

TRUTH AND RECONCILIATION COMMISSIONS

Interview with
Salomón Lerner*

Salomón Lerner Febres was the President of the Truth and Reconciliation Commission of Peru from 2001 to 2003. After two decades of armed conflict, political violence and suffering due to an authoritarian regime, the Commission, created by the government of Peru, was established to face up to the factors which made violence possible, and to the consequences of destruction and of physical and moral suffering, especially in the most humble and impoverished sectors of Peruvian society. The Commission published its report on 28 April 2003. Salomón Lerner is now President of the Institute for Democracy and Human Rights at the Pontificia Universidad Católica del Perú, where he was Rector from 1994 to 2004. He was also President of the Union of Latin American Universities, where he had previously been Vice-President for universities in the Andean region. After studying law in Peru and obtaining a doctorate in philosophy from the Catholic University of Louvain (Belgium), Dr Lerner worked at a number of academic institutions and is currently a research associate at Tokyo University. In addition to several other awards, he was honoured as ‘Great Official of the Order of Merit of Peru’ by Peru’s Ministry of Domestic Affairs in 2003.

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What does it mean for society when a country realizes that it needs a truth commission?

The creation of a truth commission in any society implies the existence of a drama and intimate misfortune which deserves, in some measure, to be brought into the open. But first of all, the creation of a truth commission is the start of a realization that in the country there is a living society which is the protagonist of its own history, and that that history is relatively unknown and demands an examination of the past such that the identity of the nation and the foundations of its future development can be assured. A commission is created because there is something

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that cannot be assimilated by our memory, because in a given society there is a need to investigate that past. I would say, finally, that it is necessary to examine the evidence so that the history that we are used to believing is what was in fact experienced by society and can, therefore, be accepted.

The effectiveness of a truth commission depends on the existence of a demand for justice, not only by the victims but by society as a whole. To what extent is a commission more effective if there is social consensus on the need to create one?

It's obvious that the consistency of the work that a truth commission can carry out derives from the need felt by the whole of society, which demands some sort of justice through a reliable recollection of what happened, and not simply by those who were victims. The truth commission is not a complete way of compensating the victims. It is rather a way to start the compensation process, something which aims to re-establish the true historical and social identity of a people that, presumably, has strayed from the straight and narrow. From that perspective, I believe that truth commissions strengthen their legitimacy when they derive from a sense shared by all and are not just a response to demands for truth and justice from those who were direct victims of abuse.

It is difficult to create a truth commission solely as a response to demands from victims. Truth commissions arise from an experience shared by society, when the victims include not only those who were directly affected, when the whole of society has been traumatized and the course of normal life has been significantly altered. It is a duty, therefore, of those who govern the nation and those who have responsibility for the country's progress to accept this demand to examine the past and respond not only to the victims but to the whole of society, which has also been wounded. You cannot say that a society is living normally when one sector of it has had its fundamental rights violated and there has never been any investigation into those events or any relevant conclusions drawn from them.

Speaking of the concept of truth, does a truth commission discover the truth, demonstrate it or construct it? And does this have anything to do with the phenomenological assertion that it is never possible to arrive objectively at the truth through claims?

That's an interesting problem from the point of view of philosophy, and also that of actual experience. If we stick to the notion of pure, categorical truth – the idea that has been accepted for more than two thousand years of Western thought – as agreement between what somebody says and the purpose of the person who speaks, a correspondence between something that is believed and that about which we think, I believe we will never fully understand the 'truth' which a 'truth commission' seeks.

It is not a case – and this has been demonstrated very clearly by the Peruvian Truth and Reconciliation Commission – of simply investigating objective, measurable, quantifiable facts that occurred at a given place and can be established as having done so at a given time. There is perhaps a richer sense of

truth, which you described as a phenomenological concept of truth, if that is how we understand a process of discovery, of drawing aside a veil and therefore of exploring the sense, the meanings of human actions. Those are reasoned and voluntary acts which bring into consideration the fields of values and morality.

How does morality affect the work of truth commissions?

Truth commissions are created not to confront the brutal acts of nature but acts for which there are motives, decisions and ethical options that place us in the terrain of good and of evil. From that perspective, a truth commission plays its part not only in the field of scientific truths – although these are also essential – but rather in the field of meaningful actions, actions that can only be carried out by men and which consequently have a moral relevance. As I understand it, such a commission is required to have an ethical standpoint that can judge conduct in relation to principles that have been violated and upon which is built not only the destiny of each individual but also the coherence and health of society as a whole. This is the sense, if we want a personification of truth (what the Greeks called *aletheia*) that should be assumed to provide the purpose and reason for the existence of truth commissions and the work they do. At least, that is how the members of Peru's Truth Commission understood the situation.

