

How is Seychelles Dealing With its Past? Expectations and Realities

Diana Benoit

Introduction

Finding the truth is the bedrock of the Truth, Reconciliation and National Unity Commission (TRNUC)¹ of Seychelles. With a three-year mandate that started in August 2019, the commission's objectives, *inter alia*, are to deal with alleged human rights violations and ultimately heal the wounds of the people of Seychelles.

The government of Seychelles, a small island state in the western Indian Ocean, set up a transitional justice system to deal with the country's past, in particular incidents related to the *coup d'état* of 1977 and its aftermath. This came after much internal public interest and political debate; and to some extent the external influence of international human rights groups. For years, Albert René's regime² was subject to pressure by the opposition parties who wanted the country to take action and investigate these alleged politically motivated human rights violations. This escalated during the presidency of René's successors, James Michel from 2004 to 2016 and Danny Faure from 2016 to 2020. The situation intensified when, in the 2016 parliament election, the liberal political coalition *Linyon Demokratik Seselwa* (LDS)³ won a majority of seats in the parliament. The shift in political climate enabled a strong opposition to advocate and successfully guide the setting up of the Seychelles truth commission. It can therefore be argued that the TRNUC was an undertaking for politics as much as for redemption and that it was weaponized to drive the former regime out of office.

The build-up of such a controversial and politically motivated process stems from events during the Second Republic from 1977 to 1993, and, as it happened, it attracted undue public expectation outweighed by the reality of the many challenges and limitations facing the

¹ Refer to the TRNUC website for more information: <https://trnuc.sc/>

² France Albert Rene, was the longest-serving authoritarian ruler from 1977 until he retired in 2004. He created the Seychelles People's United Party (SPUP) in 1964. Following the *coup d'état* of 1977, René's party occupied the highest office in the country and it wasn't until October 2020, that for the first time, an opposition leader was elected President of the Republic of Seychelles.

³ *Linyon Demokratik Seselwa* can be translated in English as the Seychellois Democratic Union.

TRNUC. The Seychelles truth commission is a non-judicial, transitional justice mechanism that aims to unite the Seychellois and help them move on from a negative past. To achieve this, the commission invites victims in front of its panel of commissioners to publicly share their stories. Named witnesses and perpetrators are also invited to share their testimonies, all of which are then collated and analysed before the commission can present its final decisions and recommendations to the President of the Republic. By opting for a truth commission that seems more suitable to the local context, Seychelles is compelled to demonstrate a transparent and peaceful reconciliation process. But the achievability of these objectives maybe questioned as many key determinants lie outside of the commission's power and mandate.

First, this article analyses the impacts of capacity and resource constraints on the work of the commission. Second, in examining the mandate of the commission and its methodologies, the article explores the importance of public hearings and how Information Communications Technologies (ICTs) are facilitating the process as much as hindering the work of the commission in terms of bridging divisions between people. Finally, the link between truth and forgiveness is explored using examples from some of the active cases since the first public hearing in September 2019 to date. The article argues for the victim's right to the truth as a fundamental element within the transitional justice discourse and acknowledges the importance of forgiving and being forgiven.

The challenges and limitations

For months, the signs were already showing that, in practice, the work of the truth commission was going to be very challenging without an adequate budget to support the work of the commissioners and staff. In *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*, Hayner outlines the basic questions of methodology and operations of truth commissions by providing a step-by-step account of when and how to set up a truth commission; and who should staff the commission, amongst many other useful analyses. According to Hayner:

Truth commissions are almost never smooth, pleasant, well-managed, well-funded, politically uncomplicated bodies. On the contrary, most struggle daily with a barrage of methodological, operational, and political problems, and operate under extreme pressures of time and under the heavy moral and emotional weight of their task and the risk of damaging error in their conclusions.

