One of the key mechanisms of transitional justice is a truth commission. While it may have varying aims, the primary purpose is to help establish the truth about the past. Truth commissions have been established under various names, including 'commissions on the disappeared'; 'truth and justice commissions'; and 'truth and reconciliation commissions'. Truth commissions are typically characterised as officially sanctioned, non-judicial bodies that operate temporarily to investigate past abuses and human rights violations. They usually complete their work with the submission of a final report that contains conclusions and recommendations (Freeman and Hayner, 2003).

Political backing is integral to the success of a truth commission. It is often presumed that national governments that have themselves established truth commissions (either by presidential decree or through legislation) will be supportive of them. This, however, has not always been the case. Where political will is absent, the work and impact of the commission is frequently compromised.

While government support for a commission’s work is essential, it is important that such support does not compromise the operational independence of the commission. Impartiality and independence is essential for public confidence and the legitimacy of the commission. Political authorities should not influence decision-making, research and investigations, or the writing of the report and recommendations; and should give clear signals that the commission is to operate independently (OHCHR, 2006). In general, national governments should provide the framework embodied in a commission’s mandate; provide resources and/or coordinate donations from the international community; and cooperate with the commission’s investigation by turning over documents and providing other relevant information. Aside from providing security, resources, and information, governments should ideally stay out of the way of a commission (expert comments).

The degree of governmental support and the level of independence of past truth commissions has varied to a large extent. Governments may create the commission and then do virtually nothing else. In some cases (e.g. Uganda and Guatemala), government agencies actively worked against the truth commission. While in other cases (e.g. South Africa), governments provide a great deal of support to help the truth commission perform its work (expert comments).
A survey of the literature and comments from experts identify the following as key roles and responsibilities of national government. Challenges, obstacles and achievements from past truth commissions are also identified.

I. The establishment and set-up of a truth commission

Truth commissions are usually established by either presidential decree, legislation or through peace agreements. These may involve consultative processes (e.g. task force; congressional hearings; discussions with civil society). In other cases, more often in the case of presidential decree, they may be established unilaterally, without public consultation. Additional important roles for government here may include selecting the commissioners and setting the mandate and powers for the commission.

Selecting commissioners
Selecting commissioners to manage the commission is a key task; the persons selected are the most important determinant in its success or failure. In many earlier truth commissioners, commissioners were appointed by government officials, with minimal if any consultation with civil society. More recent commissions have adopted more consultative processes of selection (e.g. South Africa, Sierra Leone, Timor-Leste) (Freeman and Hayner, 2003; Hayner, 2002; Valji, 2006). Unilateral appointments, without public involvement, can instill mistrust and suspicion as to the objectivity or independence of those leading the commission (Valji, 2006). OHCHR guidelines advocate that commissioners should not be appointed until the terms of reference are completed and specify the process for selection and the general qualities or characteristics of the ideal commissioners. In general, they should be considered neutral by all sides of the previous conflict and should not be tied to a particular political party, faction or armed group (OHCHR, 2006).

Outlining the mandate of the commission
Outlining the commission’s mandate and providing guidance is also a critical task, which is usually performed by presidential advisors, government ministers, and/or parliamentary committees (the ‘framers’). This includes setting out in the terms of reference (TORs) the main objectives of the commission; the period of time under investigation; the types of violations to be investigated; the functions and procedures of the commission; powers to be given to the commission; and guidance on the final report and recommendations (Quinn and Freeman, 2003; Freeman and Hayner, 2003; OHCHR, 2006). It is important that the ‘framers’ strike a balance between providing guidance and allowing for flexibility (OHCHR, 2006). Insufficient input and an overly broad and vague mandate can render a commission’s work unmanageable, as in the case of Uganda (Quinn, 2004). In other cases, the scope of the commission’s work was overly constrained by politically imposed limitations concerning types of violations and periods of time for investigation (e.g. Ghana, Bolivia). This can result in perceptions of bias and the inability to uncover a complete truth (Hayner, 1994; Valji, 2006).

