

Peacebuilding through Truth and Reconciliation Commissions: An analysis of South Africa and Sri Lanka

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INTRODUCTION

As a response to human rights violations followed by an internal civil war or conflict, as a follow-up to impart justice, implementing a government-led or independent commission is necessary to build sustainable peace. To this end, the Truth and Reconciliation Commission serves as a responsive body that systematically documents and records the unanswered questions of enforced disappearances, human rights violations, the nature and patterns of crimes committed, extra-judicial executions, and allegations of abuse. That is, the utmost purpose of Truth Commissions is to rule out the repetition of human rights violations for reconciliation is a must to follow.

PEACEBUILDING THROUGH TRUTH COMMISSIONS

Peacebuilding can be understood as a holistic approach to transforming conflict into sustainable and peaceful relationships, involving various processes and stages, and is a dynamic social construct along with time or various conditions. (Lederach,1997) Reconciliation is one of the methods in peacebuilding that differentiates state-building and gives more emphasis to the paradigm of relieving the psychological trauma of the individual victims rather than the efforts of the state in a collective way. Truth Commissions are a way out of the in-future conflict impasse and a way towards reconciliation and sustainable peacebuilding. These commissions are officially generated non-judicial commissions, set up to probe human rights abuses and violations mainly perpetrated by the government, military setup, or other allied state institutions. (ICTJ, 2013 & IDEA,1998)

Apart from this, the commissions try to rectify the causes behind abuses and violations so that they can avert such patterns of occurrences in the future whereby primary emphasis is given to the reconciliation between the estranged communities (OHCHR, 2006:1-2). The current paper will try to locate the process of how peacebuilding can be ensured through truth and reconciliation commissions where the variables like the extent of truth-telling, amnesty, reparations, acknowledgment of the past, forgiveness, and memorialization have been done in each of the post-conflict Sri Lanka and South Africa.

RATIONALE, OBJECTIVES, AND METHODOLOGY

After the Civil War followed by international pressure State instigated Lessons Learned and Reconciliation Commission instituted in Sri Lanka. Similarly, the Truth and Reconciliation Commission was established in South Africa to inquire about the Apartheid crimes and to bring justice to the victims. Within this framework, the paper attempts to analyze the working of Truth and Reconciliation Commissions established in both countries and how it is building peace through the reconciliation process to restore harmonious living among estranged communities. The research methodology employed is analytical with primary and secondary sources relied upon. The paper explores how Truth Commissions help to bring sustainable peace and harmonious relations among the conflicting parties. In this purview, the current paper tries to examine the justice tools associated with the Truth Commissions of South Africa and Sri Lanka by analyzing the Truth and Reconciliation Commissions and other associated Commissions.

TRUTH AND RECONCILIATION COMMISSION
OF SOUTH AFRICA

The institutionalized way of Apartheid had its colonial dehumanizing past from its segregation policies resulted in gross human rights violations and violence. So to reconcile the wrongdoers and the victims, the Truth and Reconciliation Commission of South Africa was formed where Desmond Tutu presided as chairman. (TRC of South Africa Report, 1998: Vol 1:24). The Commission was established as a follow-up of the Promotion of National Unity and Reconciliation Act after a prolonged conflict where massive human rights violations in the sphere of political and historical arenas prevailed. With this act, individualized amnesty, witness protection, and subpoena powers were handed over to the TRC. (Freeman and Quinn 2003, 25:4:1121). Uncovering the truth regarding past human rights violations is another task to promote reconciliation between the divided pasts along with the public acknowledgment of injustices of the past to restore the dignity of the victims. (South African TRC report Vol I;4, 1998)

In a judgment, Chief Justice D P Mahomed asserted that the bloodiest violence-prone human rights abuses were dominated by the deep conflict between a black majority fighting to have basic fundamental human rights against a dominion minority that controlled the state itself. (TRC of South Africa Report, 1998: Vol 1:24) The report found out that by the dehumanized system of Apartheid, millions lost their fundamental basic rights. They were forced to live as second or third-class citizens in shanti towns which Reverend Desmond Tutu described as '*dumping grounds*'. (Ibid: 60-62). Here we can see the institutionalized way of systematic discrimination and dehumanization quite similar verse put forth by Mamdani regarding the law of Apartheid. Mamdani called the system of Apartheid a crime that was institutionalized as the law (Ibid :42, Commission Symposium, 1997).