(Hayner, 2010, p.2010)

In the context of Seychelles, even with a population of less than 100, 000,⁴ the challenges and limitations faced by the commission is comparable to a great extent with Hayner's analysis. An interview with the Chairperson of the commission, Gabrielle McIntyre, in June 2021, confirms that extreme resource constraints coupled with tremendous workload were causing serious workload stress for the commissioners with Gabrielle as the only one who is legally trained and experienced in transitional justice. Nearly two years on, the TRNUC has been:

... systematically denied the minimum resources it needs to carry out its mandate from the outset of its operations in violation of Section 15(2) of its Act: 'The Commission shall be allocated a budget from the Consolidated Fund to cover its operation, including the remuneration of Commissioners and support staff'.⁵

Being under-resourced as a result of receiving a budget that does not significantly support the commission's work and its broad mandate has limited the number of tasks that the commissioners and staff could accomplish. In addition to this, due to the budgetary constraints the commission is unable to provide the necessary support for the wellbeing of the commissioners who listen to horrific stories for many months on end. However, without a proper in-depth analysis, it is difficult to assess whether or not there might be any adverse psychological effects on the commissioners. The TRNUC has only one victim support officer and this is not sufficient to cater for the needs of all the complainants who need additional support and counselling. The commission continues in its effort to request volunteer assistance from the public to support its work.

The virtual audience

The commission's public hearings are broadcast live on the television and the Internet. ICTs enable the truth commission to bring the victim's stories to the public, and through the Internet the sessions transcend physical boundaries and become instantly connected to the rest of the world. The benefit of ICTs is that they also keep a record of the hearing sessions which can then be downloaded for future use.

The announcement of a truth commission to drive the truth and national reconciliation process in Seychelles conveyed mixed emotion for those impacted by the *coup* and for the public. For many, the anticipation was that, although the process was a long time coming, it would not only shed light on the past but also prevent similar incidents from recurring. At the outset, people tuned into the TRNUC hearings, which was *the* topic of conversation not only

⁴ The population of Seychelles stood at 99,202 at June 30, 2021.

⁵ Extracted from TRNUC Hearing 161 on June 7, 2021.

for Seychellois living in Seychelles but also for the Seychellois diaspora. A few months later, the excitement of the new chapter for Seychelles quickly shifted to public criticism on different social media sites – often referred to interchangeably as social networking sites, or ‘websites which make it possible to form online communities and share user created content’ (Kim, Jeong, and Lee, 2010). Thus, social media sites give people a choice of online platforms to socialise, share opinion and speak truth to power.

Before the TRNUC hearing on March 9, 2020, the Chairperson, expressed concern about how the social media sites are negatively impacting the work of the commission. As a direct result of this, there was an increase in the number of complainants and witnesses who subsequently requested to appear before the commission in non-public hearings because they were being bullied and harassed. The Chairperson maintained that:

... [t]he Commission would like to underscore that while it respects the right of persons to criticise and comment on its work, the overall objective of the Commission of achieving reconciliation of the people of Seychelles through a shared understanding and appreciation of the context of past human rights abuses is being seriously undermined by bullying on the social media.⁶

The TRNUC Chairperson also indicated that the negative online commentaries could potentially discourage the named perpetrators from coming before the commission and giving honest and detailed accounts of their involvement in specific incidents. To date, the commission is unable to determine whether the plea made last year had any impact, but it should be noted that, over time, the number of complainants requesting non-public hearings has not decreased but rather increased in number. Further research needs to be conducted to determine why deponents opt for a non-public hearing, and the impact that this will have on putting together the pieces and establishing the true story.

Social media sites, such as Instagram, Facebook and Twitter, permit both synchronous and asynchronous communication that can be viewed by anyone or by a specific group of people. Popular social media sites amongst Seychellois are Facebook and Instagram; the former is the most popular site used by 50.73% of the Seychelles population and the latter by 20.78%.⁷ Therefore, those social networking sites can easily be used by individuals and groups for social, academic, business, religious or political agendas. They are especially popular in Seychelles as they are easily accessible. Nonetheless, many people are using these social networking sites for cybercrimes including bullying and other forms of harassment that, more often than not, escalate to the physical world. Best, Manktelowa and Taylor (2014), have

⁶ See the TRNUC Hearing 56 on March 9, 2020 available at:

