarily, or legally.

A former member of the Commission on Respect and Understanding, Lord Alderdice highlighted key conditions identified in *Civil Paths to Peace* that must be set in motion in order to realize reconciliation. Specifically, he cautioned that the manner in which a post-conflict situation is handled may either plant the seeds for another war, or promote genuine reconciliation. Therefore, when considering the best ways to approach reconciliation, how armed conflict ended, whether militarily or through a peace agreement, must be acknowledged, and respect amongst all stakeholders secured. Sustaining peace also requires dealing with the legacy of the past, in addition to immediate post-conflict needs.

2.3. Achieving the core elements of reconciliation through transitional justice

The mechanisms and processes available from the field of transitional justice that support the realization of the key elements of reconciliation were highlighted by Dr de Greiff, UN Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence. Dr de Greiff noted one of the fundamental reasons he accepted the invitation to participate in the Roundtable was to offer his services, recognizing that the topic of reconciliation as acutely crucial to the set of countries sat around the table. In particular, Dr de Greiff wanted to take the opportunity to refer to his mandate as a resource to which States may wish to avail themselves. He also highlighted the mechanisms and processes available from the field of transitional justice that support the realization of the key elements of reconciliation.

Dr de Greiff outlined his mandate as UN Special Rapporteur on the Promotion of Truth, Justice, Reparation, and Guarantees of Non-Recurrence, noting that it is relatively new and not as established as the mandates of other UN Special Procedures. The Special Rapporteur discussed reconciliation from the standpoint of the UN Human Rights Council resolution establishing his mandate. The resolution was adopted by consensus, and sets out that the Special Rapporteur will deal with situations in which there have been gross violations of human rights and serious violations of international humanitarian law. Dr de Greiff stressed that his mandate rests on four pillars: truth; justice; reparation; and guarantees of non-recurrence. The mandate is to be undertaken in cooperation with all sectors of society (governments, international and national mechanisms and institutions, and civil society), and must adopt a gender perspective. Crucially, the Special Rapporteur must employ a comprehensive approach to issues under the mandate.

Transitional justice mechanisms that pursue truth, justice, reparations, and guarantees of non-recurrence ultimately seek the goal of reconciliation. Dr de Greiff emphasized that transitional justice can thus be conceived of and understood as a strategy for achieving reconciliation. However, these approaches must not be pursued in isolation from each other, but rather implemented as part of a long-term process and in a holistic way. Cautioning that reconciliation must not be viewed as an alternative to justice, Dr de Greiff underscored that reconciliation measures are essential for building trust in society, in particular, the rebuilding of public trust in State institutions.

3. Truth-seeking and reconciliation initiatives in South Africa, Sri Lanka, Kenya

The session titled “Mechanisms of transitional justice: Truth Commissions” was chaired by Advocate Karen McKenzie, Acting Head of Human Rights at the Commonwealth Secretariat. Presentations were made by Dr William De Wee, Chief Operations Officer of South Africa’s Department of Justice and Constitutional Development; Mr Lalith Weeratunga, Head of the Lessons Learnt and Reconciliation Commission (LLRC) Taskforce in Sri Lanka; Dr Mzalendo N Kibunja EBS, Chairperson of the Kenya National Cohesion and Integration Commission (NCIC); and Mr Hanif Vally, former National Legal Officer to the South African Truth and Reconciliation Commission (TRC).

3.1 Key features of truth and reconciliation commissions

National truth and reconciliation commissions have operated in several Commonwealth countries following armed conflict, political violence, or serious human rights abuses. Appearing in varied forms, truth commissions generally constitute official, temporary, non-judicial or quasi-judicial fact-finding bodies that investigate abuses of international human rights and humanitarian law. Truth-seeking processes that aim to address past human rights abuses can include the preservation of human rights archives, commissions of inquiry, and consultative bodies.

The Roundtable considered truth and reconciliation mechanisms in three countries: South Africa, Kenya, and Sri Lanka. The session was opened with a video clip of a speech delivered by Nobel Laureate and Chair of the South African TRC, Archbishop Desmond Tutu. Here, Archbishop Tutu reminded us that notwithstanding a shared social desire to move on from a violent past, true reconciliation demands that every member of society – victims and perpetrators – learn to live together. Building upon this need for a participatory approach to truth-seeking, Mr Vally, former Legal Officer to the South African TRC, emphasized that truth commissions are grounded in a number of rights, most fundamentally the right to truth.¹ He elaborated on how fulfilling the right to truth for all can serve to offer a sense of closure, aid the healing process, and restore dignity to survivors of conflict and violence.

¹ Using the case of the South African TRC, Mr Vally explained how truth-seeking and reconciliation initiatives involve the right to know, in addition to the right to reparation and principles of justice as represented under international law (citing the Joinet Principles to Combat Impunity (1977), which were approved by the UN Commission on Human Rights in 1997; Report of the independent expert to update the Set of Principles to combat impunity, 2005; and Basic Principles and Guidelines on the Right to a Remedy and Reparations for Victims of International Human Rights Law and Serious Violations of International Humanitarian Law, 2005).

3.2 Giving voice to victims and perpetrators can promote reconciliation

A common element to the session's comparative experiences was how truth and reconciliation commissions provide a forum for individuals to voice their experiences, whether as a victim or a perpetrator. As explained by Dr De Wee, Chief Operations Officer of the South African Department of Justice and Constitutional Development, the South African TRC "gave individuals an opportunity to engage and take responsibility for their actions". This outcome was echoed by Dr Kibunja, Chairperson of the Kenya NCIC, when he said "What the [Truth, Justice and Reconciliation Commission (TJRC)] has, however, been effective in achieving is a broad engagement with society; it has enabled a space for people to tell their story." Truth-seeking and reconciliation activities should indeed serve to protect and promote the rights of all.

3.3 Wide-ranging mandates include truth-telling, documentation, and the design and oversight of recommendations

The mandates of truth-seeking and reconciliation processes amongst the three countries considered in this session were in-depth and wide-ranging, and thus reflective of their local contexts. Mr Vally explained in detail how the South African TRC sought to highlight the root causes of the conflict and the institutions involved by documenting human rights abuses and violations, providing a forum for victims to share their stories, and enabling official acknowledgement of human rights violations as well as the naming of perpetrators. The Kenyan TJRC set out to investigate the gross human rights violations (including economic crimes and irregular acquisitions of public land, ethnic crimes, and gender crimes) and other historical injustices committed between December 1963 and February 2008, as well as educate the public and provide redress. Both Dr Kibunja of Kenya and Mr Vally of South Africa noted that facilitating reconciliation requires engagement at the national, community/communal, and individual levels of society.

Established after a twenty-five year civil war, the Sri Lankan LLRC was tasked with inquiring into and reporting on a broad array of issues.² As explained during the Roundtable by Mr Weeratunga, Head of the LLRC Taskforce, these areas of inquiry included the facts and circumstances leading to the failure of the country's Ceasefire Agreement (2002) and around events up until 2009; whether any persons bear responsibility; lessons learnt around these events to prevent non-recurrence; and measures of restitution for individuals affected by these events, including public measures to prevent recurrence and to promote national unity and reconciliation.

All of these mandates reflected the understanding that reconciliation has to be undertaken as a long-term process, not a one-off event. The broad mandates prescribed for each country's institution presented considerable challenges in terms of implementation. They aptly illustrate that care must be taken when

² See Final LLRC Report, available at: <http://www.defence.lk/news/pdf/FINAL-LLRC-REPORT.pdf>.

designing institutional mandates to ensure that local expectations can be realistically fulfilled. Specifically, a balance must be struck between the local truth-seeking needs with the limited time and resources under which truth commissions must effect their mandates. Indeed, failing to meet expectations can erode the public's trust in the work of a truth commission, which Mr Vally reminded the Roundtable was vitally important in order to build legitimacy for the policies and recommendations that may follow the truth-telling process.

The Kenya, South Africa, and Sri Lanka initiatives were all tasked with making recommendations on a breadth of areas, which ranged from how to prevent future violence and reform of institutions to meeting the needs for justice, accountability, and respect for human rights. To facilitate this task, Dr De Wee explained that the hearings of the South African TRC served as "a vital tool to understand the needs of victims and the needs of South Africans more broadly in order to achieve reconciliation". The institutional reform mandates of truth commissions represent a vital area for rebuilding trust between citizens and public institutions.

3.4 Overcoming common challenges encountered by truth commissions

Challenges in securing the implementation of recommendations following truth-seeking processes are common. The Roundtable presented illustrative examples of how truth-telling mechanisms can facilitate follow-up on their recommendations. For example, in Sri Lanka, the LLRC developed a comprehensive list of recommendations in relation to international human rights law, human rights, language, restitution, and reconciliation for the country. Mr Weeratunga explained how, following the publication of their final report, the LLRC Task Force prioritized monitoring and oversight of the implementation of these recommendations using key performance indicators, as well as detailing a clear timeline and monitoring scheme to measure and quantify their impact. In Kenya, the TJRC's enabling legislation stipulates that all recommendations must be implemented, and a number of public institutions have been explicitly mandated with this responsibility.

Post-conflict contexts present a host of situational challenges for truth seeking initiatives. For example, in Sri Lanka, the national priority of achieving a tri-lingual state with the Sinhala, Tamil, and English languages presented operational and administrative hurdles for the LLRC. Mr Weeratunga explained how the LLRC had to also situate its inquiry and the formulation of recommendations against complex country dynamics, such as the reintegration of former combatants and meeting the needs of those internally displaced by the conflict, as well as the major economic and social reconstruction needs of areas affected by the war.

Dr Kibunjia noted the additional challenge in Kenya of overcoming a lack of good will by those alleged perpetrators of serious human rights abuses and economic crimes. The lack of support from these constituencies touched upon the heavily discussed subject of timing and sequencing. Specifically, the Roundtable affirmed that justice and peace initiatives should be sequenced so as to ensure that these initiatives operate in a complementary manner with each other, as well as in line with parallel activities, such as disarmament, demobilization, and reintegration (DDR).

4. Memorialization initiatives in Northern Ireland, Rwanda, South Africa

The session titled "Mechanisms of transitional justice: Memorialization" was chaired by Mr Amitav Banerji, Director of the Commonwealth Secretariat's Political Affairs Division. Presentations were made by Dr Jean Baptiste Habyalimana, Executive Secretary of the National Unity and Reconciliation Commission in Rwanda (NURC); Ms Kathryn Stone OBE, Commissioner to the Commission for Victims and Survivors in Northern Ireland; and Ms Shirley Gunn, Executive Director of the Human Rights Media Centre in South Africa.