South African TRC Narratives and Testimony

The Commission had three committees associated namely the Human Rights Violations Committee, the Amnesty Committee, and the Reparation and Rehabilitation Committee. The Human Rights Violations Committee was chaired by Archbishop Desmond Tutu with Mr. Wynand Malan as Vice-

Chairperson. (South African TRC report Vol I :3, 1998).

As a part of TRC narratives, ANC has been asked to justify its call to move the conflict to the areas inhabited by white people. This statements were circulated in a pamphlet in 1985 since it seems to have "*justified targets*" on whites. In its submission to the question of whether justified targets were being used in killing racist armies or squads, ANC had justified their target's harm or violence in the context of what they refer to as a 'people's war'. By analyzing various quotations, documents, and pamphlets from 1961 to the early 1980s, the TRC Panel found that their actions against the Apartheid regime as legitimate since defense mechanism against repression and a system of domination. Further, their targets were identified as those who had direct involvement in fuelling violence against communities. As an example of this, the ANC had consistently asked the members of SAP and SADF to come to be a part of the liberation struggle by turning their arms. Another group targeted by the ANC was Informers who worked for the Apartheid regime. Again, many of those agents of the ANC were directly responsible for the deaths, detention, and imprisonment of their leaders and activists. With these contexts, the ANC justified their targeted violence as an act against a repressive government and its actors and mechanism. (South African TRC report Vol VI:4, 1998)

In addition, it was found by the TRC Commission that the phenomenon of "necklacing" used by the Apartheid regime led the National Party (NP) to damage ANC. With "*Necklacing*", NP tried to redirect the attention from their own atrocities and inhuman treatment, especially towards the black population. ANC stated that it never used 'necklacing' instead the oppressor did to remove the disruptive activities of the collaborators of the puppets. ANC intended to maintain revolutionary justice since the fight against fascism needs revolutionary courts to impart justice. The ANC's Inkatha Conflict is an example of Necklacing used by the National Party to counter-mobilize and put black-on-black violence in flames. (South African TRC report Vol V, 1998)

The Commission has analysed ANC leaders' comments on whether they followed or stuck with their policy mandates as devised in their speeches or pamphlets. The statements from Chris Hani in his speech which broadcast on the ANC's Radio Freedom

dated March 1, 1986, clearly mentioned the mandates of Umkhonto we Sizwe. Umkhonto we Sizwe is a revolutionary army clearly stating that they were stepping up their struggle against enemy personnel and not on white civilians or their children. (South African TRC report Vol I, 1998)

TRC investigation panel found out that the degree of restraint exercised by ANC and MK under extreme provocations was an extraordinary one, even though the humanitarian side of ANC has never been appreciated or acknowledged by the Apartheid regime (South African TRC report Vol V: 1-2, 1998). The report found out that ANC never used anti-personnel landmines nor did it affect any civilian casualties. At the same time, ANC leadership acknowledged their ill-treatment towards captured agents and apologized for their alleged abuses.

A submission by Mr. F.W. De Klerk, leader of the National Party accepts the fact that TRC is very necessary to establish national reconciliation which can be done by accepting the past via telling the truth and providing amnesty in return. He accepted that there existed Apartheid which can be analysed in Four phases according to various enforced legislations but tried to justify it as an indirect outcome of constitutional development activities. Since 2nd February 1990, during the transformation period, National Party tried to repeal the remaining Apartheid legislation and initiated constitutional negotiations to normalize the political situation of South Africa. (Submission to the TRC by Mr. F.W.De Klerk, Leader of the National Party,1998)

AN ANALYSIS OF SOUTH AFRICAN TRC COMMITTEES

The Commission heard human rights violations including politically motivated crimes during the apartheid period with full disclosures from all sides via public hearings. As a result, the Commission had investigated and heard gross human rights abuses and violations from victims and found cases over 19,050 in number. From the amnesty applications received an additional number of 2,975 victims were also identified. With victim hearings, the accountability of the TRC has been enhanced along with the submissions from all sides equally.

It considered applications of amnesty from all sides from the liberation forces African National Congress

to the Apartheid regime and its official, thereby giving equal treatment to tell their part of the story. With this, no side of the story got exempted whereby Victor's Justice can be avoided. The Amnesty Committee received applications seeking amnesty of 7,111, out of which only 849 were granted by rejecting almost 5,392 applications. (South African TRC report Vol V:3, 1998) From the committees and their way of functioning, it can be seen that South African TRC has placed the emphasis on the acknowledgment of truth rather than justice in the way of punishment to the perpetrators.