To what point is the truth, as you understand it, construed?

This is a legitimate question. We have spoken of interpretation, and anyone who speaks of interpretation speaks of someone who adds something of his own. I would say that if the interpretation is carried out as a function of certain moral parameters and is also anchored in proven facts, if the truth thus exposed is open and susceptible to later enrichment, if, in fact, we are not making an incontrovertible, dogmatic statement, then we have a version of the truth that I consider satisfactory. It reveals the sense of human actions as a function of behaviour which has to be moral. It starts from an open reading of scientifically established facts and interpretations that can complement this sort of endless search for a truth, which, as we know, will never be complete.

How does this concept of truth relate to justice?

The way we experienced it, it is an intimate relationship in that we assumed the truth as I have just described it to be the first step towards justice. In effect, the attempt to make sense of different behaviours, the authenticity with which participants in the process gave their testimony, an understanding also of what the perpetrators' motives could have been and of the injustice of the violations, these were the beginnings of justice for the victims and, I would say, for the perpetrators, because – and Hegel made this point – the perpetrator also has a right to justice, the right to punishment, in the sense that he has an opportunity to redeem himself through just punishment. Thus it is clear to us that without truth no justice is possible, a justice that would be legitimized by an authentic and ethical examination of the facts.

And in the criminal sense?

It's only sensible to talk about justice within the scope of criminal law if we understand that it is based on certain moral rules and that these, in the final instance, make it valid. In the criminal ambit, 'near here' is what tells us that actions which were taken consciously and with a purpose, therefore in exercising our freedom, imply responsibility and are deserving of the established punishments.

Actions carried out consciously against inherent human values carry a responsibility that must be assumed by the guilty. Now, in that we live in a society in which there is a certain authority regulating our relations in terms of compliance with justice, it is that authority, the state, which must decide on the corresponding punishment. This, as I said earlier, does not express only the right of society to defend itself, but also the opportunity for a criminal to redeem himself through punishment.

At the end of the 1980s, a former Minister of Foreign Affairs of Colombia said that the worst defeat for the state was to lose the human rights and international humanitarian law 'battle'. Do you share that opinion?

Yes. Losing that battle is equivalent to inflicting substantial damage on the legitimacy of the state. The reason the state exists is to organize society in such a way that, within it, each and every individual can be considered a person. If there is even one human being whose dignity, whose right to life and liberty goes unrecognized, then the state which permits such a situation calls itself into question. This creates the possibility that adverse elements may refuse to recognize it and consequently fight against it. It is sometimes difficult for governments to understand this, so they put the whole stability of society at risk. Curiously, there are times when all this seems to be clearly understood by those who fight against the state. Let's take the example of Sendero Luminoso (Shining Path) in Peru. The main objective of Sendero – and its leader Guzman in this sense acted with a malign and perverse intelligence – was that the state should violate human rights because Sendero saw that it would then, from the ethical point of view, jeopardize the moral superiority that legitimized its fight against terror. Documents from Sendero concerning the prison uprising show that the intention was to provoke the state to commit genocide: the state walked into this trap and lost the moral high ground in its fight against the terrorists.

'Being humanitarian is, above all, being politically and militarily correct.' What do you think of that statement?

I agree with it. The reason is simple: the ethical dimension and the practical dimension do not contradict each other; correct action is no impediment at all to being effective. The best thing that can be done in favour of democracy and society is precisely to argue for respect for the values on which they are based. The end purpose of the state, as we know, is the human individual. Hence the correct observance of politics within the democratic system and the role assigned to the forces of law and order serving that society – understood as a civilized guarantee of

internal order and the just defence of the nation's interests in the face of threats from third parties – constitute the best way to comply with the constitutional precept that makes human beings the end purpose of organized social life.

While the Rwandan genocide was going on in April 1994, a leader of the Rwanda Patriotic Front, which is now in power, answered when referring to the massacres: 'That is so, but don't forget that even during and after the Holocaust there were survivors.' How would you interpret that response?

It disconcerts me. I don't want to think that what the man was saying was that a holocaust was acceptable as long as there were survivors, considering them to be 'better than nothing'. Is that what the man meant? Finally, even though there may be a holocaust, will there always be survivors?

He may have thought that 'one can capitalize on the deaths of even our own brothers'.

It sounds horrible, and it seems that this statement goes hand in hand with, and is of the same magnitude as, the atrocities that took place. Because in the final instance the statement is making a judgement on the Holocaust, a tragic event for humanity, or on what happened in Rwanda, from an absolutely mercantile perspective of cost-benefit analysis and of losses that may be acceptable. The loss of even one human life is inadmissible. But here he isn't talking about a human life. Instead he sees life as a commodity, as though 'in the end, if some survive, then what went before is justified, this justifies the deaths of the others'. What an absolutely cynical thing to say. In other words, because we can remember them we have to accept outrages that can be recorded? I think not. It is preferable to have no memory because there is nothing to remember, and to live a peaceful life. It's not because we extol memory as remembrance and compassion that we should pay the price of the dead: it is too high a price. A collective memory can be built up without reference to tragedies.

