Can Truth Commissions in Africa deliver justice?

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Introduction

Uganda was the first African country to institute a 'truth commission'. In 1994, a report was published which had looked into the disappearance of people in Uganda since 25 January 1971. This Commission, the first Truth Commission in Africa, also had a mandate to inquire into violations of human rights in Uganda. The dates that the Commission had to cover in its investigations were the years stretching from 1962 to 1986, during which there had been a number of gross violations of human rights, particularly during the murderous regime of General Idi Amin.[1]

Like truth commissions elsewhere, the endeavour by the Ugandan Commission was arguably to address a perennial question which societies have to confront, and which, I would argue, they have had to confront since the beginning of modern democracy. Societies that have emerged from repression and which commit themselves to democracy always have to confront the thorny issue of what justice demands are during the repression–democracy transition, and thereafter, particularly in the normalisation process. For example, what causes the remarkable reluctance in incoming regimes, including that of South Africa, to prosecute violators and violations of human rights such as war crimes, crimes against humanity, and other serious and egregious crimes committed during the period of conflict?

There is usually much debate about whether prosecutions are worth the while of a society that might want to concentrate on other priorities. Failure to prosecute is sometimes justified by pretexts that the costs involved are not worth the exercise. Sometimes, it is a lack of political will to do it. Other popular views are that prosecutions may eliminate all chances of reconciliation; that perpetrators may well believe that, in a post-conflict situation, they no longer have a debt to pay to society; and that the most important national concern should be to reconcile the perpetrators with their victims – and in order to do so, the wrongs of the past must be forgiven, buried and forgotten.

[1] See Villa-Vicencio & Doxtader (2004:123–124).

On the other hand, the victims might – and very often do – become outraged at this 'horse trading' of the justice they sorely need because of the suffering they went though at the hands of perpetrators of gross violations of human rights. Victims do indeed sometimes understand that there may be constraints that would accompany a decision not to prosecute: costs, the ineptitude of the prosecuting authorities, evidence that has either been destroyed or lost, the fading memories of potential witnesses, the slow pace of prosecutions, corruption, ethnoracism, no real infrastructure, and so on. However, they believe a commitment by a post-repression democracy to prosecute perpetrators not only strengthens the emerging democracy's intention to uphold the rule of law concept and its values, but also serves a real symbolic purpose: it assures law-abiding citizens that, however long it may take, crime will be punished, and a culture of impunity will not be tolerated, rewarded or promoted.[1] Put differently, what post-repression societies grapple with is aptly summarised by Ivan Simonovic, Professor of Jurisprudence in the University of Zagreb Law School, Republic of Croatia.[2] The post-conflict dilemma of transitional justice usually has to answer two questions:

(1) To what extent should the truth about war crimes and human rights abuses be forgotten or established?

(2) To what extent should the perpetrators be pardoned or punished?

In the context of Uganda, for example, these vexing (and vexed) questions have currently resulted in a stalemate. Since the establishment and publication of the Uganda Truth Commission's Report,[3] peace has not returned to the country. New conflicts arose, most notably that between the current regime headed by President Yoweri Museveni and a ferocious rebel army group called the Lord Resistance Army (the LRA), led by Joseph Kony, which operates in the northern parts of Uganda and from bases in southern Sudan. There is a universal consensus today that the LRA has committed numerous abuses and atrocities, including abduction, rape, and killing and maiming of civilians – including children. The LRA are reportedly maintaining that they are fighting for the establishment of a government based on the biblical Ten Commandments. The crimes are so egregious that the Chief Prosecutor of the International Criminal Court (ICC), Luis Moreno-Ocampo, indicted Joseph Kony and his other commanders. He insisted that President Museveni had a legal duty to arrest Kony or assist in his arrest, and to hand him and his indicted officials over to the ICC for trial in The Hague.

1 Ntsebeza (2006:95–96).

2 Simonovic (2004:701).

3 1975; available at http://www.beyondintractability.org/essay/truth_commissions/; last accessed 09 December 2008.