Amnesty in exchange for truth-telling has been considered the most disputatious process wherein the perpetrators could easily get away with their crimes if they were proven to be politically driven (Freeman and Quinn, 2003:1121). Amnesty has been considered one of the right choices to buoy the perpetrator to cooperate and coordinate with the Commission (Ibid:1127). The Commission emphasized national healing by acknowledging and portraying the real picture of the past by unearthing the traumas of the victims. Further South African TRC emphasized amnesties as well as forgiveness where in the exchange of truth, forgiveness is given. This process of genuine national healing via truth and forgiveness has made South Africa an outstanding credibility.

COMMISSIONS ESTABLISHED IN SRI LANKA FOR RECONCILIATION

Reconciliation for the Sri Lankan political elite in charge of the Eelam War IV is ambiguous about accountability. After the victory in Eelam War IV, the Sri Lankan government wanted to forget and move on. (Mark Salter, 2015: 410). In Sri Lanka, it has benefitted the Tamil political elite who turned their backs on LTTE. Karuna was the former LTTE area commander in Eastern Sri Lanka, The Tamil Makkal Viduthalai Pulikal (TMVP) led United People Freedom Alliance (UPFA) government assumed power in the Eastern Province in May 2008. Following the end of the Eelam War IV in 2009, Muralitharan joined the SLFP and was appointed as the non-cabinet Minister of National Integration and Reconciliation. The question of accountability arose when Channel 4 News broadcast footage from the final stages of the Eelam War IV. To feature accountability, Darusman Panel (Report) of 2011 known as the Report of the

Secretary-General's Panel of Experts on Accountability in Sri Lanka discovered credible accusations that fell under five main categories of possible wrongdoings against international humanitarian law and international human rights legislation by the SLA, such as attacks and shelling of hospitals that resulted in the deaths of civilians. (The Secretary General's Report referred to as Darusman Report, March 2011) The commission demanded an investigation into the disappearances, which increased in frequency throughout the Fourth Eelam War. To defy this report, the LLRC report was tabled on December 2011 by the Sri Lankan state-instituted mechanism.

LESSONS LEARNT AND RECONCILIATION COMMISSION (LLRC)

The Sri Lankan government of President Mahinda Rajapaksa commissioned the Lessons Learnt and Reconciliation Commission (LLRC), touted as a homegrown mechanism to bring about reconciliation on 15 May 2010. This was only in response to the Darusman panel and the international community's calls for accountability. LLRC was an internal commission in response to UN Secretary-General Ban Ki-moon's announcement of his formation of a Panel of Experts to investigate human rights violations in the last phase of the war to advise the Secretary-General on the issue of accountability. The main objective is to inquire and report the circumstances that led to the failure of the Cease-fire Agreement during the period between 21 February 2002 and 19 May 2009. The Sri Lankan Ministry of Foreign Affairs (2011) reported that the commission held 57 public sessions and carried out 12 field visits at over 40 locations to hear testimony from people in the North and East and other affected areas of the country. The President chose the committee members, which included only one Tamil who was also the only woman, and one Muslim out of eight members leaving the minorities underrepresented once again. The report was made public in English only, in December of 2011.

LLRC maintains that the issue of missing persons presents a serious obstacle to any inclusive and long-term process of reconciliation. Nevertheless, it claims that development programmes and humanitarian assistance may be regarded as reparations without any acknowledgment of guilt or legal responsibility.

(LLRC, 2010) Even so, the LLRC report blamed the past Sri Lankan government's failure to militarily defeat the LTTE. On the issue of disappearances, the LLRC report concluded that the representations to probe into the missing LTTE cadres after surrendering in front the Sri Lankan army. (LLRC, 2011:128). On the matter of civilian casualties, it concluded that the when the LLTE attacked areas controlled by the rebels, security personnel had to react appropriately. (LLRC, 2010:45). The commission cleared the Sri Lankan army of systematic human rights abuses but called for only a few individual incidents to be investigated. More forcefully, it recommended a series of measures to promote post-war reconciliation, including the demilitarization of the North. However, questions of accountability were not addressed in the LLRC. It recommended a role for civil society in the form of inter-faith reconciliation and peace committees at district and provincial levels to provide grassroots support (LLRC, 2010).

