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Truth commissions: a schematic overview

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Abstract

Numerous truth commissions of different types are being created around the world. The purpose of this schematic overview is to study the variety and to sketch out the differences and similarities between the different truth commissions established since the Truth and Reconciliation Commission of South Africa launched in 1995.

Recent years have revealed a remarkable increase in the number and type of truth commissions being created around the world. Since the Truth and Reconciliation Commission of South Africa launched in 1995, the idea of a non-judicial inquiry into past widespread abuses has caught the attention of a host of new governments and civil society groups in numerous countries. Truth commissions — official, temporary bodies established to investigate a pattern of violations over a period of time that conclude with a final report and recommendations for reforms — have been created in more than thirty countries in the past twenty-five to thirty years.

Typically, these bodies are set up for a short period of time — one to three years on average — and may employ hundreds of staff to collect individual statements, organize public hearings and undertake case investigations and thematic research. Some have been given subpoena powers or the right to gain access to official offices and official documents without warning. Others have had to rely on the voluntary cooperation — not only of high-level officials but also of direct perpetrators, sometimes in return for promises of confidentiality. Truth commissions virtually always receive extensive, detailed information from victims, survivors and other witnesses, usually gathering many thousands of detailed statements. Some of these may also be presented in public hearings, thus allowing the public to engage in the process long before the final report is released.

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Truth commissions do not have the power to prosecute, but many have recommended that prosecutions take place, and some have shared their archives with prosecuting authorities. Some have also chosen to publicly name persons they concluded were perpetrators of specific violations. This can raise difficult questions of due process. The usual standard is to allow persons to respond to allegations against them — either in writing or in a private meeting — before the commission names them in public.

Where truth commissions have been created (or proposed) in contexts where an international or hybrid tribunal is under way, some difficult procedural questions have been raised. In Sierra Leone, the public initially failed to understand the distinction between (and independence of) the Sierra Leone Truth and Reconciliation Commission and the Special Court. Later, the commission requested access to detainees held by the court and for them to appear in public hearings. This request was ultimately denied. In order to gain the confidence of those who wished to speak to either of the two bodies, they both made it clear from the start that investigative information would not be shared between them. This helped to allay some of the initial concerns. In Bosnia and Herzegovina, an early proposal for a truth commission was at first strongly resisted by the International Criminal Tribunal for the former Yugoslavia (ICTY), which feared that such a commission would complicate its work. The ICTY changed its stance after consideration.

The attached chart provides a summary of the attributes of a number of the more robust truth commissions since the mid-1980s. This is not a comprehensive list, but it is intended to be suggestive of the nature, mandate and breadth of investigation, as well as the size of truth commissions to date. Each is different in important ways. For example, the South African amnesty-for-truth model is very unusual and indeed inappropriate and unworkable in most contexts. After all, the offer of amnesty in exchange for full and public truth-telling is not likely to be taken up unless there is a serious threat of prosecution for those crimes. Each new truth commission must be rooted in the realities and possibilities of its particular environment. While the international community can play a major role in assisting these processes, any successful truth commission process must be a reflection of national will and a national commitment to fully understand and learn from the country's difficult, sometimes very controversial and often quite painful history. A commission must aim to understand the origins of past conflict and the factors that allowed abuses to take place, and to do so in a manner that is both supportive of victims and inclusive of a wide range of perspectives.

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Truth commissions tables[1]

Priscilla B. Hayner[2]