However, and despite the Ugandan Government itself having requested the ICC to investigate the atrocities in Uganda and prosecute them, it was the Ugandan President himself who was later reported to have stated that he could not betray Kony. The President stated that, in the interest of peace, once a comprehensive peace agreement had been signed, he would not turn around – like the Nigerian authorities had done to former Liberian leader, Charles Taylor – and hand Kony and four of his commanders indicted for war crimes to The Hague-based ICC. This was largely seen as an attempt by Museveni to dispel any fears within the rebel ranks that Kony or his deputy, Vincent Otti, would be arrested once they set foot in Juba, the capital of southern Sudan, for peace talks.[4]

This whole exercise by Museveni may have been intended to appease the rebels and secure their support of the peace deal. However, in January 2008, when Museveni set 31 January as the date by which the LRA leader should have signed the peace deal, Kony rejected this ultimatum as unreasonable, claiming that it undermined the peace process and that, in any event, it was not the prerogative of the Ugandan Government to issue deadlines. If ultimatums had to be part of the process, deadlines were best set by the government of the Sudan from Juba, where the comprehensive deal was being promoted.[5] Not only was all of this a setback for the peace process, but it was also a negation of the theory that there is an 'African way' of dealing with conflict (about which more later), and that in terms of this, Africans must be left alone to find 'African solutions' for 'African problems'. Appeasement, it would appear, was not a viable option for the delivery of justice.

Even though there was considerable publicity about how the victims of LRA atrocities were quite 'happy' to be reconciled with their perpetrators, in the interests of peace and a guarantee of an end to the conflict it is clear that, to date, neither has the peace treaty been signed nor has the LRA leadership been arrested and incarcerated at The Hague. Consequently, justice has become the casualty. The people of Uganda have no truth about why the atrocities are taking place or what has happened to those who have disappeared, and neither do they have the justice to which victims are entitled in the form of retribution. Peace in the land – which could have justified, if it ever does, an abandonment of

4 http//www.globalpolicy.org/intjustice/wanted/2006/081betray.htm; last accessed 9 December 2008.

5 http//www.globalpolicy.org/intjustice/icc/investigations/Uganda/2008/0109deadline/htm; last accessed 9 December 2008.

prosecutions for that reason – has not returned. Most commentators have argued that the fickleness of the process that justifies abandonment of prosecutions in the interest of 'peace' is the very reason people claim that Truth Commissions cannot deliver justice. They ask why there are still voices that call for Truth Commissions instead of retributive justice.

It appears, though, that the question is not whether the Truth Commissions or the justice system delivers justice; rather, as it will be argued here, the question may well be whether a particular case calls for a particular response which may well justify both a Truth Commission and a process of prosecution and punishment. This was envisaged even in the case of the South African Truth and Reconciliation Commission (TRC), but was demonstrably evident in the Sierra Leonean scenario, where a Special Tribune (Special Court) was created for the prosecution of more serious crimes, and a TRC was established for the rest. In the Ugandan situation, the jury is still out as to whether the Sierra Leonean model could be emulated, except that where the ICC is now in place, as it is, there would be no need to create a 'Special Court'.

Why a Truth Commission?

Why do communities even contemplate not prosecuting offenders? In the South African landmark case commonly known as the *AZAPO* case,[6] the late South African Chief Justice, Mahomed CJ (as he then was), in articulating why in the context of that country there had been a need for a TRC, referred to a much-quoted statement attributed to Judge Marvin Frankel,[7] which is worth recalling here in full:

> The call to punish human rights criminals can present complex and agonizing problems that have no single or simple solution. While the debate over the Nuremberg trials still goes on, that episode – trials of war criminals of a defeated nation – was simplicity itself as compared to the subtle and dangerous issues that can divide a country when it undertakes to punish its own violators.
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> A nation divided during a repressive regime does not emerge suddenly united when the time of repression has passed. The human rights criminals are fellow citizens, living

6 *Azanian People's Organisation (AZAPO) & Others v The President of the RSA & Others* (1996)(4) SA 684 (CC).

7 See Frankel & Saideman (1989:103–104).

> alongside everyone else, and they may be very powerful and dangerous. If the army and the police have been the agencies of terror, the soldiers and the cops aren't going to turn overnight into paragons of respect for human rights. Their numbers and their expert management of deadly weapons remain significant facts of life. The soldiers and the police may be biding their time, waiting and conspiring to return to power. They may be seeking to keep or win sympathizers in the population at large. If they are treated too harshly – or if the net of punishment is cast too widely – there may be a backlash that plays into their hands. But their victims cannot simply forgive and forget. These problems are not abstract generalities. They describe tough realities in more than a dozen countries. If as we hope, more nations are freed from regimes of terror, similar problems will continue to arise.[8] Since the situations vary, the nature of the problems varies from place to place.

