

Opinions of
VICTIMS

of past human rights abuse in Ghana after the National
Reconciliation Commission's public hearings



[A CDD-Ghana survey]

A CDD-Ghana Publication
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This publication presents the key findings of surveys conducted on victims of past human rights abuse who appeared before the National Reconciliation Commission [NRC] in 2002/2003. The survey is aimed at gauging victims' opinions and assessments of the reconciliation process two years on.

The Ghana Center for Democratic Development has published this report with the aim of stimulating public debate and action on issues relating to the victims of past abuses and what could be done to implement the recommendations of the National Reconciliation Commission.

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Acknowledgment

The survey of opinions of victims of past human rights abuse in Ghana [Victims Survey II] one year after the public hearings of the National Reconciliation Commission is a CDD-Ghana project. It was directed by Prof. E. Gyimah-Boadi and coordinated by Abdul Wahab Musah; Daniel Armah-Attoh, Kristen Connor and Katrina Neubauer analyzed the survey data and Edem Selormey processed the manuscript for publication.

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Abstract

Ghana's National Reconciliation Commission (NRC), which President John Kufuor established in 2001 to investigate human rights abuses that occurred between March 6, 1957, and January 6, 1993, is a milestone on Ghana's path toward democratic consolidation. The NRC's goal, as an institution of transitional justice, was to promote reconciliation by exposing past crimes and providing emotional and financial redress for victims. However, it is critical to examine victims' perceptions of the NRC; the process of democratic consolidation, of which transitional justice is an integral part, is reciprocal. To achieve reconciliation, victims must feel that the NRC has fulfilled its mandate and delivered them a sense of justice.

In 2005, the Ghana Center for Democratic Development (CDD-Ghana) undertook a preliminary survey of victims who provided testimony to the NRC. This present survey is the second attempt to gauge victims' perceptions of the national reconciliation process, including the public hearings of the National Reconciliation Commission (NRC). Its six-fold purpose is to determine victims' awareness of and support for the NRC; to ascertain victims' expectations for the NRC; to document the abuses victims presented to the NRC; to understand the psychological dimensions of victims' engagement with the NRC; to examine the role of the media in the NRC process; and to relay victims' assessments of and recommendations for the NRC.

Victims' experiences with the NRC were largely positive, and the majority expressed their beliefs that the NRC had helped to reconcile the country and to facilitate healing on an individual level. However, the victims' responses capture several shortcomings of the NRC process, which include governmental inaction on responding to the NRC's report, insufficient and/or untimely compensation for past abuses, and inadequate punitive measures against perpetrators of abuses. This survey, however, sheds important light on where attentions and efforts should be directed both currently and in the future if another NRC is established; such knowledge can enable the NRC to reach its full potential as a true agent of reconciliation and justice.

SUMMARY OF MAIN FINDINGS

- Most respondents were aware and supportive of the National Reconciliation Commission (NRC) prior to its commencement; many respondents were confident that the Commission would be able to deliver on its mandate.
- Most respondents perceive that the NRC's goal is to seek peace and justice for victims thereby ensuring national reconciliation.
- The majority of respondents expected compensation or reparation at the end of the process. However, many respondents do not know the size of funds set aside by government for reparation or the minimum and maximum reparation per victim.
- Though many called for fast-tracking of reparation disbursement, they were also quick to add that the government should put in place structures for effective disbursement, even if this means delays in the process.
- Respondents were positive in their assessment of the NRC as an institution as well as the performance of the officials and commissioners.
- Contrary to the nature of the Ghanaian reconciliation process, a sizeable majority recommended that any future reconciliation process should be granted powers to prosecute perpetrators of human right abuses. This brings to the fore the question of whether there can be justice in the absence of punishment for crimes.

BACKGROUND TO THE STUDY

In April 2005, Ghana Center for Democratic Development (CDD-Ghana) conducted the first National Reconciliation Commission (NRC) victims' survey. Ninety-eight (98) respondents from three regions - Greater Accra, Volta and Western Regions - were interviewed over a four-month period. The objectives of this first survey were four-fold: to investigate the demographic background of the victims, to determine the respondents' knowledge of and expectations for the NRC before the proceedings as well as their evaluations of the proceedings, and finally to examine the respondents' understandings of the key terms involved in the NRC, including truth, justice, reconciliation, and reparations.

This survey is the second in a series to gauge NRC victims' opinions and assessments of the reconciliation process.

OBJECTIVE OF THE STUDY

The broad objective of this study, like the first, is to document respondents' assessments of the NRC's activities. Specifically, the survey seeks to investigate the following issues:

1. Victims' awareness of and support for the NRC;
2. Knowledge and expectations of the NRC;
3. Human rights abuses presented at the NRC;
4. Psychosocial dimensions of victims' interactions with the NRC;
5. The media and the NRC process; and
6. Victims' assessments of and recommendations for the NRC.