To implement the LLRC recommendations, the National Action Plan (NAP) was designed in the year 2012. The NAP was announced a month before the Sinhala and Tamil translations of the LLRC report were made public. The LLRC received a great deal of criticism from the international community regarding gaps in accountability, independence and implementation. For example, in the year 2013, Minister Samarasinghe claimed 99% of the LLRC Action Plan was completed, while President Rajapaksa claimed 30%, causing chaos and revealing the Government of Sri Lanka's lack of commitment to implementing LLRC recommendations. (CPA, 2014). Despite the problems with the LLRC, the report did produce recommendations that would aid in the reconciliation process. The report recommended addressing missing and disappeared persons, promoting a trilingual society (Sinhala, Tamil, and English), providing compensation to those affected by security force civilian casualties, and establishing an independent police commission, among others. The international community, CSOs, and human rights activists backed the GOSL to implement the recommendations that were put forth in the NAP, however not much action followed the action plan. Critics claimed the commission did not meet international standards or offer witness protection to witnesses. The UN Panel of Experts found credible evidence supporting that both the LTTE and the GOSL

had committed war crimes and crimes against humanity. (Darushman Report, 2011:23-24) The LLRC claimed that civilians were not the targets of shelling in No Fire Zones but did admit that government security forces had killed civilians. The number of dead is disputed. To ensure that officers operate independently and to monitor service performance, the LLRC recommends creating an independent permanent Police Commission. However, the action plan states that such a commission has already been established.

The LLRC's findings refute the 18th amendment to the constitution that took up in September 2010, abolished several powers of the Commission and assigned the president to appoint all its members. (Keenan, 2012). It was also recommended that the GOSL should compensate those affected by shells that fell on hospitals. The GOSL responded by providing reparation to those victims applied via REPPIA (Rehabilitation of Persons, Properties and Industries Authority). The issue was that there was no publicly available evidence to verify that the GOSL had notified the public that it would be compensating anyone impacted by shelling and requesting that they apply to REPPIA. (Center for Policy Alternatives 2014: 5).

In other words, the GOSL tried to appear as though they had been cooperating with the LLRC recommendations but in reality, they have done the bare minimum at most, found loopholes and taken shortcuts when possible. Overall it can be seen that the LLRC is not a fully effective accountability mechanism or a significant contributor to reconciliation. LLRC acted as a smokescreen to defend the government against its hands in the crimes against humanity conducted during the final phases of the Eelam War IV. (Amnesty International, 7 September 2011) In other words, the question of accountability went unanswered by casting the entire blame on LTTE and other terror elements, and thus, the government's role in the heinous crimes was silenced.

Jehan Perera (2021) states the critical need for a TRC based on forgiveness. The TRC's mandate is restricted to investigating claims of genocide and learning the truth regarding people who have gone missing. Sri Lanka and other countries need to be aware and learn from their past errors. Resolutions of the UNHRC will not be resolved by the TRC, and transformation

requires sincerity. The purpose of the TRC is to aid in community healing and conflict resolution among those affected by the war. Both victims and offenders can use it as a forum to express their feelings and ask for forgiveness. It is crucial to remember that the TRC alone cannot secure responsibility or justice for human rights atrocities perpetrated during the war.

ANALYSIS OF THE SRI LANKAN AND SOUTH AFRICAN TRUTH AND RECONCILIATION PROCESS

Based on the objective set for the paper, the research findings were being drawn where attempts were made to analyze the reconciliation process through the initiation of Truth Commissions. For the analysis, variables of TRC like Amnesty, Reparations, Truth-telling, and Forgiveness were analyzed by comparing the cases of South African TRC and Sri Lankan LLRC. The analysis is based mainly on the primary reports of TRC, various international organization reports, testimonies, observation, and opinion-based interview methods. South African TRC was set up by the Promotion of National Unity & Reconciliation Act, No. 34 of 1995 in which committees were made namely: The Amnesty Committee, Reparation and Rehabilitation Committee (R&R), and Human Rights Violations (HRV) Committee. In contrast, Sri Lankan LLRC mainly focused on national reconciliation via state-building where emphasis has been placed on a top-down approach. The variables like Amnesty, Reparations, Truth-telling, and acknowledgment of the past crimes, and memorialization were analyzed in detail to arrive at the findings.

