



Are Testimonies in the *Truth, Reconciliation, and National Unity Commission* of Seychelles an Effective Medium for Victims to Heal

By: Letitia Stravens

L.L.M Thesis

Supervisor: Oswaldo Ruiz-Chiriboga

Central European University

Table of Contents

Table of contents.....	ii
List of Abbreviations.....	iii
Abstract.....	1
1.Introduction	2
1.1 Methodology	2
1.2 A brief history of Seychelles	3
2. Narratives on narratives	6
2.1 ‘homo-narans’.....	6
2.2 The cathartic nature of testimonies	9
2.3 The right to truth	18
3. Adjacent factors limiting a victim’s capacity to heal	26
3.1 Reparations	27
3.2 Culture of forgiveness	38
4. Conclusion.....	43
5. Bibliography.....	46

List of abbreviations

TRNUC: Truth, Reconciliation, and National Unity Commission of Seychelles

TC: Truth Commission

TRC: Truth and Reconciliation Commission

SPUP: Seychelles People's United Party

SPPF: Seychelles People's Progressive Front

PP: Peoples Party

US: United Seychelles

SNP: Seychelles National Party

SPDF: Seychelles People's Defence Force

Abstract

Phelps poses the question, 'can having a story told and acknowledged possibly satisfy the emotional needs of victims?'¹ This paper focuses on The Truth, Reconciliation, and National Unity of Seychelles and analyses, within the first section, how testimonies enable victims to break free from oppressive regimes that silenced their voices. It highlights the benefits of acknowledging atrocities and the ways in which testimonies contribute to the Right to Truth. However, in the second section, this paper assesses individual testimonies to comprehend best what each victim requires in terms of reparations. Furthermore, it analyses why the culture of forgiveness in testimonies is not an appropriate facet of healing for all victims within Seychelles, given the atmosphere of the commission and the nation. This thesis concludes that testimonies can satisfy the emotional needs of victims to some extent. However, the stories that are told also need to be thoroughly analysed by the commission, and implemented by governments, in order to give victims the long term heal victims require.

¹ Teresa Phelps, 'Narrative Capability' in Séverine Deneulin, Mathias Nebel and Nicholas Sagovsky, *Transforming Unjust Structures: The Capability Approach*, vol 19 (Springer 2006).

1. Introduction

1.1 Methodology

This paper takes a multidisciplinary outlook on the benefits of testimonies in Truth Commissions. Using the works of established scholars such as Phelps, Haynes, Lykes, Merksy, and Hayner evaluates the sociological and psychological ways in which victims heal throughout the transitional justice process. Firstly, in order to answer the first research question: 'what are the contradicting schools of thought concerning the benefits of testimonies within Truth Commissions,' this paper, using the works of Phelps and Hayner, to decipher whether testimonies can be considered a cathartic experience within the lives of Seychellois victims. It considers the socio-political atmosphere of Seychelles, whereby victims are unsilenced and finally have the chance to take the steps from victims to a survivor. However, it also discusses the possible ramifications of revictimization within the commission proceedings. The beginning of this paper also analyses the cultural background of narration within Seychelles and the sociological paradigm of narration, as presented by Fisher.

For this thesis's purpose, victim healing considers the restructuring of trauma and placing it within the emotional, socio-economic, and cultural context of specific victims' lives,² in order to be give them a more individualized form of victim healing.

Moreover, other mitigating factors within Seychelles' historical, socio-political, and cultural atmosphere, which dictates that victim's testimonies require individualized attention in order to comprehend their specific needs, in terms of reparations that would contribute to their emotional welfare. This is done in order to answer the second research question, which is, 'what are the additional requirements needed by victims, aside from testimonies, which facilitate the process of healing?' Further, this paper analyses the culture of forgiveness and healing in The

² M Brinton Lykes and Marcie Mersky, 'Reparations and Mental Health: Psychosocial Interventions Towards Healing, Human Agency, and Rethreading Social Realities' in Pablo de Greiff, *The Handbook of Reparations* (Oxford University Press 2006) 1.

Truth and Reconciliation Commission within South Africa in order to determine whether it is an appropriate model for healing within Seychelles. South Africa is used as a comparison as it is the Truth Commission in which Seychelles' TRNUC is modelled after. Further, it is also the most successful Truth Commission in enabling the culture of forgiveness.

The testimonies used in this thesis were chosen because they were the most reported and impactful testimonies thus far, having been reported on by multiple newspapers. Moreover, it takes into account the testimonies in which victims mention the concept of trauma and healing. Unfortunately, a limitation of this research paper is the lack of victim voices, aside from the testimonies, which would provide more evidence as to whether victims found their testimonies cathartic. Moreover, the amount of evidence and research regarding victims within the TRNUC is minimal, and unfortunately, there is no mention of mental health assistance within discourse. This dramatically impacts the research of victim healing not solely for this research paper but for the victims testifying within the TRNUC.

1.2 A brief history of the conflict in Seychelles

The history of Seychelles' political violence and illiberal democracy plagues most African nation's histories post-colonization. In the late 1940s, the taxpaying citizens of Seychelles started to resist UK governing of the small island State. Thus, the Seychelles Democratic Party (SDP) and the Seychelles People's United Party (SPUP) were formed by two well-established Seychellois men- James Mancham (SDP) and Albert René (SPUP).³ The first republic of Seychelles was established when Mancham became president in 1976. Though he had key differences with René, the opposition leader, René was given the position of vice-president.⁴ Macham favoured closer ties with Seychelles' colonial past and a more pro-

³ Seth Avery, *Seychelles Political History and Governance, Economy, Corruption, Society and Environment*. (Dany Beck Paper Shop 2017) 9.

⁴ *ibid*.

Western outlook on foreign policy.⁵ In contrast, René wanted to sever ties completely with the United Kingdom and favoured socialism. On the 5th of June 1977, a *Coup D'état* occurred, and René second republic and the one-party state commenced.⁶ The political party that took over (SPUP, SPPF, PP, US) would come to hold office for the next 43 years.

During that period various human rights violations occurred which the National Assembly of 2018 categorised in 5 categories:

- Illegal arrest, assault, detention, imprisonment, kidnaping, disappearances, murders or exile
- Wrongful termination from work or other work-related issues
- Witnesses to events of and following 5th June 1977 or psychological trauma and persecution
- Medical malpractice or miscellaneous
- Loss of movable, immovable property or business ⁷

The presidential reign under Albert René and later James Michel was heavily influenced by a doctrine of '*ek nou, pa ek nou*' (with us, not with us). Citizens were categorised by what political party they supported. In René's second socialist regime, this led to disappearances, arrests, assaults, murders, exile, termination of work, or the loss of land and businesses if one were politically associated with a party that was not SPUP. Under Michel's regime, the

⁵ Stephen Ellis, 'Africa and International Corruption: The Strange Case of South Africa and Seychelles' (1996) 95 Oxford University Press on behalf of The Royal African Society 167.

⁶ *ibid.*

⁷ Diana Benoit, 'Addressing Alleged Human Rights Violations: The Truth, Reconciliation and National Unity Process in Seychelles' (2020) 2 Seychelles Research Journal 147.

political party ruled under a 'program of expropriation'⁸ whereby land and jobs were taken away from people who sided with the opposition and given to those that supported the regime. The Nation newspaper in 2016 described the period as '[t]he *'ek nou pa ek nou'* era of giving jobs to friends and party supporters.'⁹

In 2016 the opposition took control of the National Assembly for the first time since 1979, gaining 49.6% of the vote, versus 49.2%, for Parti Lepep (PP).¹⁰ This led to two monumental occurrences. James Michel announced his resignation and instated the vice president, Danny Faure, as the next president of Seychelles¹¹ and formed the *Committee on Truth, Reconciliation, and National Unity* was formed by the opposition in the National Assembly.¹² The Vice-President at the time presented it to the public, stating that "It [the committee] represents an opportunity to resolve the controversies of our history so that we are able to move forward without the need to continuously pull the heavy laden of the past with us."¹³ With this, the *Truth, Reconciliation, and National Unity Act, 2018* was passed, and the commission convened to investigate the crimes under the René and Michel regimes.¹⁴ The commission convened officially on the 9th of August 2019.

⁸ ABC, 'Truth and Reconciliation in the Seychelles', *Late Night live* (9 July 2020) <<https://www.abc.net.au/radionational/programs/latenightlive/truth-and-reconciliation-in-the-seychelles/12440242>>.

⁹ Barry Laine, 'A Marketing Man as Our next President' *Seychelles Nation* (Seychelles, 15 June 2020) <<https://www.nation.sc/articles/5011/a-marketing-man-as-our-next-president>> accessed 20 June 2021.

¹⁰ Anthoni van Nieuwkerk, 'Seychelles' in Victor Adetula, *Africa Yearbook*, vol 15 (Koninklijke Brill NV 2019) 353.

¹¹ *ibid.*

¹² Daniel Laurence, 'Seychelles Approves First Committee on Truth, Reconciliation and National Unity' *Seychelles News Agency* (Seychelles, 2 August 2018).

¹³ *ibid.*

¹⁴ Benoit (n 7) 145.

Finally, in 2020 the opposition won the presidential campaign, and Wavel Ramkalawan was elected into office.¹⁵

2 . The narratives on narrative

This section will discuss the various theories of storytelling as a lived human experience and within the TRC, emphasizing the critical role it plays in our lives in a society and Seychelles in particular. Moreover, this chapter will discuss the way testimonies can reduce the number of lies and enforce a victim's right to truth.

2.1 'homo-narrans'

Firstly, to detail the usefulness and nature of testimonies for victims in the TRNUC of Seychelles, this paper will begin at an almost too obvious starting point: the sociological paradigm of narration,¹⁶ as detailed by Fisher. Moreover, how the Seychellois slaves utilized narration to overcome years of trauma enforced through slavery will also be discussed.¹⁷ This will be analysed in order to convey how the culture of healing within Seychelles lies within storytelling.

Firstly, Fisher states in his work regarding the narrative paradigm that the inherent nature of human beings is rooted in being storytellers,¹⁸ and the ways in which we develop our narrative enables us to rationalize our own lived experiences. Fisher, therefore, deemed that all humans were inherently *homo-narrans*: a civilization that understands our lives through

¹⁵ Donald Lee Sparks, 'History of Seychelles', *Encyclopaedia Britannica* (Encyclopaedia Britannica) <<https://www.britannica.com/place/Seychelles/History>>.

¹⁶ Walter R Fisher, 'The Narrative Paradigm: An Elaboration' (1985) 52 *Communication Monographs* 347.

¹⁷ Anne-Berenike Rothstein, 'New Ways of Finding a Voice: Oral Tradition and Hybridity in Seychelles Literature' 11.

¹⁸ Walter R Fisher, 'Clarifying the Narrative Paradigm' (1989) 56 *Communication Monographs* 56.

storytelling Interestingly, the philosopher rejects the notion that the lack of coherence in speech equates to the lack of 'truth qualities',¹⁹ and this is because language does not have to be logical, especially when individuals are telling stories of events that are illogical. In the case of truth commissions, this is evident, as many victims attempt to organise their speeches coherently when speaking of mass chaos.²⁰ However, once testimonies are shared, some semblance of reorganisation to chaos can occur, and victims can piece together various versions of events to heal. These stories also have the added benefit of linking victims together. Thus, they are each able to discover similarities to different members of their society and how they are bonded together by what they have experienced. The recognition of community and togetherness is realised through the sharing of disjointed stories and testimonies.