METHODOLOGY

Learning from the experiences of the first survey, CDD first undertook a scoping activity aimed at identifying and locating victims in the Northern, Ashanti, Greater Accra, Central and Western regions. This method enabled the four teams of trained field assistants to easily locate respondents at the fieldwork stage.

Secondly, CDD revised the first survey instrument. The revisions included changing the format of some questions, deleting some questions, and adding new sets of questions. The new instrument had 32 questions in total.

Choice of Regions

The second survey was a continuation of the first one. Just as for the previous survey the Victims Survey II drew respondents by zoning the country. While the earlier survey respondents represented five zones, in the second survey all the regions were grouped into three zones: the northern, the middle and the southern zones. Upper East, Upper West and Northern regions constituted the northern zone while Brong Ahafo, Ashanti and Western regions were considered as the middle zone. All the remaining regions in the south and south east were taken together as the southern zone. The advance teams that went ahead to identify victim respondents went randomly to as many towns and villages as were easily accessible within the individual zones. Thus, samples were drawn from some regions and towns in the zones and not necessarily from all. The broad zoning formula did not put particular emphasis on region-specific samples.

Though the survey was conducted in the Greater Accra, Ashanti, Western and Northern regions, these regions merely represented the zones they belonged to.

Types of Victims interviewed

In order to poll the post-NRC opinion of all victims of Human Rights violations, the survey planned to interview three types of victim respondents. These were (a). Victims who submitted statements, and who appeared before the Commission, (b) Victims who submitted

statements only but did not appear before the Commission, and (c) Victims qualified under the NRC criteria to appear for hearing or submit statement to the Commission but made neither effort. Unfortunately, the field assistants could interview only the first two categories of victims because the initial scoping activity of the advance team made it less cumbersome locating these types of victims. In all, 102 victims were interviewed over a period of ten (10) days in March 2006. Forty-one percent were from the Northern Region, 20 percent from Ashanti, 19 percent from Greater Accra, 16 percent from Western and 4 percent from Central

Caveat

Given the non-random sampling approach (i.e. purposive sampling) used in selecting respondents and the limited sample size relative to the total number of NRC victims, we do not intend to generalize the findings. Rather, we present them as indicative opinions of victims who had interactions with the NRC.

The Commission was mandated to deal with human rights violations and abuses between 6th March 1957 (the date of independence) and 6th January 1993 (when Ghana returned to constitutional rule under the 4th Republic).

INTRODUCTION

TRANSITIONAL JUSTICE—AN OVERVIEW: The phrase “transitional justice” refers to “a range of approaches that societies undertake to reckon with legacies of widespread or systematic human rights abuses as they move from a period of violent conflict or oppression toward peace, democracy, the rule of law, and respect for individual and collective rights.”¹ As Sikkink and Booth-Walling observe, over the past several decades, democratizing states have increasingly used multiple transitional justice mechanisms to address past abuses, including trials and truth commissions, indicating the existence of a “justice cascade” in world politics.²

Truth commissions are temporary bodies officially authorized by the state to investigate a pattern of past human rights violations and issue a report.³ In fact, since 1974, at least 25 official truth commissions have been established world wide, including Argentina, Chile, East Timor, Ecuador, Haiti, Sierra Leone, South Africa, and Uganda.⁴ Since 2004, efforts have also been made to establish a Truth and Reconciliation Commission in Liberia.⁵

Truth commissions have potentially far reaching effects; they may help to establish a historical record of the past, to promote accountability for perpetrators of abuses, to provide a public platform for victims, to recommend reparations for victims, and to help consolidate a democratic transition.⁶ Fundamentally, truth commissions can help to promote reconciliation, which could be understood as an “over-arching process which includes the search for truth, justice, forgiveness and healing...at its simplest, it means finding a way to live alongside former enemies.”⁷ Since the democratic process requires a minimum basis of trust among social actors to function, reconciliation can help to foster a basis of cooperation and reciprocity.⁸ Thus, “reconciliation underpins democracy by developing the working relationships necessary for its successful implementation.”⁹

GHANA—RECENT POLITICAL HISTORY: Between independence in 1957 and the establishment of the Fourth Republic in 1992, Ghana was ruled by eight different regimes, only three of which were elected civilian

governments. These elected governments spanned a period of 14 years; the remaining 34 years were military rule. Below is a table showing Ghana's regime history.

