

**Second Annual Restorative Justice Week, February 2-8, 2008**  
**Theme: Restorative Justice - Towards Forgiveness, Healing and Reconciliation**  
**International Conference on Restorative Justice, February 7 & 8, 2008**

**Keynote address by Dr. Henley W. Morgan**  
**Chairman, Agency for Inner-City Renewal (AIR)**

Acknowledgements:

Commendation: Commendations are due the Ministry of Justice and its agencies who in partnership with the Canadian International Development Agency and the Dispute Resolution Foundation are hosting this the 2<sup>nd</sup> Annual International Conference on Restorative Justice. Thanks for allowing me to play a central role in such a vital and prominent event.

Recognition: Criminal Justice Reform Act

Theme: Towards forgiveness, healing and reconciliation

Preamble: I will begin my remarks by telling you two true stories. The first is about a man who for me is a hero in the movement toward universal application of the principles of restorative justice. I speak, of course, of Mr. Nelson Mandela. I thought I had read just about everything that had been written about Mr. Mandela but was not aware of or could not recall this wonderful little story until I heard it told by U.S. Senator Hillary Clinton in one of her televised speeches in the campaign for the democratic party presidential nomination. As she told it, Mr. Mandela in giving his inaugural address as president of South Africa, observed the usual protocol by recognizing the many heads of state and dignitaries from around the world who were in attendance. He, however, reserved special mention for one set of persons. He introduced the men who had been his jailors for 28 years, asked them to stand and for the crowd to applaud them.

The second story is about a man who lived over two thousand years ago. His name is Jesus; believed by us Christians to be the son of God. During his life time, according to the historical account in the gospel, one of the favorite themes for His sermonizing was forgiveness. In one famous discourse he was asked how many times a man must forgive one who had wronged him. To this he responded 70 times<sup>7</sup>.

Well, this same Jesus was crucified by His detractors and hung from a cross in the most shameful way. They put a crown of thorns on his head; mocked him; spat on him; hit Him on the head; gave Him vinegar to drink; tore His garments; reviled Him; taunted Him; drove nails in His hands and feet, and pierced His side with a spear. In His dying moments His teachings concerning forgiveness and His own practical application of it would be put to the severest of tests. One Biblical account followed the graphic recounting of the atrocities with the word, "then." That word "then" promises the action or reaction that is to follow. All history must have paused; the future relations between the members of the human race and how they resolve conflict hung in the balance .... Waiting for what would come after "then". "Then said Jesus, Father forgive them for they know not what they do".

The words and actions of Mandela and Jesus powerfully portray the essential element of restorative justice. It is truth that frees both the offender and the accused, and opens the way to forgiveness. It may cause unease in this room and in some quarters but the truth must be told about how Jamaica got to be the murder capital of the world and the role played by tribal politics in creating the conditions. The process of establishing and maintaining garrisons has been marked by atrocities. Trust between the governed and those who govern has been breached and is in need of repair.

This observation is validated by the findings in the book, *Probing Jamaica's Political Culture – Main Trends in the July to August 2006 Leadership and Governance Survey*, published by the Centre for Leadership and Governance, UWI, Mona. The work is produced by Lawrence Alfred Powell in collaboration with Paul Bourne and Lloyd Waller.

The study gives an insight to the growing apathy towards politicians and government through the responses to the following question. Would you say most people in government can be trusted to keep their promises or would you say instead that you can never be too careful in dealing with people in government? The responses: Most people in government can be trusted 7.4 percent; never can be too careful in dealing with people in government 84.8 percent; no answer 7.8 percent.

Many scholars and clerics argue that ending immunity for political leaders involved in atrocities is vital, not only to reduce the victim's anger and resentment, which might otherwise fuel a never ending cycle of reprisals and

counter reprisals but also to deter further atrocities. “Without justice”, says Paul van Zyl of the New York based International Centre for Transitional Justice, “you may be able to bring a temporary stop to the killing, but there is no sustainable peace”.

I am calling for the establishment of a Truth and Reconciliation Commission as a preliminary step toward repairing the breach in trust between the political directorate and sections of the Jamaican populace, and to lay the foundation for the senseless killing to stop. The first such Commission was set up in Chile in 1990. Others followed in quick succession in El Salvador, Chad, Haiti, South Africa, Ecuador, Nigeria, Peru, Sierra Leone, South Korea, Uruguay, Timor-Leste, Ghana, Panama, Congo, Liberia, and Morocco, the first in the Arab world. The South Africa Commission (1995), chaired by Bishop Desmond Tutu, has become the model.

Truth and Reconciliation Commissions are grounded in the need to make restitution to victims and forgiveness for perpetrators, particularly where the atrocities were committed one generation (40 years) or less in the past and so both sets of persons – perpetrators and victims or their survivors – would still be alive with vivid recall of the atrocities. Truth telling encouraged by amnesties (so-called restorative justice) is a good alternative to adversarial justice meted out to offending politicians by the recently established International Criminal Court in The Hague.

The evidence, although not entirely conclusive, is that Truth and Reconciliation Commissions have been successful in revealing previously suppressed information concerning state sponsored violence. They have assisted governments in regaining the moral authority to move hard against criminality, which is moral and spiritual at the root. Exposing the truth under the right circumstances and with the appropriate protection, takes the problem out of the present and puts it into the past with everyone being a lot wiser about how to avoid a repeat in the future.

The call for the establishment of a Truth and Reconciliation Commission in Jamaica is not new. The Roadmap to a Safe and Secure Jamaica, commissioned and accepted by the Hon. Bruce Golding when in opposition, contains such a recommendation. It’s time for action.

If in using this occasion to renew the call for the setting up of a Truth and Reconciliation Commission in Jamaica I have trampled on my privilege, I

apologize. On the contrary, I hope you will find time in your deliberations to consider this proposal on its merit and if not now, then as soon as possible.

End with Quotable Quote: "Love has within it a redemptive power." MLK Jr.