4.1 Memorialization is a form of reparation that can promote reconciliation

In addition to truth-seeking and accountability, a holistic approach to achieving social reconciliation includes measures to realize the right to reparation. Acknowledgement of victims of serious violations and their suffering constitutes a vital element of the right to reparation. Memorialization initiatives provide public recognition of the impact of violence for victims, as well as generate debate and political will to deliver redress. They also provide alternate forums for victims who may not wish to be involved in criminal justice or truth-seeking processes, such as survivors of sexual violence.

Shaping and informing the "collective memory" of post-conflict/violence societies can also play an important role in strategies to realize reconciliation goals, such as justice, accountability, and respect for human rights. "Memory works"³ include projects that call attention to certain historical facts or events to influence how societies remember past events, as well as human rights activists, non-traditional heroes, and/or social movements. They include memorials, monuments, museums, sites of conscience, documentation or archival projects, and conceptual art or artistic endeavours.⁴

The Roundtable explored powerful and impactful memorialization efforts for survivors of violence that have been undertaken in Northern Ireland, Rwanda and South Africa.

4.2 The nature and purpose of memorialization

Throughout Northern Ireland, Rwanda, and South Africa, memorialization has been used to heal and reconcile victims of serious crimes with perpetrators. Memory works have also been relied upon to promote broader social dialogue

3 Memory works are a form of remembrance in which historical and ethical aspects of the past are acknowledged.

4 Counting and naming the dead is an example of memorialization practice. Identifying and tallying the dead renders the costs of the conflict visible in a very direct and simple way, providing a reminder of the human and personal trauma inflicted by conflict. Roger D Petersen's 2011 book *Human Losses in Bosnia-Herzegovina 1991-1995*, also known as "The Bosnian Book of the Dead", contains a meticulously researched database of the victims of the 1992-95 war.

and engagement with the causes of serious violations, with a view to ensuring their non-repetition. Dr Habyalimana, Executive Secretary of Rwanda's NURC, explained how memorialization was introduced in Rwanda to provide recognition of the pain caused by the violence, as well as to support broader social goals of combating genocidal ideology and discrimination and promoting a sense of common national identity. Mrs Gunn, Executive Director of the Human Rights Media Centre in South Africa concurred, explaining that memorialization can be used to reflect on the past while also serving to direct the public to look towards the future. In so doing, memorialization can help to construct a national identity and promote national unity. By way of example, she pointed out the dominance of colonial era memorial structures in South Africa, against which a counter-narrative to colonization and apartheid is currently underdeveloped.

There was a lively debate as to whether memorialization risks deepening social divisions following periods of violence. With murals and structures representing a constant reminder of the profound divisions in the country, Mrs Stone OBE, Commissioner with the Commission for Victims and Survivors in Northern Ireland, acknowledged that memorialization is indeed a double edged sword since seeking reconciliation inherently involves highlighting the divisions in society. She emphasized, however, that memorialization involves powerful and potent symbols of why violence must never happen again, and why we must never forget what happened. This potency can serve to overcome social divisions and thus draw the public into the spirit of "never again".

4.3. Types of memorialization

The Roundtable was exposed to a rich and creative range of memorialization initiatives, ranging from traditional memorials to commemorative events. Dr Habyalimana described activities in Rwanda ranging from identifying the sites of atrocities and constructing physical memorial sites and monuments to introducing a national mourning week. Mrs Gunn portrayed different types of memorials, which included physical structures, images and stories, and naming the dead. In Northern Ireland, three memorialization mechanisms have been used: storytelling, physical structures and murals, and days of remembrance. With over six hundred physical memorials in Belfast alone, Mrs Stone presented a series of images depicting memorials and murals in Northern Ireland, including the McGurk's Bar Bomb Memorial, the New Lodge Memorial Garden, and the South East Fermanagh Foundation (SEFF) Memorial Quilt.

4.4 The contested aspects of memory and the implications for memorialization

Both Mrs Gunn and Mrs Stone highlighted the critical role played by narrative in memorialization. Mrs Stone explained that narratives are highly important when considering how a conflict or an event is remembered, and can provide an effective outlet for people to tell their individual stories. However, memorialization activities are routinely confronted with questions over what language and labels to use when describing events of the past, which can be associated with divergent views held by parties to the conflict. Recalling that memorialization is subjective,

Mrs Gunn outlined key questions that therefore must be asked when embarking on memorialization initiatives: What is the story to be told? How do you justify telling one group's story over another? How do you address two competing or two very similar stories that are seeking to be told?

Dr Habyalimana explained that for memorialization initiatives to be effective, they must be inclusive, participatory, have political support, and be positive in their messages. In Rwanda, a number of grassroots programmes had been introduced to ensure greater ownership of the reconciliation process at the community level. Mrs Gunn elaborated on the importance of consulting with victims during the construction of memorials. She explained it is also essential to consider the location as well as the prevailing social conditions within which memorialization is considered. For example, in South Africa, memorials have been plundered for their precious metals in locales where poverty prevails, suggesting that community priorities may be divergent.

5. The role of NHRIs in national reconciliation efforts in Kenya, Northern Ireland, Sierra Leone, Uganda

The session titled “The role of NHRIs in national reconciliation processes” was chaired by Mr Nabeel Goheer, Director of the Commonwealth Secretariat’s Strategic Planning and Evaluation Division. Presentations were made by Mr Bryma Kebbie, Commissioner of the Human Rights Commission of Sierra Leone (HRC of Sierra Leone); Ms Ida Nakiganda, Director of Research, Education and Documentation of the Uganda Human Rights Commission (UHRC); Ms Kyalo Ngugi, Acting Chairperson of the Kenya National Commission on Human Rights (KNCHR); and Dr David Russell, Deputy Director of the Northern Ireland Human Rights Commission (NIHRC).

Drawing upon the experiences in Northern Ireland, Kenya, Sierra Leone, and Uganda, the Roundtable identified the areas of strategic engagement where NHRIs can best support national reconciliation efforts.

5.1 Prioritizing human rights in transitions from violence to peace

For conflict-affected countries, NHRIs are often established following a peace agreement, constitutional reform or a transitional justice process. The NIHRC was created out of the Good Friday Agreement, while the HRC of Sierra Leone was established following a recommendation of Sierra Leone’s Truth and Reconciliation Commission. Likewise, the UHRC was formed following the recommendation of a Commission of Inquiry into human rights violations in Uganda between independence and 1986, and later included in the 1995 Constitution.

Dr Russell, Deputy Director of the NIHRC aptly recalled that the starting point for transitional institutions, including NHRIs, is in fact human rights. Following the Paris Principles,⁵ NHRIs are mandated *inter alia* to protect and promote human rights, as well as to engage and advise State actors on human rights through legal and policy tools.

Falling within these responsibilities, NHRIs may be tasked with specific reconciliation activities. In Northern Ireland, for example, the NIHRC is undertaking consultations for the drafting of a new bill of rights, while the UHRC provided mediation guidance on human rights to negotiating parties during peace talks between the Ugandan government and the Lord’s Resistance Army (LRA) rebels. Additional tasks that can facilitate reconciliation include fact-

5 The Paris Principles relate to the status and functioning of NHRIs for the protection and promotion of human rights. They were adopted by the United Nations Commission on Human Rights in Resolution 1992/54 of 1992, and by the UN General Assembly in Resolution 48/134 of 1993. The Paris Principles provide guidelines with regard to the composition of NHRIs and standards as to the appointment of members; require that NHRIs enjoy the competence to promote and protect human rights with as broad a mandate as possible; and outline the various competences that NHRIs should be empowered to fulfil.

finding and investigations; strengthening national archives; assisting victims; conducting consultations and holding inquiries; and supporting efforts at institutional reforms.

5.2 Protecting and promoting human rights with a goal to reconciliation

Human rights protection activities undertaken by NHRIs include:

Northern Ireland: The NIHRC has been active in seeking redress or remedies for violations through the courts, inquiries, and inquests (including *amicus curiae*),⁶ as well as undertaking monitoring (including submissions to UN treaty bodies on State compliance with international obligations), investigations, public inquiries, and research.⁷

Sierra Leone: Mr Bryma Kebbie, Commissioner of the HRC of Sierra Leone, explained how the Commission held an inquiry into the treatment and working conditions of miners in the Eastern part of the country following violence and unrest. The HRC of Sierra Leone was successful in uncovering systemic human rights violations committed by the police, though follow-up from authorities remains outstanding.

Uganda: Ms Ida Nakiganda, Director of Research, Education and Documentation of the UHRC, described how the Commission monitored and documented human rights violations in conflict areas during the period of hostilities, and later hosted consultative workshops to highlight the needs of war-affected communities. The disaggregated data generated by this work was useful in highlighting the needs of women, children, and other vulnerable individuals. Monitoring and documentation of the needs of internally displaced persons (IDPs) led to advocacy for a national IDP policy. Once hostilities abated, the UHRC advocated for the application of human rights principles to the return, reintegration, and rehabilitation of IDPs in safety and dignity, including the recovery of property lost during the conflict and the establishment of social services.

Human rights promotion activities undertaken by NHRIs include:

Kenya: Ms Kyalo Ngugi, Acting Chairperson of the KNCHR, described how the KNCHR undertook gender-specific training for women on how to present their evidence to the Kenyan TJRC; broader training for citizens on how to prepare statements; and transported participants to hearings to testify before the TJRC.

Northern Ireland: The NIHRC has undertaken public education through engagements with interface communities, victims, survivors, and ex-combatants; human rights training of the Police and Public Services; curricula support for

6 See *Case of Omagh Bomb* (2000) and *Jordan v UK* (2001). *Jordan* set a precedent at the European Court of Human Rights on the four essential elements of an effective investigation: independence, promptness, open to public scrutiny, and capable of leading to the identification and punishment of those responsible. It was also made clear that the State must involve the victim's next of kin.

7 See e.g., *Parades, Protests and Policing: A Human Rights Framework* (2001); *Human Rights and Victims of Violence* (2003); *The Hurt Inside* (2005); *Public Inquiries into Conflict-Related Deaths* (2006); *The Prison Within* (2007); *Minority Language Rights* (2010); *Flag Flying* (2011); *Human Rights Issues and the 'Decade of Anniversaries'* (2011); *Hate Crimes* (2013).

schools and colleges; and media events, press releases, and press conferences on human rights and reconciliation-oriented subjects.

Uganda: The UHRC advocates for the respect of national and international rights standards through documentation and publications, such as *Picking up the Pieces in Acholi Sub-Region*, *A Special Report on the Peace, Justice and Human Rights Situation* and *The Dust Has Not Yet Settled: Victims' views on the Right to Remedy and Reparation*. The UHRC undertook peacebuilding activities, including an access to justice project targeting marginalized communities in the Acholi sub-region, and conducted mediations over land conflicts amongst returnees in war-affected areas.