Moreover, the narration paradigm also details how stories form our identities²¹ and moral compasses²² on a grand scale. The formation of social constructs through storytelling enables various cultures to communicate and react to narratives in various manners. In the case of Seychelles, the oral tradition has played a significant part in community healing and the remembrance of history.²³ A clear indication of this is the testimonies created through song and dance of slaves lives on the small islands that have lived within the culture of Seychelles since the 1700s.²⁴ These types of songs, moutya, and sega detailed the socio-economic divisions, the pain, and the suffering of slavery. They also detail the power imbalances of the

¹⁹ Fisher (n 16) 348.

²⁰ Phelps (n 1) 107.

²¹ Jose Nandhikkara, 'Homo Narrans Constructing Identities' (2018) 43 Journal of Dharma: Dharmaram Journal of Religions and Philosophies 3.

²² Fisher (n 16) 362.

²³ Rothstein (n 17) 45.

²⁴ Penda Theresia Choppy, 'Attitudes to Slavery And Race in Seychellois Creole Oral Literature' (University of Birmingham 2017) 115.

time all through the medium of art;²⁵ this is seen through lyrics such as '*Gran Zan Imsye mon bourzwa, Gran Imsye rann mwan mon lavi*' (big man, my master, please give me my life back).²⁶ The pain slaves had to endure was captured and released by beating goat-skinned drums and telling their stories, stories that still live and are sung amongst the Seychellois people today.²⁷ Therefore, we see the actual act of storytelling that makes us the *homo-narrans* we are today through this. Though culture does not operate within a vacuum and is constantly evolving, the history of healing through narration is not novel in the state of Seychelles.

Moreover, in Peru, a plethora of artwork, poems, films, and novels have been produced detailing and remembering the horrific events of their civil war in the 1980s, which eventually led to their TRV, Comisión de la Verdad y Reconciliación (CVR) del Peru.²⁸ Academics have described these works of art and literature as the Peruvian way of reconciliation and healing.²⁹ By vocalizing or solidifying their pain through 'narrative and visual images,'³⁰ the Peruvian people were able to homogenise their collective healing in a culturally familiar manner.³¹ Perhaps with the end of the TRNUC within Seychelles and the end of national silencing, the Seychellois can create songs and art to heal individuals and as a nation.

²⁵ *ibid.*

²⁶ Jean-Claude-Pascal Mahoune, 'Traditional Dances/Games of the Republic of Seychelles' (*Ministry for Youth, Sports, and Culture*) <<http://www.pfsr.org/seychelles-traditional-dances-games/traditional-dancesgames-of-the-republic-of-seychelles/>> accessed 21 December 2020.

²⁷ *ibid.*

²⁸ Anne Lambright, 'Reconciling through Other Knowledges', *Andean Truths Transitional Justice, Ethnicity, and Cultural Production in Post-Shining Path Peru* (University Press Scholarship Online 2016) 164.

²⁹ *ibid* 183.

³⁰ *ibid.*

³¹ *ibid* 166.

2.2 The cathartic nature of testimonies

This chapter discusses and analyses the cathartic nature of testimonies in TCs and discusses how this impacts the healing of victims within Seychelles. We need to comprehend conflicting literature that bears the question, are stories told by victims enough to bear the burden of traditional justice and how truth-telling can heal victims. This subsection will also delve into the ways in which testimonies enable victims to heal and become survivors.

Victims and national silencing

Firstly, Phelps in her extensive work on TC testimonies presents an interesting question, which is, 'can having a story told and acknowledged possibly satisfy the emotional needs of victims?'³² In order to best attempt to answer this question it is fundamental to consider the reasons why victims within the Seychelles were not able to have their stories acknowledged or told openly prior to the establishment of the TRNUC. The main reason why, which is similar to most oppressive regimes, is the policing of people's voices, and the fear instilled by the regime that prevented most from speaking their truth.³³ Evident by the testimony given by Brian Victor, a victim who was subjected to extreme violence from the regime and had to flee the country in order to save his life, he stated: 'nou tou ti per sesel sa letan...in dir mon "Brian fer konen kin arrive ek ou, nou free sesel la" '³⁴ (we were all scared of Seychelles during this time... he told me "Brian make it known what happened to, we are free in Seychelles now"). Through this we understand that under the last political reign people were not free to openly express themselves. This silencing of victims has been proven through psychological studies as distancing victims

³² Phelps (no 1) 106.

³³ Ibid 108.

³⁴ Seychelles Broadcasting Corporation, 'TRNUC Hearing - 13.01.2020 - Session 36', *Truth, Reconciliation and National Unity Commission* (13 January 2020) <<https://www.youtube.com/watch?v=rRAp31mZG1A>>.

from both their own version of the truth and their wider society.³⁵ In the case of Brian Victor, and many other exiled citizens, was the case both mentally and physically as he had to flee the country for his own wellbeing. Phelps further emphasises this in her paper *Narrative Capability* claiming that 'years of oppression, violence, and fear, [result in] many people losing their personal voices but also their place.'³⁶ Individuals who were exiled or had to flee as refugees lost both their voices and their place in society, by hearing their stories a level of trust and recognition by the nation may reinforce civic trust and allow for people to feel more welcome in their home state. Additionally, many individuals during the era of the Albert René regime and James Michel regime feared speaking about their past or even their aversion to the government, as during the time they could lose their jobs or their land through the program of expropriation.³⁷ Therefore, by allowing victims to speak about their pain and suffering the TRNUC normalizes the ability to be vocal and brings back the voices of the citizens of Seychelles; this is especially monumental when you consider the fact that Seychelles had to endure colonization which was closely followed by the oppressive governmental regime. The authentic Seychellois voice has been silenced throughout its infancy of independence and the years before this.

Additionally, the affirmation of atrocity³⁸ in a nation that has refused to face its past or present abuses towards victims is especially harmful. In the Seychelles this is especially the case when you considered the regime lasted 45 years, many had to grow up in a society that did not

³⁵ Phelps (n 1) 108.

³⁶ Ibid.

³⁷ 'SBC | Live TRNUC Hearing - Session 96 - 29.07.2020', *Truth, Reconciliation and National Unity Commission* (29 July 2020)

<<https://www.youtube.com/watch?v=0MnJJz2sjSE&list=PLNo80So8nM9-de9UGShWyT2WeTIpYPOKG&index=37>> accessed 14 April 2020.

³⁸ Gearoid Millar, 'Performative Memory and Re-Victimization: Truth-Telling and Provocation in Sierra Leone' (2015) 8 *Memory Studies* 242.

acknowledge that harm was done.³⁹ In fact, many had to represent their deceased family due to the fact that so much time had passed. By removing the veil of national silence through truth-telling victims alive and dead are finally acknowledged and able to take the first steps to healing. In the testimony provided Carlette Ball and her son, Fazal, regarding the disappearance of their family member, Fazal acknowledges the trauma he was exposed to growing up and how this made him grow up faster than he should have.⁴⁰ Interestingly, he also states that what the commission has shown him is that he 'wasn't alone.'⁴¹ Therefore, this conveys that the collective affirmation of atrocities through testimonies allows victims to be heard but also to feel like they are part of a wider community, which is especially beneficial in a society that refuses to acknowledge its difficult past.

Moreover, the silencing of victims voices also distances them from their political or social adversaries, as it is difficult to put yourself in another's metaphorical shoes.⁴² The use of testimonies enables victims and perpetrators to bridge generational long divides in a manner traditional trials are unable to do. The inability to understand disenfranchised individuals in a certain community until their stories are heard was made abundantly clear in the 1950s when an influx of Holocaust survivors migrated to the state of Israel. Many Israeli-Jews welcomed them with hostility and called them names such as 'banished,' 'human dust,' and 'deportees' and the outsiders were viewed as weak and outcast.⁴³ It was only after the Eichmann Trials that the

³⁹ Seychelles Broadcasting Corporation, 'TRNUC Hearing – 06.11.2019 – Session 23 - Part One - Carlette Ball', *Truth, Reconciliation and National Unity Commission* (16 November 2011)

<https://www.youtube.com/watch?v=9Pq0WIA4r44&list=PLNo80So8nM9_cIbbBR5vyswJrz-My-kzQ&index=53>.

⁴⁰ *ibid.*

⁴¹ *ibid.*

⁴² Phelps (n 1) 112.

⁴³ Yablonka Hanna, *Survivors of the Holocaust: Israel after the War* (1st edn, New York University Press 1999) 9.

Israeli citizens heard about the atrocities and gross human rights violations that European Jews had to endure, this enabled them to understand the vulnerabilities and understand their differences.⁴⁴ Though it may be morally ambiguous, perhaps it is human nature to emotionally distance ourselves from victims until we are faced with their stories, which is why testimonies in TCs enable community bonding which in turn gives victims the ability to feel heard by their wider community.⁴⁵ In the case of Seychelles, political divisions have drawn distinct lines between political advisories, by giving victims a platform to speak about the violations they have endured understanding and a greater sense of community may flourish. The need for some victims to give the testimonies has gone beyond the simplicity of wanting to be provided compensation, victims such as Joseph Leon has made clear that all he requires from the process is having his voice heard,⁴⁶ as prior to the commission no one would have heard his story.

Phelps describes the cathartic nature of finally being able to tell your story using the philosophy of Mikahail Bakhtin. Bakhtin analysed medieval carnivals and described it as spaces where everyone was finally free without the inhibitors of what society deemed as normal. People of different classes would mingle and all that wanted to be said could be said in a 'space of freedom, abundance, and equality.'⁴⁷ Thus, Phelps deemed TCs as '*carnivalesque*'⁴⁸ where people of all social standing could transform and speak their mind freely. The 'un-silencing' of victims is relieving for their emotional healing especially when they are given the space to truly express their emotions and tell their stories. A clear example of this is when a grieving mother

⁴⁴ 'The Development of Holocaust Consciousness in Israel: The Nuremberg, Kapos, Kastner, and Eichmann Trials' 25.

⁴⁵ Phelps (n 1) 100.

⁴⁶ Patsy Athanase, 'The Seychelles' Truth Commission, The Year Ahead' (*Truth Commissions*, 21 January 2021) <<https://www.justiceinfo.net/en/46433-seychelles-truth-commission-year-ahead.html>>.

⁴⁷ Phelps (n 1) 112.

⁴⁸ *ibid* 113.

threw her shoe at a perpetrator, in the 'shoe throwing' debacle in the South African TRC.⁴⁹ Though highly dramatized and criticized it does show the ability of victims to finally use their words- or their shoes.

Victim to survivor

In addition to this, the victims who are positively impacted emotionally by telling their stories experience a release of emotions while speaking to the commission that enables them to reframe their trauma and see themselves as survivors.⁵⁰ S. K. Mbande, a Reverend in South Africa, explained this catharsis to *Hayner* as a victim opening 'their hearts to a statement-taker' which results in 'them feel[ing] much better.'⁵¹ Many psychologists also claim that by living through these memories through remembrance, or 'speech acts of memory,'⁵² a victim can make the switch from victim to survivor. When victims account, verbally, what they have experienced, they can bring some semblance of coherence to events that are extremely painful;⁵³ therefore, take no longer allowing the memory to have control over their lives. Moreover, when victims hear other witnesses and potential perpetrators attest to what they have experienced, traumatic events can be pieced together in a manner that is impossible to do so in their own minds.

Additionally, another benefit of testimonies is the historicizing of victim statements and embedding them within the social and historical foundation of the country. For years Albert

⁴⁹ *ibid.*

⁵⁰ Priscilla Hayner, *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*, vol 2 (Taylor & Francis 2010) 147.