The notion of *justice*

Justice, as most societies have known it, is of the retributive type – an eye for an eye, a tooth for a tooth – with some modernist embellishments in diction that do not succeed in completely hiding the fact that retributive justice simply means that those who upset the moral order and subvert accepted societal moral codes by their violative behaviour will be punished as a way of society demonstrating its disapproval of their unacceptable conduct. The more gross the violation – rape, murder, abduction – the more society clamours for revenge, for retribution.

If one member of society has killed another, depending on how shocking and imaginably painful and egregious the murder was, the more society, in its name, demands a no less vengeful act – hence, death sentences and the rituals that are gone into in the execution thereof. After a perpetrator of a murder has been met with a sentence of death, in most communities it is either always or at least often accompanied by expressions of justice having been done. The logic of it takes a unilinear trajectory: the perpetrator killed, so s/he must also be killed. If a perpetrator commits a crime in the neighbourhood, so vile and outrageous that sometimes communities take the law into their own hands, so to speak, and chase the suspect and execute him or her; this is also sometimes seen as 'justice'.

During the struggle days in South Africa – particularly in the 1980s to 1994, after which a democratic government was established in South Africa – there

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8 *Sustainable Democracy and Human Rights, Occasional Paper Series (3), The Truth and Reconciliation in Democratic Transition: The South African Example*, p. 37–38.

was a particularly gruesome method of killing that was meted out against people who were suspected of being informers for the apartheid state. It was called *necklacing*. The hapless suspect, sometimes only on mere suspicion, would be kidnapped and brought to a public place; a tyre would be put around his/her neck, petrol poured over him/her, usually his/her hands and feet would then be manacled; in this state s/he would be beaten and/or stoned, and then set alight. Even in the context of this viciousness, the view would be expressed that 'mob justice' had been short, swift and sweet: an evildoer had been given a dose of his or her own medicine.

Therefore, retributive justice is, in a sense, a vengeful exertion of inconvenience, sometimes visiting pain and/or suffering – and, in some jurisdictions, even death – on a perpetrator by those who claim entitlement to do it in the name of the victim or of the people.

On the other hand, as Charles Villa-Vicencio[9] writes, the South African TRC was informed by a postamble that called upon the South African people to transcend the divisions and strife of the past that had resulted in gross violations of human rights and violent conflicts that had transgressed humanitarian principles. That past had been marked by racial hatred, fear, guilt and revenge. Justice, however, so argued the authors of the Interim Constitution in the postamble, could be still served if society appreciated that, in order to transcend the evils of the past, there was a need for understanding, not vengeance; a need for reparation, but not retaliation; a need for *ubuntu*,[10] but not victimisation.

It is against his backdrop that the notion of *restorative justice* came to the fore. Generally, restorative justice prioritises beneficence to victims and survivors.[11] This victim-centred justice required Truth Commissions to approach even the task of listening to victims' accounts of their suffering with care and dignity, and in a manner that restored to the victims of human rights abuses the dignity which they had lost in their previous dealings with officialdom. The essence of this form of justice is powerfully described by Elizabeth Kiss,[12] who wrote that, in order to achieve this kind of justice for victims, Truth Commissions invented new practices and norms – respectfully listening, allowing people to tell their

9 Villa-Vicencio & Doxtader (2004:3–4).

10 See later herein.

11 Villa-Vicencio & Doxtader (2004:3–4).

12 See Kiss (2000:73–74).

stories without interruption, singing and praying with them, visiting sites of atrocities with them – a kind of justice that requires an inclusive remembering of painful truth about the past, and a commitment to allow victims to tell their stories. This is in line with what Villa-Vicencio has also said,[13] namely that it is important to ensure that society gives the victim equal status to anyone else, which then redresses the implied imbalance of human worth between perpetrator and victim. The greatest accomplishment, particularly in a transitional society, is when restorative justice achieves the three interrelated steps identified by Villa-Vicencio,[14] namely –

- the acknowledgment of resentment among victims and survivors, as well as the justified moral outrage of society
- the addressing of the material needs of victims and survivors, and
- the restoration of relations between victims and survivors, on the one hand, and perpetrators of the crimes against them, on the other.