Similarly, when the Israeli army bombarded a refugee camp in Lebanon in 1996 and 106 women and children died, 'brothers and sisters' of the dead were supposedly 'happy' because this political and military error had paid them a political dividend.

There is a well-used phrase coined by one of ex-President Juan Velasco Alvarado's generals, 'El Gaucho' Cisneros, who was then a minister in the second administration of Fernando Belaúnde. He said that if it were necessary to kill twenty civilians in order to eliminate two or three terrorists, then that action was justified. In other words, we are supposed to accept the idea of a marginal human cost (collateral damage), using cost-benefit analysis, applicable to human beings. But they cannot be measured like that: we are talking about qualitative analysis, what is good and what is bad, and not what is effective.

That approach, unfortunately, is part of a worldwide logic that goes beyond conflict. It is the essence of the technological, sophisticated life of the world today, where the idol is effectiveness and the cost, whatever it is, of that

effectiveness has to be paid. We are living in a time of great cynicism where the logic of the market prevails – with the power to discard even human beings themselves. The philosophy of utility and expendability is what applies today, according to which even humans are expendable and can be replaced. This goes against human nature. People who hold that view forget that each person is a world and that the history of each person is universal history.

In the duality of truth and justice, what role does the concept of reconciliation play?

So as not to talk in the abstract, I will refer to what occurred within the Peruvian Truth and Reconciliation Commission. In that Commission we gave profound thought to philosophical matters. This enabled us to establish a theoretical framework that would make everything we finally had to say and propose, such as recommendations, compensation and reforms, intelligible and sustainable.

For us the concepts of truth, justice and reconciliation were so closely linked that we could not have one without the others. Let me explain: for us the truth – rooted in morals – needed to be fully asserted in order to lead us to justice in the sense of both punishment for crimes and compensation for damage, and this in turn was a necessary condition for an adequate process of reconciliation.

To speak, therefore, of a reconciled society (which is not the same as a society without conflict, because conflict is a part of social life) implied a justice rooted in the truth despite the task being as yet incomplete. Justice is a necessary condition, but it is not sufficient for reconciliation. It is a necessary condition because without it, in our opinion, the social rifts, traumas and wounds would remain unhealed no matter how often it is said – often with an ulterior motive – that time cures all ills. Time alone is not sufficient, however, because if the conditions that led to the conflict are not changed, then clearly the conflict could re-ignite and the whole painful process of investigating the truth and administering justice will have been for nothing, as the solutions found will not resolve the basic problems that lead to violence.

In what way did you address the underlying conditions which led to the conflict?

The reconciliation we proposed consisted of restoring the social agreement in Peru in a new form, a new way in which Peruvians could understand each other and a new way – more just, more inclusive – in which all the inhabitants of our country could be understood by the state that represents them. We also expressed this rebirth in a concept that for us is essential, that of full citizenship. In other words it means recognition, by the state and by society, of the inherent rights of those individuals and Peruvians who have until now been excluded from national life, of those people who, as Father Gustavo Gutiérrez said, are insignificant to a weak and precarious state and to a selfish society which seems to have no other concern than safeguarding its privileges. That is why truth is not enough, punishment for the guilty is not enough, compensation for the victims is not enough, if in the end the

structure and behaviour of the state and society stay the same and we are condemned to undergo the same horrific experiences yet again.

The report of the Truth and Reconciliation Commission was published in August 2003, but the feeling in Peru is that it has had few repercussions. Does this mean that the Truth Commission was a failure?

A relative failure, I would say. In an ideal situation, a truth commission should be created for the reasons I have given, that is, in response to a demand from society at large and not because of a demand from a sector of the population. Its final report, if it has worked rigorously and honestly, will become part of the history of the nation and people. In Peru's case, there were sectors of the population which thought that a truth commission was unnecessary even before it was created. Indeed, some people fiercely opposed the creation of the Commission in the belief that the past is dead and that the further behind us it is, the better it will be for wounds to heal and for memories to fade. Given this opposition from the very start, it is hardly surprising that a section of the Peruvian population refuses to accept the contents of the final report. We have found the source of the greatest disillusionment to be in politics, at government level, because that is where there was a lack of interest – if not a virulent rejection – of the Commission's work. In the final instance this just reaffirms the objections held from the outset.