⁵¹ *Ibid.*

⁵² Teresa Phelps, *Shattered Voices Language, Violence, and the Work of Truth Commissions* (University of Pennsylvania Press 2004) 95.

⁵³ *ibid* 100.

René has been internationally named the father of Seychelles.⁵⁴ By enabling victims to speak about their trauma and what happened outside of the narrative that glorified the ex-president, victims can reconstruct the historical norms and place themselves within new historical contexts.⁵⁵ Therefore, victims can regain some form of dignity for the violations that have occurred against them and reframe their and societies' perspectives. Through viewing their atrocities as concrete within their fabrics of history, it can genuinely be made 'history,' and they can begin the process of moving forward. This has endless benefits, as it may shift 'socio-political realities' and enable new generations to acknowledge the trauma of older generations while cutting the cord of intergenerational trauma.⁵⁶ Whereby victims perceive themselves and their future children as potential victims. The firm recognition of victims within history, through testimonies, allows for the citizens of Seychelles to distinguish between past and present and hopefully move forward and heal.

Revictimization

On the other hand, TCs face serious criticism based on the fact that victims face revictimization through the telling of their stories. This was seen especially in the Sierra-Leonian TRC, where people were desperately disappointed in the commission's work. A 29-year old woman named Hanna even went as far as stating that the commissions proceedings 'add[ed] pepper' to her wound,⁵⁷ and another victim claimed that hearing perpetrators that were responsible for peoples trauma made their' heart[s]... run back' to the traumatic events.⁵⁸ Millar claims that the different reception to the notion of victimization lies within the culture of Sierra Leon, whereby

⁵⁴ Ivor Agyeman-Duah, 'Review of Albert René, the Father of Modern Seychelles: A Biography, by Kevin Shillington' (2015) 61 Africa Today 88.

⁵⁵ Lykes and Mersky (n 2) 18.

⁵⁶ *ibid.*

⁵⁷ Millar (n 38) 243.

⁵⁸ *ibid* 246.

individuals are differentiated by the notion of 'big men' and the people that are helped by said 'big men.'⁵⁹ This led to the 'socially generative acts,'⁶⁰ which were embedded in the societal structures being transformed into the realities of victims within the TRC. Therefore, the revictimization of individuals in Sierra Leona was reinforced by the fact that the commission was viewed as a 'big man' who would aid the people in a benevolent manner. Thus, people came to the commission to 'beg.'⁶¹ The act of begging is rooted in subordination and a victim needed to lower themselves in the hope that they would be compensated monetarily. Millar makes a point of stating that if all victims play the role of a victim, 'nobody plays the role of a survivor,'⁶² and people constantly have to go through the process of proving their victimization. These severe power imbalances are hard to rectify and limit the emotional healing potential of testimonies, as they are not utilized for cathartic personal reasons. Instead, they are used to influence the community around them, which can be highly traumatic when the audience may be people who resonate with a victim's role. Unfortunately, this may also lead to the internalization of victimhood by people listening to the TC proceedings.⁶³

However, analysing what a victim feels and how they present their testimonies must be approached with immense trepidation, one clear thing is the revictimization of people within the Sierra Leonian community throughout the TRC. The theory of the 'big man' and performative testimonies is interesting, but it does not consider the fact that the Sierra Leonian TRC was operating two years before the end of the Sierra Leonian civil war. Therefore, the victims were, in fact, still victims in some manner.⁶⁴ The real threat of revictimization lives within all victims no matter how much time has passed since their trauma, and this is evident

⁵⁹ *ibid* 247.

⁶⁰ *ibid*.

⁶¹ *ibid* 250.

⁶² *ibid*.

⁶³ *ibid*.

⁶⁴ Hayner (n 50) 150.

by the fact that around 50-60 percent of victims in the South African TRC experienced some form of difficulty after testifying, as recorded by The Trauma Centre for Victims of Violence and Torture in Cape Town.⁶⁵ Clearly, no victim is safe from revictimization either by testifying or listening to the truth proceedings. Especially when we encounter brave victims such as Brian Victor, who in the middle of his testimony re-enacted the day state officials attacked him, and his friends were murdered.⁶⁶ Therefore, mental health assistance and victim support must be present within the duration and after the commission proceeding in order to limit the effects of revictimization. This will be discussed further in chapter 3 of this paper.

Additionally, the revictimization of individuals that have been raped has been clearly documented, as when victims are not believed and questioned by police officers, health officials, or in a court of law, they are forced to put themselves in positions where they need to relive their trauma and defend themselves.⁶⁷ The same can be said for victims participating in TCs, as they need to recount their stories in a manner that they will be believed. Though, a beneficial feature of TCs is that the victims are not cross-examined in the same way they would be within the walls of a traditional court. Therefore, though victims in truth commissions will experience varying levels of revictimization, it is not to the same degree as it would be in a formal court.⁶⁸ Instead, they are not presented with hostile questions, nor do they have to repeatedly tell their stories in a clear, concise manner that would be believable. Moreover, they do not have to face their perpetrators as they provide their testimonies, and formal rules of procedure impede neither the victim nor perpetrator. Without formal procedures, the TCs are

⁶⁵ *ibid* 154.

⁶⁶ Seychelles Broadcasting Corporation, 'TRNUC Hearing - 13.01.2020 - Session 36' (n 34).

⁶⁷ Shana L Maier, "I Have Heard Horrible Stories . . .": Rape Victim Advocates' Perceptions of the Revictimization of Rape Victims by the Police and Medical System' (2008) 14 *Violence Against Women* 787.

⁶⁸ Phelps (n 1) 111.

'more inclusive' and do not require victims who have endured unsurmountable trauma to endure criminal trials.⁶⁹ Unfortunately, in Seychelles, given its size and small population, victims are faced with their perpetrators regularly. Brian Victor is a clear example of this as he describes coming face to face with his perpetrator Jimmy Marengo, whom he claims to have threatened him.⁷⁰ This is a reality most victims in Seychelles will eventually have to endure, bar the passing of a perpetrator. Therefore, in order to limit the psychological harm that can manifest through revictimization, victims need proper safeguards such as mental health analysis to ensure they do not experience long-term PTSD. Psychological help alongside testimonies cannot be considered short-term provisions. The help that victims need surpass the short-term nature of TRs;⁷¹ that is not to say that such testimonies are not cathartic, but the complexities of the human experience dictate that much more emphasis needs to be placed on victims' emotional health in the long-run.

Finally, varying degrees of revictimization threaten the emotional healing of all victims within Seychelles' TRNUC, and without proper psychological evaluation and monitoring, the commission risks impeding the healing process. Though some victims have refused to come forward as they believe it is best to leave what has happened in the past behind them and not relive the trauma that they experienced; those whom most have come forward have done so on the basis that it will enforce individual and collective healing while ensuring that the community never has to experience such trauma again.⁷² Unfortunately, the commission nor the state has made no mention of mental health assistance for victims that have testified; this

⁶⁹ *ibid.*

⁷⁰ Seychelles Broadcasting Corporation, 'TRNUC Hearing - 13.01.2020 - Session 36' (n 34).

⁷¹ Priscilla Hayner, 'Past Truths, Present Dangers: The Role of Official Truth Seeking in Conflict Resolution and Prevention' in Paul C Stern and Daniel Druckman (eds), *International Conflict Resolution After the Cold War* (National Academy Press 2000) 353.

⁷² Benoit (n 7) 151.

may pose long-term risks for some people. The cathartic release of disclosing difficult lived experiences and stories is immensely healing to most victims.⁷³ However, testimonies will need to operate alongside various factors to better assist in helping a victim heal.

2.3 The right to truth

Furthermore, the right to truth has been long established in Inter-American Court of Human Rights (IACtHR) jurisprudence solidified through the case of *Velasquez Rodriguez*,⁷⁴ and it is considered a fundamental human right deserved to all. The court has even gone as far as stating that the duty to tell the truth is bestowed on each citizen.⁷⁵ Moreover, The right is described by Juan Méndez as a States obligation to 'establish the truth about the repressive structure that led to the commission of crimes against humanity, including the chain of command, the orders given, the establishments that were used, and the mechanisms knowingly used to insure impunity and secrecy in these operations.'⁷⁶ He also claims that the right encompasses finding 'the individualized truth consisting of uncovering the fate of every one of the victims whose case is known' and 'investigation and revealing the truth is the process whereby victims or their family members are invited to be heard by a State entity, or at least by a representative of the society in which they live.'⁷⁷ These definitions of the right to truth are embedded within the foundations of TRC. We can see this by the repeated rhetoric of truth-finding and the name *Truth* and Reconciliation Commissions. Moreover,

⁷³ Hayner (no 50) 578.

⁷⁴ Juan E Méndez, 'Lessons Learned' in J Zalaquett, *Victims Unsilenced: The Inter-American Human Rights System and Transitional Justice in Latin America* (Due Process of Law Foundation 2007) 193.

⁷⁵ Daniela Accatino and Cath Collins, 'Truth, Evidence, Truth: The Deployment of Testimony, Archives and Technical Data in Domestic Human Rights Trials' (2016) 8 *Journal of Human Rights Practice* 85.

⁷⁶ Juan E Méndez and Francisco J Bariffi, 'Truth, Right to, International Protection', *Max Planck Encyclopedias of International Law* (Oxford University Press 2011) 2.

⁷⁷ *ibid.*

considering the repeated emphasis on victims' welfare in commissions, we understand the importance placed on finding the truth for said victims.⁷⁸ This section will detail the theories established by scholars affirming the necessity of the right to truth through testimonies for the emotional welfare of victims.

Firstly, one theory regarding the healing capabilities of testimonies focuses on the ability to build communal narratives through the right to truth that would extinguish the circulation of lies.⁷⁹ In the face of oppressive regimes, victims are left in the dark for much of the atrocities committed by political leaders; this, unfortunately, fosters state-sanctioned gaslighting, rumour spreading, and fearmongering. The collective encompassing of testimonies allows TCs to narrow down what is true. Though this cannot happen with certainty, what is certain is that the number of lies can be reduced.⁸⁰ However, Ignatieff clarifies in his paper *Articles of Faith* that this does not mean the TC can rewire the system in place, as they cannot enforce perpetrators, to tell the truth.⁸¹

In Seychelles, the population is small, which means that the atrocities that occurred, such as political killings and forced disappearances, are known by most. The victims are not numbers but faces to many. This is also because there were not as many forced disappearances and political killings compared to other TCs. Therefore, it is easier for close friends, family members, and acquaintances to come to the commission as witnesses and disclose more information on mysterious disappearances. Evident by the disappearance of Gilbert Morgan in case 031/032/033. His close friend and an employee of the police department, Antoine

⁷⁸ Thomas M Antkowiak, 'Truth as Right and Remedy in International Human Rights Experience' (2002) 23 Michigan Journal of International Law 39.

⁷⁹ Michael Ignatieff, 'Articles of Faith' (1996) 25 Sage Publishing 110.