<https://www.youtube.com/watch?v=7QOOqMmOUUc>

⁷ <https://gs.statcounter.com/social-media-stats/all/seychelles>

reviewed current empirical research on the impact of online communication and social networking sites on the mental wellbeing of young people. Using Hinduja and Patchin's (2010) definition of cyber-bullying 'wilful and repeated harm inflicted through the use of computers... and other electronic devices' (p.33), Best *et. al.* reiterate that online harassment is a mental wellbeing issue. Online users have a choice of using either their real identity or creating fake profiles and the latter makes it difficult to trace those involved in cyberbullying. This is something that has troubled the commission since the beginning. Cyberbullying may have devastating consequences for the victims and, in many cases, the cybercriminals cannot be easily traced if they are hiding behind fake profiles.

People's right to the truth

The *coup* was a tragic event that instigated systematic alleged incidents that the TRNUC is mandated to investigate. The commission reinforces the right of the Seychellois to the truth, especially the victims of human rights violations related to the *coup* that occurred one year after Seychelles gained its independence from the British. In the context of Seychelles, for years people were demanding justice and reiterating their rights to know the truth in order to get closure and to move on. This has sparked many debates and discussions on the executive, at parliament and community level.

Each year, since 2011, on March 24, the UN has promoted the importance of human rights and victims' right to truth and justice. This is done through a series of activities to commemorate the 'International Day for the Right to the Truth Concerning Gross Human Rights Violations and for the Dignity of Victims'. In his 2021 message to commemorate this day, António Guterres, the UN Secretary-General, stated that '[t]he truth is an empowering and healing force. We embrace it for the past, the present and the future'. The UN chose March 24 because on that day, in 1980, Archbishop Oscar Arnulfo Romero was assassinated, after he denounced the systematic human rights violations that took place in El Salvador (UN Security Council, 1993). Being declared one of the many UN international days observed annually across the world, further emphasizes the important role of the truth commissions to bring about truth and reconciliation.

In a study conducted by the Office of the UN High Commissioner for Human Rights in 2006⁸, it was concluded that:

... the right to the truth about gross human rights violations and serious violations of human rights law is an inalienable and autonomous right, linked to the duty and obligation of the State

⁸ Refer to the OHCHR report for the complete list of conclusions and recommendations.

to protect and guarantee human rights, to conduct effective investigations and to guarantee effective remedy and reparations. This right is closely linked with other rights and has both an individual and a societal dimension and should be considered as a non-derogable right and not be subject to limitations.

(Office of the UN High Commissioner for Human Rights, 2006)

Seeking the truth is a key component in the healing process for victims of gross human rights violations. The truth enables victims to gradually overcome the physical pain and psychological trauma, restore their dignity and gain closure. This process is also important for the victim's family and loved ones as they, too, are impacted by the incidents that occurred. It is important to acknowledge that the Seychelles TRNUC has been able to give closure to some victims and their families through the public hearings; and some victims have forgiven their perpetrators. It may not, quantitatively, be a huge accomplishment in terms of the number of cases lodged, but it is a significant step for the commission to gradually draw closer to its main objective in uniting the people of Seychelles.

Truth before forgiveness

Truth. A five-letter word that has the power to bring people together and change the course of their future. It is the foundation of the truth commission, hence its name. In order for people to get closure, especially in serious cases involving the disappearance and/or death of a loved one, the truth helps to put together the missing pieces of the conundrum. Without those pieces, truth commissions will not be able to achieve their objective, which is essentially to seek the truth. However, many perpetrators are not coming forth to tell the truth and it can be argued that this is going to greatly impact the work of the TRNUC. To put this into context, a brief overview of the cases filed provides a picture of the number of complaints and the number of perpetrators who have willingly confessed and asked for forgiveness.

499 cases were filed before the TRNUC before the February 9, 2020 deadline, which is within six months of the commission commencing its mandate as stipulated in Section 3(4) of its Act. Of these 499 cases, the commission determined 379 *prima facie* admissible on the basis that the alleged human rights violations relate to the *coup*; 40 inadmissible as they did not meet the *prima facie* requirements; 34 retracted by the complainants, and 46 are awaiting eligibility determinations since the complainants are yet to provide sufficient information for that determination to be made. Only around 6 cases out of those 46 submitted the required information for their respective case to be heard, and the remaining 40 cases remain dormant. Thus, to date, the TRNUC is dealing with around 400 active complaints.