Table 1: A select overview of truth commissions

Country	Name of truth commissions	Years of operation	Dates covered	Created by
Argentina	National Commission on the Disappeared (Comisión Nacional sobre la Desaparicion de Personas (CONADEP))	Established: 16 December 1983 Report completed: 20 September 1984	1976 – 1983	Decree No. 187 of 15 December 1983 by President Raúl Alfonsín
Uganda	Commission of Inquiry into Violations of Human Rights	Established: May 1986 Report completed: 1995	9 October 1962 – 25 January 1986	Legal Notice No. 5 of 16 May 1986 by President Yoweri Museveni
Chile	National Commission on Truth and Reconciliation (Comisión Nacional para la Verdad y Reconciliación)	Inaugurated: 1990 Report completed: February 1991	11 September 1973 – 11 March 1990	Decree No. 355 of 25 April 1990 by President Patricio Aylwin
Chad	Commission of Inquiry into the Crimes and Misappropriations Committed by Ex-President Habre, His Accomplices and/or Accessories (Commission d'Enquête sur les Crimes et Détournements Commis par l'Ex-Président Habré, ses co-Auteurs et/ou Complices)	Established: December 1990 Report completed: May 1992	1982 – 1990	Decree No. 014/ P.CE/CJ/90 of 29 December 1990 by President Idriss Déby
El Salvador	Commission on the Truth for El Salvador (Comisión de la Verdad para El Salvador)	Inaugurated: 13 July 1992 Report completed: 15 March 1993	January 1980 – July 1992	UN-brokered peace agreements of 16 January 1992

1 The information provided in these tables is from Priscilla B. Hayner, *Unspeakable Truths: Facing the Challenge of Truth Commissions*, Routledge, 2002, and from subsequent research by the International Center for Transitional Justice. Further information can be found on the ICTJ's website: <http://www.ictj.org> . Many primary documents can also be found in the digital library collection of the United States Institute of Peace: <http://www.usip.org>.

2 The author would like to thank Lizzie Goodfriend for her research assistance in updating these tables.

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Table 1: (*Continued.*)

Country	Name of truth commissions	Years of operation	Dates covered	Created by
Haiti	National Commission for Truth and Justice (Commission Nationale de Vérité et de Justice)	Inaugurated: April 1995 Completed: February 1996	30 September 1991 – 15 October 1994	Executive order of December 1994 by President Jean Bertrand Aristide
South Africa	Truth and Reconciliation Commission[3]	Inaugurated: 1995 Primary reports completed: 1998 (commission continued to operate for several more years to complete amnesty hearings)	1960 – 1994	The Promotion of National Unity and Reconciliation Act No. 34 of 1995 by the South African Parliament
Guatemala	Historical Clarification Commission (Comisión para el Esclarecimiento Histór ic (CEH))	Established: 23 June 1994 Report completed: 24 February 1999	Approximately 1958 – 1994 (no specific dates given in mandate)	Peace agreements of 23 June 1994
Nigeria	Human Rights Violations Investigations Commission (aka Oputa Commission)	Inaugurated: 14 June 1999 Report completed: June 2002	31 December 1983 – 29 May 1999	Created through presidential decree, 4 June 1999, by President Olusegun Obasanjo
Sierra Leone	Sierra Leonean Truth and Reconciliation Commission[4]	Established: 2000 Inaugurated: July 2002 Report completed: 5 October 2004	1991 – 2000	Truth and Reconciliation Act, enacted in 2000 by the Sierra Leone Parliament, implementing Art. XXVI of the Lomé Peace Agreement

3 South African TRC website available at: <http://www.doj.gov.za/trc/>.
4 Sierra Leone TRC website available at: <http://www.trcsierraleone.org/drwebsite/publish/index.shtml>.

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Table 1: (*Continued.*)

Country	Name of truth commissions	Years of operation	Dates covered	Created by
Ghana	National Reconciliation Commission[5]	Inaugurated: 6 May 2002 Report completed: mid-2004	7 March 1957 – 6 January 1993	National Reconciliation Commission Act 611 of 2002 by the Parliament of Ghana
Timor Leste	Commission for Reception, Truth And Reconciliation (Comissão de Acolhimento, Verdade e Reconciliacão (CAVR))[6]	Inaugurated: 21 January 2002 Report completed: 28 August 2003	April 1974 – October 1999	A regulation issued on 13 July 2001, by the UN Transitional Administration in East Timor
Peru	Truth and Reconciliation Commission (Comisión de la Verdad y Reconciliación (CVR))[7]	Inaugurated: 13 July 2001 Report completed: August 2003	1980 – 2000	Supreme Decree No. 065-2001-PCM of 4 June 2001, amended by Supreme Decree No. 101-2001-PCM of 4 September 2001
Morocco	Equity and Reconciliation Commission (Instance Equité et Réconciliation (IER))[8]	Inaugurated: January 2004 Report completed: December 2005	1959 – 1999	Created through a Royal Decree of King Mohammed VI
Liberia	Truth and Reconciliation Commission of Liberia	Inaugurated: February 2006 Expected to conclude mid-2008	January 1979 – 14 October 2003	Truth and Reconciliation Act passed in June 2005 by the National Transitional Legislative Assembly, implementing Article XIII of the Comprehensive Peace Agreement of 18 August 2003