⁸⁰ *ibid.*

⁸¹ *ibid.*

Lau-Tee, detailed what he believed happened to his friend in his witness testimony.⁸² Lau-Tee was investigating his friend's disappearance, as he was part of the police force before he was forced into exile.⁸³ After Lau-tee left the country, the file of evidence on Morgan's case was never seen again, and the case was considered closed. In Lau-tee's witness testimony, the inclusion of Morgan's whereabouts and the evidence he found is essential when we consider that this is an unfortunate event that happened 44 years ago. Therefore, Lau-tee enables, through his testimony, the rebuilding of facts. In their testimony, the victim's family talks about wanting to know the truth and how the gaps in knowledge haunt them.⁸⁴ Knowing the truth of such traumatic events enables victims to close the chapter on devastating events, and this is reinforced in Morgan's daughter's testimony when she states that by know she can 'move forward.'⁸⁵ Various witness and victim testimonies enable the commission and the nation to find some semblance of the truth. As stated by Phelps: 'two, stories can balance acts of violence; three, stories can deliver truth; four, stories can translate and communicate among diverse people; five, the storytelling setting is carnival; six, storytelling (remembering by telling a story) is a sacramental act.'⁸⁶ She reinforces Fisher's philosophy of storytelling and the narrative paradigm by stating that victims dead and alive can be saved through multiple stories; no matter how redundant or chaotic they may be, they still present some version of the truth.⁸⁷

⁸² Seychelles Broadcasting Corporation, 'TRNUC Hearing 34- 09.01.2020 -Part One', *Truth, Reconciliation and National Unity Commission* (9 January 2020)

<<https://www.youtube.com/watch?v=6XqDz-1sgAk&list=PLNo80So8nM9-de9UGShWyT2WeTIpYPOKG&index=184>> accessed 5 May 2021.

⁸³ *ibid.*

⁸⁴ 'The Truth, Reconciliation and National Unity Commission (TRNUC) Case 031: Disappearance of Gilbert Morgan' *Seychelles Nation* (Seychelles, 1 September 2020) <<https://www.nation.sc/articles/3044/the-truth-reconciliation-and-national-unity-commission-trnuc>> accessed 20 May 2021.

⁸⁵ *ibid.*

⁸⁶ Phelps (n 1) 106.

⁸⁷ *ibid* 111.

Moreover, various past TCs have conveyed the right to truth to have an overwhelmingly positive effect on victims' wellbeing. José Zalaquett, a member of the Chilean National Commission on Truth and Conciliation, has detailed that uncovering the truth has had "absolute, unrenounceable value" on the lives of victims and for the nation.⁸⁸ This may also be because Chile's TRC forced disappearances formed the 'vast majority'⁸⁹ of cases. Therefore, many victims were unaware of what happened to their family members and friends. What is clear by the Inter-American interpretation of the right to truth and the Chilean's TRC is that much of the obligation is placed on the State.⁹⁰ This is a key issue Seychelles is facing in the case of a forced disappearances before the commission. This is the disappearance of private Alberto Antat and private Rodney Payet, two men that went missing under mysterious circumstances while serving in the army. The TRNUC was particularly interested in the case as it was one of the most recent disappearances under the regime of SPPF. Further, the victims' families desperately wanted answers, as seen by an open letter to the Seychelles Peoples' Defence Forces (SPDF). Private Rodney Dominic Payet's mother stated in the letter:

'we have a right to know what happened to Private Rodney Dominic Payet and since he was in the Army at the time of HIS ALLEGED DISAPPEARANCE the Army through you HAVE A DUTY to provide an answer as to the whereabouts of our loved one. Rodney was my only child ONLY CHILD.'⁹¹

The victim's ability to have information and a clearer picture regarding what happened to her son would be aided with the facilitating of testimonies. It could also potentially 'reduce the

⁸⁸ Antkowiak (n 78) 997.

⁸⁹ 'Report of the Chilean National Commission on Truth and Reconciliation' (University of Notre Dame Press 1993) 9.

⁹⁰ Antkowiak (n 78) 998.

⁹¹ Open letter from Ms. Linda Tracy McKeown, 'Re: The Disappearance/ Death/Killing/ Imprisonment of Rodney Dominic Payet' (6 August 2019) <<http://seychellesvoice.blogspot.com/2019/09/what-really-happened-to-2-missing.html>>.

number of lies,' and it could 'change the frame of public discourse.'⁹² The particular importance of this was also rooted in the fact that amongst the victims belongings a note was found stating '17 days in jell kill or never see my family again.'⁹³

Unfortunately, this was not allowed as the SPDF took the TRNUC to court on the basis that they were interfering with the supreme court's ruling stating that '*the Commission is acting in flagrant excess of jurisdiction by investigating the disappearance of 2 SPDF officers which occurred in 2018.*'⁹⁴ The supreme court ruled that their powers...were significantly wider than those of the commission⁹⁵ and therefore, the TRNUC had overstepped their mandate by reinvestigation a forced disappearance case; which the courts had already ruled was not deemed a forced disappearance case.⁹⁶ By establishing that 'the Commission cannot be considered as a body parallel to the Supreme Court'⁹⁷ the courts have established that they are able to impede the commissions investigations when they see fit. This is especially damaging to witnesses that desperately require the right to truth. Through closing the conversation entirely, which is what happen in the case of private Alberto Antat and private Rodney Payet, the tapestry of various testimonies and evidence is not produced. Thus, victims and their families are not able to find some semblance closure, neither through cathartic truth telling nor discovering the truth. However, we do see that much of the right to truth, lies within the boundaries of what the state and judiciary are willing to be re-examined and divulged.

⁹² Ignatieff (n 79) 113.

⁹³ Open letter from Ms. Linda Tracy McKeown (n 91).

⁹⁴ *Seychelles People's Defence Forces v The Truth, Reconciliation and National Unity Commission MC 33/2020* [2020] Supreme Court of Seychelles 519 pg 9.

⁹⁵ *ibid* 15.

⁹⁶ *ibid*.

⁹⁷ *ibid* 18.

Another issue with the case *Seychelles People's Defence Force v The Truth, Reconciliation, and National Unity Commission* is the fact that the SPDF deemed that the disappearance occurred in 2018. Therefore, it did not occur during the *Coup D'état* of 1977, which is outside of the commission's jurisdiction.⁹⁸ This is especially problematic as the defence force discredits the 45 years of political victimization that citizens faced after the coup, this manifested through unjust acquisitions of land by the regime, the torture of prisoners, unfair detentions and murders. Though the supreme court has not produced any additional injunctions on cases, aside from the case of private Alberto Antat and private Rodney Payet. However, by stating that the TRNUCs jurisdiction is limited to that of events that occurred during the coup they increase the powers of the state while limiting that of the commission.

Moreover, Thomas M Antkowiak details the exchange of power between victims and perpetrators once the right to truth comes to fruition,⁹⁹ as once victims have the knowledge and acknowledgment of their trauma, perpetrators are placed in a moral dilemma whereby what was once a secret is now public knowledge. Therefore, victims are no longer placed in positions of subordination and have power, which is described as 'moral' restitution.¹⁰⁰ Author Teitel also acknowledges the fact that the social ostracization of perpetrator when the truth is told reinstates the dignity lost by victims.¹⁰¹ Considering the size of the Seychelles all citizens will know, or know of, key perpetrators, this may create a more hostile environment for perpetrators as they will not be able to remain anonymous when in public. An issue may arise, whereby reconciliation could be strained especially if perpetrators refuse to admit their wrongdoings.

⁹⁸ *ibid.*

⁹⁹ Antkowiak (n 78) 999.

¹⁰⁰ *ibid* 1001.

¹⁰¹ Ruti Teitel, *Transitional Justice* (1st edn, Oxford University Press 2000) 89.

However, in terms of victim healing, a victim may feel empowered by the fact that those who wronged them are being outcasted from the community.

It is not easy to measure societal perception when regarding individual perpetrators, one medium that has some weight within Seychelles is Facebook. Out of the 90,000 citizens in Seychelles 40,000 are part of the 'Seychelles Daily' Facebook group. A search of the most named perpetrator in the group, 'Jemmy Marengo,' comes back overwhelmingly negative as Seychellois citizens label him a 'criminal,' 'liar,' 'murderer'¹⁰² and many more. The Nation Seychelles newspaper even reported the spread of rumours within the community claiming that he was fired as a member of the SPDF 'following reports of accusation of murder by complainants coming before the Truth, Reconciliation and National Unity Commission (TRNUC).'¹⁰³ This greatly juxtaposes the treatment of a victims, as we can see by a mother who appeared before the commission naming Marengo as her sons' murderer.¹⁰⁴ She was labelled 'brave,' and people in the community were rallying around her and stating that she should be protected as all 'Memories & flashback[s]' of such nature were painful to narrate.¹⁰⁵ Here we see the shifting in power and the protection of victims as the right to truth is realised through testimonies and this may have a positive influence of the emotional healing of victims.

¹⁰² Alexander Pierre, 'WOW! JEMMY MARENGO NAMED AS KILLER' (Seychelles Daily, 3 March 2020)

<<https://www.facebook.com/groups/Seychellesdaily/posts/2764434320313409>> accessed 20 June 2021.

¹⁰³ 'Jemmy Marengo No Longer an SPDF Member' *Seychelles Nation* (Seychelles, 18 January 2020) <<https://www.nation.sc/articles/3147/jemmy-marengo-no-longer-an-spdf-member>> accessed 20 June 2021.

¹⁰⁴ Seychelles Broadcasting Corporation, 'TRNUC Hearing 52: Part Two 03.03.20', *Truth, Reconciliation and National Unity Commission* (3 March 2020)

<https://www.youtube.com/watch?v=joaAV1_ZIW0&list=PLNo80So8nM9-de9UGShWyT2WeTIpYPOKG&index=139> accessed 4 December 2021.

¹⁰⁵ Alexander, 'TRNUC FLASHBACK 13' (Seychelles Daily, 18 October 2020)

<<https://www.facebook.com/groups/Seychellesdaily/posts/3368445859912249>> accessed 20 June 2021.

Additionally, another theory that has developed regarding the healing capabilities of testimonies and the right to truth is the distinction between various types of truths. The first is factual/forensic truths, which provides the factual 'circumstances of the human rights violation.'¹⁰⁶ Ignatieff claims that this is one of the most important truths that enabled victims in Chile heal: 'It says much for the human need for truth that the relatives of victims [in Chile] preferred the facts to the false consolations of ignorance. It also says a great deal for the moral appeal of magnanimity that so many of them should have preferred the truth to vengeance or even justice. It was sufficient for most of them to know what happened: they did not need to punish the transgressors in order to put the past behind them.'¹⁰⁷ Narrative truths on the other hand, are more related to emotions, myths and the personal experience.¹⁰⁸ This truth has been deemed to have the most healing potential within the South African TRC.¹⁰⁹ To determine why the two different nations required different versions or truths in order to heal would be a sociological and historical study on its own but what we do see is different versions of the right to truth being required by different victims in order for them to heal. However, the South African TRC facilitated the availability of factual truths through the provision of amnesties and due to close cultural ties through ubuntu were able to focus on metaphysical and spiritual reconciliation through forgiveness.

Finally, it would be naïve and unreasonable to consider the right to truth through testimonies as the all-encompassing, holistic form of victims emotional healing. One cultural issue that has formed regarding healing and truth telling is a family's inability to properly bury their loved

¹⁰⁶ Natalija Kukoska, 'The Right to the Truth and Truth Commissions' (2015) 6 11.

¹⁰⁷ Ignatieff (n 79) 111.

¹⁰⁸ Kukoska (n 106) 11.