Amnesty

The study tried to analyze Amnesty's nature and procedures, whether conditional or not. It is found that in the case of South Africa, no blanket amnesty has been given. Instead, in exchange for truth conditional amnesty has been granted. By acknowledging the crimes by the perpetrators i.e., truth telling, they were awarded amnesty. Of this, heinous crimes were even pardoned and even excused. Many government officials came forward and admitted the crimes under the Apartheid government and were granted amnesty. By doing so, individual amnesty has been negotiated. (Simpson & Van Zyl,1995:394-398).

The effectiveness of the South African TRC can be measured by its power to bring out the truth that occurred during the apartheid regime. The most controversial aspect of the TRC was its truth-for-amnesty process: perpetrators were eligible for amnesty provided they could prove that, among other things, their crimes were politically motivated. (Freeman and Quinn 2003: 1121). The efficaciousness can be seen by the impact of positives which had created change in the political and economic sphere of the domestic as well as international level. To strengthen the participation of the perpetrators, it employed Amnesty so that victim support would be ensured as well. South African TRC has exercised its power of allotment of amnesty which is a rare scenario of granting one. (Quinn & Freeman, 2003: 1127).

The granting of amnesty has been seen as powerful as well as productive for positive change and reconciliation. For example, the President at the time of the Apartheid regime F.W. De Klerk apologized for the human rights abuses that happened during his time. (South African TRC report Vol V:3, 1998) This benefited the perpetrators to get away with their crimes by simply acknowledging the truth and the Commission also granted amnesty rather than punishing the past crimes. However, it angered many black South Africans including the family of Steve Biko, an anti-apartheid activist who described TRC as a “*vehicle for political expediency*”. They disapproved of the TRC’s amnesty offering by further stating it as unconstitutional. BBC in its special coverage programme described that the “*basic misunderstanding*” among the masses is regarding TRC’s mandate where it clearly mentioned that amnesty is used as a mechanism to uncover the past as well as the truth regarding the abuses that happened.

To multitudinous blacks, apologies were not sufficient even though amnesty had been granted for those fully acknowledged and disclosed their crimes in front of the commission. Despite some flaws, South African TRC had healed the wounds of the Apartheid era. Reconciliation according to TRC, Africans accept moral and political responsibility, human rights and democracy within which political conflicts are addressed both seriously and in a non-violent manner. Some fraction of the Commission’s attempts created reconciliation by unearthing the truth which is a

miracle since it couldn't produce a designated change as mentioned by the TRC. (Gibson, 2006: 124).

Public acknowledgment of the crimes committed by the state led to pacification between victims and perpetrators, making the reconciliation process much easier. Out of 7,112 Amnesty Applications, 849 cases were granted Amnesty. (USIP, 1 Dec, 1995). ‘Amnesty for truth’ offer to human rights violators who were willing to come forward was permitted by South African TRC law. But the presidential pardon procedure used by former President Thabo Mbeki, which was performed in private and disallowed victim representation, was described in public as a way to settle the incomplete job of the TRC.

In the case of Sri Lanka, there is no public acknowledgment of Truth being held by the State since LLRC is a state-initiated national reconciliation commission. LLRC itself came after international pressure. Very few instances of granting amnesty have been reported. For example, Sri Lankan President Rajapaksa granted a Presidential pardon to former soldier Sergeant Sunil Rathnayaka, who was convicted and sentenced to death for the murder of eight civilians in 2000. (Amnesty International, 30 April 2020) Eight Tamil prisoners who had each been incarcerated for more than ten years because of their suspected LTTE ties were given amnesty by Sri Lankan President Wickremesinghe as a result of pressure from Tamil legislators. (NDTV, 24 Oct, 2022)

Reparations

Economic reparations to the victims is one of the essential element that can ease the relationships and a better reconciliation between the estranged communities. Instead of reparations, land grabs are happening in Sri Lanka. In other words, Land reconciliation is still missing where a high portion of land is still held by the minority whites. Land grabs are a serious problem in Sri Lanka, especially in the Northern parts where minority Tamils live, where it is found that state-initiated military controls the Northern region. In the case of Sri Lanka, limited reparations were done. the study discovered the reason was the institutional complexities of evidence being asked which made victims unable to produce the records. For example, many disappeared families couldn't produce death certificates and no reparations were granted. It is found that state-initiated military

controls the Northern parts of Sri Lanka and holds lands on the pretext of the existence of 'possible mines' on the premises which according to them done by the LTTE terrorist groups. After going through the 5,964 requests, the Office for Reparations disbursed Rs. 399.8 million in compensation for property damage, loss, and mortalities resulting from the North and Eastern conflict as well as seven more instances of civil unrest that took place between the period 2006 and 2019. (Office for Reparations: Sri Lanka Annual Report, 2021: 4)

