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*The Commissioners appointed under provisions of Section 2 of the Commissions of Inquiry Act (Chapter 393) are,*

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## **Bishop's Testimony before the Lessons Learnt and Reconciliation**

**Evidence of the Rt. Revd Dr Daniel S. Thiagarajah, Bishop of the Church of South India in the Jaffna Diocese (JDCSI) & Chairman of American Ceylon Mission (ACM), & Chairperson of National Christian Council of Sri Lanka. before the Commission of Inquiry on Lessons Learnt and Reconciliation appointed by His Excellency the President**

### **INTRODUCTION**

**First of all, I would like to thank the honourable members of this Commission and the President for accord- ing me an opportunity to present submissions before this Lessons Learnt and Reconciliation Commission (LLRC).**

**I am here before this Commission this afternoon as a person who has served first as a Priest and now serv- ing as a Bishop, as a person who has lived in the Vanni region for several years, as one who has experienced the war and sufferings for many years,**



**Rt. Rev. Dr Daniel S. Thiagarajah Ph.D.**  
Bishop of the CSI in the Jaffna Diocese,  
Chairman, Board of Directors of Jaffna College  
& Chairperson of National Christian Council of Sri Lanka.  
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# Lessons Learnt and Reconciliation Commission

# Jaffna Diocese

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as one who has identified with those who have undergone hardships and as a leader who steers not only the congregations under my care but also the community at large in the areas where we minister toward fullness of life. Hence it is important to set the background of who I am before this Commission. I appear here with experience of suffering and trauma and as someone who has seen, observed and identified the tragedy of loss of people in various forms. In short, I am here both as a victim and a witness.

I appreciate His Excellency the President for appointing a Commission such as this. I was happy to read the text of the Warrant issued by the President. As I was going through I came across an important observation in the first few lines where he refers to an 'opportune moment' that has arrived. Students of Greek will recognize that 'an opportune moment' in Greek is *kairos*. Immediately my thoughts were lingering around the 'Kairos Document' that came out as a result of the end of or the need for the end of the apartheid regime and related to this was the "Truth and Reconciliation Commission" of South Africa popularly known as TRC. As a result of this revelation I also wondered why 'Truth' has not been included in the phrase or title of this Commission as in the case of the 'Chilean Truth and Reconciliation Commission or of 'TRC.'

## [RECONCILIATION – A NOTION FOR SUCH A TIME LIKE THIS](#)

We are gathered in the context of post-war. It is our task to reflect on what has happened over the period, which His Excellency has termed as "conflict phase" and the sufferings people have undergone. Connected to this task is the necessity to see that there will be no recurrence of any internecine conflict in the future. Hence there is a mandate to analyze and a resolution to adopt. In this context, the word that is often being spoken of is "reconciliation." Among the new paradigms for such a context like this that are emerging, 'the paradigm of reconciliation' is considered to be important and thought provoking. Reconciliation has to do with coming to terms with a painful past, and engaging in the reconstruction of societies which had gone through or had seen the end of a conflict.

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## The Problem of understanding the notion of Reconciliation

There are at least three understandings of reconciliation that come close to the genuine meaning of reconciliation but distort and even falsify its true meaning. These are reconciliation as a hasty peace; reconciliation instead of freedom or liberation and reconciliation as a managed process.

It needs to be recognized that 'Reconciliation as a process' takes time. Reconciliation is a process and a way of life with an eschatological horizon that cannot be foreshortened by circumventing history. It requires respecting, and often, restoring the human dignity of the victims of violence. Furthermore, reconciliation cannot occur without recognizing the sources of conflict and initiating a process that liberates the victims of violence from the structures of domination and oppression. The struggle against injustice is part of the genuine pursuit of reconciliation. Furthermore, reconciliation cannot be confused with conflict mediation, a process whose goal is to lessen conflict or to get the parties to accept and live with situations of conflict. One needs to understand that compared to conflict handling mechanisms viz., negotiation, mediation, adjudication, and arbitration, the approach called 'reconciliation' is perhaps the least well understood. Its meaning, processes, and application have not been clearly articulated or developed. In a way reconciliation is a complex term. Reconciliation is the resolution of violences. It begins to happen when one participates in positive relations with 'previous enemy.' It happens as persons or groups begin to shape their lives in positive relation to one another. It happens as people learn to deal with what separates them and as they find a bridge to new attitudes and practices that enable people to live in relation to one another, not in isolation from each other. In fact, the Greek term *katallage*, reconciliation, was a word used for monetary exchange in the Hellenistic world. It meant "the making of what one has into something other" or, by extension, one becomes a new person by exchanging places with another. It is not without effort.

