



NEVER AGAIN

Summary and synthesis of the
National Reconciliation Commission's
final report



CDD-GHANA
Ghana Center for
Democratic Development

This publication is a summary of the key findings and recommendations made by the National Reconciliation Commission (NRC) in October 2004. They can be read in full in Volumes One (Executive Summary), Two, part 1 and 2 (Petitions) and Three (Remedies) of the NRC Final Report.

The Ghana Center for Democratic Development (CDD-Ghana)/Civil Society Coalition on National Reconciliation has published this booklet in the interests of promoting public debate and discussion of what is contained in the NRC's recommendations and how best they can be implemented.

The Center is grateful to all those who made this booklet possible and to the Open Society Initiative for West Africa (OSIWA).

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Abstract

Since attaining independence in 1957, Ghana has experienced extensive human rights violations and abuses, committed largely by public institutions (e.g. security agencies, administrative and investigative tribunals etc.), public office holders, or persons who, during periods of unconstitutional rule, claimed to be acting under the authority of the state. This document digests the report of the National Reconciliation Commission, established by Parliament in May 2002 as a vehicle to promote national reconciliation by dealing with the country's history of flagrant and grievous human rights violations. To this end, the Commission investigated, and compiled historical record of rights violations and abuses which occurred between 6th March 1957 and 6th January 1993. The Commission noted the absence of a culture of human rights in Ghana within the mandate period, and recommended appropriate measures to provide some relief for the pain and hurt of victims, as well as the means to avoid similar occurrences in future. The Commission also recommended the re-submission of the Indemnity Clauses (contained in Transitional Provision of the 1992 Constitution) to a referendum, as a stable constitutional order cannot be founded on injustice and impunity on the part of wrong-doers, matched by a deep sense of grievance by many citizens.

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Background

Since attaining independence on 6th March 1957, Ghana has experienced extensive human rights violations and abuses in the nature of killings, abductions, disappearances, torture, rape, detentions, seizure of property, and other forms of ill-treatment. These rights abuses and violations were committed largely by public institutions (e.g. security agencies, administrative and investigative tribunals etc.), public office holders, or persons who, during periods of unconstitutional rule, claimed to be acting under the authority of the state. Most of these violations and abuses had not been investigated, acknowledged, or officially redressed; resulting in considerable pain, anguish, bitterness and divisions within Ghanaian society.

In light of the forgoing, and in consideration of human rights imperatives in Chapter 5 of the 4th Republican Constitution of Ghana (1992), the National Reconciliation Commission ('the Commission') was established by Parliament under the National Reconciliation Act, 2002 (Act 611) as a vehicle to promote national reconciliation by dealing with the country's history of flagrant and grievous human rights violations, so as to help in building a future for a united, secure, and peaceful Ghana. The Commission was also aimed at the humane provision of redress for those who have suffered past serious human rights violations and abuses. Thus, in furtherance of its goals and objectives, the Commission was to provide victims of rights violations and abuses the opportunity to deal with their hurt and pain; as well, perpetrators were to be given the opportunity to confront their past and seek forgiveness. In the final analysis, the Commission was to compile an accurate historical record of these violations and abuses, and to recommend appropriate measures that would provide some relief for the pain and hurt of victims, as well as the means to avoid similar occurrences in future. Essentially, however, the Commission was not a court but rather an independent fact-finding body with some judicial powers to facilitate its work.

The Commission was mandated to deal with human rights violations and abuses between 6th March 1957 (the date of independence) and 6th January 1993 (when Ghana returned to constitutional rule under the 4th Republic). To fulfill its mandate, the Commission took statements from members of the public, and also conducted investigations and hearings. In all, the Commission received 4,240 petitions across the country, and from persons resident abroad, regarding human rights violations and abuses such as killings,



disappearances, torture, sexual abuse, detentions, seizure of properties, hostage-taking, interference with the right to work, and abuse of the judicial process.

The Commission heard 1,866 witnesses between 14th January 2003 and 14th July 2004. Through its investigations, the Commission sought to

identify the victims, perpetrators, and various human rights violations and abuses within its target period, as well as the factors and conditions that underpinned, enabled, and accounted for those violations and abuses.