Aside from this, though, it has to be pointed out that many individuals and institutions have been following our work, have witnessed the public hearings and, having heard the recommendations, understand the importance of our efforts and the vital necessity of introducing substantial reforms in our society in view of the diagnosis of the Peruvian situation. This, at the end of the day, is the great lesson of the work we have carried out.

Everybody was excited when, in 2003, the Commission's final report was handed to the President and therefore to the Peruvian people. How did you feel personally at that time?

There are situations in which time seems foreshortened. They say that when you're about to die all your life passes through your mind. At this distance, let me say that as I read my speech in the Presidential Palace in front of the highest authorities in the land, nearly two years of work flashed through my mind, especially my experiences during our numerous visits to the interior of the country. I thought of some of the horrifying moments from the public hearings and the stories of those people who had suffered so cruelly. All of this can be summarized in the words of one person spoken in a shaking voice, in barely articulate Spanish, at one of the public hearings: 'Members of the Truth Commission, I hope you can do justice and that one day I'll become a Peruvian.' This sentence is a condensation of all of the country's terrible experiences, which I relived vicariously.

I felt a certain affection, which welled up unwittingly when I said to the President: 'Here, Mr President, are the people who could not speak.' I felt very close to all these people who had suffered so much, which is why I felt as though I could hardly speak on. This wasn't the first time, though, that members of the

Commission had been moved. In the public audiences, although the women gave way to their emotions more easily, standing silently in tears, we men also felt the emotional torment. In my case, and speaking of events in the Presidential Palace, I don't know whether I wanted to transmit an unconscious plea for compassion from the President.

Did the experience as Chairman of the Truth Commission change your philosophy?

Completely, and do you know why? Because I have had a marvellous opportunity – an opportunity few philosophers get – to compare the philosophical theories I know, to some extent, with real life. In philosophy we speak of ethics, of Aristotle, Kant, Hegel, Marx, of liberty and justice, truth, knowledge and the value of science; all of this was in some way put to the test in the daily events we had to examine.

The complex and interesting case studies that philosophers and sociologists produce and translate into intellectual essays came to life for us. Dilemmas arose between the ethics of conviction and the ethics of responsibility. How were we to act? Were we to tell the truth about what we found, even though that truth could result in social turmoil, anger and even a lack of confidence in the Commission itself if we found punishable acts committed by the armed forces, the good people, and something laudable in the supposed bad people? Were we to tell the truth at any cost or, following the ethics of responsibility, without hiding the truth at least not display it in all its horror in return for a quiet life? There were arguments on both sides.

How did you face those dilemmas?

The ethics of conviction won the day in the Commission and we understood perfectly that our duty was to tell the naked truth, even though it would antagonize the politicians and even a sector of the church. We faced serious problems; for instance, who should be considered victims? Could the terrorists in some cases have been victims? It was clear to us that a proven terrorist who was later seized, tortured and then disappeared, was a victim. But we knew how difficult it would be for people to understand and accept this. So difficult that the Compensation Act, which as yet only exists on paper, does not consider terrorists as victims, even when they died in circumstances other than combat.

The key premises of ethics and anthropology – disciplines which delve into what ultimately gives us dignity as human beings – were what we had to examine and, on the basis of what occurred, what we had to pronounce upon. To some extent we faced all the questions described so heartrendingly by Primo Levi in his book *If This Is a Man*. We asked ourselves all these things. And given my philosophical training, it was especially important for me to do so. Deliberation on such issues was crucial to those philosophers and colleagues of mine with whom I met every Tuesday evening to discuss the implications of the work of the commission. We learned a lot, and we all received a certain dose of reality in our purely theoretical reflection.

A few days before the capital Kigali fell to the Rwanda Patriotic Front in June 1994, a group of thugs arrived at the ICRC hospital with a young Tutsi woman and said: 'She is sick, she has been with us for all these months. Although she is Tutsi we don't want to kill her because she'll be more use working in your hospital than dead.' Is it possible that at a time of absolute terror, beauty can be more moving than horror?

Such experiences have been shared by many people in Nazi concentration camps, and there is evidence of it. In those places where all hope had been abandoned, sometimes a phrase, a murmured melody, a person opens the door to peace. The fact is that we humans are capable of the worst acts, but we can also find enjoyment or delight in very little, we can appreciate the beautiful, the good, the valuable things of this world, and marvel at them.

That a human person should be what he or she is, despite all the horror and tragedy that this may entail, is the greatest of all marvels. My mere presence gives the world form and sense. My conscience is a light that illuminates other things but at the same time illuminates itself. It tells me that despite my past, despite the confines of my physical existence, I am a being with possibilities, that I haven't yet uttered my last word and that a future with many pages lies open before me, a future which I can write with my behaviour and thus become the author of my own history.