Nor does restorative justice preclude punishing the guilty, according to Kiss, because punishment and forgiveness, as alternatives, are both ways of attempting to put an end to a cycle of vengeance, of action and reaction.[15] In this kind of justice, forgiveness or reconciliation is emphasised over punishment, as is the humanity of both victim and offender.[16] The most important thing about restorative justice, and what makes it salutatory, is that it does not seek to ignore the past, particularly when perpetrators – as was the case in the South African TRC (and in Sierra Leone and Liberia) – were enjoined to make a full disclosure of their violations, in public, in the glare of national (and even global) media. In some cases, these disclosures were being heard for the very first time by the perpetrators' spouses, their friends and their children, and the darker side of their lives was being exposed in public. Perpetrators were running the gauntlet of public dismay, censure, and ostracism. The added social opprobrium that came with such societal demand for public accountability by perpetrators constitutes, I would argue, as heavy or telling a blow as a jail sentence itself (or even perhaps more so). Public disclosure of egregious crimes is a process that traumatises the perpetrators in the course, and aftermath, of their public confessions of their dark pasts. However, it also produces unintended consequences, and victimises the innocent spouses and children; hence, a need arises for society to reintegrate

13 (ibid.).
14 (ibid.:37).
15 (ibid.:80).
16 (ibid.:80).

not only the perpetrators, but also the victims of the unintended consequences of their confessions. That, I argue, is an element and an imperative of justice in and of itself.[17]

Truth Commissions in Africa: Will they deliver justice – any justice?

I am puzzled by the question: why Africa? It cannot be suggested that Africa has been singled out because it is a continent in which war crimes and crimes against humanity take place, even though this is so. Even though there may be more international crimes that have been committed in Africa in the recent past than elsewhere – even if that conclusion is not a subject of scientific research – it is arguable that, whilst Africa has its own fair share of egregious crimes for which there have been no satisfactory remedial measures (the Zimbabwe situation is a case in point), Africa does not have the monopoly over international crimes. At the beginning of this paper, I alluded to the situation in Uganda. I also mentioned Sierra Leone as a country in which both a Special Court and a TRC were established in order to deal with that country's horrendous past. Other African countries that have had Commissions seeking to address the past are Burundi, which established an International Commission of Inquiry to cover the period 1993–1995, which delivered a report published in 1996. Ghana established a National Reconciliation Commission to cover the years 1957 to 1999, although its report is still outstanding. Chad established a Commission of Inquiry into the crimes and misappropriations committed by ex-President Habre, his accomplices and/or accessories to cover the period 1982–1990; the Commission's report was published in 1992. The Democratic Republic of Congo set up a TRC in 2004, as did Liberia in 2006.

With respect to Liberia, on 8 December 2008, a list of potential perpetrators whom the Liberian TRC wished to interview was published. The Liberian TRC is responsible for investigating the root cause of the conflict in Liberia, correcting historical inaccuracies, and bringing truths to light.[18] This TRC seeks not only to create an independent and accurate record of the rights violations and abuses as a result of the conflict of the past, but also to build the foundation for justice and reconciliation. The expectation is that this approach will foster

17 See Ntsebeza (2000:164).

18 See https://www.trcofliberia.org; last accessed 10 December 2008.

national repentance and *strike the delicate balance* between accountability and forgiveness, in order to heal the land and unite the people.[19]

This paper argues that, in Africa, there seems to be a trend to bring about justice in all its dimensions, and Truth Commissions seem to be one of the preferred mechanisms resorted to now fairly frequently on the continent to achieve that objective.

Ubuntu

There is a view that the notion of *ubuntu* has its foundation in traditional societies, mostly African. There is some measure of acceptance of this view – even by people from a Western culture. At an amnesty hearing in Cape Town on 10 July 1997, Pieter Biehl, Amy Biehl's father, acknowledged this when he spoke at the amnesty hearing into the killing of his daughter by followers of the Pan-Africanist Congress of Azania. Stating that the process of granting amnesty was "unprecedented in human history", he told the Amnesty Committee that they, as Amy's parents, would not oppose amnesty if it was granted on merit because they realised that –[20]

> ... in the truest sense, it is for the community of South Africa to forgive its own and this has its basis in traditions of *Ubuntu* and other principles of human dignity.

