

Truth commissions

This month's newsletter brings you information on truth commissions.

1.1 Truth commissions

Truth commissions are bodies established to research and report on human rights violations. The commissions allow victims, their relatives, and perpetrators to give or rebut evidence of human rights abuses, providing an official forum for their accounts. The discovery and revelation of past violations or crimes of human rights is carried out in the hope of resolving conflict left over from the past.

As official inquiries into patterns of past human rights abuse, the commissions seek to establish a historical record of the events. The recordings provide the basis to achieve accountability for the human rights abuses.

1.2 Transitional Justice

In most cases, truth commissions are created during a situation of political transition with the aim of resolving human rights crimes that took place while the ceded political system still was in place. Very often truth commissions are thus set up in societies emerging from repressive rule or armed conflict, internal unrest, civil war, or dictatorship.

Truth commissions are necessary after a time of repressive government, since the traditional legal approach is guaranteed to have difficulty succeeding, as well as lacking legitimacy. This is due to the legal apparatus being largely a product of the past regime. The reforming of the legal system is usually not achieved in a short period of time. If demands to resolve human rights violations are given priority, truth commissions are a way of meeting these demands during the legal reform process. Truth commissions may be even considered a prerequisite and a means for successful legal reforms. The commissions are then understood to be a basic component of the broader concept of transitional justice.

The commissions are also employed in countries where the transition to democratic rule took place a long time ago, but where historical injustices or systemic abuse remain unresolved.

1.3 Organization

Truth commissions aim to obtain a comprehensive picture of human rights crimes and international law violations during a specified time frame without focusing on just one case. The commissions usually have the authority to access information from all relevant institutions. In most cases the commissions also carry out the task of providing legal protection to witnesses. Truth commissions usually have a limited time of service, finishing with the completion of a report, containing conclusions and recommendations. The report serves as proof of state crimes and human rights abuses, and against historical revisionism.

In most instances, truth commissions are also required by their mandate to provide recommendations on steps to prevent a recurrence of such abuses. They are created, vested with authority, sponsored, and funded by governments, international organizations, or both.

As they try to resolve human rights crimes by reconciling the inclinations towards punishment, pardoning, or the granting of amnesty, their efforts are limited to providing transitional justice, which can result in the failure to completely satisfy anyone.

The South African Truth and Reconciliation commission, established by Nelson Mandela after apartheid was abolished, is considered a model for truth commissions. Subsequently local actors in an increasing number of countries have begun to emphasize nonjudicial truth-seeking measures, which often taken the form of truth commissions. Many of the commissions have since been established, Liberia being the latest example with its attempt to investigate human rights abuses during 24 years of civil war and unrest.

Historically speaking, truth commissions date back to the time after World War II. Germany's so-called "Vergangenheitsbewältigung", its effort to come to terms with the Nazi-past, which involved the trial of prominent Nazi criminals in Nurnberg, may be seen as a precursor of truth commissions.

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ISN Editor

1.4 Truth commissions

Truth Commissions Digital Collection, by the United States Institute of Peace, Washington, DC, US
This website provides a list of truth commissions with a brief description of the establishment, mandate, composition, and report of these bodies.

South African Truth and Reconciliation Commission (TRC), Cape Town, South Africa
This official South African Truth and Reconciliation Commission website provides key official documents on the organization of the commission as well as reports.

Truth and Reconciliation Commission of South Africa Report
This report was published by the South African Truth and Reconciliation Commission in March 2003. The commission therein presents its findings and research compiled since 1995.

Guatemala: Memory of Silence

This report was published by the Guatemalan Commission for Historical Clarification (CEH), which was set up in 1994. It provides the commission's findings and recommendations.

Official Website of Sierra Leone 's Truth and Reconciliation Commission Report

This report was published by Sierra Leone 's Truth and Reconciliation Commission in 2004 presenting the commission's findings and results.

Commission for Reception, Truth and Reconciliation in East Timor, Dili, East Timor

This is the official website of the East Timorese Reception, Truth, and Reconciliation Commission. The website provides information on the commission's organization as well as its reports.

Greensboro Truth and Reconciliation Commission, Greensboro, US

This website provides information and reports on the US Greensboro truth and reconciliation commission, which was set up as a reaction to racially motivated killings in this US city.

Instance Équité et Réconciliation, by the Kingdom of Morocco

This website provides the official final report of the Moroccan Equity and Reconciliation Commission, which was set up in 2004 by King Mohammed VI.

