

I. TRUTH AND RECONCILIATION

Introduction by Guillermo Kerber (World Council of Churches)

In the last years we have been witnesses of how Truth and Reconciliation Commissions (TRC) spread around the world¹. It is interesting to note the addition of the word “Reconciliation” to these Commissions. Truth Commissions have been an instrument to deal with issues related to human rights violations in more than twenty countries in the last three decades². But only in the last one, after the South African Truth and Reconciliation Commission, these two concepts have become a “trade mark” of these initiatives.

This addition has not been done without strong discussions. In the Peruvian case, for instance, many human rights organizations still question the inclusion of this concept. For many, it is only a Christian perspective that instead of adding something to Truth weakens the process of pursuing justice.

Therefore, if we are for a Centre for Justice and Reconciliation (CJR), we should make it clear that Reconciliation not only does not diminish the importance of Justice but opens it to a different dimension, which includes restorative processes, reparations and healing.

It is important, however to admit that the resistance to include reconciliation has historical bases. In some cases the voices of the churches have called for reconciliation requesting that facts from the past should be forgotten. But these facts included summary executions, torture, and disappearance!

The reconciliation process

I believe that some of the classic moments of the reconciliation process, as understood by the Christian churches, although related to the individual, could offer some criteria of discernment to pursue true reconciliation³.

One of the moments of the reconciliation process is the moment of *confession*. In it the sinner recognizes the sin he/she has committed and asks for forgiveness. Confession includes the acknowledgement of the violation committed, of the harm produced and the acceptance of the own responsibility.

This acknowledgement of the fact and its consequences has a lot to do with the issue of truth⁴. A week ago a colleague and friend, who has been working on human rights for twenty years

¹ Cf. e.g. ROSENBERG, Tina, *Truth Commissions spread and adapt*, International Herald Tribune, February 27, 2001.

² Cf. the excellent study by HAYNER, Priscilla B. *Unspeakable truths*, Routledge, New York 2001.

³ Although some authors point out the difference of perspectives on reconciliation from a Protestant and a Catholic perspective, I prefer not to enter into this discussion taking into account the goal of this introduction. A good summary of these perspectives are presented by Robert SCHREITER in *The ministry of reconciliation* (Orbis, New York 1998) in the following way: “For Protestants, there is an emphasis on reconciliation as the result of Christ’s atoning death and the justification by faith. By focusing on the atoning death, this position has the advantage of seeing reconciliation in continuity with the saving acts of God through history, especially in a theology of covenant. If there is a classic location for a Protestant theology of reconciliation, it is Romans 5:6-11.

The Catholic emphasis would be slightly different, focusing on the love of God poured out upon us as a result of the reconciliation God has effected in Christ. Here the emphasis is on the new creation. If there is a classic location for this theology, it is 2 Corinthians 5:17-20” (p. 14).

and is now working at Human Rights Watch, told me the following: “*You know, for years I have thought that to create commissions to investigate what had happened was a waste of resources. We knew, I thought, what had happened. However, now after having participated at different TRC processes I realized we didn’t know, societies didn’t know what happened in their own countries*”.

I think this is true. Having heard from victims the atrocities committed in Peru or Sierra Leone, for instance, I realized, truth is not something fixed, abstract, an absolute value, “*Veritas*”, but something painfully built through the sharing of memories, experiences, sadness and hope.

Reconciliation as a spiritual journey

In Ayacucho, when the public hearings of the Peruvian TRC began, victims (most of them indigenous) walked for days to deliver their testimonies. It was indeed a physical walk through the Andes, but also a spiritual path towards recovering their violated human dignity. Coming before the International Criminal Court (ICC) will also be a physical journey. I think perhaps one of the contributions of the CJR would be supporting the spiritual journey.

Firstly, a journey for the victims. To continue their journey, it is crucial that victims be listened at while telling their stories, as their own approach to truth.

But secondly, a journey also for the perpetrators. Many of them will not recognize facts and responsibility. This wouldn’t be surprising. It’s the same attitude of Cain when he denied having killed his brother. But the accompaniment of both victims and perpetrators coming to the ICC would be an issue to be discussed at the CJR.