Conferring powers
The extent of powers conferred to a commission by the ‘framers’ greatly impacts on its strength and reach. At a minimum, commissions need to be able to request and obtain information on its own accord; interview anyone who can provide relevant information; ensure cooperation of public authorities; and carry out necessary on-site visits. Commissions are increasingly given powers of subpoena, search and seizure, and witness protection (OHCHR, 2006; expert comments). The way in which a truth commission is created can impact on the extent of its powers. For example, in many democracies, it is only the legislature that can confer search and seizure or even subpoena powers. This may also be true with respect to whether the commission can make binding recommendations (Freeman and Hayner, 2003). In the absence of such subpoena powers (and the absence of powers to grant amnesty), it is often difficult to secure the involvement of alleged perpetrators in truth commissions. In Guatemala, for example, the safeguard that the commission would not mention names in the report was insufficient to induce voluntary participation (Tomuschat, 2001). In South Africa, the ability to grant amnesty and the threat of prosecutions were powerful incentives to cooperate with the commission.
II. The operations of a truth commission

The political will of national government is also essential to the operations of a truth commission. Roles and responsibilities of government here may include providing or securing funding and logistical support for the commission; supervising budgetary matters; protecting commissioners, witnesses and victims; and cooperating with investigations. In some cases, other branches of government are integral in this stage. In South Korea, for example, while the National Assembly enacted legislation to establish truth commissions, it was the administrative branch of the state that needed to enact more practical laws such as ordinance and regulations concerning budget, size of the staff, etc. (expert comments).

**Funding**

OHCHR guidelines recommend that the national government should provide the lead by offering as much financing as possible. This could include in kind support, such as office space or equipment. In actuality, many commissions have had to rely on the international community to a large extent for funding (OHCHR, 2006). Insufficient funding, which may be related to a lack of political support for the truth commission, has greatly undermined the operations of such commissions. In Uganda, there were no provisions for funding actual day-to-day activities; government spending was directed to other priorities. The international community had to cover the funding gap (Quinn, 2004). In the Philippines, the Committee for Human Rights was established without a staff or budget and was unable to handle the large volume of complaints. After a year of investigation, nothing definitive was ever produced (Hayner, 1994). Insufficient funding also has implications regarding the dissemination of the final report and implementation of recommendations.

**Cooperating with investigations**

The cooperation of government authorities is integral to the success of investigations. Authorities need to be willing to provide a commission with access to official documents and with relevant information either in public hearings or in private meetings. However, if the commission is thought to be investigating persons or groups that hold government power, state authorities may not cooperate and refuse access to official files (OHCHR, 2006). There are many examples from past truth commissions (e.g. Argentina, Guatemala, Uganda etc.) where government authorities refused to turn over documents and to provide information on the whereabouts of relevant officials (or failed to do so in a timely fashion). In the case of Argentina, military and police personnel also obstructed visits to detention centres (Crenzel, 2008; Tomuschat, 2001).

III. The response to a truth commission’s findings and recommendations.

As noted, truth commissions usually complete their work with the submission of a final report that contains conclusions and recommendations. Possible roles for national government here include publicizing and disseminating the report; officially acknowledging the findings; and implementing the commission’s recommendations.

**Publicizing and disseminating the report**

The way in which government treats the final report and whether they publicise it and/or implement the recommendations is also key to the success of the commission (OHCHR, 2006). The TORs should ideally set out in advance government obligations in these areas (Freeman and Hayner, 2003). They may also specify to whom the report should be given. In Argentina, for example, the commission was to report to both the executive branch and the legislators from both chambers (Crenzel, 2008). In other cases, the report was given solely to the president. There is a risk (as occurred in Uganda 1974, Zimbabwe, Haiti) that the president will choose not to publicly release the report or publish it (and may not be required to by the TORs) (Quinn, 2004; Hayner, 1994; Quinn, 2009). In such cases, the commission’s findings are likely to have little impact on society. In contrast, the report from the Argentinian truth commission, Nunca Mas, widely available throughout the country, was enthusiastically received, and soon became a national best-seller. In El Salvador, the release of the final report was made into a major political event (Hayner, 2002). In Ghana, the government
supported the inclusion of the commission’s report findings into school curricula and civil, military and police training; however stated that they did not have the money or a plan to follow it through (Valji, 2006).