5 Ghana NRC website available at: <http://www.nrcghana.org/corporateprofiles.php>.
6 Timor-Leste CAVR website found at: <http://www.easttimor-reconciliation.org>.
7 Peru CVR website found at: <http://www.cverdad.org.pe/ingles/pagina01.php>.
8 Morocco IER website found at: <http://www.ier.ma/>.

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Table 2: Subject of investigations: select examples

Country	Key language in commissions Terms of Reference	Principal acts documented by commissions	Significant violations or acts not investigated
Argentina	"Clarify the acts related to the disappearance of persons" and, if possible, determine the location of their remains.	• Disappearances (kidnapping with no reappearance of body)	• Killings by armed forces in real or staged "armed confrontations" • Temporary disappearances, when person was released or body was found and identified • Forced exile • Detention and torture (survivors were interviewed by the commission and their stories were included as witness accounts, but they were not included in list of victims) • Acts of violence by armed opposition • Disappearances by government forces before the installation of the military government in 1976
Uganda	"Mass murders and all acts or omissions resulting in the arbitrary deprivation of human life … arbitrary imprisonment and abuse of powers of detention; denial of a fair and public trial … torture, massive displacement of persons … and discriminatory treatment by virtue of race, tribe, place of origin, political opinion, creed or sex" on the part of public officials.	• Murder and arbitrary detention of life • Arbitrary arrest, detention or imprisonment • Torture, cruel and degrading treatment • Displacement and expulsion of peoples • Discriminatory treatment by public officials • Denial of fundamental freedoms, such as freedom to worship, freedom of the press and freedom of association	• Abuses by armed opposition groups • Abuses by the government after the date the commission was set up (controversial because the commission continued work for nine years and no other government rights body yet existed)

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Table 2: (*Continued.*)

Country	Key language in commissions Terms of Reference	Principal acts documented by commissions	Significant violations or acts not investigated
Chile	"[D]isappearance after arrest, execution and torture leading to death committed by government agents or people in their service, as well as kidnappings and attempts on the life of persons carried out by private citizens for political reasons."	• Disappearances • Torture resulting in death • Executions by government forces • Use of undue force leading to death • Death of combatants and non-combatants in the firefight immediately after coup • Killings "by private citizens for political reasons," particularly the armed Left	• Torture not resulting in death (torture practices were described, but survivors were not listed as victims) • Illegal detention if released and survived • Forced exile
El Salvador	"[S]erious acts of violence … whose impact on society urgently demands that the public should know the truth."	• Massacres by armed forces • Extrajudicial executions by agents of the state • Assassinations by death squads • Disappearances • Torture by government forces • Killings by armed opposition • Kidnappings by armed opposition	(No significant acts excluded)

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Table 2: (*Continued.*)

Country	Key language in commissions Terms of Reference	Principal acts documented by commissions	Significant violations or acts not investigated
South Africa	"[G]ross violations of human rights," defined as "the killing, abduction, torture, or severe ill-treatment of any person," or the "conspiracy, incitement, instigation, or command" of such acts "which emanated from conflicts of the past … within or outside of the Republic, and the commission of which was advised, planned, directed, commanded or ordered by any person acting with a political motive."	• Killings by agents of the state inside and outside the country • Disappearances • Torture and abuse by police and armed forces • Raids into neighbouring countries by armed forces to attack opposition • Killings, primarily by bombs and land mines, by the armed opposition • Abuses in detention camps of the armed opposition outside South Africa's borders • Violence by private individuals for political purposes	• The forced removal and displacement of millions of people based on race • Everyday policies and practices of apartheid that did not result in killings, abduction, torture or severe ill-treatment as defined by the commission

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Table 2: (*Continued.*)