In the case of South Africa, reparations to the victims were granted. Over 22,000 victims and witnesses testified in the TRC report, which was published in 1998 in which more than 2,000 people gave testimony. The government set up the Reparations Fund by using funds from State donations which were paid to the registered victims with a flat sum of R30,000 each. This raised criticisms from both the victims as well as survivor communities since more than 30,000 unregistered survivors were denied these reparations since unable to register with the TRC. The fund itself is around 1 billion Rand according to the 2013 account. According to 2022 data, there were limited reparations since ZAR 2 billion of the President's Fund is yet to be reimbursed to the 17,000 named victims. (NAARC, 2022 & Herron, 2022). Of the total of 21,000 victims that reduced to 17,000 who were only eligible for reparations. The Fund which was managed by the TRC Unit of Department of Justice that set to give restitution for the loss incurred in exhuming the victims and the educational facilities for the children of the victim-survivors. Out of 17,000 victims, only 3,000 be given the basic education funding and 630 received university education. (NAARC, 2022)

Forgiveness

Forgiveness from the victims is an indispensable constituent that can enhance the reconciliation process in a post-war country. In other words, to forgive past crimes as well as the criminals who committed them is crucial for reconciliation. (Montville, 1993: 113) It is through forgiveness on the part of the victims towards perpetrators, that healing can happen which is a prerequisite for psycho-societal reconciliation. The assurance that they won't be abused once more must be given to victims before anything else.

In the case of South Africa, victims imparted forgiveness towards perpetrators even for the heinous crimes acknowledged by the latter. This is reflected in the interference of religious actors and the deeply rooted African Philosophy of 'Ubuntu'. The leadership of Rev. Desmond Tutu and the grassroots-level civil society initiation especially the religious actors played a very important role in shaping the victim's attitude i.e., forgiving the perpetrators. This can be seen as a 'collective forgiveness' since it was a systemic initiation rather than focusing on the cases of 'individual' victims.

In the case of Sri Lankan LLRC, there is no pardon or forgiveness from the part of the victims since they are still seeking the truth. It is found that credible shreds of evidence against the state-driven military interference in the gross human rights violations happened in the final phases of the Eelam War IV. The victims, minority Tamils are still seeking 'truth' of what happened especially answers to the disappeared ones. The state simply denied having violated civil rights, refusing to acknowledge its involvement or guilt by providing contrary evidence and blame game on LTTE. Sri Lankan government denied any role of the military and instead blamed the LTTE for the committed crimes where the former has successfully fought off terrorism. Furthermore, the State used the strategy of triumphalism over terrorism and denied taking accountability for any of the crimes committed. In addition, there were marginalization by labelling former LTTE activists as terrorists.

Truth Telling & Acknowledgement of the Past

Acknowledging the truth by the perpetrators can enhance the reconciliation process much easier and better. In other words, the key to reconciliation is for the parties to the conflict to acknowledge past atrocities. (IDEA, 2003). For a genuine reconciliation, acknowledgment of the truth by the wrongdoers will relieve the pain of the victims and get answers to the questions of what happened to their loved ones.

The Sri Lankan case challenges the idea that past crimes should be acknowledged and forgiven by offenders and victims, while the government denies the suffering and marginalizes ex-LTTE combatants. The government's strategy for making amends involves development and assistance, resulting in further abuse. There is no official acknowledgement of crimes by the Sri Lankan government nor taking the

responsibility of human rights violations. Instead, there is triumphalism regarding the LTTE defeat calling it a defeat of terrorism. Ex-combatants of the LTTE were treated by the State as terrorists and treated with contempt (CTF, 2016: 9). Lack of acceptance caused bridges rather than building peace. The approach of the Sri Lankan Government regarding reparations is through economic development and aid which resulted to further militarization of the Northern and Eastern regions.