# Jaffna Diocese

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Reconciliation is not a hasty peace that tries to escape the examination of the causes of suffering. If the causes are not addressed, suffering is likely to continue and the wheel of violence keeps turning and more and more people get crushed. In trivializing and ignoring a history of suffering the victims are forgotten and the causes of suffering are never uncovered and confronted. It is important to bear in mind that often in the deliberation about peace and reconciliation the victimized are called to forgive and reconcile in a way that perpetuates rather than rectifies the root causes of injustice, alienation, and division. While reconciliation suggests a genuine change in relations, reconciliation can also mean a collapse into acceptance of the status quo because of the belief that nothing can be done.

Reconciliation involves a fundamental repair to human lives especially to those who suffered. It requires restoring the dignity of the victims of violence. Reconciliation contains four dimensions viz. political, economic, psycho-social, and spiritual. The victims are often told to be peaceful in the sense of being passive and nice, and to allow them to be walked over. Many talked about peace that was to be achieved by pounding the opposition into submission, peace maintained by crushing protest against injustice and peace for the rulers and the oppressors at the expense of the oppressed.

Sometimes the call for reconciliation comes to the victims from the oppressors or the perpetrators of violence, in the hope they will be spared punishment and the responsibility to change and transform the violent structures, or from people who are outside the situation and have accepted the narrative of the lie, the lies about the situation of the victims. It is important not to give in to the lies and myths that were created either to demonize the victims or to conceal the appalling human cost they suffered hitherto. They cannot move to reconciliation if the truth about their human hurt and human hope is unknown.

# Jaffna Diocese

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They have to find a redeeming narrative to restore truth. Hence it is important to see that the victims do not succumb to the erasure of memory of the suffering which took place in the past. An utmost commitment to social analysis and pursuit of justice is necessary.

What, then, is reconciliation? Obviously, the rebuilding of a society after conflict involves many skills and points of view. Peace building, social and economic reconstruction, coming to terms with the past are all involved.

## Models of Reconciliation

Despite the lack of knowledge about how to operationalize reconciliation and the intricacies involved in understanding the definition of the term, there is however no question about the common agreement about the tremendous need for it. Among many models of reconciliation spoken of or tried by various countries in a similar situation as ours at least two major models may be thought of as 'umbrella models' under which others can be brought. On the one hand, there is a model that can be termed as 'individual or interpersonal reconciliation.' In this model reconciliation happens between the 'victim' and the 'perpetrator' and one envisages the need to reconcile victims and perpetrators of gross violations of human rights. This is generally known as "IR Model."

On the other hand, there is "national unity and reconciliation model" which is known as "NUR Model." This model is closely associated with politics and the units of analysis in this model are not individuals but socio-political institutions. This model calls for a commitment to share a future and for each to build towards that future.

The IR Model emphasizes either inheriting a religious paradigm or a therapeutic one. While the first model talks of confession, repentance and forgiveness the second one emphasizes the healing of individual victims and their experience of restoration of strained or broken relationships. The main purpose is the experiencing a sense of healing. One will recognize that throughout the TRC Report a language of IR is implied.

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## Two aspects of reconciliation as a paradigm of urgency

Two aspects in particular of this vision shape reconciliation as a paradigm of urgency. These are healing the trauma of the past, and the moral reconstruction of society. No matter how much one wishes to look to the future, the horrors of the past yawn like a bottomless pit. Sometimes what has happened has never been truly recounted. In any event, its full emotional and spiritual impact has not been plumbed. Without some measure of coming to terms with the past, the unhealed wounds will continue to fester, poisoning whatever new society is constructed, and posing the risk of victims themselves turning into oppressors of others.

What, concretely, is involved in the healing of the past? Three things in particular can be identified viz., "Truth-Telling," "Pursuit of Justice" and "Healing of memories and Forgiveness."