Ubuntu has been understood and articulated by many to mean "humaneness, or an inclusive sense of community valuing everyone".[21] For others, it is a word that implies both "compassion" and "recognition of the humanity of the other".[22]

The learned authors Asmal et al.[23] argue that those who insist on automatic trials as the only legitimate manner in which to mete out justice generally ignore the concept of *ubuntu*. They believe it is not enough to demand systematic trials as the automatic means of dealing with the past: one also needs to demonstrate that the trials would maximise the underlying value of *ubuntu*.[24]

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19 (ibid.).
20 See Sarkin (2004:223).
21 See Minow (1998:52).
22 See Asmal et al. (1996:21).
23 (ibid.).
24 (ibid.).

In some African countries, like Rwanda, where prosecutions were preferred over Truth Commissions, traditional methods of conflict resolution were eventually also relied upon. In the same way that *ubuntu* was relied upon in the South African amnesty process, in Sierra Leone, and even lately in Uganda's negotiations with the LRA, it would appear that *ubuntu* is the notion that has informed the Rwandese authorities to establish what it has termed *gacaca* courts. Writing in a journal published online on 14 November 2006, Coel Kirby[25] observed that the new courts are inspired by traditional dispute resolution mechanisms. Judges are elected by popular vote to hear cases such as murder, assault and property offences. The setting is less formal than criminal courts, and promotes confessions from perpetrators and forgiveness from survivors. Coupled with this process are two related schemes for victim compensation and community service for those convicted. The judges are laypersons, and yet are involved in complex legal adjudications. The accused have no right to legal representation, nor do they have a right of appeal to the domestic courts. Kirby concludes that, whilst the courts hold much promise of reconciling a deeply divided society, redressing the needs of the victims should become a priority.[26]

It is submitted that, even in Rwanda, where no formal TRC was established, the Rwandese society soon sought other mechanisms to address the needs of both retributive and restorative justice, by way of dealing with the massacre and its aftermath.

For me, *ubuntu* – a word and a value that seems to be found in the traditions and idioms of most if not all the countries and cultures on the African continent – must mean much more than just "humaneness". It does not seem to be capable of being explained in one word only. Whilst it indeed entails humaneness, it also includes the sense of kindness, nobleness (not just nobility), considerateness, humility, humbleness, the ability to forgive, understanding, the ability to empathise, the ability to sympathise, and the ability to grieve with someone in their moment of grief and pain; it entails sharing, brotherhood, sisterhood, compassion and so many other values that go with these multiple notions of being a good human being. Hence, *Umuntu ngumuntu ngabantu*[27] – literally, "a person is a person through other persons".

25 Text available at http:///journals.cambridge.org/action/displayabstract/sessionid=96D663F3C0F57OE; last accessed 10 December 2008. At the time of his publication (2006), Kirby was attached to the University of the Western Cape's Community Law Centre.

26 (ibid.:Abstract).

27 See Ntsebeza (2005).

Case study – Sudan

On 18 September 2004, the UN Security Council, acting under Chapter VII of the UN Charter, adopted Resolution 1564 in terms of which the then Secretary-General, Kofi Annan, was mandated to –

> … rapidly establish an international commission of inquiry in order immediately to investigate reports of violations of international humanitarian law and human rights law in Darfur by all parties, to determine also whether or not acts of genocide have occurred and to identify the perpetrators of such violations with a view to ensuring that those responsible are held accountable.

In October 2004, I was honoured in being appointed by the UN Secretary-General, together with Antonio Cassese (Chairperson), Mohamed Fayek, Hina Jilani and Therese Striggner-Scott, as members of the UN Commission of Inquiry (UNCOI) on Darfur. We were requested to report on our findings within three months. We were supported in our work by a Secretariat and staff that included a legal research team, investigators, forensic experts, military analysts, and investigators specialising in gender violence – all appointed by the Office of the High Commissioner for Human Rights. Throughout our mandate period, we consulted the Government of Sudan in meetings in Geneva and Sudan itself, as well as through the work of the investigators. During our presence in Sudan, we held extensive meetings with government representatives, governors of the Darfur states, and other senior officials in the capital and at provincial and local levels. We also interviewed members of the armed forces and the police, leaders of rebel forces, internally displaced persons, victims and witnesses of violations, national government officials, and UN representatives.