¹⁰⁹ *ibid* 10.

ones. Ignatieff states that this is a 'much more complicated than simply sifting fact from fiction, lies from truth'¹¹⁰ but instead is a metaphysical barrier that no family will be able to reconcile with, and thus, healing is near to impossible. He relates this to the Irish Nationalists and Ulster Protestants who believed that 'the past was never safely past; its bodies were never safely buried; they were always roaming through the sleep of the living, calling out for retribution'¹¹¹ Though this has not been a collective issue for the victims of Seychelles it was acknowledged in the testimony of Carlette Bell and her son, Fazal, who stated that as a Muslim their respective husband and father was not given the burial he deserved. They stated that in order to have 'closure'¹¹² they required the truth and to find their family members body, so both the deceased victim and his family can move on. Exhumations of bodies or the disclosure of where one may have passed is increasingly considered as an important reparation provision, the disclosure of where a loved one has died is a tangible place where a victim's family can mourn and have closure.¹¹³ Though still in line with the right to truth this does also convey the different forms of closure that different victims will need, this will be discussed in further detail in the following chapter detailing other factors alongside testimonies that need to be considered in order for victims to heal.

3. Additional considerations for victims to attain some semblance of closure

Alongside cathartic testimonies there are other mitigating factors that could potentially limit individual healing. These may not be resolved simply by speaking one's truth, instead they are key differences embedded within the various violations that have occurred, the socio-political atmosphere and the culture of forgiveness within Seychelles. This chapter will detail the way

¹¹⁰ Ignatieff (n 79) 121.

¹¹¹ *ibid.*

¹¹² Seychelles Broadcasting Corporation, 'TRNUC Hearing – 06.11.2019 – Session 23 - Part One - Carlette Ball' (n 39).

¹¹³ Lykes and Mersky (n 2) 24.

testimonies need to be utilized in order determine what specific victims require in order to heal, as victim healing is not one-size-fits all.

3.1 Varying degrees of reparations

Program of expropriation

A majority of cases presented to the commission entails violations of people having lost their land to the regime under Réne and Michel, this has been termed by Ashton Robinson as the program of expropriation.¹¹⁴ The program of expropriation began 1987 when the regime was attempting to quash support for the opposition. By using the Land Acquisition Act of 1977, the regime justified taking land from exiled Seychellois citizens and those that still resided under the oppressive reign of the party¹¹⁵. Many victims have come forward stating that the president at the time would contact them with an ultimatum of either buying the house at a much lower rate than what it would be, or to just take the land.¹¹⁶ These violations have led to an increase in family's inability to provide for their children, poverty, loss of income and the inability to have a home to return to after living in exile abroad.¹¹⁷ This section will analyse the potential ramifications if both the state and the commission do not address such victims with compensation, but the reparations needed by each victim will heavily depend on 'specific historical, cultural, socio-political contexts'¹¹⁸ in order to enable individual healing.

¹¹⁴ ABC (n 8).

¹¹⁵ Department of State, 'Country Reports on Human Rights Practices for 1990: Report Submitted to The Committee on Foreign Relations U.S. Senate and the Committee on Foreign Affairs House of Representatives by the Department of State' (Department of State 1991) Country Reports on Human Rights Practices 102–5 pg 330.

¹¹⁶ 'Land Claims Dominate Yesterday's TRNUC Hearings' *Seychelles Nation* (Seychelles, 18 May 2021) <<https://www.nation.sc/articles/9000/land-claims-dominate-yesterdays-trnuc-hearings>> accessed 20 June 2021.

¹¹⁷ *ibid.*

¹¹⁸ Lykes and Mersky (n 2) 1.

One key aspect of providing compensation, restitution or reparations to victims is that through this a government acknowledges what has been taken from victims;¹¹⁹ this enables victims to regain the dignity they lost when their property or jobs were just taken away from them, and restores the equilibrium within the fabric of society. Victims that firmly sided with the opposition throughout the undemocratic regimes led very vulnerable lives, whereby what they owned was easily taken or destroyed. By returning power back to victims and acknowledging the wrongs committed by SPUP/SPPF/PP/US, victims can feel more stability in their lives and have some restoration of dignity. Evident by the case of Roy Beehary, who struggled beneath Réne's regime and was constantly victimized physically by the army.¹²⁰ When Michel become president, Beehary was able to build his own home. Unfortunately, just before the completion of his house the president stated that he needed to destroy it and build a new one, due to the fact that he was blocking the view of an influential party leader.¹²¹ Beehary states in his testimony, 'senkent nevan mon ankor dan la freser, mon besewn taye pou rod toilet...ou ti kraz mon lakaz' (59 [years old] I am still in the cold, I need to run to use the bathroom...you crushed my home).¹²² The victim's touching testimony detailed the way he needed to live, due to the fact that he no longer had a home. He goes on to detail the embarrassment of being homeless at the age of 59, not being able to have luxuries such as having a restroom.¹²³ Victims such as Beehary would have the opportunity to have the wrongs done to them acknowledged and their human dignity restored through reparations. Lawyer Philippe Boule appeared before the court in order to discuss whether various violations were constitutional stated that, 'I think the

¹¹⁹ *ibid* 2.

¹²⁰ Seychelles Broadcasting Corporation, 'TRNUC Hearing- 17-OCT-2019- Session 3 - Patrick Lablache/Roy Beehary/Jean Baptiste D'Offay de Rieux', *Truth, Reconciliation and National Unity Commission* (17 October 2019) <https://www.youtube.com/watch?v=pxXMUJ2vf2Y&list=PLNo80So8nM9_cIbbBR5vyswJrz-My-kzQ&index=47> accessed 14 April 2021.

¹²¹ *ibid*.

¹²² *ibid*.

¹²³ *ibid*.

compensation is an important element for people to feel that they have been listened to, it's been understood what has happened to them, and there has been a real serious attempt to redress what has happened... I think fairness requires that there be compensation.'¹²⁴

Moreover, victims like Beehary, unlike exile citizen, had to live their lives beneath the oppressive regime, and therefore, require additional reparations. Not simply through monetary compensation but through the reassurance of non-repetition and aid to rebuild their lives. Victims that were constantly victimized and treated as second-class citizens need to be recognised as vulnerable. Evident by the fact that Beehary discusses not being allowed to get a taxi license to start his own business;¹²⁵ this juxtaposes victims such as Maryvonne Barallon who states that she was constantly denied work after the coup, due to her political views, but then moved to Canada and was able to find employment and sustain herself and her family.¹²⁶ This is not to say that that exiled citizens did not face hardship and therefore, do not require compensation, as restarting your life in a foreign land unexpectedly would be extremely difficult. However, the level of vulnerability differs greatly, and this is reflected through statements made in testimonies. In order to best compensate said victims accordingly, thorough analysis of their socio-political and victimhood needs to be assessed through their testimonies.

¹²⁴ 'Truth, Reconciliation and National Unity Commission (TRNUC) Hearing: Legal Expert, Two Complainants before Commission' *Seychelles Nation* (Seychelles, 24 November 2020) <<https://www.nation.sc/articles/6926/truth-reconciliation-and-national-unity-commission-trnuc-hearing>> accessed 23 May 2021.

¹²⁵ Seychelles Broadcasting Corporation, 'TRNUC Hearing- 17-OCT-2019- Session 3 - Patrick Lablache/Roy Beehary/Jean Baptiste D'Offay de Rieux' (n 120).

¹²⁶ Seychelles Broadcasting Corporation, 'TRNUC Hearing – 11.11.2019 – Session 26- Part Two - Myvonne Barallon', *Truth, Reconciliation and National Unity Commission* (29 November 2019) <https://www.youtube.com/watch?v=8rzK8_pVlc0&t=3530s> accessed 15 May 2021.

It can be argued that the socio-economic ways in which they had to manoeuvre their respective lives and their political environments altered their level of victimization. Pablo De Grieff in his *Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence in Burundi* emphasizes the need for reparation in cases of expropriation.¹²⁷ This is granted, but this paper argues that varying levels of reparations will be need on the basis of whether a person lived their entire lives beneath the oppressive regime. As conveyed by Lykes and Mersky: 'trauma situates within socio-political, economic, and historical contexts of power and its abuse, and focuses of the singular experience of a person, within particular social circumstances, across time.'¹²⁸ Therefore, by providing additional reparations and compensations to a victim such as Mr. Beehary, who endured 43 years of the program of expropriation and victimization, the state acknowledges the hardships he bore by being deprived to build a home or build a business for himself, this may make a victim feel heard and feel less shame about the position that they had been forced into because of the regime.

Though this makes the task of the TRNUC a lot more complicated, the experiences lived by all victims are embedded within the contexts of their testimonies, these need to be seriously analysed in order to understand a holistic form of victim healing that can be presented within reports.

Symbolic reparations

Symbolic reparations will also be necessary in order to acknowledge the painful testimonies told by victims, this has been defined by Hamber as apologies or memorials that acknowledge

¹²⁷ Pablo de Greiff, 'Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence, Pablo de Greiff' (Human Rights Council 2015) A/HRC/30/42/Add.1 13.

¹²⁸ Lykes and Mersky (n 2) 11.

the trauma faced by people and serve as 'vehicles for the intergenerational transmission of historical memory.'¹²⁹ In Seychelles there are key national roads and public holidays celebrating the 1977 coup. The fact that victims have expressed their suffering before the court is momentous, and it shows that the beginning of the Coup signifies pain and suffering for many individuals. Therefore, in order to respect the victims and acknowledge the pain evoked many symbolic reparations needs to be provided. The street commemorating the coup, 5th June Avenue and the 5th June public holiday will need to be seriously reconsidered. Though they are facts of the history of Seychelles, in order to present an accurate depiction of the time, the plight of the victims will need to be commemorated too and included within Seychelles' culture. This is especially important considering the size of the main island, which is 157.3 km²¹³⁰ and the majority of citizens constantly have to drive and walk through such divisive landmarks.

The importance of removing a symbolic statute has already been seen in Seychelles with the removal on the Zonm Lib (Liberation Statue), which was a statute of a man breaking from chains on 5th June Avenue signifying the glory of the coup. This statute was a painful remembrance for citizens in Seychelles and it was removed during a time when the political tension was very high in 2014. A key figure of the opposition during the time stated to the national newspaper that 'the monument represented division rather than unity, adding that while some people celebrated on June 5, others grieved.'¹³¹

¹²⁹ Brandon Hamber, 'Narrowing the Micro and Macro A Psychological Perspective on Reparations in Societies in Transition' in Pablo de Greiff, *The Handbook of Reparations* (Oxford University Press 2006) 7.

¹³⁰ Sparks (n 15).

¹³¹ George Thande, 'Mixed Reactions to Plans for Moving Liberation Monument' *Seychelles News Agency* (Seychelles, 4 April 2014) <<http://www.seychellesnewsagency.com/articles/149/Mixed+reactions+to+plans+for+moving+Liberation+monument>> accessed 23 June 2021.

Though symbolic reparations, such as removing landmarks and changing names of streets glorifying the coup will not enable victims to heal fully, it will show them that their pain has been acknowledged and give them faith that the political system is attempting to rectify the injustice done. Hamber discusses how the provision of symbolic reparation increases the impacts of individual reparations and creates a better social atmosphere while enabling victims to heal.¹³² This is due to the fact that said reparations provides a tangible place of monument that remembers the hardships a victim has faced or the people that they have lost.¹³³ Though, victims place themselves within the fabric of history through their testimonies, symbolic reparation solidify this.

When coupled with individual reparations, in terms of compensation, symbolic reparations are the acknowledgement to the victim that have been harmed and to the wider community that there are victims. Therefore, it is the state admitting guilt and attempting to rectify the situation. This is especially important for the nation of Seychelles that solely presents the coup and the reign of René and Michel in a glorifying manner.