## Truth-Telling

Truth-telling is an act where the community validates individual memory. The basis for the healing of the past is truth-telling. Truth-telling consists, first of all, of speaking aloud those things kept secret or hidden during the conflict. Truth, in Greek, is *aletheia*, (λήθεια) is the Greek word for "truth", and like the English word implies sincerity as well as factuality or reality. The literal meaning of the word –λήθεια is, "the state of not being hidden; the state of being evident". People were often not allowed to speak of the atrocities which they had witnessed in totalitarian regimes. One could not raise the question of what had happened to loved ones taken away by the police or the armed forces. Speaking the truth breaks through the wall of silence imposed upon a society.

# Jaffna Diocese

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Second, truth-telling counters the falsehoods and lies perpetrated by the wrongdoers to legitimate their wrongdoing. Such truth-telling is essential to having a different kind of society. It also exonerates those who have lived under suspicion and false judgment.

Third, truth-telling is a matter of trying to establish just what did happen and why it happened. This is usually very difficult to ascertain, and in itself takes a long time. But without at least attempts at it, a society cannot construct a new narrative about itself.

Fourth, truth-telling is an essential ingredient for the new society. The very exercise of truth-telling becomes an important practice for the new society, something to be engaged in publicly and regularly.

In political processes of reconciliation following what social upheaval or trauma, the first step is always establishing the truth about what happened that provides a basis for a common memory that in turn provides a basis for a new moral order to be established. The process of establishing the truth provides a pattern of truthfulness and honesty on which any new political order must be built. It must be a public process to insure the right of all parties to contribute to a new narrative of truth. Without the validation of wider community, truth remains elusive and prone to the “narrative of the lie” perpetuated by the previous political order. Hence the truth needs to be told. It needs to be told completely. A society that recovers from traumatic experiences needs as much truth as possible. Walter Wink says, “Truth is medicine and without it a society remains infected with past evils that will inevitably break out in the future. Domination cannot exist without the Big Lie that persuades the many to offer their lives for the protection of the privileges of the few. Truth telling not only exposes that lie, but establishes a sacred space where others may gather who will no longer tolerate the lie” [Walter Wink, *Healing A Nation’s Wounds: Reconciliation on the Road to Democracy*, Life & Peace Institute, Uppsala, March 1997, page 45].

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The TRC adopted a slogan, "Truth: The Road to Reconciliation." Another title noteworthy of this period is "Reconciliation through Truth," co-authored by Kader Asmal, former Minister in South Africa.

## The pursuit of justice

The truth must be told, and it must be acted upon. Pursuing justice is both a way of healing the past, and creating the practices which must undergird the new society. Truth-telling is a precondition for justice. To try to pursue justice without first establishing the truth runs the risk of seeking revenge under the guise of justice. And this is another form falsehood, which only continues the violence of the past and does not overcome it. Basically, there are three forms of justice which must be pursued.

The first is punitive justice. This entails ascertaining wrongdoing and punishing those responsible for it. There is almost never total punitive justice; in the case of a civil war, for instance, not every combatant can be punished. The purpose of punitive justice, however, is to establish publicly that such behavior is wrong and will not be tolerated in the new society.

The second one is restorative justice. To the extent possible, that which has been stolen is returned; those who have suffered loss are given some compensation to aid them in the times ahead.

The third is structural justice. This is part of the rebuilding of society: the reallocating of resources so that the injustices which contributed to the conflict cannot be allowed to cause such violence again. Land redistribution, allocation of public monies for basic education, improving the status of the affected ones are all examples of this. This final kind of justice is part of the long work of reconstruction. It is in many ways the most difficult form of justice, but also the most necessary.

Aristotle defined justice as refraining from pleonexia, that is, from gaining some advantage for oneself by seizing what belongs to another

# Jaffna Diocese

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– property, reward, office; or by denying a person that which is his or her due – the fulfillment of a promise, the payment of a debt, or the showing of proper respect, for example. At the same time, Webster's New World Dictionary defines justice as the quality of being righteous, impartiality, fairness and the quality of being right or correct. It may be pertinence to note that while Aristotle defines justice in the negative, that is, 'refraining from,' Webster's approach appears to be more positive, which is, 'quality of being.' Hence it is both the quality a person should possess, that is, being righteous and fair, and a relationship that person should maintain, that is, not gaining advantage by taking what belongs to others. Both dimensions of justice are important.