5.3 Strategic choices amidst cross-cutting roles for NHRIs

The Roundtable concurred that the work of an NHRI is crucial in promoting reconciliation in a post-conflict environment. Dr Russell concluded by emphasizing the continued responsibility and engagement of NHRIs in conflict-affected settings where reconciliation issues remain and require long-term solutions. In addition to fostering a rights-based understanding of transitional justice, in the case of Northern Ireland, the NIHRC must work to address the situation of victims and survivors, and of former prisoners convicted of conflict-related offences. Similarly, Ms Nakiganda explained how Uganda lacks a transitional justice policy while multiple post-conflict needs of the population remain unaddressed. In such situations, Ms Nakiganda emphasized that NHRIs should advocate for and facilitate the implementation of comprehensive transitional justice programs, in particular, measures for reparations and realization of related socio-economic rights, such as access to physical and mental health services, education, and economic and infrastructure support. In this regard, it is important to bear in mind Mr Kebbie's observation that commissions can face limitations in terms of their powers of enforcement, resources, and capacity, as was the case in Sierra Leone.

The Roundtable concluded that by holding public institutions to account and educating the public about their rights, NHRIs act as a bridge between the State and local communities. They can help to rebuild public confidence in the legitimacy of State institutions, which is an important aspect of achieving lasting peacebuilding and reconciliation. These efforts depend in large part on establishing and maintaining the independence of the NHRI.

6. Addressing the accountability imperative: justice reform efforts in Northern Ireland and international criminal prosecutions in Sierra Leone

The session titled "Mechanisms of transitional justice: Restorative justice and criminal prosecutions" was chaired by Ms Shirani de Fontgalland, Acting Director of the Commonwealth Secretariat's Legal and Constitutional Affairs Division. Presentations were made by Mr Christopher Maccabe CB, former Political Director, Northern Ireland Office (UK); and Judge Shireen Avis Fisher, President of the Special Court for Sierra Leone (SCSL).

Local expectations and demands for accountability for serious violations are often high following protracted periods of violence and abuse, particularly amongst victims' groups. States have the primary duty to investigate and prosecute those responsible for serious crimes under international law. In instances where the national justice system is unable or unwilling to conduct effective investigations or prosecutions, international or hybrid criminal courts may exercise complementary jurisdiction. Judicial accountability mechanisms can include national judicial systems, the International Criminal Court (ICC), ad hoc tribunals established by the United Nations, and other specialized bodies to investigate and prosecute persons allegedly responsible for the commission of serious crimes under international law. Restorative justice mechanisms serve a broader set of accountability-related goals that can encompass policing, prosecutions, sentencing, and prisons. The Roundtable considered these two sides of the accountability coin through the examination of the experience of international criminal justice in Sierra Leone and State-driven justice reform initiatives in Northern Ireland.

6.1 Designing justice reforms to support peacebuilding in Northern Ireland

The conflict in Northern Ireland illustrates the critical role that institutional reforms in the justice and security sectors can play to support a transition from protracted violence to one of peace and security. Mr Christopher Maccabe CB, former Political Director of the Northern Ireland Office of the UK Government, emphasized that to achieve sustained reconciliation in a post-conflict environment there must be trust in the police force and in the justice system.

Mr Maccabe explained the centrality of institutional reforms, particularly in relation to the security and justice sectors to the Good Friday Agreement and the overall transitional process underway in Northern Ireland. An important aspect of the Good Friday Agreement concerned the treatment of prisoners, which led to commitments to release all prisoners within two years and to improve conditions of detention. Broader reforms that followed have had a direct impact on facilitating reconciliation between the parties to the conflict, including the

establishment of a Life Sentence Review Board and the transfer of prisoners from Great Britain and their reintegration.

Beyond the prison system, the transitional period has seen a criminal justice review, as well as a review of policing by an independent commission. Mr Maccabe described how specific reforms to the police sector have indeed incorporated elements of transitional justice and reconciliation. For example, the police force has adopted a 50/50 recruitment policy between Catholics and Protestants; the removal of symbols of "Britishness"; and critically, a new code of police ethics with a strong emphasis on human rights. Initiatives to strengthen community-based policing include a new cross-community policing board, a district policing partnership, and the creation of a police ombudsman office. Additional outputs have ranged from the creation of a new Youth Justice Agency to the establishment of a new independent Public Prosecution Service.

The variety of institutional reform measures described as underway in Northern Ireland served to justify Mr Maccabe's emphasis that transitional justice mechanisms be designed with flexibility to address the needs of the local context.

6.2 Judicial accountability through the Special Court for Sierra Leone

The Roundtable heard from Judge Shireen Avis Fisher, President of the Special Court for Sierra Leone, on the role of international criminal justice in relation to reconciliation objectives within the post-conflict setting of Sierra Leone. Judicial processes are sometimes viewed as being in opposition to reconciliation. However, when taken to completion, criminal justice efforts remain an important component of a broader set of reconciliation efforts. In a subsequent session on civil society actors, Mr Williamson, Legal Advisor to the Advisory Service on International Humanitarian Law, International Committee of the Red Cross (ICRC), emphasized that for citizens to feel a sense of justice for crimes committed during a war or conflict, they need to know who was responsible and see that they are held accountable.

The production of a trial record is an important contribution to reconciliation from the SCSL, and represents a judicially verified narrative and chronology of events during the country's eleven-year civil war. The SCSL has also generated ground-breaking jurisprudence in the area of sexual violence in armed conflict, thus advancing an under-developed area of international criminal law. Specifically, the Court issued convictions on the commission of rape as an act of terrorism, and affirmed a new crime of forced marriage as a crime against humanity.⁸ Finally, by convicting and punishing perpetrators from all sides of the conflict who were accused of bearing the greatest responsibility for the commission of violations during the armed conflict, the SCSL facilitated a sense of closure for victims.

8 The findings of relevant judgments of the SCSL show that women, children and men were victims of sexual violence in the armed conflicts. A noticeable feature of the relevant judgments made by the SCSL include the abduction of civilian women and girls by and their forced marriage to combatants. At the SCSL, slavery involving sexual violence can be tried as sexual slavery as crime against humanity. See United Nations Department of Peacekeeping Operations *Review of the Sexual Violence Elements of the Judgements of the International Criminal Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda, and the Special Court for Sierra Leone in Light of Security Council Resolution 1820*.

Judge Fisher explained that this step of delivering punishment was essential as without it resentment can build and wounds remain unaddressed.

Judge Fisher emphasized that the success of international criminal justice mechanisms requires local ownership and legitimacy. Securing these elements can be facilitated through a broad-based court outreach program, as well as adequate national representation at the court.

As the SCSL approaches the end of its operations, the creation of a Residual Court represents an innovative initiative in the field of international justice. The Residual court will oversee contempt charges to guard against threats to protected witnesses, maintain the trial archives, and develop a practice directive and oversee the early release of prisoners. Through a managed schedule, prisoners will have to acknowledge their role in the conflict and demonstrate a positive contribution to reconciliation to secure early release. Once released, prisoners will be closely monitored in their community and encouraged to reintegrate.

6.3 Related accountability initiatives and debates in the Commonwealth

States have adopted local, traditional, and restorative justice processes as alternative means of realizing accountability for crimes and abuses committed during periods of armed conflict and political violence. These processes should be adequately situated within the domestic constitutional and legal framework, and conform to international and national human rights standards, with particular attention on the needs of marginalized groups.

For example, during the session on memorialization, Dr Jean Baptiste Habyalimana described the work of the local Gacaca courts in Rwanda. The Gacaca tribunals reflect a community-based model of criminal justice that were established to alleviate the State's burden of trying 120,000 genocide suspects who were being held in prison.

An important question raised by Dr Kibunjia of Kenya was whether the retributive aspect of formal criminal justice processes are in fact complementary in a situation like Kenya's, in which there exists competing and divided positions around accountability. Judge Fisher and Mr Maccabe emphasized the importance of striking a balance between restorative justice and criminal prosecutions as part of reconciliation practice.⁹ Judicial institutions must also be independent and trusted in order to be viewed as legitimate, and thus play an effective role in reconciliation efforts. Reforms of the police, judiciary, and penal system thus remain more important than ever in post-conflict contexts, and should be undertaken alongside accountability efforts.

9 Uganda presents an interesting case study with which to consider this question. Specifically, in addition to the International Criminal Court cases and the establishment of a domestic specialized war crimes chamber, Northern Ugandan communities practiced restorative justice through "mato oput", "Kayo Cuk" and "Culo Kwor" to address crimes committed by both child and adult perpetrators during the country's armed conflict. Ms Ida Nakiganda referred to these mechanisms in session four on NHRIs whilst describing support to such mechanisms by the Ugandan commission.

Pertinent to Kenya, South Africa, and Uganda, the practice of granting amnesty and/or pardons to perpetrators was raised. The session debated the limitations of amnesties in terms of their actual ability to encourage perpetrators to lay down their arms and participate in reconciliation efforts, such as truth commissions. Session presenters warned that amnesty should not be employed as a blanket mechanism for the commission of serious crimes.

7. Addressing the vulnerabilities of marginalised groups

The session titled "Cross cutting issues in conflict and reconciliation: vulnerable persons" was chaired by Ms Cynthia Gervais, Human Rights Advisor with the Commonwealth Secretariat's Human Rights Unit. Presentations were made by Mr Obi Buya-Kamara, Director of Reparations to the Government of Sierra Leone; and Ms Sharanjeet Parmar, former Head of Office to the International Center for Transitional Justice's office in the Democratic Republic of the Congo.

The session considered the importance of orienting reconciliation initiatives such as truth-seeking, memorialization, accountability, and reparations to the needs and interests of marginalized groups, especially victims of the conflict.

7.1 Adequately assessing "vulnerabilities" that characterize marginalized groups

While time and resources are often invested into identifying and punishing the perpetrators of crime, little is invested into adequately identifying the victims of serious violations and in measures to address their vulnerabilities. Ms Sharanjeet Parmar, the former head of office for the International Center for Transitional Justice in the Democratic Republic of Congo, drew attention to how the nature of contemporary armed conflict has changed. Rather than solely arising between sovereign States, conflict increasingly takes place internally between State and non-State actors. Conflict is often aggravated by State fragility, weak governance, and broken institutions; together these factors exacerbate existing vulnerabilities amongst marginalized groups.

Victims of serious violations represent a major marginalized group in conflict-affected settings. In Sierra Leone, Mr Kebbie described how reparations programmes went about identifying beneficiaries based on specific assessments of victims of serious violations and obtaining an impressive array of registration statistics. With this understanding of victims, beneficiaries were classified according to specific victims of harm and included amputees; war wounded; victims of sexual violence; widows; and individuals who were eighteen years or younger by 2002 (the official end of hostilities), orphaned, born out of rape and/or suffered psychological harm.