Moreover, the emotional harm inflicted on victims lives within them internally, and through memories. Yes, testimonies are a way to project this internalization of grief and harm, but symbolic reparation may form as a way to cement these testimonies in the wider world. The one-sided nature of history in illiberal democracies silence victims and symbolic reparations may take steps to rectify this.

Mental health reparations

¹³² Hamber (n 129) 23.

¹³³ *ibid* 8.

As mentioned in the previous chapter mental health services are quintessential in ensuring that revictimization through testimonies does not manifest in the form of post-traumatic stress disorder (PTSD); regardless of this fact, long-term mental health assistance has never been provided throughout the history of TCs. Developing literature on reparations has begun to consider mental health as a form of reparation. The UN has presented four broad guidelines that should be considered when providing reparations, 1) restitution, 2) compensation, 3) rehabilitation, and d) satisfaction and guarantees of non-repetition.¹³⁴ Rehabilitation would form as mental health reparations and 'should include medical and psychological care as well as legal and social services.'¹³⁵ Interestingly, anthropologists, cultural psychologists and indigenous healers are placing more weight on victim's testimonies in order to decipher what mental health assistance is required.¹³⁶ Therefore, testimonies need to be analysed and understood from the perspective of the victims in order to understand what kind of mental health assistance they best need, thus, each victim is given the attention and reparation they need based on their specific background and story.

Unfortunately, unlike the South African TRC,¹³⁷ psychologists and mental health advisors have not been present during the Seychelles TRNUC. In fact, the mental health of victims has not been mentioned through the duration of the proceedings. If not approached in the report presented in the July 2021 this may be a drastic limitation of the commissions ability to aid victims in healing. Especially for the victims that approached the commission with torture and political killings. A clear example of this is a mother who presented her testimony to the

¹³⁴ General Assembly, 'Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law' (United Nations 2006) A/RES/60/147, 7.

¹³⁵ *ibid.*

¹³⁶ Lykes and Mersky (n 2).

¹³⁷ *ibid* 35.

commission and brought along a picture of her son's dead body, the body was brutalized and unrecognisable. She talks about being traumatized and the pain she endured as a mother finding her son in such a state. Victims such as these will not heal by having their story told and may be faced with the traumatization of having to relive the memory of seeing her son murder.¹³⁸ Hayner states this in her work with truth commissions within South Africa, whereby a mother stated 'the truth started something that they do not now how to finish,'¹³⁹ as after the proceedings she was faced with clear indicators of severe PTSD. Victims such as these require intense psychological assistance.

The 'alternative framework' developed by Lykes and Mersky situates the provision of mental health assistance in the centre of reparations,¹⁴⁰ alongside restitution, compensation, and satisfaction and guarantees of non-repetition. Moreover, they propose viewing this process of mental health reparations as a form of justice for victims.¹⁴¹ This is especially important for victims that will be traumatized by the murders of their family members or political violence and victimization, as the lifelong trauma is in itself a form of injustice that victims bear. Testimonies that are not coupled with the proper mental health assistance may jeopardize a victim's emotional health as they will not be given the proper tools to deal with their trauma. One cannot exist without the other, therefore, considering the fact that proper mental health assistance was not provided during the testimonies, it should be enforced as a form of reparation.

¹³⁸ Hayner (n 50) 153.

¹³⁹ *ibid.*

¹⁴⁰ Lykes and Mersky (n 2) 36.

¹⁴¹ *ibid.*

The chair of the TRNUC conveyed to a legal blog stating that victims will require reparations and that the commission 'would like to see the government make some commitment now through the establishment of a trust fund and the adoption of measures to generate income for that fund so that victims will be assured that reparations will be made.'¹⁴² Though this is beneficial for victims, the lack of reference to mental health reparations could be an indicator that this is not a priority for the commission's report. If not addressed accordingly in the upcoming report, victims may not receive the long-term emotional support that they require.

Political will

Moreover, the various kinds of reparations coupled with utilizing narratives to better victims' capacity to heal is necessary, but these are just theoretical concepts without political initiative to implement them. We cannot make clear decisions as to whether the Seychelles government will carry out thorough reparations schemes, if instigated by the report produced by the TRNUC, as the report has not been produced. However, we can judge how supportive the government has been in aiding the TRNUC thus far and infer based on the current socio-economic climate. The chair of the commission Gabrielle Louise McIntyre appealed to the government of Seychelles stating that:

'this commission has been systematically denied the minimum resource it needs to carry out its mandate from the outset of its operations in violation of section 15 (2) of the act the commission shall be allocated a budget from the consolidated fund to cover its operations included the remuneration of its commissioners and support staff. While dealing with close to 500 cases at once the commission is supported by just one security officer, one administration officer, one secretary, one dispatch officer, one driver

¹⁴² Rita Gay, 'Seychelles' Truth Commission Advocates for State Reparations' (*JusticeInfo.net*, 3 June 2021) <<https://www.justiceinfo.net/en/78102-seychelles-truth-commission-advocates-for-state-reparations.html>> accessed 23 June 2021.

perpetrator support officer, one victim support officer, one interpreter, four stenographers, and five investigators. Notably, the secretariat of the commission does not have a CEO, no legal support staff, archivists or any research staff. Staff critical to the ability of the commission to determine allegation of human rights violations and conduct the research necessary for its final report. The lack of critical staff has greatly impugned the effectiveness of the commission, as has the complete lack of transcripts and archivists. In this respect, the commission does not have an easily accessible record it can refer too. Rather it is forced to rely on handwritten notes and memory to determine complaints made.¹⁴³

She then proceeds to state the stark differences between the resources provided to other TRCs and that of the Seychelles, such as the South Africa TRC which had 540 qualified staff to aid with the commissions mandate. South Africa also adopted a victim-centric approach, whereby psychologists and victim support groups worked within the commission and with the wider community outside the commission.¹⁴⁴ Therefore, we can see through the lack of providing staff and resources to the commission in Seychelles may lead to victims having less attention.

Moreover, this paper has discussed the importance of utilizing each testimony in order to best understand what each victim requires. This process will require help and resources for the commission, if they are not provided this, they may not be able to provide a report that best suits each individual victim. Especially when we consider that the TRNUC is tasked with having to form a report recommending individual reparations for each victim while providing

¹⁴³ Seychelles Broadcasting Corporation, 'SBC | LIVE - TRNUC SESSION - HEARING 161 - 07.06.2021', *Truth, Reconciliation and National Unity Commission* (6 July 2021) <https://www.youtube.com/watch?v=03FMaKp1oCc&list=PLNo80So8nM9_LvEWbrhw8gSw7eECOWflt&index=26> accessed 8 July 2021.

¹⁴⁴ Lykes and Mersky (n 2) 16.

an Amnesty Report.¹⁴⁵ Considering the need to take into account each victims testimony and their respective socio-political background, it is very likely that due to being stretched thin, they will not be able to dedicate the time needed to analyse each victim's testimony in depth.

Moreover, from an economic point of view it can be argued that the government has not been able to provide additional help to the TRNUC due to the stress of the COVID-19 pandemic on the economy. This point was discussed in the National Assembly in 2021 in relation to potential reparations that the state may have to offer. It was stated by a member of parliament that for the moment they acknowledge the fact that money is not freely available due to the pandemic.¹⁴⁶ Though we should be mindful of the fact that the pandemic occurred in 2020, and the commission has been denied help in terms of resources since its conception in 2019, which may impact the quality rather than the quantity of reparations in the future. Additionally, Pablo De Grief states in *the Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence in Burundi* that 'there is no obvious direct correlation between the degree of socioeconomic development of a country and the magnitude of its reparation programmes. Some countries with relatively wealthy economies have established programmes that are not particularly munificent; while other countries with comparatively smaller economies have established programmes that distribute relatively large benefits.'¹⁴⁷ He also states that the most influential factor in not having proper reparations programs is the lack of political will. Therefore, the proverbial ball is with the court of the

¹⁴⁵ Seychelles Broadcasting Corporation, 'SBC | LIVE - TRNUC SESSION - HEARING 161 - 07.06.2021' (n 143).

¹⁴⁶ National Assembly, 'NATIONAL ASSEMBLY OF SEYCHELLES: Verbatim Report' (2021) Verbatim Report.

¹⁴⁷ Pablo de Greiff, 'Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence, Pablo de Greiff' (Human Rights Council 2015) A/HRC/30/42/Add.1 14.

government of Seychelles and their lack of initiative may compromise an individual victim's capacity to heal.

3.2 Culture of forgiveness

Additionally, another aspect of victim healing will depend on their capacity to forgive and the overall culture of forgiveness. This section will analyse the ways in which forgiveness was beneficial to victims within the South African TRC and how this differs from the TC within Seychelles. Moreover, this section will detail, based on testimonies within the TRNUC, why forgiveness is not the main goal for victims.

One key factor in the act of forgiveness within the TRC in South Africa was the religious undertones that heavily influenced the proceedings. Throughout said commission, testimonies were treated like acts of confession within the Christian church, especially because that the chairman of the commission was Desmond Tutu- an archbishop.¹⁴⁸ The commission in South Africa 'opened and closed each session with prayer' and the singing of hymns and forgiveness was preached.¹⁴⁹ Therefore, throughout the TRC in South Africa many worked towards forgiving, and in fact unforgivable acts were forgiven, as seen by a black mother embracing white soldiers who murdered her son.¹⁵⁰ The act of giving forgiveness was a way in which victims could exercise their moral righteousness withing the church and move on. This paradigm of forgiveness, interlinked with the concept of religion may seem to be suitable for the citizens of Seychelles, considering the fact that 'approximately 76 percent of the population

¹⁴⁸ Susan Vanzanten Gallagher, "I Want to Say: / Forgive Me": South African Discourse and Forgiveness' (2002) 117 PMLA 303.

¹⁴⁹ *ibid.*

¹⁵⁰ *ibid* 304.

is Roman Catholic,¹⁵¹ but there are many reasons as to why the culture of forgiveness of Seychelles will defer from that of South Africa's.

Firstly, the presence of Desmond Tutu as the chair of the commission was very important in establishing forgiveness as a tool for healing. Not simply because he was a religious figure, but he also spoke about forgiveness constantly, therefore, the rhetoric of forgiveness was heard by not just victims giving testimonies but all the people listening and following the commission closely.¹⁵² This greatly contrasts Seychelles, as the chair commissioner is an Australian international lawyer. The presence of a lawyer as the head commissioner may enforce the atmosphere of justice and retribution rather than spiritual forgiveness. Victims may feel that they are approaching a more formal legalistic entity rather than an archbishop that can heal their emotional pain. Granted, there is one archbishop on the commission, but he does not perform or lead religious sessions within the commission as Tutu did. Though the government did try to introduce this religious rhetoric within the commission by compiling religious leaders in the community, at a Seychelles Interfaith Council meeting, in order to bring a religious component to the TRNUC.¹⁵³ Together they compiled a list of holy quotes discussing the fundamental nature of forgiveness with each religion.¹⁵⁴ This does convey that Seychelles is trying to mirror the ideologies of Tutu and encourage forgiveness. However, unlike the South African TRC the rhetoric of forgiveness in Seychelles is not a constant dialogue within the commission's proceedings. Therefore, due to this key difference the culture of forgiveness within the TRNUC is very different to that of South Africa's.

¹⁵¹ 'SEYCHELLES 2020 INTERNATIONAL RELIGIOUS FREEDOM REPORT' (Office of International Religious Freedom 2020) 1.

¹⁵² Gallagher (n 112) 304.