Table 1: Ghana's Post-Independence Regimes

Regime	Leader	Period Covered
Convention People's Party	Dr. Kwame Nkrumah	1957-1966
National Liberation Council	Lt General J. A. Ankrah	1966-1969
Progress Party	Dr. K. A. Busia	1969-1972
National Redemption Council/ Supreme Military Council I	General I. K. Acheampong	1972-1978
Supreme Military Council II	General F. K. Akuffo	1978-1979
Armed Forces Revolutionary Council	Ft. Lt. J. J. Rawlings	June-Sept. 1979
People's National Party	Dr. Hilla Liman	1979-1981
Provisional National Defence Council	Ft. Lt. J. J. Rawlings	1981-1992
National Democratic Congress	Ft. Lt. J. J. Rawlings	1992-2000 ⁽ⁱ⁾
New Patriotic Party	Mr. J. A. Kuffour	2001- ⁽ⁱⁱ⁾

- i. *The National Democratic Congress served two terms of four years each.*
- ii. *The New Patriotic Party won elections for its second term of office, which expires in 2008.*

Ghana's post-independence political history is replete with instances of human rights violations, which began under the Nkrumah regime, illustrated by the use of the Preventive Detention Act that led to the detention of over 300 people without trial by the time of the 1966 military coup. Subsequent regimes also dealt harshly with opposition groups, such as the National Liberation Council's practice of "protective custody" and ban of political party activity, the Busia administration's crack-down on organized labour and Nkrumah-CPP supporters, and the Acheampong regime's reputation for military and police abuses against civilians. Under Rawlings' two regimes, there were also reports of torture, the confiscation of assets, and extra-judicial detentions and killings, which includes public execution of former leaders of military regimes.¹⁰

Yet, the Provisional National Defence Council (PNDC) led Ghana into the Fourth Republic, even though many Ghanaians at the time wanted justice for the abuses by the functionaries of the previous regimes. In 2001, after eight years of rule by the National Democratic Congress (NDC), the New Patriotic Party (NPP) took power. This transition promised to encourage and promote democracy in Ghana. The idea to unite the Ghanaian people through a reconciliatory process arose as an initiative of the NPP. After discussions, the government adopted a "victim-centric approach" with a focus on reparations and giving voice to the victims of human rights abuses.

THE ESTABLISHMENT OF THE NRC: In 2000, President John Agyekum Kufuor, the newly elected leader of Ghana, was faced with demands for the government to address past human rights abuses. Initial discussions centred on whether these efforts should encompass human rights abuses that took place under civilian (constitutional rule) or military regimes (unconstitutional rule) or both. It was also considered whether the process should be focused on truth, justice or reconciliation.

The 1992 Constitution, however, indemnified all military personnel from judicial scrutiny, discounting legal redress. Kufuor's government therefore decided against including "justice" as a component of the commission. In addition, although Ghana's NRC used the South African Truth and Reconciliation Commission (TRC) as its model, it had no power to grant amnesty in exchange for full disclosure of crimes.

In December 2001, the Ghanaian Parliament passed the National Reconciliation Commission Act of 2002 (Act 611), which established the NRC to investigate allegations of human rights violations between March 1957 and 6th January 1993; it entered into force on January 11, 2002. The President, in consultation with the Council of State, appointed a committee of nine members chaired by Justice K. E. Amua-Sekyi, a retired Supreme Court Judge. In addition, the NRC has remained separate from the national court system.

THE NRC'S MANDATE: The NRC was given a mandate to seek and promote national reconciliation among Ghanaians by establishing an accurate and complete historical record of human rights abuses between March 6, 1957, and January 6, 1993. The Commission was also charged with making recommendations for the redress of victims of abuses and for institutional reforms to prevent such occurrences in the future.

Specifically, the objectives of the process were to seek and promote national reconciliation among the people of Ghana, taking into cognizance the periods of unconstitutional governments, particularly:

1. February 24, 1966 – August 21, 1969;
2. January 13, 1972 – September 23, 1979; and
3. December 31, 1981 – January 6, 1993.

To fulfill its mandate, the Commission took statements from members

of the public, and also conducted investigations and hearings. In all, the Commission received 4,240 petitions across the country, and from persons resident abroad, regarding human rights violations and abuses such as killings, disappearances, torture, sexual abuse, detentions, seizure of properties, hostage-taking, interference with the right to work, and abuse of the judicial process. The Commission heard 1,866 witnesses between 14th January 2003 and 14th July 2004. Through its investigations, the Commission sought to identify the victims, perpetrators, and various human rights violations and abuses within its target period, as well as the factors and conditions that underpinned, enabled, and accounted for those violations and abuses. The Commission presented a final report to the government in October 2004.¹¹

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