Reflecting on Mr Buya-Kamara's description of how the Sierra Leone program identified and assessed groups eligible for reparations, Ms Parmar acknowledged the importance of appropriately identifying and mapping vulnerable persons. These mapping exercises should include an assessment of the human rights situation for such groups pre-conflict, during a conflict, and in post-conflict settings. Through this methodology, she explained, it is easier to disaggregate common vulnerable groupings, such as women and children, by identifying the complexities and differentiations within such groups, thus avoiding a reduction of vulnerability to blanket classifications. For example, a woman's vulnerability can be impacted by her age, socio-economic status, marital status, ethnic and/or religious affiliation, and geography. It is also important to make a distinction between the types of violations experienced within a vulnerable group, particularly

for victims of State-sponsored and non-State sponsored violence. Drawing on the example of sexual violence in armed conflict, for example, Ms Parmar noted that this offence can be committed by armed groups as an act of terror or collective punishment; it may, however, be committed by civilians due to a breakdown of protection mechanisms and the erosion of the rule of law.

7.2 Measures to address the needs and interests of marginalized groups

Securing inclusive and protected participation in transitional justice mechanisms:

Ms Parmar warned that if those most affected by conflict are ignored, States sow the seeds for future conflict. Therefore, it is important to give vulnerable groups a voice and let them tell their story. Ms Parmar made a number of operational recommendations to promote and protect the rights of vulnerable persons in transitional justice processes. Transitional justice processes should establish policies and procedures to ensure the safe and meaningful participation and protection of marginalized groups. The participation of such groups, in particular women, children, and young people can be secured through diverse activities, such as outreach, statement-taking, thematic and closed hearings, community-based reconciliation efforts, and through direct contributions to the formulation and design of recommendations.

Design and implementation of reparations programmes:

Reparations were discussed in depth during this session, highlighting the extent to which transitional justice mechanisms are underdeveloped in terms of supporting the needs of victims and recognizing their suffering. Grounding his argument in national and international law, Mr Vally noted in an earlier session that the failure to provide restitution and compensation to victims represents a significant gap in the response from the State. Sierra Leone's reparations scheme included vital benefits, such as access to free physical health care, prosthetics, surgery, mental care, housing, pensions, skills training, micro credit, and symbolic reparations. Discussions acknowledged that reparations provide recognition of wrong-doing, but may inadvertently reinforce existing divisions and resentment if not carefully executed. Mr Kebbie acknowledged that the funding of reparations is key to their success, while additional challenges include the mainstreaming of reparations benefits through existing government programs, such as pension schemes, health and education assistance, and outreach to victims across the country.

Reforming institutions in a conflict-sensitive manner:

Ms Parmar described how institutional reform is essential for the protection of vulnerable groups. Restoring a sense of security requires reforming the security sector towards its primary responsibility to protect civilians, especially marginalized groups. While individual reparations are symbolic in repairing harm suffered by victims, there may exist wider justification to invest in State reconstruction that produces broader societal benefits. Whether individual or collective, reparations must be based on an in-depth assessment of victims and directed towards addressing their needs.

8. The vital role played by CSOs in facilitating reconciliation

The session titled "The role of civil society in national reconciliation efforts" was chaired by Ms Diana Copper, Human Rights Advisor with the Commonwealth Secretariat's Human Rights Unit. Presentations were made by Mr Michael Doherty, Executive Director of the Peace and Reconciliation Group in Northern Ireland; Ms Shirley Gunn, Executive Director of the Human Rights Media Centre in South Africa; Ms Michelle Brooks, Managing Director of the Global Research Lanka in Sri Lanka; and Mr Jamie Williamson, Legal Adviser to the Advisory Service on International Humanitarian Law at the ICRC.

8.1. Prioritizing consultations, coordination, and complementary initiatives

The Roundtable affirmed the role of CSOs in furthering reconciliation initiatives that promote accountability, truth-seeking, reparations, and institutional reforms. Working in close proximity with affected communities, and thus aware of their needs, CSOs are viewed as trusted partners of citizens who are well positioned to complement the work of governments. The Roundtable concurred that consultation and coordination between public authorities and CSOs is key. However, it is critical that local authorities do not move too quickly without the consent and support of CSOs since both actors are mutually dependent on one another. Consultations should be in-depth and undertaken from the outset to ensure that duplication and competing or conflicting interests are avoided.

8.2 Reconsidering the nature and scope of "reconciliation"

Representing CSO actors that are deeply engaged in their respective countries, the session speakers raised the need to consider what reconciliation represents for different sectors of a society that was previously divided. Mrs Gunn of South Africa reminded the Roundtable that "reconciliation" should not presume a return to the past where a country was previously reconciled. Mr Michael Doherty, Executive Director of the Peace and Reconciliation Group, recalled that in Northern Ireland there is no consensus definition of "peace" since the two groups remain divided on the question of separation from the United Kingdom and where violent acts continue to be committed. Session speakers highlighted how reconciliation represents a deeper social project that draws upon the role of forgiveness, but also demands an entirely new vision for societies in transition that meets the needs of all affected.

8.3 The role of CSOs in meeting the diverse needs of conflict-affected communities

State actors can face enormous challenges in meeting the diverse needs of conflict-affected communities. CSOs can play an important role in supporting

State actors to meet these needs, though ultimately governments bear national and international responsibility for this. Mrs Gunn cautioned that transparency and accountability foster relationships of trust between both, but that broken public promises can quickly lead to pessimism and mistrust between State actors and CSOs.

Mr Williamson, Legal Adviser to the Advisory Service on International Humanitarian Law at the ICRC, reaffirmed that a needs-based approach is required to prioritize actions and allocate resources in societies undergoing transition from violence to peace. CSOs can play a role in informing how to manage resources and needs in a sequential way based on local priorities. Mr Williamson recommended that in order to restore dignity to citizens, further training was required for security actors, police forces, military, and judges to ensure they have the necessary skills and understanding to handle politically and emotionally sensitive matters appropriately.

Mrs Gunn explained how, from her experience, survivors of conflict benefit from compensation, and urged the implementation of State-sponsored reparations and recovery programmes. Mrs Gunn acknowledged the challenges faced by the TRC in South Africa, particularly in assessing the damage done to individuals and determining eligibility frameworks. However, these challenges should be communicated with CSOs, who can disseminate information and outcomes of these processes to citizens.

Mr Doherty described the work of the Peace and Reconciliation Group as critical in light of the absence of a truth and reconciliation process in Northern Ireland. Working to reconcile social groups who have historically resisted reconciliation, the Group utilizes models of mediation that are approached and applied in a variety of ways in response to conflicts and related issues that arise. This work is particularly important since the presence of small groups who do not feel they have adequate political representation, and continue to use violence to communicate their message to political authorities, hinder the reconciliation process.

Ms Michelle Brooks, Managing Director of Global Research Lanka described how community-driven research methodologies provide data that can orient socio-economic reforms to best meet the integration and rehabilitation needs of conflict-affected populations. She introduced *The Place We Make Together*, a project established in 2010 in Sri Lanka that considered Government plans to relocate IDPs from shantytowns to longer-term housing. By collating and synthesizing data that was collected through participatory research methods, the project generated evidence-based policy recommendations in the areas of housing, policing, education, and health. A key finding of the project was that plans for the relocation of IDPs would in fact render these vulnerable communities poorer in terms of their social, economic, cultural, and spatial interests. The participatory research methods used in the project represent valuable tools that can be relied upon by other actors undertaking consultative processes. These methods include sketch methodology, in addition to relying upon existing civil society networks and government centres to access vulnerable populations. By directly identifying local needs of affected populations, overall social and economic reforms can be strengthened. For example, citizens' concerns over insecurity and weak relationships with the police can directly inform security sector reforms in conflict-affected communities.

9. Conclusion

The Roundtable on Reconciliation deliberated on the experiences of post-conflict Commonwealth countries with a view to generating best practices that will take forward the implementation of the values and principles identified in Civil Paths to Peace. In so doing, the Roundtable affirmed the core elements of effective and sustainable reconciliation, which include truth, justice, and accountability. Featuring examples of State- and non-State-sponsored transitional justice processes that encompass accountability, truth-seeking, and reparation, the Roundtable identified best practices and lessons learnt in regard to the ways in which these initiatives have contributed to post-violence reconciliation, recovery, and development.

Throughout the Roundtable, participants concurred that there is not a "one size fits all" formula for reconciliation; rather it is important to develop and implement mechanisms of transitional justice that are multi-faceted and inclusive of all stakeholders and that resonate within the country context. Each of the Roundtable sessions identified measures that supported providing victims with an opportunity to tell their story, affirming a consensus that providing people with an opportunity to have their voices heard and their stories told is an integral part of the process of reconciliation. There was also consensus that civility should pervade reconciliation initiatives, and that the needs of vulnerable groups and individuals must be a priority.

Reconciliation is indeed a long-term process during which transitional justice mechanisms represent the beginning, not the end, of the work that is needed to secure social stability and peace. This Commonwealth compilation of shared practices provides governments, NHRIs, and civil society actors with a starting point as to the range of transitional justice approaches available in order to address past human rights violations through judicial and non-judicial means, as well as lessons learnt for future efforts aimed at sustainable reconciliation and guarantees of non-recurrence.