**Officially acknowledging/apologizing**
Governments play an important role in officially acknowledging and accepting the findings of the truth commissions. Further, the head of the state may use the occasion of formally accepting a report to make a statement of apology on behalf of the state. For example, when President Aylwin released the Chilean truth report to the public, he formally apologized to the victims and their families on behalf of the state, and asked the army to acknowledge its role in the violence. This was broadcast on national television (Hayner, 2002).

**Paying reparations**
Governments may choose to establish reparations programmes, in response to the findings of the commission (e.g. Chile). In many cases, the payment of reparations may be a recommendation made in the commission final report. In Chile, the government established a follow-up organisation, ‘a National Corporation for Reparation and Reconciliation’ to follow up the work of the commission and oversee reparations to victims. In Ghana, the commission recommended a comprehensive reparations policy that covers a range of acts (formal apology by the head of state, monuments and commemorative events, scholarships, health benefits, property restitution and monetary compensation). While the government has stated that compensation is necessary, there are concerns about where the money would come from (Valji, 2006). Failure to pay victims reparations (or long delays in implementing reparation recommendations) can be particularly problematic where amnesties have been granted to perpetrators, as this indicates preferential treatment for perpetrators.

**Implementing recommendations**
Implementation of recommendations has been a key challenge, even in cases where there has been a legal obligation on the part of government to act. In some cases, the government will acknowledge the findings of the report but refuse to commit to implementing the recommendations (e.g. Guatemala, Timor-Leste). This is due to lack of political will and/ or insufficient capacity. The mechanism for a follow-up committee or standing government office tasked with implementation, and mechanisms to ensure proper monitoring, should be considered and may even be outlined in the terms of reference (OHCHR, 2006; Freeman and Hayner, 2003). Recommendations may include payment of reparations, institutional reforms and the establishment of new organisations. There have been some successes. In El Salvador, critical judicial reforms (e.g. new broad and democratic system for the election of judges) and vetting of the security forces were implemented based on commission recommendations (Hayner, 2002). In Haiti, the government created the Office of the Public Prosecutor, which was recommended during the commission’s work (Quinn, 2009). In Ghana, the government accepted the final report and recommendations in their entirety in the 2005 White Paper. It has not followed this up, however, with a strategy for institutional reform (Valji, 2006).

2. **Key literature**


http://www.idea.int/publications/reconciliation/

This chapter provides an overview of the characteristics, purposes, issues and challenges of truth commissions. They have been established under various names, including ‘commissions on the disappeared’ (e.g. Argentina, Uganda and Sri Lanka); ‘truth and justice commissions’ (e.g. Haiti and Ecuador); and ‘truth and reconciliation commissions’ (e.g. Chile, South Africa and Sierra Leone). Truth commissions are typically characterised as (see p. 125):

- temporary bodies, usually in operation from one to two years;
- officially sanctioned, authorized or empowered by the state and, in some cases, by the armed opposition as well as in a peace accord;
- non-judicial bodies that enjoy a measure of de jure independence;
- usually created at a point of political transition, either from war to peace or from authoritarian rule to democracy;
- focusing on the past;
- investigating patterns of abuses and specific violations committed over a period of time, not just a single specific event;
- completing their work with the submission of a final report that contains conclusions and recommendations; and
- focusing on violations of human rights and sometimes of humanitarian norms as well.