Country	Key language in commissions Terms of Reference	Principal acts documented by commissions	Significant violations or acts not investigated
Guatemala	"[C]larify with all objectivity, equity and impartiality the human rights violations and acts of violence that have caused the Guatemalan population to suffer, connected with the armed conflict."	• Acts of genocide by government forces against the Mayan population • Massacres and arbitrary killings by government forces and by the armed opposition • Disappearances and kidnappings by state forces and by guerrillas • Acts of violence by the economically powerful (landowners or business people) with the support of state forces • Massive forces displacement and militarized resettlement by the state • Forced recruitment by the guerrillas	(No significant acts excluded)
Sierra Leone	The commission was authorized to investigate "violations and abuses of human rights and international humanitarian law related to the armed conflict in Sierra Leone."	• Forced displacement • Arbitrary detentions, abductions and killings, amputations of limbs • Recruitment of children into armed groups • Sexual slavery of girl children	(No significant acts excluded)

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Table 2: (*Continued.*)

Country	Key language in commissions Terms of Reference	Principal acts documented by commissions	Significant violations or acts not investigated
Ghana	The commission was to establish an "accurate, complete and historical record of violations and abuses of human rights inflicted on persons by public institutions and holders of public office during periods of unconstitutional government."	• Killings, abductions and disappearances • Detention, torture and ill-treatment • Illegal seizure of properties	(No significant acts excluded)
Timor-Leste	"Violations of international human rights standards"; "violations of international humanitarian law" and "criminal acts" committed within the context of the political conflicts in Timor-Leste during the period covered by its mandate.	• Extrajudicial killings • Murder • Deaths due to deprivation • Disappearances • Displacement • Arbitrary detention, torture and ill-treatment • Sexual violence • Violence against children	(No significant acts excluded)

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Table 2: (*Continued.*)

Country	Key language in commissions Terms of Reference	Principal acts documented by commissions	Significant violations or acts not investigated
Peru	"The Truth Commission shall focus its work on the following acts, as long as they are imputable to terrorist organizations, state agents or paramilitary groups: a) murders and abductions; b) forced disappearances; c) torture and serious injuries; d) violations of collective rights of the country's Andean and native communities; e) other crimes and serious violations of the rights of individuals."	• Assassinations and massacres • Forced disappearances • Arbitrary executions • Torture and cruel, inhuman or degrading treatment • Sexual violence against women • The violation of due process • Abductions and the taking of hostages • Violence against children • The violation of collective rights	(No significant acts excluded)

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Table 2: (*Continued.*)

Country	Key language in commissions Terms of Reference	Principal acts documented by commissions	Significant violations or acts not investigated
Morocco	To "assess, research, investigate, arbitrate and make recommendations about the gross human rights violations that occurred between 1956 and the end of 1999. These violations include forced disappearances, arbitrary detention, torture, sexual abuse and deprivation from the right to live, as a result of unrestrained and inadequate use of state force and coerced exile."[9]	• Assassinations and massacres • Arbitrary killings in riots and popular uprisings • Disappearances, torture and cruel, inhuman or degrading treatment perpetrated by the state • Arbitrary detention and long-term imprisonment • The violation of due process • Sexual violence against women • Abductions and the taking of hostages • The violation of collective rights • Violations against minority populations (people of the Rif and from the Western Sahara)	• Insufficient attention to violations against minority populations (people of the Rif and Western Sahara)

9 "Summary of the Findings of the Final Report of the Moroccan Equity and Reconciliation Commission," transl. to English by the International Center for Transitional Justice, 5 December 2005, available online: <http://www.ictj.org/static/MENA/Morocco/IERreport.summary.eng.pdf>.