Annexes

Annex 1: Agenda

| DAY 1: 01 May 2013 | | | | |
|--------------------|--|---|--|--|
| | Time and session | Facilitator | Overview | Expected outcome |
| Open session | Opening segment 10:30 – 12:00 | Commonwealth Deputy-Secretary General, Mmasekgoa Masire-Mwamba | Opening remarks: Commonwealth Secretary-General Kamalesh Sharma Lord John Alderdice, former member of the Commonwealth Commission on Respect and Understanding; member of the House of Lords Dr Pablo de Greiff, UN Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence (via telephone link) | <ul style="list-style-type: none"> Better understanding of the internationally accepted definitions of transitional justice, accountability and reconciliation. Awareness and understanding of the Commonwealth Civil Paths to Peace as an entry point for reconciliation. Understanding of the need to identify stable, peaceful and sustainable solutions to post-conflict situations. Setting the scene for the Roundtable. |
| Open session | Session 1: Mechanisms of transitional justice: Truth Commissions 13:15 – 14:30 | Adv Karen McKenzie, Acting Head of Human Rights, Commonwealth Secretariat | Panel discussion: <ul style="list-style-type: none"> Dr William De Wee, Chief Operations Officer, Department of Justice and Constitutional Development, South Africa Mr Lalith Weeratunga, Head of the Lessons Learnt and Reconciliation Commission (LLRC) Taskforce, Sri Lanka Dr Mzalendo N. Kibunjia EBS, Chairperson, National Cohesion and Integration Commission, Kenya Mr Hanif Vally, former National Legal Officer to the South African Truth and Reconciliation Commission | <ul style="list-style-type: none"> Understanding of truth commissions as a mechanism of transitional justice |

| DAY 1: 01 May 2013 | | | | |
|--------------------|--|---|---|--|
| | Time and session | Facilitator | Overview | Expected outcome |
| Open session | Session 2: Mechanisms of transitional justice: Memorialization 14:45 – 16:00 | Mr Amitav Banerji, Director, Political Affairs Division, Commonwealth Secretariat | Panel discussion: <ul style="list-style-type: none"> • Dr Jean Baptiste Habyalimana, Executive Secretary of the National Unity and Reconciliation Commission, Rwanda • Ms Kathryn Stone OBE, Commissioner, Commission for Victims and Survivors, Northern Ireland • Ms Shirley Gunn, Executive Director, Human Rights Media Centre, South Africa | <ul style="list-style-type: none"> • Understanding of memorialization as a mechanism of transitional justice and a best practice to further reconciliation |
| Open session | Session 3: The role of national human rights institutions in national reconciliation processes 16:00 – 17:30 | Mr Nabeel Goheer, Director, Strategic Planning and Evaluation Division, Commonwealth Secretariat | Panel discussion: <ul style="list-style-type: none"> • Mr Bryma Kebbie, Commissioner, Human Rights Commission of Sierra Leone • Ms Ida Nakiganda, Director of Research, Education and Documentation, Uganda Human Rights Commission • Ms Kyalo Ngugi, Acting Chairperson, Kenya National Commission on Human Rights • Dr David Russell, Deputy Director, Northern Ireland Human Rights Commission | <ul style="list-style-type: none"> • Improved understanding of the developing consensus that national human rights institutions have a definitive role to play in national reconciliation efforts |
| Open session | Wrapping up Day 1 17:30 – 17:45 | | <ul style="list-style-type: none"> • Mr Sumedha Ekanayake, Human Rights Officer, Human Rights Unit, Commonwealth Secretariat | <ul style="list-style-type: none"> • Overview of day 1 outcomes |

| DAY 2: 02 May 2013 | | | | |
|--------------------|--|---|---|---|
| | Time and session | Facilitator | Overview | Expected outcome |
| Open session | Introduction Day 2 10:15 – 10:30 | | <ul style="list-style-type: none"> Mr Sumedha Ekanayake, Human Rights Officer, Human Rights Unit Commonwealth Secretariat | Shared understanding of outcomes of day 1 and an understanding of the objectives of day 2 |
| Open session | Session 4: Mechanisms of transitional justice: Restorative justice and criminal prosecutions 10:30 – 11:40 | Ms Shirani de Fontgalland, Acting Director, Legal and Constitutional Affairs Division, Commonwealth Secretariat | Panel discussion: <ul style="list-style-type: none"> Mr Christopher Maccabe CB, former Political Director, Northern Ireland Office (UK) Judge Shireen Avis Fisher, President of the Special Court for Sierra Leone | Better understanding of two very different aspects of transitional justice practice |
| Open session | Session 5: Cross-cutting issues in conflict and reconciliation: vulnerable persons 11:40 – 12:15 | Ms Cynthia Gervais, Human Rights Advisor, Human Rights Unit, Commonwealth Secretariat | Panel discussion: <ul style="list-style-type: none"> Mr Obi Buya-Kamara, Director of Reparations, Government of Sierra Leone Ms Sharanjeet Parmar, former Head of Office, Democratic Republic of the Congo, International Centre for Transitional Justice | <ul style="list-style-type: none"> Better understanding of the role of and focus on vulnerable persons post-conflict |
| Open session | Session 6: The role of civil society in national reconciliation efforts 13:30 – 15:00 | Ms Diana Copper, Human Rights Advisor, Human Rights Unit, Commonwealth Secretariat | Panel discussion: <ul style="list-style-type: none"> Mr Michael Doherty, Executive Director, Peace and Reconciliation Group, Northern Ireland Ms Shirley Gunn, Executive Director, Human Rights Media Centre, South Africa Ms Michelle Brooks, Managing Director, Global Research Lanka, Sri Lanka Mr Jamie Williamson, Legal Adviser, Advisory Service on International Humanitarian Law, International Committee of the Red Cross | The session will explore the contribution of civil society organisations to national reconciliation processes |

| DAY 2: 02 May 2013 | | | |
|--|--|--|--|
| Time and session | Facilitator | Overview | Expected outcome |
| <p>Session 7: Working groups begin deliberations</p> <p>15:15 – 17:30</p> | <p>Adv Karen McKenzie, Acting Head of Human Rights, Commonwealth Secretariat</p> <p>Appointed Chairpersons for each Working Group:</p> <p>HE Mr Carlos dos Santos, High Commissioner of Mozambique <i>National human rights institutions</i></p> <p>HE Mr Garvin Edward Timothy Nicholas, High Commissioner of Trinidad and Tobago <i>Truth commissions</i></p> <p>HE Dr the Rt Hon Lockwood Smith, High Commissioner of New Zealand <i>Restorative justice and criminal prosecutions</i></p> <p>HE Ms Marie- Pierre Lloyd, High Commissioner of Seychelles <i>Memorialization</i></p> | <p>Working groups:</p> <p>Group 1: Truth Commissions</p> <p>Group 2: Memorialization</p> <p>Group 3: Restorative justice and criminal prosecutions</p> <p>Group 4: National human rights institutions</p> <p>Session questions:</p> <ul style="list-style-type: none"> • How does this mechanism encourage reconciliation / what should be the role of national human rights institutions? • In what way can this mechanism/institution help rebuild State legitimacy? • What short, medium and long term impact will this mechanism/institution have? • How does/should this mechanism/institution engage the actors and victims of conflict? • What are the challenges and what have been the lessons learnt internationally and in the Commonwealth? • What are the areas of technical assistance required by members from the Secretariat? | <ul style="list-style-type: none"> • Each working group will develop a written summary of agreed outcomes ready to present in Session 8 |

Closed session

| DAY 3: 03 May 2013 | | | | |
|--------------------|---|---|---|------------------|
| | Time and session | Facilitator | Overview | Expected outcome |
| Closed session | Session 8: Working groups report back to plenary 10:30 – 13:00 | Adv Karen McKenzie Ms Diana Copper Ms Cynthia Gervais Mr Sumedha Ekanayake | Presentation of working group findings by the Chairperson of each group: There will be a 10min question and answer session after each presentation. Participants' feedback and comments | |
| Closed session | Concluding Session and Reception for all High Commissioners 13:00 – 15:00 | Commonwealth Deputy-Secretary General Mmasekgoa Masire-Mwamba Adv Karen McKenzie | <ul style="list-style-type: none"> • Closing Remarks • Vote of thanks • Reception with all High Commissioners | |

Annex 2: Opening Remarks of the Commonwealth Secretary-General

Annex 2: Opening Remarks of the Commonwealth Secretary General

Opening Remarks made by Commonwealth Secretary-General Kamalesh Sharma, on 1 May 2013:

Good morning Excellencies, distinguished representatives of Commonwealth Member States, national human rights institutions, international organisations, academia, and civil society,

I am indeed pleased to be delivering the opening remarks to this event since it builds on our collective past experiences and **aims to take forward the work of the Commonwealth Commission on Respect and Understanding**. The Commission was established in 2005 at the request of Commonwealth Heads of Government with the mandate for the Commonwealth Secretary-General to "explore initiatives to promote mutual understanding and respect among all faiths and communities in the Commonwealth". The report of the Commonwealth Commission on Respect and Understanding, *Civil Paths to Peace*, was published in 2007. We have the great honour of having with us today Lord Alderdice, former member of the Commission, who will be a valuable resource in sharing some of the key findings and guidance of the Commission.

This meeting is also taking place within the framework and the direction for the Commonwealth expressed by Heads of Government collectively, as reflected in the **Affirmation of Commonwealth Values and Principles**. In addition, the **new strategic plan** re-emphasizes the Secretariat's role as a trusted partner creating a neutral space for promoting best practice and developing innovative solutions to political challenges.

As a starting point for our deliberations, I wish to **highlight four of the key findings of the Commission**. The Commission notably concluded that the Commonwealth can play a significant constructive role in the use of dialogue and multilateralism in dealing with issues related to violent conflict. It also suggested that in doing so, we should recognize the positive and constructive role which civil initiatives can have in building peace. The Commission also underlined the critical role women and youth can play in reconciliation. Moreover, it stressed that while precise policies must depend on specific circumstances and vary from country to country, it emphasized the overwhelming importance of agreeing on some general policy priorities.

It is with the conclusions of the Commission in mind that we will dedicate the next three days to better understand some of the **core elements of effective and sustainable reconciliation**, including truth, justice and accountability. I am pleased that we will have the opportunity to hear from Dr Pablo de Greiff, UN Special Rapporteur on the promotion of truth, justice, reparation and the guarantees of non-recurrence in regard to the international standards relative to these matters.

You will know that during the first cycle of the **Universal Periodic Review**, several Commonwealth Member States accepted recommendations including to take all necessary measures to implement national reconciliation strategies and to reinforce related mechanisms; to follow up on recommendations from truth and reconciliation commissions; and to share their experiences regarding their national reconciliation mechanisms.

Your work over the next two and a half days will focus on various existing models of judicial and non-judicial mechanisms of transitional justice, including truth commissions, memorialization, restorative justice and criminal prosecution. We will **exchange best practices** gleaned from case studies shared by Kenya, Papua New Guinea, Rwanda, Sierra Leone, Solomon Islands, South Africa, Sri Lanka, Uganda and Northern Ireland. From these experiences we will deepen our understanding of how Commonwealth countries, in their own specific contexts, have dealt with varying challenges post-conflict.

We will also have the opportunity to reaffirm the importance of and to assess the means to ensure that a gender perspective is integrated into the institutional structures, processes and outcomes of transitional justice mechanisms. In this regard we will consider how to take into account, as cross cutting issues, **the specific needs of the most vulnerable in post-conflict situations**, especially women, children and young people and the potential for their positive contribution to reconciliation.

We will hear from **Commonwealth national human rights institutions** on how they have given effect, through their mandates, to post-conflict reconciliation. There is an evolving discourse and consensus that national human rights institutions must have a role in supporting and promoting national reconciliation efforts, however this role has not been cast in stone as yet. This Roundtable thus presents a timely opportunity for us to consider what this role should be for Commonwealth national human rights institutions and contribute in this way to global advocacy on this issue.

Civil society actors have an important role in national reconciliation efforts as well. They will share various initiatives which have been deployed at the grassroots level and have been instrumental in advocating for better reconciliation practice.