They are established for various reasons, including in order to (see p. 125):
- help establish the truth about the past;
- promote the accountability of perpetrators of human rights violations;
- provide a public platform for victims;
- inform and catalyse public debate;
- recommend victim reparation;
- recommend necessary legal and institutional reforms;
- promote social reconciliation; and
- help to consolidate a democratic transition.

Truth commissions are usually created by either presidential decree, by legislation or through a peace agreement. The way in which a truth commission is created can impact on the extent of its powers. For example, in many democracies, it is only the legislature that can confer search and seizure or even subpoena powers. This may also be true with respect to whether the commission can make binding recommendations. Funding may also be affected by who establishes the commission as one branch of government may have greater access to resources.

Selecting commissioners to manage the commission is a key task as the persons selected are the most important determinant in its success or failure. Lessons learned indicate that consultative processes result in greater public and international support. In earlier commissions, the commissioners were largely appointed by government officials, with minimal consultation with civil society. More recently, there have been more consultative processes of selection (e.g. in South Africa, the selection committee included representatives of human rights organisations).

Outlining the commission’s mandate and powers is also a critical task. The terms of reference (TORs) should set out the commission’s main objectives; period of operation; types of violation under investigation; period of time under consideration; functions of the commission; powers; sanctions; and follow up. The TORs should ideally set out what obligations, if any, the government will have in publicizing the final report and in implementing the recommendations. It is important to have mechanisms to ensure proper monitoring and follow up as implementation of recommendations has generally been weak. This is due in large part to lack of political will; and in insufficient institutional capacity or funds.


This report draws from the experiences of over 30 truth commissions in the past two to three decades in order to identify key lessons and develop best practice guidelines. Political will is integral to the success of a truth commission. Government authorities need to be willing to:

- provide a commission with access to official documents;
- provide information to the commission either in public hearings or in private meetings;
- allocate sufficient public funds to the commission.
It is important that government support for a commission’s work does not compromise the operational independence of the commission. Such independence is essential for public confidence and legitimacy. Political authorities should not influence research and investigations or the writing of the report and recommendations; and should give clear signals that the commission is to operate independently.

The report lays out some of the key steps in establishing a truth commission. They include:

- **Consultations:** they may take place either prior to agreeing to a truth commission and/or in drafting the terms of reference.
- **Terms of reference (TORs):** this may address the period of operation of the commission; the period of time under investigation; the types of violations to be investigated; special attention to key victim groups; the powers to be given to the commission; legislative or executive establishment; and implementation of recommendations.
- **Selecting commissioners:** the TORs should also specify the process for selection and the general qualities or characteristics of the ideal commissioners. Commissioners should not be appointed until the TORs have been set. They should ideally be widely respected members of society, from a range of professions or backgrounds. They should be considered neutral by all sides of the previous conflict and thus should preferably not be political leaders or representatives of political parties, factions or former armed groups.
- **Preparatory periods:** the TORs should allow for a preparatory period that covers administrative and logistical preparations (e.g. renting an office, hiring staff, buying equipment, developing a database programme, raising funds, designing a public outreach strategy).

Some key issues include:

- **Striking a balance in the TORs between providing guidance and allowing for flexibility:** regarding the types of violations to be covered, for example, while the commission’s mandate should be specific and detailed in some areas, it should also remain open enough to allow interpretation and definition by the commissioners.
- **Giving the commission sufficient powers:** the strength and reach of a commission is contingent on its powers. At a minimum, commissions need to be able to interview anyone who can provide relevant information; ensure cooperation of public authorities; and carry out any necessary on-site visits. Commissions are increasingly given powers of subpoena, search and seizure, and witness protection.
- **Funding:** the national government should provide the lead by offering as much financing as possible. This could include in kind support, such as office space or equipment. In actuality, many commissions have had to rely on the international community to a large extent for funding.

Once the commission is underway, the core activities of the commission are: statement-taking; creating a database of information; research and investigations; public hearings; public outreach and communications; and writing a final report and recommendations.