## Healing of Memories and Forgiveness

The healing of memories and forgiveness are related to one another. Healing of memory does not mean forgetting. One can never forget what has been done, at the risk of losing one's own identity and integrity. Healing of memories means that the memories are no longer toxic; that is, they no longer control our lives and poison everything with which they come into contact. Forgiveness has to be understood in this context. Forgiveness is not forgetting; it is, rather, remembering in a different way. One is no longer controlled by the past event and by the perpetrator. One is able to see the perpetrator from a different angle. It may still be necessary that the perpetrator be punished or make restitution - that is to acknowledge the gravity of what has been done. But in forgiving, one establishes a different relationship to the perpetrator.

One sees the perpetrator as a deeply wounded human being in need of healing. One does not have to become a friend with the perpetrator; such may not be possible and is not always even desirable. In forgiving, one seeks the redemption of the perpetrator.

# Jaffna Diocese

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The healing of the trauma of the past is complex and complicated, requiring the efforts and talents of many different kinds of people. What one brings to this process is concentration on these three areas of truth-telling, justice, and healing and forgiveness. What that does is shaped by the understanding of reconciliation. In the now well-known words of Archbishop Desmond Tutu, "there is no future without forgiveness." Without healing of the trauma of the past, a society has no future. All it has is a constant repeating of a past it cannot escape.

Hannah Arendt, a political philosopher, in *The Human Condition* (University of Chicago Press: Chicago, 1958, pp. 236-43) says, "Human societies could not exist without forgiveness and the public acts of contrition and confession that makes reconciliation possible." However, it needs to be understood that reconciliation is more than forgiveness. The goal of forgiveness is reconciliation. Also, forgiveness does not mean that one condones or accepts the behavior of the perpetrator. Charles Villa-Vincencio, in his article titled "A Different Kind of Justice: the South African Truth and Reconciliation Commission" appeared in *Contemporary Justice Review*, says, "contrition cannot be imposed, and forgiveness, even when it is possible, is rarely more than a first step."

The second aspect of reconciliation as a paradigm of urgency is the moral reconstruction of society. This idea is borrowed from Jose Zalaquett, the lawyer who headed the Chilean Truth and Reconciliation Commission. He saw the work of reconciliation as the moral reconstruction of society in such a way that the evils of the past could not happen again. This is exactly what His Excellency President Mahinda Rajapakse says in the text of the Warrant, "the lessons we would learn from those events and their attendant concerns, in order to ensure that there will be no recurrence."

It is important here to focus upon the moral reconstruction of society. By this it is not meant simply preaching on moral values to be upheld. Rather, it means a special attention paid to the steps that are taken in the reconstruction of society

# Jaffna Diocese

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What does each of those steps communicate about morals, norms, and values? What does the pursuit of justice itself say about the nature of justice in a just society? Thus, attending to the moral reconstruction of a society is also an attending to the symbolic reconstruction of the society.

In the second model of reconciliation, “National Unity and Reconciliation Model,” as narrated in the beginning, what is envisaged is an enhanced peaceful coexistence. In this model, “people are expected to hear each other out and enter into a give-and-take with each other about matters of public policy, build on areas of common concern, and forge compromises with which all can live” [David Crocker, “Truth Commissions, Transitional Justice, and Civil Society” in Robert I. Rotberg and Denis Thompson (eds.) *Truth v. Justice: The Morality of Truth Commissions*, 99-121. Princeton university Press, 2000]. Charles Villa-Vincencio, in his unpublished paper in 1998 on the title “Truth and Reconciliation: In tension and Reconciliation,” says, “peaceful co-existence, governed by a culture of human rights and the dismantling of the structures that made human rights violations not only possible but often inevitable, is perhaps more important, at least for the present, than forgiveness and reconciliation.”

## Different Levels of Reconciliation

At least four levels of reconciliation need to be identified. These are within one’s self, between victims and perpetrators, within a community, and at a national level.

In the first level the primary concern is that of ‘closure.’ Here ‘the reconciliation of victims with their own pain’ and/or of perpetrators ‘with their guilt and shame’ take(s) place. This level of reconciliation is “coming to terms with the painful truth,” in which the disclosure of truth helps people to reach closure and to make peace with their past. Victims become reconciled with their own pain and perpetrators come to terms with their guilt and shame.