Human Rights Violations and Abuses in Ghana from 6th March 1957 – 6th January 1993

While the rights violations and abuses fell into various categories, it must be noted that some victims suffered a combination of abuses. For example, in 1982 during the Provisional National Defence Council (PNDC) regime, a young lady in Tarkwa was subjected to gang rape by military personnel and was subsequently thrown unconscious into a disused mine shaft, leading to her death. Further, although a majority of the state-sanctioned abuses that have occurred are attributable to institutional failures or policies aimed at consolidating political power by respective regimes, several of the violations and abuses during the Armed Forces Revolutionary Council (AFRC) and PNDC regimes appear to have been of a systemic nature. In those periods therefore, human rights violations and abuses became, for the most part, the order of the day.

The Commission noted that within the totality of its mandate period (i.e. between 6th March 1957 and 6th January 1993), a culture of human rights in Ghanaian society was lacking. Root causes lie in both pre- and post-colonial factors. The Commission observed that “‘Might makes right’ has been the dominant philosophy of the [country’s] leaders, ‘Keep yourself out of trouble’ has been that of those who were in a position to make a difference to the victims of the atrocities.” The Commission found that civil society and social institutions such as the media, Labour, the Chieftaincy institution, religious groups, the students movement, youth movements, professional bodies etc. sometimes facilitated the work of perpetrators (either through passivity or outright collaboration). While the Commission commended the legal profession for often defending citizens against regime abuses, it noted that some lawyers collaborated with perpetrators to violate or abuse the rights of citizens. With respect to state institutions, the Military, Police and Prisons Services were found to be the main perpetrators of these rights infractions. Further, the Judiciary, for the most part, abdicated its role as the protector of citizens against rights violations and abuses. The Commission found the following abuses to have occurred within its mandate period.

Detentions without Trial

These resulted from the passage and implementation of the Preventive Detention Act (PDA) under the government of the Convention Peoples Party (CPP), and Protective Detention Decrees under the National Liberation Council (NLC), National Redemption Council (NRC), and Supreme Military Council (SMC) governments.



Detentions without trial were even more widespread and indiscriminate during the regime of the AFRC (which overthrew the SMC on 4th June 1979), indeed to the extent that this particular rights violation became a norm in the AFRC era. Victims included both political and non-political elements in society. The overthrow of the Peoples National Party (PNP) government by the PNDC in December 1981 again led to an almost endemic perpetration of this form of abuse. As with the AFRC regime, detentions without trial under the PNDC were extensive and indiscriminate. Under those circumstances several individuals were forced into exile abroad.

Killings

Save for the Progress Party (PP) and PNP eras, this form of abuse seems to have been perpetrated under all the other regimes. Petitions concerning killings in the CPP era mainly related to bomb attacks perpetrated against pro-CPP elements and members of the public. In the course of the overthrow of the CPP regime by the NLC in February 1966, some members of the Presidential Detail Department (PDD) were killed. Many people in the Flagstaff House were also killed on the day of the coup by rampaging soldiers – under the gazes of coup leaders such as Col. E.K. Kotoka and Maj. A.A. Afrifa. In 1967 Ghana experienced its first public executions when 2 army officers were executed for their roles in an attempt to overthrow the NLC. In September 1969, several members of the Andani family were killed by state security personnel at the Ya Na's Palace in

Yendi, during an attempt to evict members of the family from the palace. The Commission also received petitions concerning 5 people who were killed by the security agencies through mistreatment during the NRC/SMC regimes. This number escalated with the AFRC coup d'etat against the SMC in June 1979. Borrowing from philosopher Thomas Hobbes, the Commission noted with regard to the AFRC regime that Ghanaians lived in a state of "continual fear and danger of violent death' in which the life of man had become 'solitary, poor, nasty, brutish, and short.'" Under this regime, apart from various incidents of killings, 2 former heads of state as well as 6 leading members of the SMC were publicly executed. None of these executions was preceded by a trial.



This culture of killings was continued by the PNDC when it overthrew the PNP in December 1981. While in the main, this form of rights violation was directed at members of the security forces and persons suspected of attempting to overthrow the government, numerous persons were to meet a similar fate before the PNDC went out of power in 1993. Indeed the Air Force guardroom in Accra became known as the "Slaughterhouse." A killing squad (which characteristically burnt the bodies of its victims) operated with impunity on behalf of the regime, to the extent that in 1982, leaders and senior officers of the PNDC, together with some other close

associates within the regime, used this squad to effect the killing of some fetish priests in the Volta Region, as well as the abduction and (and consequent killing) of 3 High Court Judges and a retired army officer.



