



international center for
**TRANSITIONAL
JUSTICE**

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TEN FUNDAMENTAL QUESTIONS FOR DEFINING A TRUTH COMMISSION

Lisa Magarrell, February, 2008

1. WHAT MOTIVATES THE DECISION TO CREATE A TRUTH COMMISSION?
 - Why now?
 - What will looking at the past accomplish toward resolving today's problems?
 - What has not been told or what has not been heard?
 - What are the larger objectives of the Truth Commission?
 - How does a truth commission fit into other efforts to seek justice, like prosecutions, civil court actions, memorials, documentation projects, democracy and development projects....?

2. WHAT QUESTIONS WILL IT SEEK TO ANSWER?
 - What type of events? (Human rights and civil rights abuses? Certain types of crimes?)
 - What is the geographical scope of the inquiry?
 - What time frame will be examined?
 - Should it seek to discover what happened, why it happened, what were the consequences, and what should be done about it? Or some combination of these or other inquiries?
 - Who are the questions about? Victims? Perpetrators? Individuals? Institutions? Underlying systems of individuals and institutions working in concert? All of these?

3. WHO EMPOWERS THE TRUTH COMMISSION?
 - Is it initiated by government? By a social institution? Or collection of individuals or groups? Or a coalition formed for that purpose?
 - What are the opportunities and limitations involved with each choice?
 - How does the truth commission become endowed with legitimacy and credibility, and how can it enjoy the trust of the broadest possible sector?

4. WHAT POWERS AND RESOURCES DOES THE TRUTH COMMISSION HAVE TO DO ITS WORK?
 - Moral persuasion?
 - Legal power?
 - Are there overhanging threats that will keep people away?
 - How does the truth commission overcome fear?
 - Funding?
 - Staff?

- Access to information?
5. HOW WILL THE TRUTH COMMISSION OPERATE?
 - In public, private? (Can it ensure confidentiality if it needs to?)
 - Where? What structure?
 - What are its primary tasks? Research, outreach and education, engaging the public, producing a final product?
 - How long does it have to do its work?
 - Will it conduct public hearings? What kinds of hearings; who speaks, who listens, what focus?
 - How will it relate to interested parties on all sides?
 - What role does the internet play? Other media?
 6. WHO ARE COMMISSIONERS AND HOW ARE THEY SELECTED?
 - What should be characteristics of commissioners? (For example: “known for integrity and commitment to the truth”?) How is their independence assured?
 - Where do they come from? How many?
 - Do they work on the commission full-time or play more of a high-profile, guiding role?
 - Paid, unpaid?
 - Who decides who will be commissioners? By what process?
 7. WHAT IS THE ROLE OF PEOPLE AND GROUPS OUTSIDE OF THE TRUTH COMMISSION?
 - What do others offer? (Information? Contacts? Analysis? Volunteers?)
 - What kinds of negative roles might some people or institutions play?
 - Outside the geographic scope of the inquiry? Should “outsiders” have a role?
 8. WHAT ARE THE “PRODUCTS” OF THE TRUTH COMMISSION?
 - What products or impact happens through the process itself?
 - Is there a report or several reports? How can it be something that is accessible and reaches the broader public?
 - What impact should it aim to have locally, statewide, nationally?
 - Will it make recommendations? What should those aim at? Acknowledgment? Reforms? Other forms of accountability? Reparations, Judicial process, etc? Memorials? Archives?
 9. WHAT HAPPENS AFTER THE COMMISSION’S WORK IS DONE?
 - What provision should be made in advance to foresee follow-up?
 - What happens to the material and information collected?
 - Who uses the work of the truth commission to further the overall objectives?
 10. WHAT OTHER QUESTIONS DO PEOPLE NEED ANSWERED BEFORE TAKING THIS ON?