Government may either support or hinder these activities and their impact. Investigations can in some cases be undermined by government. If the commission is thought to be investigating persons or groups that hold government power, state authorities may not cooperate and refuse access to official files. The way in which government treats the report and whether they publicise it and/or implement the recommendations is also key to the success of the commission. Implementation of recommendations has been a key challenge, however, even in cases where there has been a legal obligation on the part of government to act. This is due to lack of political will and/or insufficient capacity. The mechanism for a follow-up committee or standing government office tasked with implementation should be considered and may even be outlined in the terms of reference.
This book surveys twenty-one truth commissions established around the world, paying special attention to South Africa, El Salvador, Argentina, Chile, and Guatemala. The following are key roles and responsibilities of national government that can be deduced from the case studies:

- **Appointment of commissioners**: the members of most truth commissions have been appointed through procedures that relied on the good judgment of the appointing authority, usually the state president, without any public consultation. In more recent years, several commissions have been appointed through more creative and consultative processes (e.g. with the involvement of NGOs).
- **Publicising the report**: the release of the commission’s final report can be made into a major political event, as was the case in El Salvador.
- **Office acknowledgment/apology**: the head of the state may use the occasion of formally accepting a commission report to make a statement of apology on behalf of the state. For example, when President Patricio Aylwin released the Chilean truth report to the public, he made an emotional appeal and asked for forgiveness. This was broadcast on national television.
- **Acting on report findings/implementing recommendations**: truth commission reports make recommendations concerning reparations and institutional reforms. The record of implementation of recommendations has been among the weakest aspects of the commissions to date. There have been some successes, however. In Chile, for example, legislation was introduced to establish a follow up commission to continue outstanding work. The state also established a significant reparations programme, based almost entirely on the findings of the commission. In El Salvador, critical judicial reforms (e.g. new broad and democratic system for the election of judges) and vetting of the security forces were implemented based on commission recommendations.

This article provides an overview of truth commissions and profiles fifteen commissions. It stresses that truth commissions are vulnerable to political imposed limitations set out in terms of reference (TORs). These TORs are usually determined by presidential decree, by the legislator or as part of a peace agreement. They can determine a commission’s investigatory powers, define the exact abuses that can be investigated and set the timeline and geographic scope of investigation. They can also specify to whom the final report must be submitted, whether names may be named, and whether certain kinds of recommendations should be included in the report. The article argues that TORs should be sufficiently broad to allow investigation into all forms of rights abuses, preferably leaving the decisions to the commissioners. This would allow for a more complete picture of the truth. At the time of this article, however, TORs had in many cases restricted the scope of the commission’s work.

The article cautions that commissions have been set up by government in some instances for the wrong reasons: to manipulate the public perception of its own tarnished image; or to promote a more favourable view of the country’s human rights policies and practices. The strength of the final report is largely determined by the political context when it is created.

The commissions discussed demonstrate great diversity in the level of commitment of government. Some examples are:

- **Uganda - Commission of Inquiry into ‘Disappearances’, 1974**: this commission was established by President Idi Amin Dada in Uganda. Although the hearings of the commission were public, President Amin did not publish the commission report (nor
was he required to under the commission's terms of reference) and none of the recommendations of the commission were implemented.

- **Bolivia** - National Commission of Inquiry into Disappearances, 1982: this commission was created by President Hernin Siles Zuazo and commissioners were selected to be representative of a cross-section of society. As with several other truth commissions, the commission's mandate prevented a full investigation of the truth, as incidents of torture, illegal and prolonged detention, and other abuses were overlooked.

- **Argentina** - National Commission on the Disappeared, 1983: President Alfonsín unilaterally created this commission and appointed ten diverse commissioners, with national and international prestige. Both chambers of Congress were also asked to appoint representatives to the commission. The report that was published, Nunca Mas, was widely available throughout the country, was enthusiastically received, and soon became a national best-seller.