Many named perpetrators have appeared before the TRNUC, but to date the commission has not conducted any formal amnesty proceedings. Out of the 400 active cases, perpetrators in only 6 cases have told the truth about their involvement in some of the incidents. For instance, during the TRNUC hearing 161, on June 7, 2021, in case 0405, the complainant Peter Henri accepted the forgiveness of one of the perpetrators, Elvis Dingwall, who was present on December 23, 1991, when he was beaten and slashed with a dagger. Sitting next to his victim, Elvis said:

Mr. Henri, forgive me I was in that group, even if I wasn't the one who was the main aggressor, but I was involved in it. I ask you for forgiveness at the bottom of my heart, it was never my intention and in front of God [...] I want this burden to be lifted [...] I want to be set free in front of God and today I want you to also set me free.⁹

In the public hearing, Elvis, a former army lance corporal, explained how he and a private from the army camp, were instructed by a corporal to follow Peter and his friend because they were wearing branded t-shirts for the *Parti Seselwa*, an opposition political party. Elvis confessed that he did not personally beat and cut Peter but he felt that he needed to reveal his involvement in the crime and ask for forgiveness for his own redemption. Elvis also informed the TRNUC that following this incident, he left the army in 1993 and became an opposition activist and thereafter he too was victimised.

Case 0405 is one of the many cases whereby perpetrators confirm that their involvement in the alleged human rights violations were as a result of direct orders from their supervisors. Hitherto, this case is one of only a few that resulted in truth and forgiveness between the victims and perpetrators. This represents a very small number, when taking into account that in three months-time, the TRNUC will complete the second year of its three-year mandate. Further research needs to be conducted to investigate the reasons why perpetrators are reluctant to apply for amnesty under the condition that they come forward to tell the truth as per Section 12 of the TRNUC Act. In the case of the South African Truth and Reconciliation Commission, amnesty was used as a tool to extract ‘the truth about the past’ (Graham, 2003).

Terms of forgiveness

Before each TRNUC hearing, deponents swear to tell the truth and nothing but the truth, and one of the aims of the commission is to promote truth, forgiveness and reconciliation. When it comes to forgiveness, not all victims are willing to forgive those who wronged them because of the anger, hurt and resentment they have bottled up for so long. So, what is forgiveness

⁹ Extracted from Elvis Dingwall’s testimony in TRNUC hearing 161 on June 7, 2021.

and why should one forgive? In *Beyond revenge: The evolution of the forgiveness instinct*, McCullough used the disease model to explain the importance of forgiveness for one's emotional and mental well-being:

Looking through the lens of the disease model, many contemporary mental health professionals see forgiveness as the best “treatment” for vindictiveness and resentment - like a cure for a disease, an antidote for a poison, or a balm for a wound.

(McCullough, 2008, p.8).

For a person who has been ‘victimized, ostracized, criticized, or antagonized’ (*ibid*, p.39), it is easy for one to consider revenge. However, for one's wellbeing, forgiveness and healing is strongly recommended within the restorative justice process, which is also incorporated within the function of a truth commission.

In TRNUC Sessions 26 and 45, the victims chose to forgive their perpetrators under one condition.

On November 11, 2019, in Session 26, the complainant in Case 053, Mivonne Barallon, set out her complaint in relation to her unlawful dismissal, on May 15, 1981, as a police officer. Regarding the forgiveness of those who victimized her, Mivonne said that she forgives the late James Pillay, who was the first Seychellois Commissioner of Police since the *coup*.¹⁰ As for the other perpetrators from Albert René's regime who are still alive, she wants them to come forward and seek forgiveness from her before she can forgive them. Mivonne expressed to René that even if he took away her salary and police uniform, he did not take away her intelligence and her dignity. She hoped that at least someone from Danny Faure's government could also present an apology for what happened to her. ‘How can one man destroy so many lives?’ Mivonne questioned. Despite this, she was willing to forgive René as long as he first asked for her forgiveness. Mivonne concluded that ‘we have to forgive, you know, because hate – hate is a pill that you swallow thinking that it will hurt your enemy, it end up like hurting yourself’.¹¹