Ultimately, we **should come out of this Roundtable with an enhanced knowledge and understanding of the concepts, mechanisms, best practices and stakeholders in the area of transitional justice**. It would also be of much value if the Working Groups who will be engaged in deliberations tomorrow, could pull together key points of their deliberations as well as notable best practices in the Commonwealth. This will assist us in taking forward follow-up initiatives in this regard.

The Commonwealth Commission on Respect and Understanding stated that its work was **an opportunity to examine the problems that Commonwealth countries share with other countries around the world**. It referred to the Commonwealth long tradition of learning from critical examination of past policies and reminded us that "the history of the Commonwealth is a testament to the importance of open-mindedness in undertaking scrutiny for prospective improvement".

I wish to conclude with the words of Archbishop Desmond Tutu on his appointment to the South African Truth and Reconciliation Commission:

True reconciliation is never cheap, for it is based on forgiveness which is costly. Forgiveness in turn depends on repentance, which has to be based on an acknowledgement of what was done wrong, and therefore on disclosure of the truth. You cannot forgive what you do not know. The Commission needs to be geared towards the victims of human rights abuses. I would like us to concentrate on the rehabilitation of victims and restoration of their dignity.

Thank you

Annex 3: Working group reports

Working Group on Truth Commissions

The Working Group on Truth Commissions was chaired by HE Garvin Nicholas, High Commissioner of Trinidad and Tobago. The group included representatives from Sierra Leone, the Government of South Africa, the Government of Kenya, the Human Rights Commission of Sri Lanka, the High Commission of South Africa and civil society in South Africa.

The working group's deliberations focused on the unique added value of truth commissions as a reconciliation mechanism, as a mechanism to rebuild State legitimacy, challenges and benefits of the mechanism in the short and medium term and key questions relating to truth commission practice in the countries represented. There was a very rich and engaging discussion about the different ways in which truth commissions impacted on the reconciliation process in the countries represented.

At the outset, it was important to recognize that there were many different versions of what was essentially a truth commission. Considered a nation-building mechanism by delegates, it essentially is established to determine the "who, what, when, where and why" of a conflict; set a platform for redress for those affected; and set systems in place to deter reoccurrence.

The group supported the view that establishing the truth can be seen as a central element of reconciliation as it acknowledges the importance of proper mourning to achieve personal and communal healing, as well as promoting and attributing accountability to those involved by setting out the antecedents of a conflict and giving victims a chance to share their experience, as well as gain a fuller understanding of the genesis of the conflict.

This mechanism, through the pursuit of truth, can help rebuild a sense of trust in communities, in the police, in the military, in the judiciary, and ultimately in the State. Trust was described as the 5th pillar of transitional justice. For this reason, truth commissions could be considered as both a nation-building and peacebuilding tool. The group agreed that the mechanism could encourage reconciliation based on the extent to which it adheres to the three elements of time:

- Timing of the Commission – too soon or too late? Are people ready for the Commission?
- Period of time covered by the Commission – should it only address certain conflicts or the most recent conflict(s) in a country's past, and allow others to remain unaddressed?
- Timeframe for implementation – recommendations need to be implemented as quickly as possible, as a lethargic response would be counter-productive.

While truth commissions may appear to be against the idea of reconciliation in the short term, opening up old wounds and bringing pain to the surface once again, they force a country to clean the wound and allow it to heal. These commissions, although set up to listen to individual victims and perpetrators alike, often enhance understanding of the social and political factors that led to human rights abuses in the first place, forming the primary reconciliatory steps.

The unique benefit of truth commissions is that they provide a voice for individuals to give their account. By listening to people's stories, to the victims and the perpetrators, truth

commissions can play an essential role in identifying the needs of people, both in the short and longer term. Through this process, broader needs or reforms may be identified which are implemented over a period of time. This mechanism therefore produces practical actions going forward and promotes constructive dialogue.

It was recognized, for example, that truth commissions often led to the formation of other institutions central to democratic processes and good governance, such as Anti-corruption Commission, Land Commission, Gender and Equality Commission, and Office of the Ombudsman. Constitutional change/amendment appeared to be a natural corollary in most of the cases reviewed.

The group agreed that the government's response before, during, and after the Truth Commission determined their level of credibility. There was also general agreement that reparations, either symbolic or monetary/tangible, were vital. Monetary and symbolic reparations were seen as complementary; however, compensation was often considered to be more beneficial to victims in addressing their immediate needs. Vocational training and job provisions were also highlighted as tangible reparations which had a long term effect. It was also noted that the amount of monetary reparations expected seemed linked to the extent to which the economy and job levels in the country were buoyant. Thus, if the economy was not thriving and jobs were not available, the level of reparation given to victims became a larger, more challenging issue.

The challenges identified by the group related to truth commission practice focused around promoting engagement and implementation of recommendations. Questions which we felt should be asked when embarking on a truth seeking process are:

- How do you encourage effective participation and engagement in the mechanism?
- How do you search for justice without disrupting the peace?
- How do you prioritize recommendations?
- How should recommendations be resourced?
- What timescales should be attached to implementing recommendations?

Some of the key lessons learnt included:

- Timely implementation of recommendations is critical.
- Economic constraints often necessitate the prioritization of the Commission's recommendations.
- Mechanisms cannot be imposed on the country as political will and national ownership of the process are crucial in ensuring the voluntary engagement of all actors.
- A lack of evidence and/or mass destruction of evidence impeded the ability to prosecute.
- Constitutional amendments have been necessary in all the cases.

Prompt implementation of recommendations was found by the group to be particularly important as swift and timely intervention allows for maximising the benefits of the truth telling process to bring lasting and sustainable reconciliation.

The examples provided by group members highlight how truth seeking mechanisms work best when managed and owned at the national level with high societal input. In one particular case where the mechanism was imposed, it was noted that the process had been protracted, and even after five years, the report of the Commission was still outstanding.

Recommendations must be communicated, prioritized, targeted, and implemented swiftly if they are to have impact.

Working Group on Memorialization

The Working Group on Memorialization was chaired by HE Ms Marie-Pierre Lloyd, High Commissioner of Seychelles, and consisted of representatives from the Government of Rwanda, the Human Rights Commission of Sri Lanka, and civil society representatives from South Africa and Northern Ireland (UK). Deliberations focused on the need for context specificity in designing memorialization tools, the need for ownership from communities, the long term impact of memorialization on national reconciliation, and initiatives the Commonwealth can take to support its membership in memorialization best practices.

Participants noted that in order to be effective, memorialization needs to be designed to encourage both sides of a divided community closer to common ground. Participants stressed that memorialization processes need to be initiated and implemented taking into account the very specific cultural and social context of the post-conflict situation. Memorials can't be a one size fits all enterprise. Consultation with all stakeholders, the victims, the survivors, civil society, and the government, is central for memorialization initiatives to be successful. In addition, all the stories have to be told, and all sides have to be heard.

Memorialization may in some instances contribute to building State legitimacy in the sense that most memorials in public spaces will be built by the State and may take some form of expression of recognition by the State of its responsibility. In addition, the need to protect the memorial site from being vandalised, destroyed, or displaced was highlighted, including the role the Government can play through the adoption and implementation of appropriate regulations.

In terms of the impact memorials can have, the group underlined that although they may be created to contribute to the healing process in the short term, they are in fact part of a series of memorials on the timeline of the history of a nation or community. They therefore can contribute to the long-term impact of understanding and of reconciliation. It was also highlighted that memorials can contribute to the healing process by helping to remember what happened during the conflict. They can even contribute to reconciliation by telling the story before the conflict, and by providing insights into the future. In the long term, the educational aspect of memorialization was highlighted as being central to reconciliation. It was stressed that the education of the young generation had to be at the centre of the efforts towards the guarantees of non-recurrence.

Finding the right time, form, and place for a memorial are amongst the challenges that were identified. It was also highlighted that in some instances, parties cannot agree on a shared memorial because they cannot even agree on shared definitions, such as for peace. There is also a need for resources for the building, as much as for the maintenance, of memorials. There is also a need for the regulation of their protection. Mixed spaces where people can have access to healing process tools at the site of the memorial were among the effective practices identified.

Finally, there are a number of ways in which the Commonwealth Secretariat can support capacity building and technical assistance initiatives. This includes exchanges and study tours; youth and civic education on respect, understanding, and tolerance; the development of specialized education for young people in telling the story of a conflict and of reconciliation; sharing resources (e.g. conciliation and reconciliation facilitators manuals); and support to the role and initiatives of civil society in memorialization.

Working Group on the role of national human rights institutions in national reconciliation processes

The Working Group on the role of NHRIs in national reconciliation processes was chaired by HE Mr Carlos dos Santos, High Commissioner of the Republic of Mozambique, and consisted of representatives from Kenya, Northern Ireland, Sierra Leone, Sri Lanka, and Uganda, as well as the presiding judge of the Special Court of Sierra Leone.

The deliberations focused on the role of NHRIs in national reconciliation by highlighting the areas of engagement where NHRIs bring most value to national reconciliation. They discussed the enabling conditions for NHRIs to carry out this role effectively, best practices from individual institutions, challenges, and needs.

In line with international standards spelled out in the Paris Principles, NHRIs carry out essential functions which assist in reconciliation practice, including education and awareness raising on human rights principles and standards, as well as on mechanisms of reconciliation, such as truth and reconciliation commissions. NHRIs carry out education and awareness raising programmes with communities, young people, and public institutions, including law enforcement agencies, contributing to a culture of reconciliation, accountability, and human rights.

NHRIs exercise a convening and mediation function by facilitating consultations with communities ahead of and during reconciliation exercises, and mediating disputes between individuals and communities, for example on issues such as land rights. NHRIs also fulfil an essential judicial function by receiving individual complaints, initiating public inquiries, intervening in cases of unlawful detention, providing protection to witnesses, and holding law enforcement agencies, particularly the police and the military, accountable for human rights violations.

By holding public institutions to account and educating the public about their rights, NHRIs help to rebuild confidence and legitimacy of State institutions as well as act as a bridge between State and communities. Enabling conditions for NHRIs to play a pivotal role in national reconciliation include accessibility, in particular regional and local presence in the environments most affected by conflict. Geographic outreach of NHRIs allows for strengthening of institutional credibility and visibility within local communities, embedding the culture of rights and reconciliation and providing education, judicial, and conciliation services where they are most needed.