# Jaffna Diocese

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At level two, there is forgiveness and healing between victim and perpetrator. In this level, the IR model is exemplified where victims and perpetrators reconcile with each other.

The third level clearly makes one think that reconciliation is not only necessary between 'the oppressed or suffering/alienated ones and the perpetrators but is also needed for intra-community reconciliation.

The final level, the level four, raises the question or concern of 'reconciliation between those who benefited from the past and those who continue to be disadvantaged by what happened in the past.' It is evident that a healthy democracy does not require everyone to agree or become friends. A culture of human rights and democracy, however, requires respect for common human dignity and shared citizenship as well as the peaceful handling of unavoidable conflicts.

## Lessons Learnt:

**An Evaluation of what has gone wrong**

It is important to discern what and why things had gone wrong in the past. Sri Lanka has seen the emergence of many militant movements. A careful reading of events that led to the formation of armed groups in Sri Lanka will reveal that the systemic alienation of a group of people by the introduction of some legislature and actions paved way for resurgence or rebellion of people, especially young ones or students. The language policy during the early post-independence years or the Sinhala only Act, disenfranchisement of the plantation workers of Indian origin, introduction of the system of standardization in admission to Universities, schemes of colonization etc. were some grave concerns of the Tamil community that gave rise to rebellion and revolt which were easily put down. It is sad that the aspirations of the Tamil people as put forward by the Tamil leaders of that time were not addressed properly. All these, I believe, gave birth to the militant movements and when the activities of those who rebelled were put down by the State machinery a counter revolt began and the circle went on and on. As such one needs to identify the "cycle or spiral of violence" involved in the whole process.

# Jaffna Diocese

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It is also important to see whether any militant movement, especially the LTTE, emerged as the consequence of all what is thus stated or it is the cause of what the state has become to be. There is no justification given here for any militant movement. What is demonstrated here is the ways and means available at that time to address the grievances of Tamil community to prevent any rebellion, counter rebellion or even military resistance. Whatever that has happened in the past witnesses to the suffering of the ordinary civilians, I mean, the non-combatants. People were becoming victims of either State terror or the terror unleashed by the LTTE or any other militant group.

This is opportune moment for all to rise up to admit the past mistakes in order to open a way for a new discourse. All the communities in Sri Lanka trace their origin to two great ancient civilizations of the world, the Indian and the Middle Eastern. Likewise, their faiths too go back to these times. We trace back to great cultures and have shone glorious in many human activities.

At the time of independence following five centuries of colonial subjugation, a period during which there were also some positive impacts despite large scale ravages of our culture and traditions, we had a golden opportunity to lead the newly freed world to become a role model multi-cultural, multi-faith, multi-lingual nation which would have impressed the whole world about how communities can co-exist in nations and how nations can live in peace with each other. We missed that great opportunity.

## The Need of the Hour

The significance of Asia or that of Sri Lanka is its pluriformity where cultures, ethnicities, languages, religions or faith traditions are called to live in unity and harmony. It is a call to manifest unity among diversity. A country known as 'the pearl' in the Indian Ocean turned out to be 'a tear drop' in the same ocean. Much could have been avoided only if the 'otherness of the Other' was understood, appreciated and celebrated. As the French philosopher Simone Weil has rightly said, "we need to understand that the other can also be true," we need to develop appreciation for the Other in a context of multiple identities.

# Jaffna Diocese

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The attempts to resolve the conflict by way of mediations or peace talks have failed due to reasons of mistrust, inconsistency, unwillingness to move forward, hidden agendas etc. The country has seen and tried means of conflict suppression, conflict management, and conflict resolution. These are some levels of mutual participation in search of a solution. However, the stage of conflict prevention and transformation is now the need of the hour. We have experienced tragedies and traumatic events both by nature and by humans. People have gone through a cycle of displacements. Many thousands of lives have been lost, crores of rupees worth of properties have been either damaged or destroyed, many have been maimed, basic infrastructure has been dislocated, livelihood of the people have been shattered.