Sexual Abuse

This form of rights violation was particularly prevalent during the AFRC and PNDC regimes, though there were petitions regarding sexual abuse that had occurred under other regimes. It included the rape and attempted rape of women, as well as individuals being forced to simulate sexual acts in public. It also included genital mutilation (e.g. through the pulling or burning of male genitals, and the forcible insertion of poisonous or noxious substances such as gunpowder in female genital organs).

Abductions and Disappearances

These violations appear to have been largely exclusive to the AFRC and PNDC regimes, with 17 petitions regarding disappearances during the PNDC regime being recorded by the Commission. It is worth noting that while the Commission, in some cases attempted to conjecture on the fate of 'disappeared' victims, what finally happened to abductees and 'disappeared' persons remains a mystery to date.

Maiming

The Commission received petitions concerning acts of maiming under the NLC, NRC, AFRC, and PNDC regimes. As with other violations and abuses, maiming by persons acting (or claiming to act) under the authority of the government were persistent in the AFRC and PNDC regimes. Victims subsequently suffered various ill-consequences such as brain damage, scars, the loss of eyesight, loss of hearing, and the loss of limbs.

Torture

The Commission received petitions with respect to various forms of torture - cruel and inhuman treatment - meted out to individuals during periods of military rule. This included the stripping and flogging of individuals, as



well as the public humiliation of others. Torture was particularly rampant during the AFRC and PNDC regimes. Public humiliation, mock executions, public whippings, causing victims to sit on glowing charcoal, the removal of toe nails, forced cannibalism, pulling of genitals, plucking of hairs, keeping detainees in handcuffs and leg irons for weeks on end, causing victims to drink their own urine, sexual assault (such as forcibly examining the genitals of women, or forcing women to expose genitalia to the general public etc.) were some forms of torture perpetrated under the watch of the AFRC and PNDC regimes.

Ill Treatment

The Commission received petitions concerning the ill treatment of victims during the NLC, NRC, AFRC, and PNDC regimes. These included the parading of former CPP functionary Boye Moses in a cage (in January 1967) after the overthrow of the CPP, as well the harassment of individuals during the above-mentioned regimes. Petitions concerning this violation during the AFRC and PNDC regimes were particularly numerous, with victims normally being publicly stripped to near nakedness and being subjected to beating, public humiliation, and shaving with broken bottles (or other jagged objects not meant for that purpose).

Invasion of Property Rights

This refers to the arbitrary seizure and confiscation of property that occurred under some regimes. This form of abuse was not limited to periods of military rule, though it was particularly prevalent during such periods. Indeed during the AFRC and PNDC regimes, a combination of an ideology against the wealthy in society (and its

resultant policies), and loss of control over security personnel caused many individuals to be deprived of their assets. For example, government agents claiming to act under price control policies seized and sold the stock of traders at ridiculously low prices. Property owners also had their assets arbitrarily confiscated. In the event, the government either encouraged the abuses or looked on unconcerned as they were perpetrated. The Commission found that the Citizens Vetting Committees (CVCs), the National Investigations Committee (NIC), and Public Tribunals in the PNDC era actually constituted “an extortion racket sanctioned by the state.” In several cases, assets (especially motor vehicles) seized from victims were appropriated for use by the perpetrators. Victims of this form of abuse suffered myriad ill-consequences as a result.

Interference with the Right to Work

This refers to instances when individuals were prevented by the state, its officials, or functionaries from continuing in their jobs or pursuing their careers. Like the invasion of property rights, this form of interference was not limited to military governments, though under the latter, they were more prevalent. It included tailor-made laws and policies that limited the career pursuits of individuals, as well as sudden and arbitrary dismissals. In several cases, victims were informed about their dismissal through the mass media.

Hostage-taking

This atrocity, used as a means of securing the appearance of wanted persons, is described by the Commission as being a disturbing feature of military regimes. Often, hostages, apart from being deprived of their liberty, were subjected to other forms of ill treatment. Hostages often included relatives of wanted persons and even complete strangers.

Abuse of the Judicial Process

This includes the use of the conventional judicial system (e.g. the courts) to persecute (not just prosecute) groups and individuals; or the creation of quasi-judicial structures (such as “kangaroo courts” and “revolutionary courts”) to perpetrate human rights violations and

abuses. Both examples were predominant during periods of military rule (and especially the AFRC and PNDC regimes) though instances of the first example occurred also under periods of constitutional rule. Under those circumstances victims could not expect a fair hearing.