Independence from government is also another key enabling factor, as well as a distinct role from State and international institutions. The unique role of NHRIs as bridge between society and State can place it in challenging situations, and a strong independent voice is fundamental to face these challenges. Resources, both financial and human, are also key enablers for NHRIs to be at the forefront of national reconciliation. NHRIs from Kenya, Northern Ireland, Sierra Leone, Sri Lanka, and Uganda detailed their experience in providing solutions to national reconciliation challenges, and expressed the need for financial support, capacity building of commissioners and staff, and exchange of best practices and lessons learnt among commissions from different countries, as well as staff exchanges and mentoring programmes to enable NHRIs to continue to learn from each other on how to bring forward national reconciliation efforts. The Group felt that the Commonwealth Forum of National Human Rights Institutions, as well as the Secretariat more generally, can act as a catalyst for strengthening NHRIs across the Commonwealth by facilitating these exchanges.

Working Group on Restorative Justice and Criminal Prosecution

The Working Group on Restorative Justice and Criminal Prosecution was chaired by HE Dr the Rt Hon Lockwood Smith, High Commissioner of New Zealand, and consisted of the High Commissioner for Papua New Guinea, representatives from the Kenya High Commission, the Sierra Leone High Commission, and the National Human Rights Commission of Sri Lanka. Deliberations focused on the role of criminal prosecutions and restorative justice in national reconciliation efforts, highlighting the need for context specificity, the benefits of strengthening national judicial mechanisms, and the challenge of finding a balance between a criminal prosecution and restorative justice approach in national reconciliation practice.

Delegates emphasized how conflicts take place under different contexts and circumstances, and therefore, there is no "one size fits all" model for reconciliation. The desire to reconcile cannot be imposed from the outside; it rather needs to emanate from the local population, in the specific circumstances of that particular context. An inclusive, organic, and traditional mechanism of consultation may trigger such a process. Although restorative justice and criminal prosecutions can work hand in hand, it was suggested that a society may choose to accord lesser importance to criminal prosecutions than in another context and give greater emphasis to rehabilitation.

Where the conduct of criminal prosecutions is feasible at national level, it can be desirable that such mechanisms are instituted by the country concerned rather than opting for an international tribunal. Such an approach can ensure that resources are channelled towards the long-term building of capacities of the country's judicial system, such as improving the physical infrastructure of courts, training of judges, and most importantly, enhancing confidence and trust of individual citizens in their own judicial system and institutions.

It was also recognized that high-level international courts can give certainty and build confidence that no-one is above the law. In some instances, a society may be encouraged to work within a more inclusive community approach to achieve reconciliation without resorting to a formal judicial mechanism. Such a process based on traditional beliefs, values, and customs may contribute significantly towards a longer term and sustainable process of healing.

Even under the best of circumstances, societies working towards long-term reconciliation need to accept that all wrongs cannot fully be put right. Restorative justice must be combined and balanced with criminal justice processes in order to achieve genuine and sustainable reconciliation.

Annex 4: Biographies of presenters

Opening Session

■ **Lord John Alderdice, former member of the Commonwealth Commission on Respect and Understanding; member of the House of Lords**

Lord John Alderdice is a Member of the House of Lords as member of the Liberal Democrat Party. He was on the Executive Committee of the Alliance Party of Northern Ireland between 1984 and 1998, the Chair Policy Committee between 1985 and 1987, the party Vice-chair in 1987 before becoming the party leader ahead of the 1987 general election. He led the Alliance Delegation to the Forum for Peace and Reconciliation at Dublin Castle and the Northern Ireland Multiparty Talks, and was a member of the Northern Ireland Forum. He was elected to the Northern Ireland Assembly for Belfast East in 1998 and became the Assembly's first speaker, serving until 2004. In 2003 Lord Alderdice was appointed to serve on the four-man Independent Monitoring Commission (IMC) charged by the British and Irish Governments with monitoring paramilitary activity and security normalization in Northern Ireland. The IMC oversaw the remarkable process of change and normalization in Northern Ireland and completed its work in 2011. Lord Alderdice was created a life peer in 1996 as Baron Alderdice, of Knock in the City of Belfast. Lord Alderdice was a member of the Commonwealth Commission on Respect and Understanding that had the mandate to study the causes of conflict, violence and extremism in Commonwealth countries and published its findings in the report entitled *Civil Paths to Peace in 2007*.

■ **Dr Pablo de Greiff, UN Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence**

Pablo de Greiff is the UN Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence. Dr de Greiff took up his functions as Special Rapporteur on 1 May 2012. Since 2001, he has been Director of Research at the International Centre for Transitional Justice (ICTJ) based in New York. Before joining ICTJ, Dr de Greiff was an associate professor with tenure in the Philosophy department at the State University of New York at Buffalo, where he taught ethics and political theory. He has lectured in many countries and universities across Europe and the Americas. He has published extensively on transitions to democracy, democratic theory, and the relationship between morality, politics, and law, and is on the board of editors of the International Journal of Transitional Justice and of several book series related to the topic. He has also provided advice to a wide range of Governments, non-governmental organisations, particularly victims' organisations, truth commissions and multilateral institutions in the area of transitional justice, gender issues, and the linkages between justice, security and development.

Session 1: Truth Commissions

■ **Dr William De Wee, Chief Operations Officer, Department of Justice and Constitutional Development, South Africa**

Dr William De Wee is Chief Operations Officer, Department of Justice and Constitutional Development, South Africa since 2005. Prior to that Dr De Wee was Acting Secretary-General in the Office of the Chief Justice from 2011 to March 2013, and Acting Chief Executive Officer, National Prosecuting Authority of the Republic of South Africa between 2008 and 2011. He was also Director General and Head of Public Service: Free State Provincial Government between 2000 and 2005. Dr De Wee holds a Doctor of Philosophy degree in Public Administration, from the University of the Free State and holds a Master's degree in Education from the University of Witwatersrand.

■ **Mr Lalith Weeratunga, Head of the Lessons Learnt and Reconciliation Commission (LLRC) Taskforce, Sri Lanka**

Mr Lalith Weeratunga has been the Secretary to the President of Sri Lanka since November 2005. He entered the Sri Lanka Administrative Service (SLAS) in January 1977, and has held a number of senior positions in the Public Service, including as Secretary to the Prime Minister and Additional Secretary to the Ministry of Education & Higher Education. He has also been Chief Technical Advisor/Vocational Training Specialist in the Regional Office of the International Labour Organization (ILO) for Asia and the Pacific. Mr Weeratunga currently chairs the Committee overseeing the Implementation of the National Plan of Action for the Implementation of LLRC Recommendations, the Presidential Task Force for a Trilingual Sri Lanka, the Presidential Task Force for National Productivity, and the National Administrative Reforms Council. Mr Weeratunga holds a Masters Degree in Business Administration from the University of Colombo and a Bachelors Degree in Natural Sciences from the same university. He has attended Pennsylvania State University for postgraduate studies. He is a Hubert H. Humphrey Fellow of the Pennsylvania State University.

■ **Dr Mzalendo N. Kibunja EBS, Chairperson, National Cohesion and Integration Commission, Kenya**

Dr Mzalendo N. Kibunja is the Chairperson of the National Cohesion and Integration Commission in Kenya since 2009. The Commission's mandate is to facilitate national cohesion and integration by outlawing discrimination on the basis of ethnicity, race and religion. He holds a PhD and MA in Anthropology from Rutgers, The State University, New Jersey, USA and a BA in Archaeology & History from the University of Nairobi, Kenya. He is the Kenya Representative to the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, and Chairperson and member of International Council of Monuments and Sites (ICOMOS) Kenya. Dr Kibunja previously was a Senior Research Scientist at the National Museums of Kenya. He has rich experience in heritage, anthropology and language. Dr Kibunja, in the recent past, has been trained in mediation and community reconciliation. He was awarded Elder of the Burning Spear (EBS) in December 2010 for exemplary leadership.

■ **Mr Hanif Vally, former National Legal Officer to the South African Truth and Reconciliation Commission**

Mr Hanif Vally is Deputy Director of the Foundation for Human Rights (FHR) in South Africa. The Foundation is one of the largest indigenous grant makers to human rights groups. Prior to this, he was the Head of the Human Rights Unit of the Commonwealth Secretariat in London. He has also served as the National Legal Officer of the South African Truth and Reconciliation Commission. He has been a human rights lawyer and activist for over 30 years. He has been an elections observer in eleven countries.

Session 2: Memorialization

■ **Dr Jean Baptiste Habyalimana, Executive Secretary of the National Unity and Reconciliation Commission, Rwanda**

Dr Jean Baptiste Habyalimana has been the Executive Secretary of the Rwandan National Unity and Reconciliation Commission (NURC) since 2009. Prior to assuming this position, Dr Habyalimana served as the President of this Commission from 2002. During the past 10 years, he has played a key role in post-genocide rebuilding particularly with regard to the unity and reconciliation process in Rwanda. From 1999 to 2001, he was part of organising debates on peace and conflict prevention and resolution.

He is a specialist physician. After the genocide he served as Director General of the King Faysal Hospital (KFH), and worked as specialist physician in the same hospital. Dr. Habyalimana has represented Rwanda in various regional and international conferences related to peace, conflict prevention and resolution, gender and human rights.

■ **Ms Kathryn Stone OBE, Commissioner, Commission for Victims and Survivors, Northern Ireland**

Ms Kathryn Stone OBE, was appointed as the new Commissioner for Victims and Survivors for Northern Ireland on 24 September 2012. Prior to taking up her post with the Commission, Ms Stone was the Chief Executive of VOICE UK, a national learning disability charity, promoting justice and wellbeing for vulnerable victims as well as supporting their parents and carers. She also worked as an independent inspector for eight local authorities across the UK. She has been a member of the Home Office Victims Advisory Panel (2006-2010) and a member of Derbyshire police's independent advisory group since 2009, and chair of this group since March 2012. Ms Stone was awarded an OBE in 2007 for her services to people with learning disabilities, and was made a Chartered Director by the Institute of Directors in 2008 and a Fellow of the Institute of Directors in 2009.

■ Ms Shirley Gunn, Executive Director, Human Rights Media Centre, South Africa

Ms Shirley Gunn grew up in Cape Town and graduated with a B Social Science degree from the University of Cape Town in 1981. She served as a community development activist and trade unionist and was drawn into the underground structures of the African National Congress (ANC) doing political work in 1981, and from 1984 served in Umkhonto we Sizwe – the armed wing of the ANC. Shirley was trained inside South Africa, and left for specialized training in Cuba and Angola in 1986, returning in 1987 as commander of an underground unit.

In January 1989, Ms Gunn was framed by the apartheid government for the bombing of Khotso House, the headquarters of the South African Council of Churches. She and her baby son were captured in June 1990. She was held in solitary confinement and tortured. She laid criminal charges against the former Minister of Law and Order. Ms Gunn testified to a special women's hearing of the South African Truth and Reconciliation Commission's Human Rights Violations Committee. The former Minister of Law and Order later testified to the Amnesty Committee of the TRC where he confessed that the apartheid security forces were indeed responsible for the Khotso House explosion.

