

Truth Commissions

More than 30 countries have created truth commissions to investigate and report on human rights abuses. These commissions of inquiry help seek recognition for victims and promote possibilities for peace, reconciliation and democracy.

WHAT ARE TRUTH COMMISSIONS?

Truth commissions are nonjudicial, independent panels of inquiry typically set up to establish the facts and context of serious violations of human rights or of international humanitarian law in a country's past. The commissions' members are usually empowered to conduct research, support victims and propose policy recommendations to prevent recurrence of crimes. Through their investigations, the commissions may aim to discover and learn more about past abuses, or formally acknowledge them. They may aim to prepare the way for prosecutions and recommend institutional reforms. Most commissions focus on victims' needs as a path toward reconciliation and reducing conflict over the past.

Truth commissions have been established on every populated continent in efforts to address mass crimes, consolidate the rule of law and promote reconciliation. The South African Truth and Reconciliation Commission is the most famous example. That commission is the only one that has granted amnesties to perpetrators who disclose their crimes.

GUIDING PRINCIPLES

Although truth commissions greatly differ in their powers and results, the experiences of some 30 commissions offer these guiding principles:

Independence: Since truth commissions are created in special circumstances, their success depends on their credibility and transparency, which depend in turn on the public's perception that a commission is independent from undue governmental or societal pressure. A truth commission must have full autonomy to control its resources, conduct its investigation, build alliances and propose policy.

Complementarity: Truth commissions work better when they complement the full exercise of victims' rights to pursue criminal justice and reparations rather than serve as a substitute for those rights. Revealing the truth about atrocity is likely to frustrate victims and embitter society if not accompanied by comprehensive policies to punish perpetrators, comfort the victims and put in place institutional reforms.

Victims' empowerment: Victims of mass atrocity usually come from the most vulnerable and disenfranchised sectors of society; therefore, truth commissions should focus on victims' rights, interests and needs. Seeking the truth through victims' testimony educates the public and highlights issues of inclusion and citizens' rights.

Flexibility: Truth commissions should use their independence to promote victims' rights and genuine reconciliation. Respect for legal strictures should not hinder creativity and innovation, which are essential for organizations created in extraordinary times to address unique circumstances.

RISKS AND REWARDS

Truth commissions typically face skepticism from people who are used to arbitrary governments, fierce opposition from perpetrators and indifference from those who are not aware of past human rights abuses. When a country decides to face a difficult past, it is possible to commit mistakes in the process of seeking to strengthen reconciliation and the rule of law.

Some commissions have weakened their work or compromised their legacies in the following ways:

- insufficiently addressing victims' rights or proposing trade-offs such as ignoring claims for justice in favor of reparations or truth;
- working in isolation from civil society and the victims;
- failing to work closely with other justice officials, in particular prosecutors and judges; or
- submitting to the agenda of parties to peace negotiations or those involved in making transitional pacts.

However, even in challenging situations, commissions that combined pragmatism with principles have accomplished important societal changes, such as those listed below:

- educated the population at large about crimes previously denied by government and removing the stigma typically inflicted on victims;
- eased the transition from victimhood to full citizenship for groups struggling with the legacy of abuse and discrimination;
- spoken truth to power and weakened the role of authoritarian and violent groups whose past power gave them national prominence; and
- energized government and society to pursue an agenda of institutional reform.

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TRUTH COMMISSIONS TOOLS

Public testimony: Truth commissions have conducted hearings to recognize the experiences of victims and examine expert views. Hearings organized by the Moroccan Equity and Reconciliation Commission were broadcast throughout North Africa and the Middle East.

Final reports: Truth commissions generally issue comprehensive reports of their findings that give policymakers and researchers key documentation, and constitute a compelling moral narrative. In Argentina, the national truth commission's report, "Nunca Más"

(Never Again), on disappearances remains a bestseller there.

Memorials: Commemoration activities by truth commissions may lead to construction of memorials or to the designation of special days to remember the victims. Commissions also may suggest ending the use of symbols of division. After the work of South Africa's Truth and Reconciliation Commission, the nation created memorials to the victims of apartheid and museums that told their stories.

Documentation centers: Through their research and reports,

truth commissions produce substantial archives that serve both justice and commemoration. Thanks to the work of Peru's Truth and Reconciliation Commission, for example, Peruvians have access to more than 400 linear meters of documents plus thousands of hours of audio and video recordings at a research center.

Exhumations: Truth commissions can help establish the fate of victims whose whereabouts were unknown. In cooperation with prosecutors, several commissions have served as the driving force to begin exhumations. Thanks to the

Guatemalan truth commission's recommendations, authorities there have carried out hundreds of exhumations.

Policy recommendations: Commissions impart moral strength and urgency to recommendations to reform institutions responsible for abuse, or to put in place mechanisms to prevent the recurrence of crimes. Peru's truth commission made detailed recommendations on reforming the country's judiciary, security forces and educational system, as well as how to provide support to indigenous communities.