Violation of the Right to Die in Dignity

This form of rights abuse mainly resulted from the public executions carried out by the NLC, AFRC, and PNDC. Not only were dying victims exposed to the public glare, but also such public executions were often filmed or photographed, thereby causing the families and loved ones of executed victims life-long pain, hurt, and suffering. As the AFRC and PNDC recorded higher instances of public executions, this form of abuse was perpetrated more often during those regimes. However other variations of this kind of abuse existed. In the PNDC era, one Tom Kuunuo was killed in Nandom in March 1983 on the suspicion that he was engaged in smuggling. His body was displayed in public as “meat.”

Summary of Violations

Overall, the Commission found that rights violations and abuses were not exclusive to military governments, although the latter accounted for higher instances of such infractions. Further, the AFRC and PNDC (which appear to have institutionalised and systematised the perpetration of atrocities) were responsible for a greater proportion (about 84%) of these violations and abuses. Long term effects of the rights infractions include social divisions and animosities, health problems, disintegration of families, economic hardship, bankruptcy, and the deprivation of education for children.

Recommendations

The Commission recommended that a Reparation and Rehabilitation fund be set up to provide monetary compensation to victims. Funding should come from the government, corporate sector, and the public at large. The basis of this recommendation lies not only in the NRC Act, international law and treaties to which Ghana is a signatory, but also in the 4th Republican Constitution.



The following specific forms of reparations were recommended:

- Apologies by the President and heads of public institutions for the various incidents of rights infractions (e.g. victims of the 1969 Yendi Massacre, the families of the 3 murdered judges and retired military officer);
- The honouring and rehabilitation of members of the Police Investigation Team who efficiently investigated the killing of the 3 judges and retired military officer (and who accordingly suffered official intimidation and harassment);
- Monuments and commemorative events in honour of victims;
- Scholarships for eligible children of victims;
- Health benefits for living victims;
- The re-building of Namoo Market in the Upper East Region due the relocation of the market to Burkina Faso following the persistent harassment of traders;

- Restitution - the restoration of property to those who have suffered unlawful confiscations; as well as symbolic payments to those who suffered confiscation of vehicles;
- Monetary compensation - the Commission noted that this is mainly a symbolic gesture, as no amount of money can restore victims to their positions before the abuses occurred, and also because suffering is impossible to quantify. Recommended amounts vary with respect to the different forms of abuse identified by the Commission;
- The establishment of a Trauma and Counselling Centre in every Regional and District hospital

Referendum on the Indemnity Clauses

The indemnity clauses under the Transitional Provisions of the 1992 Constitution must be re-submitted to a referendum, as they were inserted into the Draft Constitution without debate. Though the Draft Constitution was itself submitted to a referendum, it was coupled to the choice for a return to constitutional rule, thereby ensuring that those who wished for a constitutional dispensation would automatically appear to approve of the granting of indemnity to those who had previously committed human rights infractions. A stable constitutional order cannot be founded on injustice and impunity on the part of wrong-doers, matched by a deep sense of grievance by many citizens. The indemnity clauses must be subjected to a referendum once again, so that the democratic mechanisms might assist the nation to resolve this matter conclusively.

Institutional Reforms

- **The Security Services**

The Commission noted that in the course of their existence, the various Security Services have been responsible for the perpetration of human rights abuses and violations, mostly while they were involved in national politics. By such involvement, the Security Services perverted their primary roles under the 1960, 1969, and 1979 Republican Constitutions. The exercise of unbridled power that came with the involvement of the military in national politics

enabled some members of the Security Services to exploit the citizenry and perpetrate gross human rights violations and abuses against both the general populace and other service personnel. While institutions such as the Customs Excise and Preventive Service (CEPS), Fire Service, and Ghana Immigration Service (GIS) are included under the rubric of 'Security Services,' the Commission found no evidence of their involvement in human rights violations and abuses within the mandate period. It however found the Military, Police Service, and Prisons Service to have been involved in rights infractions.

- **The Armed Forces**

The Commission recommended that orientation and training be provided for both the political and military leadership so as to ensure cordial relations between political and military authorities. Political Authority must respect and uphold the military chain of command. The Armed Forces Command Structure and the authority of its Officer Corps must be sustained at all times to prevent the breakdown in discipline and consequent anarchy that characterised some military regimes. The military command must also develop operational capacities to deal with attempts to overthrow the Constitutional order. Intelligence must also be acquired, shared, and acted upon, no matter how trivial. Political training should be given to the military to ensure an orientation to its role under constitutional rule.