Ms Gunn currently serves as director of the Cape Town based Human Rights Media Centre, a not-for-profit organisation that promotes awareness and activism about human rights through various narrative history projects, media, educational material and social interventions. She is currently in the UK holding screenings of "We Never Give Up", which tells the stories of Khulumani Support Group members in the Western Cape, who are survivors of apartheid, and their protracted battle for recognition, accountability and reparations from the South African government and multi-national companies for aiding and abetting apartheid. Ms Gunn serves as a national board member of the Khulumani Support Group. Both the Human Rights Media Centre and Khulumani Support Group are part of the South African Coalition for Transitional Justice.

Session 3: The Role of NHRIs in National Reconciliation Processes**■ Mr Bryma Kebbie is Commissioner, Human Rights Commission of Sierra Leone**

Mr Bryma Kebbie was appointed as a Commissioner of the Human Rights Commission of Sierra Leone in July 2012. He was called to the Bar by Gray's Inn in July 1982, and then joined a private legal practice in Sierra Leone until he was appointed Deputy Foreign Minister in 1996 where he served till 1998. He was then transferred to the Ministry of Justice as Deputy Minister from 1998 to 1999. He later took up appointment as Director of Public Prosecutions until 2010. He was also the Consultant Director of Public Prosecutions in Dominica under the auspices of the Commonwealth Secretariat from 2005 to 2007. Mr Kebbie holds a BA (Econ) degree from Durham University.

■ **Ms Ida Nakiganda is Director of Research, Education and Documentation, Uganda Human Rights Commission**

Ms Ida Nakiganda earned her LLB from Makerere University, Uganda, in 2001. She successfully completed her Diploma in Legal Practice in 2002, and became an Advocate of the High Court of Uganda in 2005. Continuing her studies, she gained a Master of Laws Degree (Magna Cum Laude) in 2012 from the University of Notre Dame, Indiana, USA.

Ms Nakiganda has been with the Uganda Human Rights Commission for 10 years, joining the Commission in 2003. Her specializations include investigation of human rights violations and resolution of human rights complaints through alternative dispute resolution mechanisms and tribunal processes. She has also been actively involved in projects at the Commission aimed at enhancing access to justice for women, children and persons with disabilities through the provision of legal aid services to grassroots communities.

■ **Ms Anne Munyiva Kyalo - Ngugi is Acting Chairperson, Kenya National Commission on Human Rights**

Ms Anne Munyiva Kyalo – Ngugi holds Master of Arts in Gender and Development and LLB degrees from the University of Nairobi. A Certified Public Secretary, Ms Ngugi has extensive experience in women's and children's rights. She is a founder member of the Women's Rights Awareness Programme where she has served as Chair. Amongst other things, she has served as the chief legal advisor for the Kenyatta National Hospital. She has published several publications on the laws of succession, and marriage and gender-based violence. She is a member of the International Federation of Women Lawyers (Kenya Chapter), Kenya Women Finance Trust, Association of African Women in Research and Development, Kenya Women's Political Caucus, and Centre for Land Economy and Rights of Women.

■ **Dr David Russell is Deputy Director, Northern Ireland Human Rights Commission**

Dr David Russell is Deputy Director of the Northern Ireland Human Rights Commission. He is also a board member of the Northern Ireland Community Relations Council. He has worked extensively in formulating and submitting to the Secretary of State, the Commission's advice on a Bill of Rights as mandated by the Belfast (Good Friday) Agreement and most recently acted as an advisor to government on the working group tasked with reviewing the Department of Education's Community Relations Programme. Dr Russell formerly worked as a Policy Officer for the Northern Ireland Council for Integration. He holds a PhD in Politics from the University of York. His books include (with Ian O'Flynn) *Power-Sharing: New Challenges for Divided Societies* (Pluto, 2005).

Session 4: Restorative Justice and Criminal Prosecutions

■ **Mr Christopher Maccabe CB, former Political Director, Northern Ireland Office (UK)**

Chris Maccabe has also been International Verification Commissioner, ETA ceasefire (Spain) since 2011, and the Minister of Justice's representative on the independent group monitoring his Agreement with dissident Republican prisoners in Maghaberry Prison since 2010. Prior to that Mr Maccabe was Advisor to the Governments of Sri Lanka, Kosovo and Tanzania on peace processes and political development, from 2006 to 2009. He has also occupied the positions of Director of Regimes, Northern Ireland Prison Service, Special Assistant to the Chief Constable of the Royal Ulster Constabulary and Private Secretary to the Deputy Secretary of State for Northern Ireland. Chris Maccabe is a former Board Member of the Institute for Advancement of Women in Politics at Queen's University Belfast and a former Member of the Life Sentence Review Board (1988-2000).

■ **Judge Shireen Avis Fisher is President of the Special Court for Sierra Leone**

Justice Shireen Avis Fisher of the United States was elected President of the Special Court for Sierra Leone on 1 June 2012. Justice Fisher was appointed a Justice of the Appeals Chamber by the Secretary-General of the United Nations and assumed her position on 4 May 2009. Immediately prior to her appointment to the Special Court, Justice Fisher was a Commissioner on the Kosovo Independent Judicial and Prosecutorial Commission. From 2005 to 2008 Justice Fisher served as an International Judge of the War Crimes Chamber, Court of Bosnia and Herzegovina. The cases adjudicated by Justice Fisher at the War Crimes Chamber included convictions for war crimes, crimes against humanity and genocide. During her time at the War Crimes Chamber, Justice Fisher developed the court rules for victim and witness judicial protection measures. She also established the Court of Bosnia and Herzegovina Advanced Judicial Education Program. Since 1986 she has also served as a Judge of General Jurisdiction Trial Courts in the U.S. State of Vermont, currently with Active-Retired status. Justice Fisher began her legal career as a Public Defender in Vermont, and founded her own litigation firm. She was called to the Bar in 1976. Justice Fisher received her Juris Doctor from the Columbus School of Law, Catholic University of America, in 1976, and an LLM in International Human Rights Law from University College London in 2001. She has written and lectured extensively on public and private international law in the United States, Europe and Africa.

Session 5: Cross Cutting Issues in Conflict and Reconciliation: Vulnerable Persons**■ Mr Obi Buya-Kamara, Director of Reparations, Government of Sierra Leone**

Mr Obi Buya-Kamara is the Director of Reparations, Sierra Leone Reparations Programme at the National Commission for Social Action (NACSA). The Commission's mandate is to promote community-based, demand-driven and sustainable development activities leading to the alleviation of poverty and reduction in the threat of renewed conflict in cooperation with non-governmental organisations, relevant line ministries, private sector partners and other interested parties. Mr Buya-Kamara holds a degree in Chemistry from Freetown, and read a Masters programme in Development Studies at London University. He then returned to Sierra Leone in 2006 to contribute to the reconstruction of the country. He was appointed to the Presidential Transition Team after the 2007 election, which was mandated to look into the activities of the past government and make recommendations to the President for action. He was later appointed as Director of Humanitarian Assistance/Reparations in 2008 to implement the UN supported reparations programme.

■ Ms Sharanjeet Parmar, former Head of Office, Democratic Republic of the Congo, International Centre for Transitional Justice

Ms Sharanjeet Parmar was most recently Head of Office in the Democratic Republic of the Congo with the International Center for Transitional Justice (ICTJ). As an international human rights lawyer and independent Consultant on Human Rights and Rule of Law, Ms Parmar has over 12 years of experience in the fields of transitional justice, rule of law, human rights, gender justice, international criminal justice and security sector reform. Ms Parmar has taught at Harvard Law School's Human Rights Program, and served as a prosecuting war crimes attorney with the Special Court for Sierra Leone. She has worked in over ten countries across West, Central and the Horn of Africa as well as India. She is a member of the Law Society of Upper Canada.

Session 6: The Role of Civil Society in National Reconciliation Processes**■ Mr Michael Doherty, Executive Director, Peace and Reconciliation Group, Northern Ireland**

Mr Michael Doherty is currently Director of the Peace and Reconciliation Group (PRG) in Derry, Northern Ireland, and has been a full-time professional in developing community relations work since 1987. He was trained as a Mediator at Fordham Law School in New York and at the School of Psychotherapy and Counselling at Regents College, London. In the early 1990's Mr Doherty initiated the first ever Community Relations Action Learning Programmes, in Northern Ireland. Since then he has designed Open College Network Programmes on Exploring Diversity - Facilitating Community Relation's Work and a Facilitation Skills Programme. Since 1996, Michael has become recognized as one of the lead Mediator/Trainers in the field of conflict resolution/transformation, and has successfully mediated some of the major parade disputes in Northern Ireland. Michael is also recognized internationally as he is engaged by universities in various parts of the world to deliver lectures and workshops on the practical application of mediation as a tool for resolving conflict.

■ **Ms Michelle Brooks, Managing Director, Global Research Lanka, Sri Lanka**

Ms Michelle Brooks is Managing Director of Global Research Lanka (PVT) Ltd., a consultancy that undertakes research, conducts development projects and develops policy recommendations in Sri Lanka. The consultancy specializes in innovative and inclusive approaches that enable hard-to-reach communities to participate in national and international projects, often on policy research on contentious issues. Global Research Lanka works alongside governments and NGOs to achieve long-term and sustainable policy goals that carry the perspectives of the people at their heart, and facilitate closer relationships between the people and State, extending the reach of democracy and developing a locally driven human rights mission. Prior to beginning an academic career, Ms Brooks worked as a Complex Emergencies Specialist in the emergency aid sector, including in post-tsunami Sri Lanka, and has retained a focus on development issues in the region ever since. She designed the project "The Place We Make Together" in 2010, joined by the UN and Save the Children, which addressed the housing and public protection of vulnerable and displaced people in informal communities in Sri Lanka.

■ **Mr Jamie Williamson, Legal Adviser, Advisory Service on International Humanitarian Law, International Committee of the Red Cross**

Mr Jamie Williamson is the Legal Advisor for Common Law countries with the International Committee of the Red Cross Advisory Services on International Humanitarian law in Geneva. He has worked in the field of international law and practice for over sixteen years with the ICRC, the United Nations, and in academia. In this role, he assists State authorities with the implementation of international humanitarian law related treaties, with a particular focus on international justice, private security companies, the environment, torture and terrorism. From 2005 to 2008, Mr Williamson was the ICRC regional legal advisor based in Pretoria, South Africa. Before joining the ICRC, he worked for nearly ten years with the UN ad hoc international criminal tribunals in Tanzania and the Netherlands, and the Special Court for Sierra Leone. Jamie Williamson is a Faculty Member of the Academy of Human Rights at American University in Washington D.C.

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