Thirdly, a journey, a reconciliation process for the whole society. The reconciliation of the society is one of the requisites, I believe, of restorative justice procedures. At the communal level it is quite clear that restorative process’ methodologies have as goal not only to restore relationships between victims and offenders but within the whole community⁵. Shifting from community to national and international level on Restorative Justice procedures is still a big challenge. But if we pursue, as I think we should, reconciliation within the whole society, then other means should be looked for. I am thinking specifically of the awareness-building responsibility of the CJR and the relation with the media that has been and still is a hard work for many TRCs.

⁴ In the Introduction to *Impunity. An ethical perspective* (WCC, Geneva 1996), Charles HARPER synthesises the common threads from the studies in six countries in Latin America. “A number of common ethical themes appear as prerequisites for the achievement of reconciliation, in other words, wholeness for society and for its individual members:

- The importance of preserving memory
- The need for the truth to be known and told
- The need for punitive justice to be served
- The need for acknowledgment to be made
- The role of forgiveness
- The primacy of hope” (o.c. p. XV))

⁵ From a theological perspective, Alan FALCONER wrote “The Hebrew and New Testament understanding of ‘remembering’ , then, makes of memory-memorial a dynamic process where the past is contemporary. The identity and self-understanding of the community is celebrated, responsibility is accepted and forgiveness of sin sought.

The reconciliation that results from this way of remembering will be honest and vital, never cheap. Such reconciliation entails recognising the interdependence of our histories, even appropriating each other’s histories, through which each will empower the other to be free. Through the reconciliation of memories a new identity is born” FALCONER, Alan, *Remembering* in FALCONER, A. and LIECHY, Joseph “Reconciling memories”, The Columba Press, Dublin 1998, p. 17-18.

Reparation

The process of bringing their stories, cases before the Court and to the public is in itself a process of restoring human dignity⁶. When you are witness of the testimony-taking procedures you can see the changes in the faces of the victims and in some cases of the perpetrators.

The notion of *reparation* is also central to the process of reconciliation. The spirit of the ministry of reconciliation is to relate the reparation to the sin that has been committed. There should be a direct relation between sin and reparation. In many cases the reparation cannot change the damage, the harm made. If a person was killed, if a girl was raped, if a child lost his hands because of the explosion of an antipersonnel mine, there is no possibility to get back to the previous stage.

In many cases the issue of reparation has been central to TRCs, Tribunals and Courts. Discussions on reparations were many times limited to the State possibilities to give economic reparations to the victims⁷.

But let me stress the need of *symbolic reparations*. The CJR should consider how it can contribute to this process.

After more than fifteen years of democracy, relatives of disappeared people in my own country Uruguay are still looking for different ways of symbolic reparations. There is a large memorial monument in Montevideo. They appreciate this symbol. But they are continuously looking for more. This could also be a never ending story.

A never ending story

From the Christian theological perspective, “true reconciliation is an eschatological process that doesn’t reach its perfection in history, but is a never reachable however obligatory aim”⁸. Perfect reconciliation can never be reached but is a constant exigency. In other words the circle of reconciliation is open, it is not closed.

⁶ “Criminal justice thus makes an extremely important contribution to the process of restoring broken relationships by:

- restoring the human dignity of the victims on the eyes of society and in their own eyes;
- recognizing the humanity of the perpetrators by affirming their responsibility;
- educating public opinion by affirming the supremacy of the law over vengeance”

JACQUES, Geneviève, *Beyond impunity. An ecumenical approach to Truth, Justice and Reconciliation*, WCC, Geneva, 2000, p. 36.

⁷ However it has been very clear for years that reparations should not only be limited to them. “A whole series of non-monetary means of reparation may be made to victims of gross violations of human rights, depending on the situations, the nature of the violations and the position and needs of the victims. (These include) reinstallation in a function, provision of new employment, pension rights, medical and educational services, social security, housing, restoration of reputation, acknowledgement of wrong done and, last, but not least, revelation of the truth...” van BOVEN, Theo, FLINTERMAN, Cees, GRÜNFELD, Fred, WESTENDORP, Ingrid, “Seminar on the Right to restitution, compensation and rehabilitation for victims of gross violations of Human Rights and Fundamental freedoms: Summary and conclusions” in KRITZ, Neil (ed.), *Transitional Justice* (vol I) p. 500.

⁸ COMBLIN, Joseph, *Teologia de la reconciliacion*, Conference at the Congress of Moral Theologians in Latin America, January 2002 (mimeo).