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Table 2: (*Continued.*)

Country	Key language in commissions Terms of Reference	Principal acts documented by commissions	Significant violations or acts not investigated
Liberia	"Investigating gross human rights violations and violations of international humanitarian law as well as abuses that occurred, including massacres, sexual violations, murder, extrajudicial killings and economic crimes, such as the exploitation of natural or public resources to perpetuate armed conflicts."	In process	In process

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Table 3: Commissioners, staff, number of cases and final report

Country	Commissioners	Staff	Budget	Total # of cases presented	Public Hearings?	Final Report
Argentina	13 members (all national)	60	NA	8,600 cases of disappearance, unspecified number of victims of torture or prolonged detention	No	*Nunca Mas: Informe de la Comision Nacional sobre la Desaparicion de Personas* (September 1984; English translation published in 1986)
Uganda	6 members (all national)	5 – 10	NA	608 deponents	Yes	*The Report of the Commission of Inquiry into Violation of Human Rights: Findings, Conclusions, and Recommendations* (October 1994)
Chile	8 members (all national)	60	$1 million	3,428 disappeared, killed, tortured to death or kidnapped	No	*The Report of the Chilean National Commission on Truth and Reconciliation,* popularly known as the Rettig Report (February 1991)
Chad	12 – 16 (including secretaries and clerks, all national)	0 (2 secretaries included in the number of commissioners)	NA	3,800 killed, unspecified number of victims of torture or arbitrary detention	No	*Les crimes et détournements de l'ex-président Habré et de ses complices: Rapport de la Commission d'enquête nationale, Ministère tchadien de la justice* (May 2000)

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Table 3: (*Continued.*)

Country	Commissioners	Staff	Budget	Total # of cases presented	Public Hearings?	Final Report
El Salvador	3 members (all international)	15 – 45	$2.5 million	22,000 disappeared, killed, tortured or kidnapped	No	*From Madness to Hope: the 12-Year War in El Salvador: Report of the Commission on the Truth for El Salvador* (15 March 1993 by the United Nations)
Haiti	7 members (4 national and 3 international)	50 – 100	NA	Testimony collected from close to 5,500 witnesses regarding nearly 8,600 victims	No	*Rapport de la Commission Nationale de Vérité et de Justice* (February 1996)
South Africa	17 members (all national)	300+	$18 million/ year during height of operation	21,000 statements	Yes	*Truth and Reconciliation Commission of South Africa Report (*March 2003)
Guatemala	3 members (2 national, 1 international)	Up to 200	$9.5 million	42,275 victims, including those killed, disappeared, tortured and raped	No	*Guatemala: Memoria Del Silencio* (February 1999)
Nigeria	6 members (all national)	Approximately 12 professional staff, borrowed from other government agencies	In-kind support from government, in addition to $450,000 from the Ford Foundation		Yes	Final report presented to the president in May 2002, but it was never officially released to the public
Sierra Leone	7 (4 national, 3 international)	28 core, 70 total	Initially $10 million, reduced to $6.6 million	Received more than 8,000 statements from victims, witnesses and perpetrators	Yes	*Witness to Truth: Final Report of the Truth and Reconciliation Commission of Sierra Leone (*2005)

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Table 3: (*Continued.*)

Country	Commissioners	Staff	Budget	Total # of cases presented	Public Hearings?	Final Report
Ghana	9 commissioners (all national)	115, later reduced to 80	Initially $5 million, reduced to $1.5 million	The NRC received 4,240 statements from victims and heard testimony in public from 1,866 witnesses and 79 alleged perpetrators.	Yes	*Final Report of the National Reconciliation Commission* submitted to the president in October 2004 and released to the public in April 2005.
Timor-Leste	7 members (all national)	6 regional offices, headed by 25 – 30 regional commissioners	$5.2 million	Approximately 8,000 statements	Yes	*Chega*!, released to the public February 2006
Peru	12 members (all national)	Up to 500 staff at peak of operations	$11 million	15,000 statements	Yes	*Informe Final de la Comisión de la Verdad y Reconciliación* (August 2003)
Morocco	17 members (all national)	At the height of its activities, the IER employed close to 200 staff working in various capacities	NA	22,000 statements of victims and their families	Yes	*Final Report of the Moroccan Equity and Reconciliation Commission,* released to the public in December 2005
Liberia	9 members (all national), plus 3 international technical advisors[10]	In process[11]	In process	In process	Expected	Report expected in 2008

10 The International Technical Advisory Committee of Liberia, made up of two Ghanaians and one Nigerian, has the rights and privileges of commissioner members but does not have the right to vote on commission decisions.

11 In early 2006 the Liberian commission was beginning to hire staff and determine its operating procedures.