¹⁵³ 'Truth, Reconciliation, Forgiveness – Quotations from Different Religions' *Seychelles Nation* (Seychelles, 29 February 2020) <<https://www.nation.sc/articles/3672/truth-reconciliation-forgiveness--quotations-from-different-religions>> accessed 21 June 2021.

¹⁵⁴ *ibid.*

Moreover, this is not to say that forgiveness has not been mentioned by victims and does not have the capacity to heal, but it does depend on the type of victim and whether they are told the truth regarding the violation they have endured. As mentioned prior the right to truth is essential in enabling a victim to heal, but a large part of this obligation lays upon the shoulders of perpetrators. Evident by Maryse Eulentin testimony, she discusses the inability to ever forgive the perpetrator, Jemmy Marengo, that killed her son due to the fact that he refuses to admit to what he has done.¹⁵⁵ Though the perpetrator is adamant that he was not involved this does convey that forgiveness is more readily given by victims once a perpetrator admits and repents for the crimes committed. The truth commission in South Africa enabled perpetrators to come forward by providing amnesties to those that told the full truth and showed the political motivations behind their actions.¹⁵⁶ Seychelles', amnesty policies mirror that of South Africa's but a key issue is that very few perpetrators have come forward to tell the truth, this was stated by MacIntyre: "The difficulty with this commission is that people are not coming forward. Normally, a truth commission perpetrators do come forward, tell what they did and why they did it[...] Here in Seychelles, it is a very different situation; it's such a small country that perpetrators are afraid of coming forward and admitting it, and how they would be treated by people in the society." Therefore, victim's will not be able to forgive the people that have committed crimes if they refuse to admit to said crimes. This is not only damaging for reconciliation but it may impede the cathartic nature of forgiving and letting go.

¹⁵⁵ Seychelles Broadcasting Corporation, 'TRNUC Hearing 52: Part Two 03.03.20' (n 104).

¹⁵⁶ Adrian Guelke, 'Truth for Amnesty? The Truth and Reconciliation Commission and Human Rights Abuses in South Africa' (1999) 10 Irish Studies in International Affairs 23.

Additionally, the same need for truth in order to forgive has been expressed numerous times within the Seychelles TRNUC in relation to forgiveness. As seen when Sharon Morgan pled to the potential perpetrators regarding her father's, Gilbert Morgan, disappearance. She stated: "If you come forward and accept what you did, what you were ordered to do by Albert, to take my father's life away, in other words to kill him, with all the anger in me, I can find forgiveness. You can help me move forward and maybe you can have a clear conscience too. We can both finally let my father's soul rest in peace."¹⁵⁷ Moreover, a touching instance of forgiveness was when Mr. Dingwall asked for forgiveness for the acts he committed against Mr Henri stating "Brother I publicly ask you to forgive me for my involvement in your ordeal. It was never my intention to be part of the incident."¹⁵⁸ Mr Henri gratefully accepted the acknowledgment of his suffering and stated to the local newspaper that 'the pardon has relieved him of the pain and burden he had carried for so many years.'¹⁵⁹ Therefore, we do see that the act of finding the truth and forgiving as a cathartic experience for victims as well. However, this is not as common as it presented to be within the South African commission.

In addition to this, the majority of cases with the commission of Seychelles, as stated prior, are related to violations of expropriation. Therefore, when a survey was conducted by the State in order to deduce whether victims were ready for reconciliation or to accept an apology,¹⁶⁰ they found that 60% of people wanted money for what they had lost, some

¹⁵⁷ 'The Truth, Reconciliation and National Unity Commission (TRNUC) Case 031: Disappearance of Gilbert Morgan' (n 84).

¹⁵⁸ 'Truth, Reconciliation and National Unity Commission Victim Forgives Perpetrator in Open Session' *Seychelles Nation* (Seychelles, 8 June 2021) <<https://www.nation.sc/articles/9266/truth-reconciliation-and-national-unity-commission-victim-forgives-perpetrator-in-open-session>> accessed 20 June 2021.

¹⁵⁹ *ibid.*

¹⁶⁰ National Assembly, 'NATIONAL ASSEMBLY OF SEYCHELLES: Verbatim Report' (2021) Verbatim Report 95.

wanted their house/land back, and few would accept an apology from perpetrators.¹⁶¹ This greatly contrasts the South African TRC, whereby 4 out of 10 people wanted compensation.¹⁶² Perhaps this conveys a difference in the rectifying violations concerning loss of tangible property. As stated by Méndez 'It is useless, therefore, to imagine policies of "forgive and forget" under the guise of "national reconciliation." The demands for justice will simply not go away.'¹⁶³

Moreover, the culture of forgiveness within the foundations of South Africa stems from the inherent idea of ubuntu. Ubuntu has been defined as: 'A human being can only be a human being through other human beings', and 'People live through the help of others.'¹⁶⁴ It has been described as a mindset that transcends the physical differences that we live by, such as race, political ideology and religion, and is an ideology that believes in 'group solidarity, conformity, compassion, respect, human dignity, humanistic orientation, and collective unity.'¹⁶⁵ As described by Gobodo-Madikizela the idea of forgiveness and seeking forgiveness is rooted in a moral obligation the shared humanity between a victim and a perpetrator.¹⁶⁶ Moreover, she emphasises the healing capabilities for victims by stating that a 'victim in a sense needs forgiveness as part of the process of becoming rehumanized...the victim needs it in order to complete himself or herself and to wrest away from the perpetrator the fiat power to destroy or

¹⁶¹ *ibid* 107.

¹⁶² Stéphane Leman-Langlois, 'Mobilizing Victimization: The Construction of a Victim-Centred Approach in the South African Truth and Reconciliation Commission' (2000) 33 *Criminologie* 145.

¹⁶³ Méndez (n 74) 196.

¹⁶⁴ Guelke (n 117) 22.

¹⁶⁵ Yvonne Mokgoro, 'Ubuntu and the Law in South Africa' (1998) 4 *Buffalo Human Rights Law Review* 17.

¹⁶⁶ Pumla Gobodo-Madikizela, 'Trauma, Forgiveness and the Witnessing Dance: Making Public Spaces Intimate: Trauma, Forgiveness and the Witnessing Dance' (2008) 53 *Journal of Analytical Psychology* 180.

to spare... it is part of the process of reclaiming self-efficacy.¹⁶⁷ The concept of ubuntu is profound and aspirational. However, though Gobodo-Madikizela disagrees, it is not an inherent part human culture and may not align with the socio-political atmosphere of the Seychelles. From the beginning of independence Seychelles has faced great political division as people were defined by their political mindset. This was seen in Ms. Barallon's testimony when she pled with the new government in power, asking them to refrain from defining people based on who they support politically.¹⁶⁸ Therefore, we see that rather than a culture of community and togetherness flourishing on the small island state, a mentality of us-versus-them dictates cultural norms to some extent. Thus, the idea of how one should approach forgiveness and interpersonal communication is greatly differs based on cultural backgrounds.

The culture of forgiveness and healing potential of giving forgiveness will vary from each TC depending on the culture, the atmosphere of the TC, and the violations that occurred. Considering the example of Seychelles, apologies may be beneficial for some victims, but the majority will require more in order to heal.

4. Conclusion

All in all, this paper has detailed how testimonies within the TRNUC are liberating tools for victims that have not been able to voice their harms due to oppressive regimes; this is why truth commissions have been a popular medium for facilitating transitional justice during the 21st century.¹⁶⁹ Governments that have subjugated their citizens have many stories untold, unheard and unacknowledged. Having a commission present to listen to and recognise said people is

¹⁶⁷ Pumla Gobodo-Madikizela, *A Human Being Died That Night: Forgiving Apartheid's Chief Killer* (Portobello Books 2006).

¹⁶⁸ Seychelles Broadcasting Corporation, 'TRNUC Hearing – 11.11.2019 – Session 26- Part Two - Myvonne Barallon' (n 126).

¹⁶⁹ Hayner (n 50) 10.

highly beneficial not only for reconciliation but also for citizens' emotional welfare. The cathartic nature of releasing one's story into the community and rewriting history in a manner that is inclusive reinvites victimised individuals back into the fabric of a nation. It acknowledges the suffering and hardships faced by victims and gives them a chance to see themselves as survivors. Additionally, opening the dialogue to victims and witnesses' testimonies allows for the reframing of discourse and the ability to find the truth of what happened to victims. All the while, testimonies within truth commissions have a smaller chance of revictimising victims, as would be done in a formal court of law. Unlike traditional justice methods, it is an environment that promotes inclusivity and a safe space for victims to speak. Testimonies are, therefore, an effective medium for provoking the healing of victims.

However, suppose this medium is not met with thorough consideration for a victims cultural, socio-economic and political background through adequate reparations. In that case, it will not meet the level required for victims to feel like their stories have been appropriately acknowledged. By analysing the political atmosphere in which many had to lead their lives, the commission can best recognise those most vulnerable in society and recommend compensation to enable them best to move forward. Additionally, considering the lack of mental health assistance and psychological aid provided to victims throughout the commission's proceedings. Victims need to be provided with thorough psychological assistance as an additional form of reparations. Otherwise, the healing capabilities of the testimonies will be minimal. Moreover, many victims within Seychelles require more than apologies for their trauma but concrete reparations in order to best redress the irreparable damage caused to many. Therefore, this paper argues that testimonies need to be thoroughly analysed and assessed by Seychelles' commission to give victims best what they require. The consideration of a victim's

emotional welfare is a multifaceted component of transitional justice, and the key in unlocking what each individual requires to heal is their stories.

Bibliography

- ABC, 'Truth and Reconciliation in the Seychelles', *Late Night live* (9 July 2020) <<https://www.abc.net.au/radionational/programs/latenightlive/truth-and-reconciliation-in-the-seychelles/12440242>>
- Accatino D and Collins C, 'Truth, Evidence, Truth: The Deployment of Testimony, Archives and Technical Data in Domestic Human Rights Trials' (2016) 8 *Journal of Human Rights Practice* 81
- Agyeman-Duah I, 'Review of Albert René, the Father of Modern Seychelles: A Biography, by Kevin Shillington' (2015) 61 *Africa Today* 88
- Antkowiak TM, 'Truth as Right and Remedy in International Human Rights Experience' (2002) 23 *Michigan Journal of International Law* 39
- Athanase P, 'The Seychelles' Truth Commission, The Year Ahead' (*Truth Commissions*, 21 January 2021) <<https://www.justiceinfo.net/en/46433-seychelles-truth-commission-year-ahead.html>>
- Avery S, *Seychelles Political History and Governance, Economy, Corruption, Society and Environment*. (Dany Beck Paper Shop 2017)
- Benoit D, 'Addressing Alleged Human Rights Violations: The Truth, Reconciliation and National Unity Process in Seychelles' (2020) 2 *Seychelles Research Journal* 145
- , 'Addressing Alleged Human Rights Violations: The Truth, Reconciliation and National Unity Process in Seychelles'
- Choppy PT, 'Attitudes to Slavery And Race in Seychellois Creole Oral Literature' (University of Birmingham 2017)
- Department of State, 'Country Reports on Human Rights Practices for 1990: Report Submitted to The Committee on Foreign Relations U.S. Senate and the Committee on Foreign Affairs Hous of Representatives by the Department of State' (Department of State 1991) *Country Reports on Human Rights Practices* 102–5
- Ellis S, 'Africa and International Corruption: The Strange Case of South Africa and Seychelles' (1996) 95 *Oxford University Press on behalf of The Royal African Society* 165
- Fisher WR, 'The Narrative Paradigm: An Elaboration' (1985) 52 *Communication Monographs* 347
- , 'Clarifying the Narrative Paradigm' (1989) 56 *Communication Monographs* 55
- Gallagher SV, "'I Want to Say: / Forgive Me": South African Discourse and Forgiveness' (2002) 117 *PMLA* 303
- Gay R, 'Seychelles' Truth Commission Advocates for State Reparations' (*JusticeInfo.net*, 3 June 2021) <<https://www.justiceinfo.net/en/78102-seychelles-truth-commission-advocates-for-state-reparations.html>> accessed 23 June 2021