In Case 0108, the complainant, Myrna Issack, told the commission in Session 45 on February 7, 2020, how she learned of the death of her former husband Michael Hoffman who died in an incident at Port Glaud on July 22, 1983. During the said incident, Sonny Elizabeth also

¹⁰ In 1966, the person in charge of the police force was referred to as the Commissioner of Police. Prior to that the title was Chief Police Officer. For more on the history of the Seychelles police force read <https://www.police.gov.sc/about-us/history>.

¹¹ Extracted from her testimony in TRNUC hearing 26 on November 11, 2019.

lost his life and the sole survivor was Brian Victor. Myrna, was accompanied by her daughter Hazel Hoffman who was only three years old at the time. It was only recently that Myrna and Hazel learned of the details leading to the killing of Michael and Sonny. This was during Session 36 on January 3, 2020 when Brian, the complainant in Case 016, told his story to the commission. During his public hearing, Brian named Jemmy Marengo as the person who lured Michael and Sonny to the ambush where several soldiers were waiting in hiding. When questioned about forgiveness of the perpetrators, especially Jemmy who was named by the witness, Myrna and Hazel had opposing opinions. Myrna was willing to forgive Jemmy despite not knowing him and only hearing his name recently. At first, Hazel was not ready to forgive those responsible for her father's death. The emotional pain of growing up without her father and her father not being around to see his grandchildren, is still worse than any physical pain. Then Hazel reconsidered and maintained that if Jemmy asked the Hoffman, Elizabeth and Victor families for forgiveness before the commission, then she would be ready to forgive him.

Despite the circumstances surrounding the TRNUC, the public hearings have enabled, on the one hand, some Seychellois families to speak freely and get some form of closure. On the other hand, they have allowed the public to know what happened to those families and why, later, the commission will recommend specific recommendations for them. Nonetheless, for the process to become successful, people have to be willing to speak freely and openly to create a sense of common purpose for the nation.

Speaking freely

TRNUC creates a truth-telling platform, a 'safe space' for victims and perpetrators to share their stories publicly. The truth commission represents a platform for truth and catharsis. The politically motivated demands for this investigative process will subsequently produce a historical record of past events with the hope that they never happen again. More importantly, the commission provides victims, previously unheard and unknown, with a public audience. The TRNUC Act 2018, makes provision for the hearing to be held in public. Yet, it does not coerce victims and perpetrators to present their case publicly. Rather, TRNUC considers non-public hearings on the grounds that they will lead to justice and reconciliation; and prevent harm of any individual.¹² One may wonder why the need to emphasize a public hearing. Why should a victim, already traumatized and suffering, be expected to relive a disturbing ordeal, let alone in front of the whole world? Will it not humiliate the victims to re-enact a traumatic

¹² Refer to the Truth, Reconciliation and National Unity Commission Act 2018. Available at: <https://seylia.org/sc/legislation/act/2018/9>

experience in front of the public and the perpetrators? Will the process not awaken the pain of the trauma? Many writings on the subject suggest that, on the contrary, a public hearing is a crucial component of transitional justice and it should not be regarded as ‘putting on a show’, whereby the victims are the ‘performer’ and the public is the ‘audience’. Castro, in *Not Being Able to Speak Is Torture: Performing Listening to Painful Narratives*, argues that ‘the voices of those impacted by violence need to be solicited, heard and offered space and time within truth commissions, tribunals and the wider social arena’ (2020).