Good channels of communication within the security services must be promoted. Mechanisms for providing redress for grievances should be respected and implemented. During recruitment, candidates must be subjected to a high level of security vetting and scrutiny – only the best must be recruited. Ethnic and regional balance must be maintained through the implementation of a regional quota system of recruitment. The military must also be given a national character through orientation programs. Efficiency must be promoted through the provision of good training programs and facilities – the military must attain world-class standards. Conditions of service, such as salaries, recreational facilities, and counselling services must be adequate. Military-Civilian Relations must be improved.

- **The Police Service**

The Report of the Justice Archer Commission on the structure, organization and operation of the Ghana Police Service must be reviewed and the recommendations implemented. Power within the Police Service must be de-centralised. The service must also be given a national character, with membership reflective of the ethnic composition of the nation. Only deserving candidates must be selected for recruitment; but also training must reflect the modern role and needs of the Police Service. Service conditions such as salaries, accommodation, counselling etc. must be adequately addressed. Corruption within the service must be checked, and good community relations promoted.

- **The Prisons Service**

Human rights training must be provided for Prisons Officers. Conditions of service must be addressed and career prospects, enhanced. Logistics for the effective performance of duties must be provided. Capital punishment must be conducted in a humane fashion, and corpses of executed prisoners must be handled in a decent manner.

The Legal Profession (Including the Judiciary)

Through its decisions, the Judiciary has played a significant role in the development of a culture of human rights abuses in the history of the country. Yet, some judges have boldly upheld human rights; and the rights of individual judges have been abused with impunity. The Judiciary has been unable to protect itself from Executive interference, and for purposes of self preservation, the Judiciary has given undue deference to the Executive. Judges have mainly interpreted human rights – related legislation (such as the PDA) in a narrow fashion, thereby supporting the Executive to the detriment of the ordinary people.

The Judiciary must be sensitised to human rights issues, as well as its role as mediator between the individual and the state.

The Judiciary must be insulated from the Executive, and must possess its own internal disciplinary mechanisms. Judiciary-citizenship relations must be improved by reducing the length of delays that cases suffer. The exercise of the Prerogative of Mercy (whereby death penalties and other judicial punishments may be mitigated by the Executive) must not be abused so as to avoid encouraging impunity by security agencies. Torture must be outlawed and the rights of accused persons respected. The practice of targeting laws at specific individuals must be avoided, as must the use of torture to extract confessions. There must also be a system of accountability between the Bureau of National Investigations (BNI) and the courts.

The Ghana Bar Association (GBA) has played a significant role in upholding the rights of the citizenry and individual lawyers have been martyred for protecting human rights. Yet some lawyers have collaborated with perpetrators of rights abuse and violations, and have thereby facilitated such infractions. For example, some lawyers have accepted positions in military governments and have helped draft decrees that deprived the citizenry of human rights.

Lawyers must avoid serving illegitimate governments or joining in the ouster of the jurisdiction of the courts. Even during periods of constitutional rule, lawyers must speak out against human rights abuses.

The Media

The Commission observed that during the mandate period, various means were employed by the State to coerce, co-opt, and secure the compliance of journalists or to use the media in intimidating critics of the government. These include intimidation, direct interference in media content, inducement through bribery, the promulgation of media-muzzling legislation etc. Consequently, the media often collaborated with repressive regimes and perpetrators of human rights violations and abuses. The actions of the media in this wise include: the vilification of constitutional governments; the validation of the human rights violations and abuses of repressive

regimes; the overbearing criticism of minor infractions by constitutional governments etc. For example, the media, during periods of constitutional rule, often painted such bleak pictures about the state of the economy, in comparison with the level of ostentatious living being indulged in by members of constitutional governments. These pictures undermined the loyalty of the citizenry to the constitutional government, and also prepared the ground for usurpers to intervene.

As a result of Ghana's illiberal and brutal socio-political history, the media has suffered a stunted growth, and journalists in the state-owned media especially have a tendency towards self-censorship and sycophancy to governments and various centres of power. That said, some journalists, through various means, resisted government actions and abuse, and as a result suffered through detention, loss of lives, loss of jobs and seizure of publications or premises etc.