General Assembly, 'Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law' (United Nations 2006) A/RES/60/147

Gobodo-Madikizela P, *A Human Being Died That Night: Forgiving Apartheid's Chief Killer* (Portobello Books 2006)

——, 'Trauma, Forgiveness and the Witnessing Dance: Making Public Spaces Intimate: Trauma, Forgiveness and the Witnessing Dance' (2008) 53 *Journal of Analytical Psychology* 169

Greiff P de, 'Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence, Pablo de Greiff' (Human Rights Council 2015) A/HRC/30/42/Add.1

Guelke A, 'Truth for Amnesty? The Truth and Reconciliation Commission and Human Rights Abuses in South Africa' (1999) 10 *Irish Studies in International Affairs* 21

Hamber B, 'Narrowing the Micro and Macro A Psychological Perspective on Reparations in Societies in Transition' in Pablo de Greiff, *The Handbook of Reparations* (Oxford University Press 2006)

Hanna Y, *Survivors of the Holocaust: Israel after the War* (1st edn, New York University Press 1999)

Hayner P, *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*, vol 2 (Taylor & Francis 2010)

Ignatieff M, 'Articles of Faith' (1996) 25 *Sage Publishing* 110

'Jemmy Marengo No Longer an SPDF Member' *Seychelles Nation* (Seychelles, 18 January 2020) <<https://www.nation.sc/articles/3147/jemmy-marengo-no-longer-an-spdf-member>> accessed 20 June 2021

Kukoska N, 'The Right to the Truth and Truth Commissions' (2015) 6 *Iustinianus Primus Law Review* 1

Laine B, 'A Marketing Man as Our next President' *Seychelles Nation* (Seychelles, 15 June 2020) <<https://www.nation.sc/articles/5011/a-marketing-man-as-our-next-president>> accessed 20 June 2021

Lambright A, 'Reconciling through Other Knowledges', *Andean Truths Transitional Justice, Ethnicity, and Cultural Production in Post-Shining Path Peru* (University Press Scholarship Online 2016)

'Land Claims Dominate Yesterday's TRNUC Hearings' *Seychelles Nation* (Seychelles, 18 May 2021) <<https://www.nation.sc/articles/9000/land-claims-dominate-yesterdays-trnuc-hearings>> accessed 20 June 2021

Laurence D, 'Seychelles Approves First Committee on Truth, Reconciliation and National Unity' *Seychelles News Agency* (Seychelles, 2 August 2018)

Leman-Langlois S, 'Mobilizing Victimization: The Construction of a Victim-Centred Approach in the South African Truth and Reconciliation Commission' (2000) 33 *Criminologie* 145

Lykes MB and Mersky M, 'Reparations and Mental Health: Psychosocial Interventions Towards Healing, Human Agency, and Rethreading Social Realities' in Pablo de Greiff, *The Handbook of Reparations* (Oxford University Press 2006)

Mahoune J-C-P, 'Traditional Dances/Games of the Republic of Seychelles' (*Ministry for Youth, Sports, and Culture*) <<http://www.pfsr.org/seychelles-traditional-dances-games/traditional-dancesgames-of-the-republic-of-seychelles/>> accessed 21 December 2020

Maier SL, "'I Have Heard Horrible Stories . . .': Rape Victim Advocates' Perceptions of the Revictimization of Rape Victims by the Police and Medical System' (2008) 14 *Violence Against Women* 786

Méndez JE, 'Lessons Learned' in J Zalaquett, *Victims Unsilenced: The Inter-American Human Rights System and Transitional Justice in Latin America* (Due Process of Law Foundation 2007)

Méndez JE and Bariffi FJ, 'Truth, Right to, International Protection', *Max Planck Encyclopedias of International Law* (Oxford University Press 2011)

Millar G, 'Performative Memory and Re-Victimization: Truth-Telling and Provocation in Sierra Leone' (2015) 8 *Memory Studies* 242

Mokgoro Y, 'Ubuntu and the Law in South Africa' (1998) 4 *Buffalo Human Rights Law Review* 15

Ms. Linda Tracy McKeown, Open letter, 'Re: The Disappearance/ Death/Killing/ Imprisonment of Rodney Dominic Payet' (6 August 2019) <<http://seychellesvoice.blogspot.com/2019/09/what-really-happened-to-2-missing.html>>

Nandhikkara J, 'Homo Narrans Constructing Identities' (2018) 43 *Journal of Dharma: Dharmaram Journal of Religions and Philosophies* 3

National Assembly, 'NATIONAL ASSEMBLY OF SEYCHELLES: Verbatim Report' (2021) Verbatim Report

Nieuwkerk A van, 'Seychelles' in Victor Adetula, *Africa Yearbook*, vol 15 (Koninklijke Brill NV 2019)

Phelps T, *Shattered Voices Language, Violence, and the Work of Truth Commissions* (University of Pennsylvania Press 2004)

——, 'Narrative Capability' in Séverine Deneulin, Mathias Nebel and Nicholas Sagovsky, *Transforming Unjust Structures: The Capability Approach*, vol 19 (Springer 2006)

Pierre A, 'WOW! JEMMY MARENGO NAMED AS KILLER' <<https://www.facebook.com/groups/Seychellesdaily/posts/2764434320313409>> accessed 20 June 2021

——, ‘TRNUC FLASHBACK 13’

<<https://www.facebook.com/groups/Seychellesdaily/posts/3368445859912249>> accessed 20 June 2021

Priscilla Hayner, ‘Past Truths, Present Dangers: The Role of Official Truth Seeking in Conflict Resolution and Prevention’ in Paul C Stern and Daniel Druckman (eds), *International Conflict Resolution After the Cold War* (National Academy Press 2000)

‘Report of the Chilean National Commission on Truth and Reconciliation’ (University of Notre Dame Press 1993)

Rothstein A-B, ‘New Ways of Finding a Voice: Oral Tradition and Hybridity in Seychelles Literature’ 11

Ruti Teitel, *Transitional Justice* (1st edn, Oxford University Press 2000)

‘SEYCHELLES 2020 INTERNATIONAL RELIGIOUS FREEDOM REPORT’ (Office of International Religious Freedom 2020)

Seychelles Broadcasting Corporation, ‘TRNUC Hearing – 06.11.2019 – Session 23 - Part One - Carlette Ball’, *Truth, Reconciliation and National Unity Commission* (16 November 2011)

<https://www.youtube.com/watch?v=9Pq0WIA4r44&list=PLNo80So8nM9_cIbbBR5vyswJrz-My-kzQ&index=53>

Seychelles Broadcasting Corporation, ‘TRNUC Hearing- 17-OCT-2019- Session 3 - Patrick Lablache/Roy Beehary/Jean Baptiste D’Offay de Rieux’, *Truth, Reconciliation and National Unity Commission* (17 October 2019)

<https://www.youtube.com/watch?v=pxXMUJ2vf2Y&list=PLNo80So8nM9_cIbbBR5vyswJrz-My-kzQ&index=47> accessed 14 April 2021

Seychelles Broadcasting Corporation, ‘TRNUC Hearing – 11.11.2019 – Session 26- Part Two - Myvonne Barallon’, *Truth, Reconciliation and National Unity Commission* (29 November 2019) <https://www.youtube.com/watch?v=8rzK8_pVlc0&t=3530s> accessed 15 May 2021

Seychelles Broadcasting Corporation, ‘TRNUC Hearing - 13.01.2020 - Session 36’, *Truth, Reconciliation and National Unity Commission* (13 January 2020)

<<https://www.youtube.com/watch?v=rRAp31mZG1A>>

Seychelles Broadcasting Corporation, ‘SBC | LIVE - TRNUC SESSION - HEARING 161 - 07.06.2021’, *Truth, Reconciliation and National Unity Commission* (6 July 2021)

<https://www.youtube.com/watch?v=03FMaKp1oCc&list=PLNo80So8nM9_LvEWbrhw8gSw7eECOWflt&index=26> accessed 6 August 2021

Seychelles Broadcasting Corporation, ‘TRNUC Hearing 34- 09.01.2020 -Part One’, *Truth, Reconciliation and National Unity Commission* (9 January 2020)

<<https://www.youtube.com/watch?v=6XqDz-1sgAk&list=PLNo80So8nM9-de9UGShWyT2WeTIpYPOKG&index=184>> accessed 5 May 2021

Seychelles Broadcasting Corporation, ‘TRNUC Hearing 52: Part Two 03.03.20’, *Truth, Reconciliation and National Unity Commission* (3 March 2020)

<https://www.youtube.com/watch?v=joaAV1_ZIW0&list=PLNo80So8nM9-de9UGShWyT2WeTIpYPOKG&index=139> accessed 4 December 2021

Seychelles Broadcasting Corporation, 'SBC | Live TRNUC Hearing - Session 96 - 29.07.2020', *Truth, Reconciliation and National Unity Commission* (29 July 2020)

<<https://www.youtube.com/watch?v=0MnJJz2sjSE&list=PLNo80So8nM9-de9UGShWyT2WeTIpYPOKG&index=37>>

Sparks DL, 'History of Seychelles', *Encyclopaedia Britannica* (Encyclopaedia Britannica) <<https://www.britannica.com/place/Seychelles/History>>

Thande G, 'Mixed Reactions to Plans for Moving Liberation Monument' *Seychelles News Agency* (Seychelles, 4 April 2014)

<<http://www.seychellesnewsagency.com/articles/149/Mixed+reactions+to+plans+for+moving+Liberation+monument>> accessed 23 June 2021

'The Development of Holocaust Consciousness in Israel: The Nuremberg, Kapos, Kastner, and Eichmann Trials' 25

'The Truth, Reconciliation and National Unity Commission (TRNUC) Case 031: Disappearance of Gilbert Morgan' *Seychelles Nation* (Seychelles, 1 September 2020) <<https://www.nation.sc/articles/3044/the-truth-reconciliation-and-national-unity-commission-trnuc>> accessed 20 May 2021

'Truth, Reconciliation and National Unity Commission (TRNUC) Hearing: Legal Expert, Two Complainants before Commission' *Seychelles Nation* (Seychelles, 24 November 2020) <<https://www.nation.sc/articles/6926/truth-reconciliation-and-national-unity-commission-trnuc-hearing>> accessed 23 May 2021

'Truth, Reconciliation and National Unity Commission Victim Forgives Perpetrator in Open Session' *Seychelles Nation* (Seychelles, 8 June 2021) <<https://www.nation.sc/articles/9266/truth-reconciliation-and-national-unity-commission-victim-forgives-perpetrator-in-open-session>> accessed 20 June 2021

'Truth, Reconciliation, Forgiveness – Quotations from Different Religions' *Seychelles Nation* (Seychelles, 29 February 2020) <<https://www.nation.sc/articles/3672/truth-reconciliation-forgiveness--quotations-from-different-religions>> accessed 21 June 2021

Seychelles People's Defence Forces v The Truth, Reconciliation and National Unity Commission MC 33/2020 [2020] Supreme Court of Seychelles 519