As mentioned before, like many other countries that considered truth commissions for dealing with past human rights violations, the TRNUC uses mass media to broadcast its public hearings. For instance, the South African truth commission used the South African Broadcasting Corporation (SABC) to broadcast the hearings from April 1996 to March 1998 (South African Broadcasting Corporation). More recently, Colombia’s truth commission, with a three-year mandate, heard cases until November 2021, but had to make changes to its procedures because of the COVID-19 pandemic. Thus, in 2020 and 2021, Colombia’s truth commission moved from a conventional setting to a more modern one, by incorporating the use of online platforms such as YouTube, Facebook and Zoom to conduct its public hearings (Liévano, 2021). Similarly, Seychelles’ truth commission uses the local television and radio stations, especially the Seychelles Broadcasting Corporation (SBC),¹³ to broadcast the public hearings live or in recorded format. This is ideal during the pandemic whereby the commission is required to limit the number of people who attend the hearing in a bid to help stop the spread of the virus.

Conclusion

This article provides empirical evidence that a transitional justice process is not without its many challenges and limitations. Truth commissions, as non-judicial instruments for countries in transition from autocratic to more democratic societies, are frequently being adopted as the common approach. In fact, as politically motivated processes, analysis of the mandates and methodologies of truth commissions established worldwide, demonstrate some similarities. Therefore, it is vital for countries to make informed decisions on which transitional justice systems will be better suited for their respective context. A country should not embark on this journey simply to emulate others or to overcome internal and/or external obligations. It needs to be carefully thought through using comparative analysis and best practices from other mechanisms that have successfully accomplished their functions.

¹³ The other local television station, TéléSesel is also reporting on the works of the TRNUC although it does not provide a live broadcast.

Nonetheless, these constraints do not suggest that countries should not find ways to deal with their past and prevent similar incidents from recurring. On the contrary, with the right framework and support from the government, private sector and civil society organizations, truth commissions like the TRNUC, are more than able to find the truth, encourage forgiveness and promote national reconciliation within the society.

References

Best, P., Manktelow, R. and Taylor, B. (2014). 'Online communication, social media and adolescent wellbeing: A systematic narrative review'. *Children and Youth Services Review*, 41, pp.27-36. Chicago.

Graham, S. (2003). 'The Truth Commission and post-apartheid literature in South Africa'. *Research in African literatures*, 34 (1), pp.11-30.

Hayner, P. B. (2010). *Unspeakable Truths 2e: Transitional Justice and the Challenge of Truth Commissions*. Routledge.

Hinduja, S. and Patchin, J. W. (2010). 'Bullying, cyberbullying, and suicide'. *Archives of Suicide Research*, 14 (3), pp.206–221.

Kim, W., Jeong, O. and Lee, S. (2010). 'On social web sites'. *Information Systems*, 35 (2), pp.215–236.

Liévano, A.B. (2021). *How Colombia's Truth Commission Navigated a Pandemic Year*. Justice Info. Available at <https://www.justiceinfo.net/en/46412-how-colombia-truth-commission-navigated-pandemic-year.html>

McCullough, M. (2008). *Beyond revenge: The evolution of the forgiveness instinct*. John Wiley & Sons.

National Bureau of Statistics (2020). *Statistical Bulletin: Population and Vital Statistics*. Available at: <https://www.nbs.gov.sc/downloads/end-2020-population-bulletin/viewdocument>

South African Broadcasting Corporation. *The TRC Special Report Series*. Available at: <https://sabctr.c.saha.org.za/background.htm>

Truth, Reconciliation and National Unity Commission Act 2018. Available at: <https://seylli.org/sc/legislation/act/2018/9>

United Nations High Commissioner for Human Rights. (2006). *Promotion and protection of human rights: Study on the right to the truth*. Available at <https://undocs.org/E/CN.4/2006/91>

UN Security Council. (1993). *Report of the Commission on the Truth for El Salvador*. Available at <https://undocs.org/S/25500>

***Diana Benoit** is the Director of the James R. Manham Peace and Diplomacy Research Institute at the University of Seychelles. An academic research institute of peace and diplomacy that focuses not only on Seychelles but also eastern Africa and the western Indian Ocean region. She is a founding member of the Institute and is actively involved in research projects on peacebuilding, conflict and security, transitional justice and restorative justice. Her recent projects are on the transitional justice processes in Small Island Developing States; and civil society and social movements, in particular the role of civil society actors in responding to gender-based violence in Seychelles.*