As the 'Fourth Estate of the Realm,' the Media has a role in governance and must be provided with the requisite safeguards and tutelage with regard to its responsibilities. Courts should appreciate the work of journalists and avoid orders that might hinder them in their public accountability role. The government must also not use policies of selective advertisements as a tool of coercion against the media. Journalism training institutions must inculcate a sense of discretion and responsibility in students, with regard to information with the potential to undermine national stability in a young and developing democracy. The passing of the Freedom of Information Bill must be hastened so that journalists can easily access information relating to governance – government business is public business and the public has a right to know. The government must also support the private media.

Labour

The Commission noted that within its mandate period, workers' organisations suffered from governmental interference, as well as manipulation for partisan purposes. For parochial reasons, some

labour leaders ignored their mandates and chose to serve as instruments through which governments controlled or misused these organisations. Consequently, labour was sometimes implicated in the perpetration of human rights abuses. On the other hand, leaders who kept to their legitimate mandates were victimised through detentions or were forced into exile.

Trade Union leaders must recognise that they function better under constitutional rule, and must avoid supporting disruptions of the constitutional order. The Trade Union leadership must be independent of government. They must not lose touch with their constituency and must provide protection for their members against employer or executive mistreatment. Government must improve its mechanism of consultation with Labour regarding economic policies to secure understanding and cooperation. Dismissals by government through radio and media announcements must be a thing of the past as this undermines loyalty to the state and creates job insecurity.

Professional Bodies (Other than the Legal Profession) and Civil Society Organisations

By virtue of their learning and expertise, Professional Bodies and Civil Society Organisations are expected to be more concerned about human rights issues. However Professional Bodies in particular have often regarded such issues as being in the political domain and therefore at odds with professional practice. Hence, voices raised by some Professional Bodies and Civil Society Organisations at gross human rights violations and abuses during the mandate period have been too feeble, sporadic, or disjointed to make a significant impact. That said, the Professional Bodies, represented by the Association of Recognised Professional Bodies (ARPB) was the loudest voice of opposition in the SMC and AFRC regimes.

The Commission noted that political parties belonging to the two dominant traditions – United Party (UP) and CPP - took turns violating or abusing the rights of the citizenry, or allied themselves with military governments which committed rights infractions. It concluded that

there was not, indeed, a good or even fair sense of the notion of fighting human rights causes, let alone their respect and support among the elite, the leadership, and practitioners of party politics.

Professional bodies must not concern themselves solely with monetary interests but must also endeavour to make human rights interventions when necessary. Professional bodies should make human rights education and protection an integral part of their professional responsibility and ethics. Human Rights education should be made mandatory at all levels of the country's educational system, both civilian and military, from primary to the highest level, with a view to entrenching in generations of Ghanaians deep respect for human life and all other fundamental rights of the person. The findings of the Commission should be used as teaching materials and scripts for drama, film-making, etc., to educate the nation to avoid similar human rights abuses in the future.

The Commission found evidence of a general lack of knowledge and consciousness and respect for human rights in the country. This defect should be remedied by a sustained programme of public education by the Commission on Human Rights and Administrative Justice (CHRAJ) and National Commission for Civic Education (NCCE). CHRAJ, which has a human rights advocacy function, should not only be adequately resourced to uphold human rights and fight human rights abuses, but also empowered through legislation to effect expeditious redress whenever and wherever human rights violations occur in Ghana. The NCCE, under the 1992 Constitution should give human rights education priority attention. Its mandate should be properly defined to focus purposefully on human rights education. Political parties must also avoid corruption, and promote internal democracy. Public education should be undertaken to promote an appreciation for political parties so as to counter mistrust resulting from past destructive political activities.

Students, Student Movements, and Tertiary Institutions

The Commission observed that the Students Movement played a significant role in national politics through the mandate period. The Students Movement collaborated with military governments in the perpetration of rights violations and abuses. The movement was also often the first to publicly oppose governments.

To avoid student unrest, Governments must strive to provide basic facilities necessary for the efficient running of educational institutions. As representatives of the youth, students must be involved in broad consultations regarding policies that could affect future generations. Students and their leaders must avoid being used to further the parochial aims of politicians. There is also a need for democracy and accountability in students' governance. Subversionists and persons who pose threats to national security must not be permitted to use campuses as safe havens. Academic freedom must be appreciated, preserved, and not used as a cloak for treasonable activities.

Youth

The Commission found that often, repressive governments harnessed the idealism, energy, and drive of the youth to perpetrate rights violations and abuses.