Unlike in South Africa, there is no public acknowledgment of Truth being held. Instead, the State and the reports of various commissions blamed LTTE, the Tamil Terror Group for the war crimes committed. Hence the reports hid the atrocities done by the Sri Lankan Government and the military groups in the Northern areas instead of following a 'blame-game' policy towards LTTE. With this, the accountability of the Commission itself is questionable since there is no truth-telling mechanism involved. Instead, it is found that the 'truth' is being concealed. The state vehemently denied any responsibility for the disappearances. This demonstrates the culprits' refusal to acknowledge their crimes. Contrary to the Sri Lankan TRC, due to the limitations placed on the same, there is little room for civil society or religious organizations to lead peacebuilding. In the case of South Africa, there were Official acknowledgements and apology from the part of the government. South African TRC was defined by Dullah Omar, the then Minister of Justice as the establishment of a commission is a critical endeavor to facilitate morally acceptable closure for South Africans about their history and to advance the goal of rapprochement. (Scanlon, 2015)

Remembering and Memorialization

The act of remembering is essential to the process of reconciliation. One of the essential steps towards reconciliation was the establishment of an Apartheid museum (Gerald Kraak, 2015). Building museums, monuments, memorials, or public statues can ease the process of reconciliation. For example, Post-Apartheid monuments like the Kwa Muhle Museum, the National Monuments Council, Afrique du Sud, Freedom Park, Freedom Square in Pietermaritzburg, Freedom Valley in Inanda, etc. can raise awareness and serve as memorials to remember the past. (The Atlantic Philanthropies, 16 July, 2015)

Similarly, by the establishment of Victory Pillars, Sinhalese Buddhists rejoice over LTTE's defeat at the Eelam IV War. In the northern and eastern regions, military tourism benefits from the narrative of victory over terrorism. Tanks and LTTE bunkers are revealed, and the monumental event is hailed as a victory over terrorism (Mark Salter, 2015: 5). The Tamils were humiliated by the victory pillars which were constructed to glorify the Sri Lankan military than the victims. As per the directive of President Gotabaya, the Mullivaikal Memorial at Jaffna University was demolished (De Silva, 21 October, 2023). The classification of ex-LTTE cadres as terrorists by the Sri Lankan government along with stringent military presence intensified the trauma. The Sri Lankan government has prevented families from remembering the deceased, therefore the Tamil memorial has remained divisive. Mothers of the ex-LTTE cadres are unable to produce their missing son's pictures of them wearing LTTE uniforms otherwise the government categorizes them as terrorists. This even prevented them from reporting the disappearances. (Consultation Task Force Final, 2016: 91)

MAJOR FINDINGS OF THE STUDY

1. Truth Commissions tend to be Superficial rather than Transformative their focus is mainly on the 'collective' than the 'individual' perspective. Individual healing is hard to achieve through truth commissions. Even in the successful South African case, Individual healing is missing.
2. 'Amnesty for Truth' can enhance the process of reconciliation better than with blanket amnesty. Conditional amnesty in exchange for acknowledging the past and telling the truth can heal both the victims as well as perpetrators.
3. Forgiveness and Truth telling can bring healing between estranged communities and can effectively reconcile the societies. Truth telling from the perpetrators can be a catalyst to the victim's forgiveness whereby tranquil and healing ease the process.
4. Public acknowledgment of the past crimes committed by the state led to pacification between victims and perpetrators, making the reconciliation process much easier. This acknowledgment of crimes itself made South African blacks forgive their perpetrators based on their religious beliefs both the

Traditional religion based on 'ubuntu' principles and Christian faiths.

5. Truth Commissions with civil society backed up like the one in South Africa made a platform to heal the estranged communities and thus prevented the recurrence of further tensions. This reveals the need for Bottom-Up peacebuilding. It is found that this platform of local initiations in the LLRC is lacking where the leadership enhanced political reconciliation emphasizing state-building and institution-building rather than healing and psycho societal reconciliation.

CONCLUSION

Reconciliation is one of the peacebuilding techniques that sets itself apart from state-building and prioritizes easing the psychological trauma of the individual victims over the state's efforts. Those in positions of power tend to be the ones who initiate collective forgiveness for namesake purposes. This process, which takes the form of negotiated amnesty, is primarily carried out in private. Put differently, the forgiveness of mass hate crimes was applied more swiftly and without genuine compassion for the victims from 'above.' Reconciliation processes that are imposed from 'above' are designed to filter the choices made by politically viable top leadership by fostering an environment that allows for collective forgiveness for the victims.

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