Findings of the Commission

On 25 January 2005, we reported to the UN Secretary-General.[28] We had found, inter alia, that from February 2003 to mid-January 2005, grave human rights violations had occurred and been committed by all parties to the conflict. In particular, we found that, in Darfur, the Sudanese Government armed forces and militia under their control – the Janjaweed – had attacked civilians and destroyed and burned down civilian villages, and that rebel forces had done the same, but

[28] Text available at http//www.un.org/news/dh/sudan/com_inq_darfur.pdf; last accessed 8 December 2008.

on a much smaller scale; that unlawful killing of civilians by both the Sudanese Government armed forces and the Janjaweed had taken place, and that the killings had been widespread and systematic.

Furthermore, we found that the Sudanese Government armed forces and the Janjaweed had committed rape and other forms of sexual violence in a widespread and systematic manner, and that they had committed torture and inflicted inhumane and degrading treatment as an integral and consistent part of attacks against civilians. They had also forcibly displaced the civilian population in a widespread and systematic manner.

Our report further stated that the Janjaweed had abducted women, and the Sudanese Government security apparatus had arrested and detained persons in violation of international human rights law, again as part of widespread and systematic attacks against civilians. We had also found that the victims of attacks by the Sudanese Government armed forces and the Janjaweed had belonged mainly to the Fur, Zaghawa and Massalit tribes, and that the discriminatory nature of the attacks might constitute persecution.[29]

Indeed, as a consequence of our findings, which were accepted by the UN Security Council, it referred the entire situation in Darfur to the ICC for further attention. ICC Prosecutor Moreno-Ocampo has since indicted three top government officials in Sudan for international human rights violations amounting to war crimes and crimes against humanity. Those indicted to be tried include the Sudanese President, Omar Al-Basheer.

Conclusion

The question might arise as to whether or not we, as members of the UNCOI on Darfur, considered the establishment of a TRC in Sudan. In our report,[30] we stated that we had indeed considered whether a Truth Commission was an option for the resolution of the humanitarian crisis in Darfur.. We unequivocally articulated that, in post-conflict societies, there would always be a place for TRCs, precisely because they could play an important role in ensuring justice and accountability. As stated at the beginning of this paper, by their very nature, criminal courts may not be suited to reveal the broadest spectrum of crimes that have taken place

29 See Ntsebeza [Forthcoming].

30 UNCOI (2005:156–157, paras. 617–621).

during a period of repression, partly because they may convict only on proof beyond reasonable doubt. In situations of mass crime, such as those that have taken and regrettably continue to take place in Darfur, a relatively small number of prosecutions – no matter how successful – may not completely satisfy victims' expectations of acknowledgement of their suffering. What was important in Sudan, we concluded, was a full disclosure of the whole range of criminality. However, we argued that the final decision regarding whether a TRC would be appropriate for Sudan and, if so, at what stage it should be established, were matters that only the Sudanese people should decide through a truly inclusive participatory process. Those decisions, we argued, *should ideally occur* when the conflict was over and peace had been re-established, and as a *complementary* measure to criminal prosecution, which should be set in motion as soon as possible – even if the conflict was still under way – with a view to having a deterrent effect, that is, stopping further violence (my emphases). Furthermore, decisions should ideally be taken on the basis of an informed discussion among the broadest possible sections of Sudanese society, which would have taken into account international experience, and, on that basis, would assess the likely contribution of a Truth Commission to the Sudan.

We concluded that recent international experience had indicated that Truth Commissions were likely to have credibility and impact only when their mandates and composition were determined on the basis of a broad consultative process, including civil society and victims' groups. Commissions established for the purpose of *substituting justice* and producing a distorted truth should be avoided (again, my own emphasis). It is a position I still believe is a correct one.

From everything that has been said in this paper, it seems to me the question cannot and, indeed, should not merely be whether Truth Commissions do in fact deliver justice in Africa – or Burma, Thailand, Yugoslavia, or anywhere else. The real question would seem to be one that asks about the circumstances in which it can be said Truth Commissions can and do deliver justice, and what type of justice it is they deliver. I would hope that this paper has been a foundation for a debate of *that* question, rather than the one asked. It is fair to say that a simple answer to the topic question would be that Truth Commissions do deliver a justice of a particular type – depending on the timing, context and kind of justice a particular society expects.

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APPENDIX

African (Banjul) Charter on Human and Peoples' Rights