The Commission recommended that the state must provide opportunities for out of school youth to prevent their manipulation and exploitation by agitators. The NCCE must help develop the youth into responsible and patriotic citizens. The National Youth Council (NYC) must be well resourced to serve its proper function.

The Chieftaincy Institution

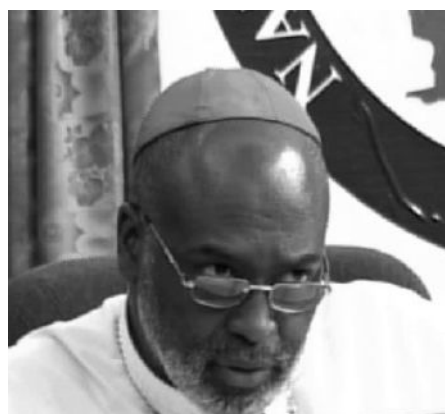
The Commission observed that not only had chiefs been victims of human rights violations and abuses, but also that the Chieftaincy institution suffered more rights abuses than any other institution within the mandate period. Through various pieces of legislation,

governments have interfered with the institution and made chiefs dependent on central government authority. Because of the dependence of chiefs on the government for development in their areas, they expressed support for governments which had overthrown previous administrations. Thus chiefs can be regarded as collaborators of human rights violations and abuses perpetrated by such illegitimate governments. Indeed, within the mandate period, the Chieftaincy institution was found not to have protested against any of the violence and excesses that emanated from military regimes, nor did chiefs confront civilian governments on issues of human rights violations.

The Commission recommended that Chiefs must be empowered to play the role of neutral actors in the political domain. As opinion leaders, they must be more vocal on issues of human rights violations. Education of Chiefs on the Chieftaincy Act, the rights and responsibilities of Chiefs, land administration, as well as basic management skills is necessary. The capacity of Regional Houses of Chiefs to handle chieftaincy litigation in a proactive manner must be enhanced. The chieftaincy institution must be insulated from partisan politics. Therefore its structures must be determined by customary norms and practices. Issues of land and land access need to be fully explored, and the system of land administration must be overhauled.

Religious Bodies

The Commission observed that Christian Religious bodies have at various times opposed governments on human rights issues; however not much has been heard from the Islamic Religious groups; and Traditional Religious groups have played no advocacy role at all in human rights matters.



Religion and religious bodies constitute the conscience of the state. In the context of religion, human and civil rights are God-given. Hence, religious bodies have a role in upholding, defending and protecting those rights. Indeed, in terms of human rights, religious bodies must be the prophetic voice and the voice of the voiceless. Religion and partisan politics must be kept apart as they both have the capacity for generating conflict. The Forum for Religious Bodies (FORB) and Ghana Conference on Religion for Peace (GCRP) should be strengthened and made into a strong coalition through which religion can effectively contribute to the tutelage of the fundamental human rights and freedoms of the citizenry.

General Recommendations

- Ghana's history must be re-written and the correct facts of the nation's history taught in our schools.
- The formation of private armies must be avoided, and the security services must not be politicised.
- A culture of tolerance must also be promoted in the country. For instance dissenting views must be encouraged and tolerated and Ghanaians must learn to accept opposing views.
- The state must develop a proper system of residential addresses to facilitate identification and the tracing of persons or locations.
- Structures for proper institutional memory must be established. The repetition of institutional mistakes occasioned by loss of institutional memory must be tackled by proper modes of succession to offices. In addition, public agencies must design appropriate systems for storing documents to enable these to be traced in the future.
- While celebrating national difference, we must acknowledge ethnocentrism and its dangers. To this end, anti-discrimination legislation must be adopted.

The Commission exhorts that:

We must not be tied down to our past mistakes or misfortunes. Doing so would produce nothing but further suffering. Instead, we have to make serious

efforts to put all the pains behind us, and help to build a new Ghana where the conditions that produced such pain and suffering would not be permitted to recur. Every Ghanaian must make a personal pledge that 'NEVER AGAIN!' shall such wrongs be a feature of governance or a feature of life in this beautiful land of our birth.

NEVER AGAIN

Summary and synthesis of the National Reconciliation Commission's final report

This publication is a summary of the key findings and recommendations made by the National Reconciliation Commission (NRC) in October 2004. It is expected to help stimulate public debate and discussion of the contents of the NRC report and recommendations.

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