- **Zimbabwe** - Commission of Inquiry into the repression of "dissidents" in the Matabeleland region of the country, 1985: this commission worked under the authority of the president. The final report was submitted directly to the president and was never released to the public.

- **The Philippines** - Presidential Committee on Human Rights, 1986: the president appointed a highly respected Filipino lawyer to serve as the chairman. However, the seven-person committee was created without a staff or budget and was unable to handle the large volume of complaints. After a year of investigation, nothing definitive was ever produced. There were no governmental efforts to follow up the committee's work.

- **Chile** - National Commission for Truth and Reconciliation, 1990: this commission was established by President Patricio Aylwin. Unlike many truth commissions, this commission was well staffed and was able to thoroughly investigate each case. In presenting the report to the public, President Aylwin formally apologized to the victims and their families on behalf of the state, and asked the army to acknowledge its role in the violence. Many of the recommendations in the report have been implemented by the government, including the establishment of a ‘National Corporation for Reparation and Reconciliation’ to follow up the work of the commission and oversee reparations to victims.


http://muse.jhu.edu/journals/human_rights_quarterly/v025/25.4quinn.html

This article outlines lessons learned from the Truth and Reconciliation Commission (TRC) in South Africa and the Commission for Historical Clarification (CEH) in Guatemala. It discusses the responsibilities of “framers” of the commission, who are usually presidential advisors, government ministers, and/or parliamentary committees, in providing guidance to the truth commission. This includes:

- a clear set of conceptual guidelines (e.g. whether the goal is simply to collect the testimony of victims or whether it extends to reconciliation activities)
- additional guidance in defining a sub-set of ideas and concepts that will guide the commission in its work (e.g. in some cases, the precise definitions of the violations to be investigated; whether individuals can be ‘named’ in the final report and according to what evidentiary standard)
- the selection process for commissioners and number of commissioners
- an outline of functions and procedures (e.g. whether the commission will have search and seizure powers or the power to refer specific cases to the courts)
- general instructions as to what the final report must contain.
3. Case studies

http://ijtj.oxfordjournals.org/cgi/content/abstract/2/2/173

This article looks at the National Commission on the Disappearance of Persons (CONADEP) in Argentina, established by President Alfonsín in 1983. It argues that the commission’s inquiry was a success in large part because of the combined efforts of the President’s democratic administration and the Argentinian human rights movement.

During Alfonsín’s presidential campaign, he stressed the need to distinguish three categories of perpetrators in prosecuting human rights violators, in order to break the deadlock between the dictatorship’s determination to prosecute none and human rights organisations’ goals to prosecute all. Once he took office, he unilaterally set up the commission, to be comprised of ‘notables’. The president summoned members from human rights organisations to be part of the commission. CONADEP was to report to both the executive branch and legislators from both chambers. The refusal to establish a bicameral commission, however, resulted in initial lack of cooperation on the part of some NGOs.

CONADEP changed its strategy of inquiry mid-way from one that relied solely on documenting the disappeared to an investigation into their whereabouts. This entailed pursuing alleged perpetrators in order to learn what had happened. Its investigations however, in particular the visits to clandestine detention centre, faced resistance and obstruction from military and police personnel. Further, the executive proposed a bill that called for military courts to be the court of first instance to receive evidence; whereas human rights organisation advocated for civilian courts. The debate around the judicial fate of the evidence showed the stark differences between members of the Commission appointed by the government and those connected with organisations. Despite intense pressure from the executive, the commission chose civilian courts – demonstrating its independence. CONADEP’s investigations ultimately had a significant effect in terms of establishing a new public truth, producing evidence for future prosecutions, and creating a report (Nunca Mas) that was extremely well read in the country.

http://ijtj.oxfordjournals.org/cgi/content/full/3/3/406

This article notes that despite the rise in the study of truth commissions, most of the work has been done on cases in Latin America and Africa. There are few studies on the Asian experience – in part due to the relatively small number of truth commissions in Asia, but also due to a lack of attention by Western media of these cases. The article profiles the advocacy that led to the establishment of a truth commission in South Korea in order to look into the communist-led uprising in Jeju and the subsequent counterinsurgency campaign by the government (1948-1954).