1.5 Research and academia

Rethinking Truth and Reconciliation Commissions

This report by the United States Institute of Peace critically discusses the effectiveness of truth and reconciliation commissions (TRC). The author draws on her ethnographic research in post-conflict Sierra Leone , and claims that the idea of "truth telling", the public recounting of memories of violence, draws on problematic assumptions about the universal benefits of verbally remembering violence. Instead, societies may choose to forget, and this "social forgetting" may in fact serve the reintegration of ex-combatants - many of which are children - in some societies better than TRC's do.

Strategic Choices in the Design of Truth Commissions, by the Program on Negotiation at Harvard Law School, Cambridge, US

This website is a collaborative research program, comparing the structures and organization of five different truth commissions. The website aims at providing decision-makers with resources and data for use in the designs of future truth commissions.

Die unbequeme Wahrheit: Peru ein Jahr nach der Übergabe des Berichts der Wahrheitskommission
This report in German was published by the Friedrich-Ebert-Foundation (FES) in Bonn and Berlin in 2004. The report comments on the situation of reconciliation in Peru one year after Peru 's truth and reconciliation commission published its findings. The report concludes that the recommendations by the commission as well as the proposed reforms in the security sector and in the judicial system are far from being accomplished.

INCORE Guide to Internet Sources on Truth and Reconciliation, by INCORE, Londonderry, UK
This website provides various links to internet resources on truth commissions such as the commissions' reports and a selection of academic research articles.

Southern Africa Reconciliation Project, by the Centre for the Study of Violence and Reconciliation (CSVR), Johannesburg, South Africa

This website provides publications, case studies, and bibliographies by the Southern Africa Reconciliation Project.

Transitional Justice Program (Transition and Reconciliation Program), by the Centre for the Study of Violence and Reconciliation (CSVR), Johannesburg, South Africa

The Transition and Reconciliation Programme of CSVR was established in 1994 with the foresight of engaging with the policy debates and advocacy in relation to the establishment of a Truth Commission in South Africa . Over the past 12 years the program has engaged in various research and intervention projects, which seek to explore the relationship between conflicts of the past, reconciliation, violence prevention and justice, in order to contribute to building sustainable reconciliation and the prevention of conflict, violence, and intolerance in South Africa.

1.6 Non-governmental organizations

International Center for Transitional Justice Publications, by the International Center for Transitional Justice, New York, US

This website provides research reports on truth commissions and transitional justice.

Morocco's Truth Commission Honoring Past Victims during an Uncertain Present

This report was published by Human Rights Watch in New York, US, in 2005. The report examines the Moroccan Equity and Reconciliation Commission, which was set up in 2004 by King Mohammed VI. This was an unprecedented development in the Middle East and North Africa, and Moroccan authorities presented it as proof of the country's commitment to political reform.

Transitional Justice in Morocco: A Progress Report

This report was published by the International Center for Transitional Justice, in New York, US.

The report gives an overview of the internal conflict in Morocco, which led to the establishment of a truth commission and concludes with recommendations on how to improve its effectiveness.

Truth Commissions and NGOs: The Essential Relationships

This report was published by the International Center for Transitional Justice in New York, US, in 2004. This paper intends to provide basic guidance to NGOs that are likely to engage with formal, official truth commissions established by the state during times of political transition.

Truth-Seeking, by the International Center for Transitional Justice, New York, US

This website provides an introductory text, as well as reports and links to internet resources on transitional justice and truth commissions.

The Sierra Leone Truth and Reconciliation Commission: Reviewing the First Year

This report was published by the International Center for Transitional Justice in New York, US, in

2004. The report concludes that the commission began to play a critical role in the country after a difficult beginning. It says that the research and investigative arms of the commission have turned up previously unknown documentation that give important insights into the very root of the war, as well as the extent of international involvement. The report stresses the fact that the most important and most difficult part of the process is the implementation of the commission's findings by the political leadership.

Mechanisms Complementing Prosecution

This report was published by the International Committee of the Red Cross in 2002. The report concludes that truth commissions suggest reforms, e.g. of the judiciary and that the government's implementation of these reforms represents a guarantee of non-repetition and are also a form of reparation. When documentation gathered by a truth commission investigation is handed over to the judiciary, this aids in the prosecution of offenders as required by the "right to justice".