

# **ATELIER NATIONAL DE REFLEXION ET D'ECHANGES SUR LES REFORMES POLITIQUES ET INSTITUTIONNELLES**

**HCRRUN, Lome, 11 au 15 juillet 2016**

## **National Reconciliation Commission in Ghana**

January 14, 2003 – October 14, 2004

National Reconciliation Act, Act 611, January 11, 2002

Commissioners: 9- comprising 6 men and three women from various sectors of the country.

### **Background:**

Since February 1966, Ghana experienced four military coups and a series of civilian regimes accused of human rights violations. Three periods of unconstitutional rule, characterized by military takeovers, occurred between 1966 and 1969; 1972 and 1979; and 1981 and 1993. The country faced serious economic problems made worse by a draught in 1982 and 1983. Under pressure to hold elections, Lt. Jerry John Rawlings, the popular leader of previous military takeovers in 1979 and in 1981, was elected president in 1993.

Rawlings implemented anti-corruption measures, some of which were considered too harsh reformed the economy but did not tolerate opposition to his rule. Rawlings served two terms as a President and handed over to another democratically elected President in 2001. Vice-President John Atta-Mills, the candidate of Rawlings' party, lost and John Agyekum Kufuor took over, marking the first peaceful democratic transition of power since Ghana gained independence.

When John Agyekum Kufuor became president in 2001, he created the National Reconciliation Commission to investigate human rights abuses committed during the unconstitutional past regimes and to foster an environment of unity, government transparency and accountability.

### **Mandate:**

The National Reconciliation Commission's mandate was to promote national reconciliation among Ghanaians by establishing "an accurate and complete historical record" of human rights violations and abuses related to the killing, abduction, disappearance, detention, torture, ill-treatment, and seizure of property during three periods of unconstitutional government between March 6, 1957 and January 6, 1993. Any person could apply to have the commission investigate specific issues within its mandate. The commission was also empowered to make recommendations for redress of victims and institutional reform.

The National Reconciliation Commission was comprised of nine Ghanaian commissioners: six men and three women. It was chaired by a former Justice of the Supreme Court, K. E. Amua-Sekyi.

### **Report:**

The Commission finished its final report in October 2004 and it was made public in April 2005.

### **Findings and Conclusions**

- The Commission heard testimony from 2,129 victims and from 79 alleged perpetrators. The former President, John Jerry Rawlings and the former National Security Advisor, Captain Kojo Tsikata, also testified. It convened over 2,000 public hearings.
- The commission noted in its report that of the period of colonial government contributed to the legacy of human rights abuses.
- It also concluded that law enforcement institutions and the armed forces were responsible for the highest percentage of abuses.

### *Recommendations*

- A Comprehensive reparation program including apologies, a memorial, and monetary compensation was recommended. The amount paid to victims was to be based on type of violations suffered. Funding sources were also recommended. The commission suggested reparations for approximately 3,000 victims of repression during the revolutionary period

- The commission recommended **reforms** within the judiciary, prisons, the police and the military.

## **Subsequent Developments:**

### *Reforms*

- According to its submissions to the Human Rights Council in June 2008, Ghana took steps to reform the judiciary aimed at tackling corruption in the public sector and to improve adjudication of cases in the courts. The proceedings of the justice system were considered slow.

### *Reparations*

- The government made a unclear commitment to a reparations plan, attributing it to inadequate funds.
- The government started a reparations program in 2006.

A Reparations Committee was mandated to ensure compliance with the recommendations of the reconciliation commission.

Special Notes: No plans were made for the dissemination of the Commission's final report. Although available commercially, it was too expensive to be easily accessible to the people of Ghana. Civil society organizations played an important role in facilitating a consultative process to discuss the Commission's mandate.

Things to consider for reforms:

- Sensitization of the general public
- Commitment of government to implement recommendations of the Report
- Reforms are necessary but should be done within the spirit of forgiveness, unity and nationalism
- Political suspicion should be avoided in reform agenda