The paper identifies the following events as critical to the struggle to establish a national truth commission:

- Decentralisation in the 1990s: the establishment of a local government and council system resulted in the election of council members who were more attentive to local demands for truth and justice. The Provincial Committee established an Office for Victim Registration, which published a final report after a year-long investigation and announced a list of victims.
- The release of a government document listing persons court-martialed during the 4.3 events by a congresswoman from the ruling party. The document was uncovered by
researchers but handed over to the congresswoman to announce for greater public attention.

The 4.3 Committee was eventually established. The bipartisan bill was a compromise between the ruling and the opposition party. One of two bills under debate had been introduced by activists and victims, which was later taken up by the ruling party. The prime minister was designated the commissioner and members of the committee included the governor of Jeju, victims and others with the recommendation of the president.

http://muse.jhu.edu/journals/hrq/summary/v023/23.2tomuschat.html

This article discusses the Commission for Historical Clarification (CEH) in Guatemala, which was provided for in the peace agreement between the government and the guerrilla movements in 1991/92. The country was very divided at the time. It was thus decided that the head of the commission would be a foreigner, with two other persons from Guatemala.

The article emphasizes the challenges the commission faced in its investigations, in large part due to the lack of cooperation on the part of the government. The Ministry of Defence, the Minister of Internal Affairs and the Head of Police did not respond to the commissions’ various requests for information (e.g. addresses of officers, official documents); “On the whole […] one may characterize the contribution made by the Government of Guatemala to the process of clarification as next to nothing” (p. 250). The armed forces even actively pursued a policy of obstruction. President Arzú failed to come to the assistance of the CEH.

The CEH was unable to ensure compliance as it was not granted with subpoena powers. In addition, it did not have the power to grant amnesties and the safeguard that the commission would not mention names in the report was insufficient to induce voluntary participation. The author argues, however, that despite these shortfalls, it was preferable not to subpoena powers because they would have required the involvement and review of the Guatemalan judiciary which could have undermined the impartiality of the commission.

The release of the final report was a significant day in Guatemala, however, the official response was very weak. The President announced that nothing further needed to be done and failed to implement any of the recommendations. These included a public apology for the acts described in the report and the assumption of responsibility; and the creation of a follow up mechanism.


This paper discusses the National Reconciliation Commission (NRC) in Ghana, created by legislation in 2002. Key debates and challenges concerning the NRC include:

- **The time frame covered**: the government was keen to limit the mandate of the commission to certain periods of time (military regimes); whereas civil society, including experts on the work of truth commissions pushed for a consecutive period of time in order to avoid perceptions of bias. The latter position won out, although the focus was still to be on military regimes.

- **Selection of commissioners**: despite the submission of guidelines by the Civil Society Coalition for transparent and consultative selection procedures, the president chose the commissioners in consultation with the Council of State, without any public involvement. The paper argues that such unilateral appointments can instill mistrust and suspicion as to the objectivity or independence of those leading the commission.
Commissions in South Africa, Sierra Leone and Timor-Leste have adopted transparent procedures with active civil society involvement.

- **Reparations**: the NRC recommended in its final report a comprehensive reparations policy that covers a range of acts (formal apology by the head of state, monuments and commemorative events, scholarships, health benefits, property restitution and monetary compensation). The government’s response has been mixed; it has stated that compensation is necessary but there are concerns about where the money would come from. The paper states that it may be possible to address this challenge by anticipating the need for funding in advance. The government has noted however that it would not possible to act prior to the government’s formal acceptance of the recommendations.