This is kairós, an opportune moment, a decisive moment where all are called upon to find ways and means to live in unity and harmony. There are signs of initiatives taken to help assist the IDPs resettle in their places of traditional abode. Resettlement process, though slow, helps the victims of the recently concluded war. However memory haunts. It is a joyful time when people go back to their places of origin but going there without being helped with healing of memories will do much harm than any help at all.

Listening to the experiences of the survivors, (I would rather not call them stories) reveal that we are left behind with survivors who daily suffer psychologically, intellectually, physically, spiritually etc. To come to terms with their own selves, to prepare for them to accept and forgive the so called perpetrators is going to be another burden on them at this stage. Long term of trauma and acute stress tend to develop not only Post Traumatic Stress Disorder (PTSD) but also is carried on in the form of Complex PTSD, or Disorders of Extreme Stress, Not Otherwise Specified. As a result, the survivors may suffer from less ability to regulate emotions, especially anger and rage. They can also show dissociation, become depersonalized, or preoccupied, and have to face relationship problems, depression, and attempts of suicide.

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The task that faces victims of war and atrocity is often spoken of as a “healing” or “recovery” through “processing” (of traumatic experience), “acceptance,” and “coming to terms with the past.” The question of how people recover from the catastrophe of war is profound, but the lesson of history is straightforward. “Recovery” is not a discrete process: it happens in people’s lives rather than in their psychologies. It is practical and unspectacular, and it is grounded in the resumption of the ordinary rhythms of everyday life—the familial, sociocultural, religious, and economic activities that make the world intelligible [Bracken P., Trauma. Culture, meaning and philosophy. London: Whurr Publishers; 2002].

It is important that the Government of Sri Lanka wins the hearts and minds of the people who have suffered and survived the war. Therefore, it is imperative that the ‘hitherto victims’ need to be provided with spaces of safety and trust; their needs and interests be specially attended to; and a larger vision of the healing process be provided.

The space created for the people who have experienced trauma in many aspects, especially through the loss of their loved ones and disappearance or not knowing of their whereabouts, to come forward to testify in this Commission is a significant step. For many, making statement before this Commission brought much relief from their ‘self-imposed silence’ or an ‘emotional silence.’ The experience of such is the experience of telling others that what has been repressed or shut out for so long is now coming out in an atmosphere of acceptance. The importance of making provisions for the process of story telling should be recognized for it is a therapeutic or healing process for them.

A commitment to reconciliation and healing means that the psychological plight of individuals who were involved in the perpetration of gross human rights violations and their families should be acknowledged. Like victims, perpetrators need to be given space to examine their emotional reactions and to reintegrate what has probably been disassociated from their emotional life.

# Jaffna Diocese

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It is important to establish as complete a picture as possible of the causes, nature and extent of the gross violations of human rights which were committed during the period. Equally important is the attempt to facilitate the granting of amnesty to persons who make full disclosure of all the relevant facts. Action should be taken to expedite hearing of cases of the ex-militants which are still pending in order to fulfil the process of re-integration into the normal life system.

Any reconciliation effort needs to be seen as a process before it is understood as a goal or destination. In this process elements such as granting of amnesty to ex-cadres, resettlement of IDPs, initiation of livelihood programmes, assistance to start economically viable trade or profession should be included.

Besides, space needs to be created for an honest acknowledgment of the harm/injury each party has inflicted on the other; to express sincere regrets and remorse for the injury done: to be ready to apologize for one's role in inflicting the injury; to have the conflicting party prepared to 'let go' of the anger and bitterness caused by the conflict and the injury; to make commitment by the offender not to repeat the injury; to identify and make sincere effort to redress past grievances that caused the conflict and to compensate the damage caused to the extent possible; and also to enter into a new mutually enriching relationship.

**F**inally, reconciliation should be understood as both a focus and a locus for reconciliation is envisioned here as a meeting place where Truth, Mercy, Justice and Peace come together. Forgiveness happens within an individual. Reconciliation takes place within a relationship. The Lessons learnt hitherto, I believe, will make us reach the destination of reconciliation by going through a process of truth-telling, pursuing justice and healing of memories through a journey that necessarily takes everyone through the four levels demonstrated in this submission. Once again, I thank the Learned Commissioners for the opportunity given to me as I always believe in not missing an opportunity!

Respectfully submitted by

+Right Reverend Doctor Daniel S. Thiagarajah