- **Institutional reform**: the NRC also recommended a series of institutional and societal reforms. The government made an important first step by accepting the Final Report and recommendations of the NRC in their entirely in the 2005 White Paper (not done by any other government in relation to past truth commissions. In Timor-Leste, for example, the President while accepting the findings of the report of the Commission for Reception, Truth and Reconciliation, refused to commit to implementing the recommendations). However, the government has not developed any strategy for institutional reform and has merely advised that the armed forces, police and prison services study the recommendations with a view to implementation.

- **Dissemination strategy**: related to institutional reform, the government supports in the White Paper the inclusion of NRC report findings in the curricula and training strategies of civil, military and police establishments. Incorporation into school curricula was also considered ideal, however, the government stated that they do not have the money or a plan to follow this through.

http://muse.jhu.edu/journals/hrq/summary/v026/26.2quinn.html

This article looks at the Commission of Inquiry into Violations of Human Rights, established by Ugandan President Museveni in 1986 to look into abuses between 1961-86. It argues that the commission and its final report have not had an impact on the country due in large part to insufficient funding and political support. Political support for the commission seemed to stem primarily from the need to appease internal opposition and to project a favourable image internationally. Museveni appointed the commission hastily; some of the commissioners appointed were his long time allies. He gave the commission a tremendously broad and vague mandate (e.g. in terms of violations to be investigated; the way in which abuses were to be dealt), which was difficult to manage. Further, there were no provisions for funding actual day-to-day activities; government spending was directed to other priorities. The international community had to cover the funding gap. The final report produced by the commission documents extensively cases of brutal abuse, rape and murder. However, the majority of Ugandans are unaware of the report as it has not been publicised or disseminated to any extent, due to lack of funding and waning political interest in the past.

http://www.informaworld.com/smpp/content~content=a914009801~db=all~jumptype=rss

This article discusses the Commission Nationale de Vérité et de Justice established in Haiti to look into serious human rights violations and crimes against humanity from September 1991-October 1994. Although many of those involved in the commission were somehow involved with the government, commissioners were conscious of their need to remain and to appear independent. The commission faced a host of problems though that ultimately led to failure to achieve its goals. One of the key problems was mixed messages from the government. The Government of Haiti (President Aristide and the Ministries) seemed to be in support of the truth commission; however, over time, the President distanced himself from the commission which undermined the legitimacy of the commission’s work.
When the report was produced and delivered to the president, Aristide’s government chose not to make these details of past crimes and the names of perpetrators public (although some argue that this is because the standard of proof was insufficient). Very few copies of the report have been printed and most Haitians have never seen a copy. The subsequent government also failed to provide reparations that had been part of the original conception. One positive step that the government did take was creating the Office of the Public Prosecutor, which was recommended during the commission’s work. This allowed for some cases to be taken to court. A ‘proceedings and follow-up office’ was also established.

4. Further resources

http://www.cambridge.org/catalogue/catalogue.asp?isbn=9780521615648

This book sets forth standards of procedural fairness aimed at protecting the rights of those who come into contact with truth commissions - primarily victims and their families, witnesses, and perpetrators. The aim of the book is to provide recommended criteria of procedural fairness for five possible components of a truth commission's mandate: the taking of statements, the use of subpoenas, the exercise of powers of search and seizure, the holding of victim-centered public hearings, and the publication of findings of individual responsibility in a final report (sometimes called the issue of ‘naming names’). The book draws on the experience of past and present truth commissions, analogous national and multilateral investigative bodies, and international and comparative standards of procedural fairness.

Survey of Truth Commissions
The United States Institute of Peace maintains an online reference on truth commissions, including their terms of reference and the final reports:
http://www.usip.org/resources-tools/latest?filter1=**ALL**&filter0=**ALL**&filter2=2222&filter3=**ALL**&filter4=

5. Additional information

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Selected websites visited
**About Helpdesk research reports:** Helpdesk reports are usually based on 2 days of desk-based research. They are designed to provide a brief overview of the key issues; and a summary of some of the best literature available. Experts are contacted during the course of the research, and those able to provide input within the short time-frame are acknowledged.

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